

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 13 APR 1988

CONTEMPT OF COURT APPLICATION NOS 30 to 33 / 88
IN APPLICATION NOS. 962 to 965/86(T)
W.P. NO. _____

Applicant

R. Cyril & 3 Ors
To

Respondent

V/s
The General Manager (Telephones),
Bangalore & another

1. R. Cyril
Telephone Supervisor
Bangalore Telephones
Bangalore - 560 009
2. Rosy Chander Barnabas
Telephone Supervisor
Bangalore Telephones
Bangalore - 560 009
3. Theresa Manoharan
Telephone Supervisor
Bangalore Telephones
Bangalore - 560 009
4. R. Sulochana
Telephone Supervisor
Bangalore Telephones
Bangalore - 560 009
5. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXX/INTERIM ORDER~~
Contempt of Court
passed by this Tribunal in the above said application on 7-4-88.

B. V. N. S. S. S.
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 7TH DAY OF APRIL, 1988.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy, .. Vice-Chairman.

And:

Hon'ble Mr. P. Srinivasan. .. Member(A).

CONTEMPT OF COURT APPLICATIONS 30 TO 33 OF 1988

1. R. Cyril,
Telephone Supervisor,
Bangalore Telephones,
Bangalore.
 2. Rosy Chander Barnadas,
Telephone Supervisor,
Bangalore Telephones,
Bangalore.
 3. Theresa Manoharan,
Telephone Supervisor,
Bangalore Telephones,
Bangalore.
 4. R. Sulochana,
Telephone Supervisor,
Bangalore Telephones,
Bangalore.
- .. Petitioners.

(By Sri M. Raghavendra Achar, Advocate)

v.

1. Shri G.S.S. Murthy,
General Manager (Telephones),
K.G. Road,
Bangalore-9.
Sri P.R. Rao,
Assistant General Manager (Staff),
Bangalore Telecom District,
Bangalore-9.
- .. Respondents.



These applications having come up for hearing this day
Vice-Chairman made the following:

ORDER

In these applications made under Section 17 of the
Administrative Tribunals Act, 1985 and the Contempt of Courts
Act, 1971 (Central Act No. 70 of 1971) ('the Acts') the petitioners

have moved us to punish the contemnors for non-implementation of an order made in their favour on 1-5-1987 by this Tribunal in Applications Nos.962 to 965 of 1986 (T).

2. In Application No.962 to 965 of 1986 (T) which were transferred applications received from the High Court of Karnataka, the applicants/petitioners had sought for a direction to the contemnors/respondents to undertake a review of the earlier promotions. On an examination of the claims made by the petitioners and the justification pleaded by the contemnors, this Tribunal on 1-5-1987 directed thus:

6.We have examined the rival contentions. From column 6 of gradation list of Telephone Supervisors (Annexure-B) it is apparent that the four applicants were also promoted prior to 1972 and Respondent-2 was therefore, bound to review the applicants' case vis-a-vis Respondents 3 to 8 placed above them. In other words since the applicants and Respondents 3 to 8 were all promoted prior to 1972 their cases should be reviewed afresh and the seniority of the applicants determined on the basis of such review.

7. We direct Respondent-2 to undertake and complete the review of the applicants' cases within a period of two months from the date of receipt of this order.

8. The application is allowed subject to the directions given above. Parties to bear their own costs.

In pursuance of this order, contemnor No.2, who is the competent officer had passed an order on 5-2-1988 which reads thus:

DEPARTMENT OF TELECOMMUNICATIONS

Office of the General Manager, Bangalore Telecom
District, Bangalore 560 009.

No.STB-11/8/II/46 Dated at Bangalore-9 the 5-2-1988

To

Smt. R.Cyril,
Smt. R.C.Barnabas

Smt. Theresa Manoharan
Smt. R.Sulochana
Smt. Janaki,

Smt.Swarna Devi
Smt. Komethagam Rama-
lingam
Shri S.Murthy,
Smt. T.Krishnamurthy,
Sri M.J.Balakrishna.

Sub: Refixation of seniority and grant of
benefits following such refixation.

Ref: Central Administrative Tribunal order
dated 14-5-1987 and A.No.962-965/86(T).

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With reference to the above cited C.A.T.order,
the competent authority undertook a complete review
of the seniority of the applicants and also the
officials shown as respondents. The relative inter-
se seniority of all the 10 officials in the cadre
of Telephone Supervisors fixed after the review
is as under:

<u>Sl.No.</u>	<u>Name of the Official</u>	<u>Relative seniority.</u>	
1.	Smt. Swarna Devi	SC	1
2.	Shri S.Murthy	SC	2
3.	Smt. T.Krishnamurthy,	SC	3
4.	Smt.Komethagam Ramalingam	SC	4
5.	Sri M.J.Balakrishna	SC	4
6.	Smt. R.Cyril	OC	6
7.	Smt. R.C.Barnabas	OC	7
8.	Smt. K.Janaki.	SC	8
9.	Smt. Theresa Manoharan	OC	9
10	Smt. R.Sulochana	OC	10

Sd/- R.R.Rao,
Asst.General Manager(Staff),
Bangalore Telecom District,
Bangalore-560 009

Copy to:V.O.for information. This is in continuation
of this office letter of even number dated
4-2-1988.



But, notwithstanding this order, the petitioners claim that
the contemnors had not implemented the order made in their favour
by this Tribunal.

3. Sri M.Raghavendra Achar, learned counsel for the
petitioners contends that the contemnors had deliberately flouted
the order made by this Tribunal and had not implemented the
same in letter and spirit and, therefore, they are liable to

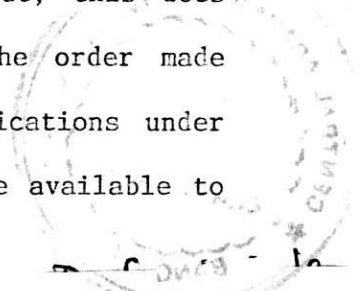
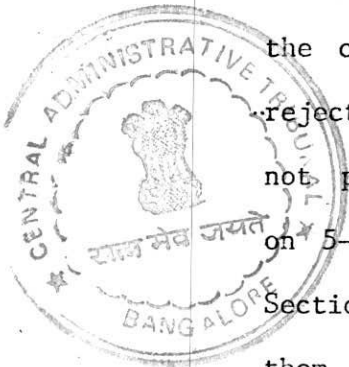
be punished for contempt of this Tribunal.

4. We have earlier reproduced the directions issued by this Tribunal and the order made by contemnor No.2 in compliance of those directions.

5. An order had been made in compliance of the directions of this Tribunal is beyond all doubt. Whether that order itself is a legal order or not is a separate matter. Even otherwise the validity of that order itself cannot be examined in contempt proceedings and can only be examined and decided in a separate proceeding only. On these grounds themselves these applications are liable to be rejected.

6. We are also of the view that the authority had not deliberately flouted our order and had not made his order on 5-2-1988 as an eye wash only.

7. On any view, we find no justification to proceed against the contemnors for contempt of this Tribunal. We, therefore, reject these contempt of court applications. But, this does not prevent the petitioners from challenging the order made on 5-2-1988 by contemnor No.2 in separate applications under Section 19 of the Act on all such grounds as are available to them.



Sd/-

VICE-CHAIRMAN

Sd/-

MEMBER(A)

np/

TRUE COPY

DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE