

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE  
DATED THIS THE 4TH DAY OF DECEMBER 1986.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And

Hon'ble Mr. L.H.A. Rego,

.. Member(A).

CONTEMPT OF TRIBUNAL APPLICATION NO.8 OF 1986.

K.R. Ananthanarayana,  
T.No.5104, Electr.Chargeman-B,  
Electrical Workshop, Southern  
Railway, Mysore.

Complainant.

(By Sri S.Ranganath Jois, Advocate)

vs.

A.K. Singh,  
Works Manager, Southern  
Railway Workshop, Mysore.

.. Accused.

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This application coming on for preliminary hearing this day,  
Vice-Chairman, made the following:

ORDER

In this application made under Section 17 of the Administrative Tribunals Act of 1985 and the Contempt of Courts Act of 1971 ('1971 Act') the complainant has moved this Tribunal to punish the accused for disobedience of an interim made by this Tribunal on 11-7-1986 in Application No.873 of 1986(F).

In Application No.873 of 1986 the applicant has challenged Office Order No.166 of 1986 dated 4-7-1986 passed by the Works Manager Southern Railway, Mysore who is the accused in this application. We find that that order has been stayed by this Tribunal on 11-7-86 (Annexure-A). The complainant has alleged that he received the order of reversion on 29-9-1986 and the accused had refused to implement the interim order of stay granted by this Tribunal on 11-7-1986.

Sri S.Ranganath Jois, learned counsel for the complainant, contends that the accused had deliberately violated the interim order

made by this Tribunal and has thus committed contempt of this Tribunal and the same, therefore, calls for being dealt under the 1971 Act.

We have earlier seen that the order challenged was passed by the accused on 4-7-1986. When that is so, it cannot be held that the accused had violated the interim order made by this Tribunal on 11-7-1986. Even otherwise the fact that the applicant was on leave and he received the order copy on 29-9-1986 as endorsed by him on the order of reversion does not by any stretch of imagination be construed as the accused deliberately violating the interim order made by this Tribunal on 11-7-1986. On any view of the matter, there are no grounds to proceed against the accused under the 1971 Act. But, this should not be understood as this Tribunal expressing any opinion on the terms of the interim order made and its legal effect which has to be worked out by the applicant in A.No.873 of 1986.

On the above discussion, we hold that there are no sufficient grounds to proceed against the accused under the 1971 Act. We, therefore, reject this application without notice to the accused. But, this does not prevent the applicant from working out his legal remedies for enforcing the interim order made in his Application No.873 of 1986.

*Ms. P. M. S. S.*  
VICE-CHAIRMAN 4/12/86

*Mr. S. S. S.*  
MEMBER(A).

np/