CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

REVIEW APPLICATION NO.170/00037/2018

IN

ORIGINAL APPLICATION NO.170/01240/2014

DATED THIS THE 19TH DAY OF NOVEMBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

1. Union of India
Represented by its Secretary,
Department of Posts,

Dak Bhavan,

New Delhi – 110 001

2. The Chief Postmaster General,

Karnataka Circle,

Bangalore – 560 001

3. Senior Supt. of Post Offices

Bangalore West Division

Bangalore – 560 086 ….Applicants in RA/Respondents in OA

(By Shri V.N. Holla, Counsel for the Review Applicants)

Vs.

B.N. Jayaraman

Age: 28 years

S/o Late B.N. Nagaraj

Working as Postal Assistant

At Divisional Office

O/o SSPOs, Bangalore West Division

Bangalore – 560 086

Residing at:

A-4/2, P&T Quarters,

Kaval Byrasandra

R.T. Nagar Post

Bangalore – 560 032 …..Respondent in RA/Applicant in OA

(By Advocate Shri P. Kamalesan)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J)

Heard. We had specifically asked Shri V.N. Holla, what is the distinction between this case and the other cases, the judgement of which we had followed. It is to be noted that those cases also went to the Hon'ble High court of Karnataka and the Hon'ble High court of Karnataka having upheld the orders passed earlier has now become final. Nobody has a case that it has been challenged before the Hon'ble Apex court and had been set aside. Therefore, Karnataka High court judgement decision reign supreme till the Hon'ble Apex court sets it aside. We had carefully gone through the review application to find out what is the distinction or what is the point we had missed out when we passed the order, as apparently all the parties who are affected are similar in nature. We were anxious to find out whether there is any inequity or inequality lying undeclared and unfound in our order. The pleadings in support of the review do not support any such cause. Therefore, we had asked the learned counsel for the respondents who are the review applicants herein as to the distinctions which must necessarily agitate our mind when we adjudicate the matter. Nothing is forth coming other than that the Headquarters has taken a decision.

2. At this point of time Shri V.N. Holla invites our attention to the merits of the case. After the Hon'ble High court had settled the matter we are not going to look into the matter. Just because somebody sitting in Headquarters deems it fit to commence a litigational adventure it does not mean that adjudicators will also have to be complaint to it.

3. Therefore, with anxious eyes we had asked him about any distinction present in other cases also which are being dealt with now. Other than an explanation on the merit which has already been settled, nothing more is

available for him to offer. We feel this is a frivolous and vexatious way of litigation. Just because government has funds enough, it does not ensure that they can violate the guidelines issued by the government itself and responsible litigations. Therefore, we will now dismiss the RA with a cost of Rs.10000/- . The respondents will find out as to who is responsible for this mess and the Government of India is eligible to realize from them the cost and the interest thereof as the case may be.

4. RA is dismissed with a cost of Rs.10000/-.

(DINESH SHARMA)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicants in RA No. 170/00037/2018

Annexure RA1 Copy of the order of Central Administrative Tribunal, Bangalore Bench dated 17.01.2018 in O.A. No. 1240/2014

Annexure RA2 Copy of the order of Hon'ble High Court at New Delhi in Writ Petition No. 4131/2014

Annexure RA3 Copy of the order of Hon'ble High Court at New Delhi in Writ Petition No. 2806/2016

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