

INTERIM ORDER

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indira Nagar
Bangalore-560 038

Friday, the 16th May 1986

Present

The Hon'ble Member (Admn) Shri.L.H.A.Rego

IN

Application No. 602/86 (F)

✓ Shri.V.Narayana
C/o. Shri.B.B.Khichadi,
Kumara Krupa Guest Home,
High Grounds,
Bangalore-1.

..... Applicant

Versus

1. The Director General of
Health Services, Nirman Bhawan,
New Delhi-110 011.
2. The Director,
National Tuberculosis Institute
Bangalore.

..... Respondents

In the above mentioned application, this Tribunal has passed the following order#.

"Shri.K.Apparao present on behalf of Shri.M.B.Nargund, Advocate, for the applicant. He pleads for ~~xxx~~ extension of interim stay granted on 2.5.86. He informs that the applicant has not yet been terminated from his post and apprehends that if the interim stay granted is not continued the applicant is likely to be terminated. He reiterates his submission that one months notice as stipulated in the terms and conditions of appointment has not been given by the respondent and that if his client is terminated he would be put to no little financial hardship.

Under these circumstances the interim stay granted on 2.5.86 is further continued upto 29.5.86. ~~When~~ case ~~may~~ be posted for hearing on 3.6.86."

Given under my hand ^{and} the seal of this Tribunal, this
16th day of May 1986.

REGISTRAR

Registered A/D



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BANCH: BANGALORE

DATED THIS THE 19TH DAY OF NOVEMBER 1986.

PRESENT:

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

And

Hon'ble Mr. L.H.A. Rego, .. Member(A)

CONTEMPT OF TRIBUNAL CASE NO. 5 OF 1986

V. Narayana,
Administrative Officer,
(Now under termination),
National Tuberculosis Institute,
Bangalore.

.. Complainant.

v.

Director General of Health
Services, Nirman Bhavan,
Nirman Bhavan, New Delhi-110 011
and others.

.. Accused.

(By Sri M.S. Padmarajaiah, Standing Counsel)

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

ORDER

This is an application made by the complainant under
Section 17 of the Administrative Tribunals Act of 1985 ('the
Act') to punish the respondents under the Contempt of Court
Act of 1971 ('CC Act').

2. The complainant was working as an Administrative
Officer in the office of the National Tuberculosis Institute,
Bangalore ('NTI'). On 21-4-1986 the Director of that Institute
respondent-2 communicated an order made by the Director
General of Health Services New Delhi/respondent-1 terminating
his services from that very day, the validity of which is chal-
lenged by him in Application No. 602 of 1986 made under Section

19 of the Act on 1-5-1986 before this Tribunal, with a prayer for stay of that order.

3. On 2-5-1986 a Division Bench of this Tribunal consisting of one of us (Sri L.H.A.Rego, Member(A)) and Sri Ch.Ramakrishna Rao, Member(J) granted stay of the order and communicated the same on 5-5-1986 in these words:

Sri M.B.Nargund, Advocate present for applicant.

Application admitted. Counsel submits that his client has not yet handed over the charge of the post he is holding. His further submission is that one month's notice which is stipulated in the terms and conditions of appointment has not been given by the respondents and besides this his client has also been put to humiliation and considerable hardship both on account of the impugned order. We consider that these factors warrant grant of interim stay. We grant stay accordingly.

Notice be issued to respondents returnable within one month.

On the basis of this order, the complainant claimed before respondent-2 to take him to duty and allow him to function in the post he was holding in the NTI. But, that officer had refused to comply with that demand on the ground that the complainant stood relieved on 21-4-1986 and there was no direction by the Tribunal to take him to duty notwithstanding his earlier relief from the post. Hence, this application by the complainant.

4. The complainant has urged that there was wilful disobedience of the order of stay made by this Tribunal by the respondents and the same calls for action under the CC Act..

5. In their reply the respondents reiterating their earlier stand, have asserted that they had not wilfully disobeyed the order of this Tribunal to justify for any action against them under the CC Act.

6. Sri V.Narayana, the complainant arguing his own case, contends
that

that the respondents have wilfully disobeyed the stay order of this Tribunal and the same, therefore, calls for taking action against them under the CC Act.

7. Sri M.S.Padmarajaiah, learned Senior Standing Counsel for the Central Government appearing for the respondents contends that on the very terms of the stay order made by this Tribunal, the refusal of the respondents to take the applicant to duty was justified and they had not wilfully disobeyed the same to justify this Tribunal to proceed against them under the CC Act.

8. Whatever be the legality of the termination order which has to be examined and decided in the main application, it is clear that the stay order made by this Tribunal did not expressly and clearly direct the respondents to take the applicant to duty even if he had been relieved from his duties. In the absence of such direction it was open to the respondents to put their own gloss on the stay order made by this ~~this~~ Tribunal and refuse to take the complainant to duty. From this it follows, that by mere refusal to take the applicant to duty, this Tribunal cannot hold the respondents are guilty of contempt of the order made by this Tribunal. On this view, it is unnecessary to examine all other details to which both sides have referred to in great detail in their pleadings or arguments before us.

9. On the foregoing discussion, we hold that this is not a fit case to proceed against the respondents under the CC Act. We, therefore dismiss the application and drop the proceedings with no order as to costs.

Dr. P. Subramanian
19/11/1980
VICE-CHAIRMAN.

[Signature]
MEMBER(A). 19.11.1980

np/