

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Gopplex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 29/7/87

APPLICATION NO 1955 /86(F)

W.P. NO _____

Applicant

Mrs M. Conlon

v/s The Chief Mechanical Engineer
Southern Railway, Madras & another

To

1. Mrs M. Conlon
No. 54/2, 'Olive Villa'
Gospel Street
Bangalore - 560 084

2. Shri L. Govindaraj
Advocate
No. 7, Edward Road
Bangalore - 560 052

3. The Chief Mechanical Engineer
Southern Railway
Madras
4. The Divisional Mechanical Engineer
Southern Railway
Bangalore
5. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Buildings, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~ORDER~~ passed by this Tribunal in the above said application on 24-7-87.

B. V. Venkatesh Rao
By *Repu*
SECTION OFFICER
(JUDICIAL)

Encl : as above

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 24th DAY OF JULY, 1987

Present : Hon'ble Sri Ch.Ramakrishna Rao

Member(J)

Hon'ble Sri P.Srinivasan

Member(A)

APPLICATION No. 1955/86(F)

Mrs M.Cenlen,
W/o E.P.Cenlen,
No.54/2, 'Olive Villa',
Gospel Street,
Bangalore - 84.

...

Applicant

Vs.

The Chief Mechanical Engineer,
Southern Railway,
Madras.

The Divisional Mechanical Engineer,
Southern Railway,
Bangalore.

Respondents

(Sri M.Sreerangaiah Advocate)

This application has come up before the court today.

Hon'ble Sri Ch.Ramakrishna Rao, Member(J) made the following :

ORDER

This is an application filed u/s 19 of the Administrative Tribunals Act, 1985. The applicant is the wife of a certain Mr.M.Cenlen who was a retired employee of the Southern Railway. Sri E.P.Cenlen is said to have disappeared from 7.5.1980 and has not returned so far. He was drawing pension till May 80 through the Syndicate Bank, Bangalore.

The pension for a further period upto end of Nov '80 was paid by the bank to the applicant. Thereafter the Bank did not credit any pension and informed the applicant that they would do so if directions were issued by the competent authority. It appears that thereafter the applicant has not succeeded in getting any pension. In this application

[Signature]



she prays that respondents 1 & 2 be directed to pay the pension due to her/her husband from Nov'80.

2. The applicant herself was present when the matter was heard.

3. Sri M.Sreerangaiah, learned counsel for the respondents, drew our attention to a circular dated 19.9.1986 issued by the Railway Board on the subject of settlement of dues to eligible family members of railway employees who have suddenly disappeared and whose whereabouts are not known. ^{may} He suggested that the applicant contact the Divisional Personnel Officer ('DPO'), Southern Railway, Mysore, who will advise her about the procedure to be adopted and the pension to which she is entitled.

4. We, therefore, direct the applicant to approach the DPO, Mysore. A copy of the circular letter of the Railway Board dated 19.9.1986 will be given ~~by him~~ to her by Sri Sreerangaiah so that she could meet the DPO along with the circular. We, direct the respondents in this application viz. Chief Mechanical Engineer and Divisional Mechanical Engineer, Bangalore to inform the DPO, Mysore to extend every help to the applicant in getting the matter settled and in getting whatever she is entitled to in terms of the circular referred to above. We however expect that the Railway authorities will also take the necessary initiative in the matter themselves and contact the applicant at her address and render her every help if that is possible. That is ^{done} ~~the least~~ that they could do as model employers. This should be disposed of within four months from today.

5. The application is disposed of as indicated above. Parties to bear their own costs.

B. Venkatesh Rao
DEPUTY REGISTRAR
29/7

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
an.

Sd--
MEMBER (J)

Sd-----
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 21 APR 1988

CONTEMPT OF COURT APPLICATION NO _____ / 24 / 88
IN APPLICATION NO. 1955/86(F)
W.P. NO. _____ /

Applicant

Smt M. Conlon
To

v/s

Respondent
The Chief Mechanical Engineer, Southern Railway,
Madras & another

1. Smt M. Conlon
No. 54/2, 'Olive Villa'
Gospel Street
Bangalore - 560 084
2. Shri Thomas Peter
Advocate
No. 7, Edward Road
Bangalore - 560 052
3. The Chief Mechanical Engineer
Southern Railway
Madras
4. The Divisional Mechanical Engineer
Southern Railway
Bangalore
5. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Building
10th Cross, Cubbonpat
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY ORDER
Contempt of Court passed by this Tribunal in the above said application on 12-4-88.

Raj Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 12TH DAY OF APRIL, 1988

Present Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri P. Srinivasan, Member (A)
CONTEMPT OF COURT APPLICATION NO.24/1988

Mrs. M. Conlon,
W/o. E.P. Conlon,
No.54/2, 'Olive Villa',
Gospel Street,
Bangalore.

... Petitioner.

(Shri Thomas Peter, Advocate)

v.

1. The Chief Mechanical Engineer,
Southern Railway,
Madras.

2. The Divisional Mechanical-
Engineer, Southern Railway,
Bangalore.

... Contemnor.

(Shri M. Sreerangaiah, Advocate)

This application having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

In this application made under Section 17 of the
Administrative Tribunals Act, 1985 and the Contempt of
Courts Act, 1971 ('the Acts) the petitioner has moved
us to punish the contemnors for non-implementation of
an order made by this Tribunal on 24.7.1987 in her
favour in Application No.1955 of 1986 (Annexure-A).

2. In her Application No.1955 of 1986, the petitioner has sought for a direction to the Contemnors for payment of family pension stated to have become due to her on the facts pleaded in her application. On an



examination of that claim, a Division Bench of this Tribunal consisting of one of us (Shri P. Srinivasan, Member (A) and Shri Ch. Ramakrishna Rao, Member (J) expressed thus:

"4. We, therefore, direct the applicant to approach the DPO, Mysore. A copy of the circular letter of the Railway Board dated 19.9.1986 will be given to her by Sri Sreerangaiyah so that she could meet the DPO along with the circular. We, direct the respondents in this application viz., Chief Mechanical Engineer and Divisional Mechanical Engineer, Bangalore to inform the DPO, Mysore to extend every help to the applicant in getting the matter settled and in getting whatever she is entitled to in terms of the circular referred to above. We however expect that the Railway authorities will also take the necessary initiative in the matter themselves and contact the applicant at her address and render her every help if that is possible. That is the least that they could do as model employers. This should be done within four months from today."



The petitioner claims that the contemnors have not implemented these directions and therefore they are liable to be punished under the Acts.

3. Shri Thomas Peter, learned Counsel for the petitioner, contends that the contemnors had not implemented the directions issued in favour of his client within the time permitted by this Tribunal and, therefore, they are guilty of contempt of this Tribunal.

4. Shri M. Sreerangaih, learned Counsel for the contemnors contends that the observations made in A.No. 1955 of 1986 cannot be really treated as the direction made and that even otherwise, the contemnors are making every earnest effort to settle the family pension, if any due to the petitioner in accordance with law.

5. We will even assume that what had been expressed by this Tribunal were not mere observations but were directions to the contemnors and examine the questions on that basis only. But then also, we are satisfied that the contemnors are making very genuine efforts to settle the family pension due to the petitioner. The nature of the controversy raised is such that some delay is inevitable. We cannot even fix any dead line for complying with the directions on the peculiar facts and circumstances of the case. In these circumstances, we consider it proper to drop these contempt of court proceedings with appropriate observations. We therefore drop these contempt of court proceedings. But we do hope and trust that the contemnors will continue their earnest efforts and settle the family pension if any due to the petitioner in accordance with law, with



all such expedition as is possible in the circumstances of the case. But, in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-

VICE-CHAIRMAN 12/4/88

Sd/-

MEMBER (A)

np/Mrv.

TRUE COPY

By Deputy Registrar (JDL) 21/7/88
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

