

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

REVIEW APPLICATION No. 12 & 13/87  
in Application Nos. 1020 to 1024 & 1025/86(T)  
(WP.NO.)

COMMERCIAL COMPLEX, (BDA)  
INDIRANAGAR,  
BANGALORE-560 038.

DATED: 9/4/87

APPLICANT

The Director of Census Operations  
TO B'lore and another

Vs

RESPONDENTS

Shri Eramallappa & 5 Ors

1. The Director of Census Operations  
in Karnataka  
21/1, Mission Road  
Bangalore - 560 027
2. The Secretary  
Ministry of Home Affairs  
North Block  
New Delhi
3. Shri N. Basavaraju  
Central Govt. Stng Counsel  
High Court Buildings  
Bangalore - 560 001
4. Shri Eramallappa  
S/o Mallanna  
Yeragunte  
Rathanasandra Post  
Sira Taluk  
Tumkur District - 572137

5. Shri M. Sreenivas  
8, Narasimha Jois Lane  
Ulsoorpet, Bangalore- 560 002
6. Shri M.N. Muralidhar  
111, Out House  
6th Parallel Road  
Chamarajapet  
Bangalore - 560 018
7. Shri R. Prabhakara  
70, 8th Cross  
C.A. Road  
Malléswarem  
Bangalore - 560 003
8. Shri Arunkumar N. Joshi  
41-A, 1st Block  
Rajajinagar  
Bangalore - 560 010
9. Shri G. Prakashraj Urs  
No. 2, 12th Cross, Swimming Pool Extn .  
Malléswarem, Bangalore - 560 003

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE  
BENCH IN APPLICATION NOS 12 & 13/87

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Please find enclosed herewith the copy of the Order  
passed by this Tribunal in the above said Application on  
25-3-87.

ENCL: As above.

10. Shri H.S. Jois  
Advocate  
150/36, National High School Road  
V.V. Puram, Bangalore - 560 004

DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH BANGALORE

DATED THIS THE 25th DAY OF MARCH 1987

Present : Hon'ble Sri Ch. Ramakrishna Rao - Member (J)

Hon'ble Sri L.H.A. Rego - Member (A)

REVIEW APPLICATION Nos 12 & 13 of 1987

Director of Census Operations  
Bangalore & anr

(Sri N. Basavaraju, Advocate)

and

Eramallappa and ors

(Sri H.S. Jois, Advocate)

These review applications came up for hearing before this Tribunal and Hon'ble Sri Ch. Ramakrishna Rao, Member (J) to-day made the following

ORDER

In our order dated 24.10.1986 we held that the termination of the services of the applicants, who were temporary employees, by the respondents offended the principle of 'last come first go'. The grounds urged in the application for review of our order is that the principle of 'last come first go' is not applicable to the applicants who were temporarily appointed and whose services could be terminated without any notice. It is further urged that there was no seniority list in respect of temporary appointees. These grounds were urged at

....2



the time of hearing of the applications and we held that the principle of 'last come first go' is equally applicable in the case of temporary employees whether a seniority list is maintained or not. It is not open to the respondents i.e., the applicants seeking review, to canvas the correctness of our earlier ~~xx~~ order dated 24.10.1986 since it would amount to re-hearing of the case which falls outside the scope of an application for review.

2. In the result the applications for review are dismissed.



*Sd/-*  
Member (J)

*Sd/-*  
Member (A) /

- True Copy -

*B. V. Venkatesh Rao*  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE  
*9/11*

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

CONTEMPT APPLICATION No. 5/87  
IN APPLICATION NOS. 1020 to 1024/86(T) & 1025/86(T)  
(WP.NO. 20567 to 20571/83 }  
& 20987/83 }

COMMERCIAL COMPLEX, (BDA)  
INDIRANAGAR,  
BANGALORE-560 038.

DATED: 18-6-87

APPLICANT

Vs

RESPONDENTS

Shri Eramallappa & 5 Ors  
TO

The Joint Director of Census Operations  
in Karnataka

1. Shri Eramallappa
  2. Shri M. Sreenivasa
  3. Shri M.N. Muralidhar
  4. Shri R. Prabhekara
  5. Shri Arun Kumar N Joshi
  6. Shri G. Prakashraj Urs
- ( Sl Nos. 1 to 6 - Assistant Compilers.  
Office of the Director of Census  
Operations in Karnataka  
No. 21/1, Mission Road  
Bangalore - 560 027 )
7. Shri S. Ranganatha Jois  
Advocate  
36, 'Vagdevi'  
Shankara Park  
Shankarapuram  
Bangalore - 560 004

8. Shri B.S. Narasimha Murthy  
Joint Director of Census  
Operations in Karnataka  
No. 21/1, Mission Road  
Bangalore - 560 027
9. Shri N. Basavaraju  
Central Govt. Stng Counsel  
High Court Buildings  
Bangalore - 560 001

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE  
BENCH IN APPLICATION NO. 5/87  
- CONTEMPT

....

Please find enclosed herewith the copy of the Order  
passed by this Tribunal in the above said Application on  
10-6-87.

ENCL: As above.

DEPUTY REGISTRAR  
(JUDICIAL)

Copy to  
A no- 1020 to 1024/86 (T) for

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 10TH DAY OF JUNE, 1987

Present: Hon'ble Shri Justice K.S Puttaswamy, Vice-chairman  
and

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

CONTEMPT OF COURT CASE No. 5/87.

1. Eramallappa,  
S/o Mallanna,  
Aged 27 years.
2. M. Sreenivasa,  
S/o B.M. Muddappa,  
Major.
3. M.N. Muralidhar,  
Major.
4. R. Prabhakara,  
S/o N. Ramachandra Rao,  
Aged 27 years.
5. Arun Kumar N Joshi,  
S/o N.B. Joshi,  
Major.
6. G. Prakashraj Urs,  
S/o Gopalraj,  
Aged 27 years.

.... Applicants.

(Applicants 1 to 6 were working  
as Asst. Compilers in the O/o  
the Director of Census Operations,  
Mission Road, Bangalore-27)

(Shri S. Ranganatha Jois, Advocate)

v.

Shri B.S. Narasimha Murthy,  
The Joint Director of  
Census Operations in Karnataka,  
No.21/1, Mission Road,  
Bangalore-27.

.... Respondent.

(Shri N. Basavaraju, 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 of 1985 ('the Act') and Contempt of Courts Act of 1971 (1971 Act) the petitioners have moved this Tribunal to punish the contemner under the 1971 Act for non-implementation of the order dated 24.10.1986 made by this Tribunal In A.Nos.1020-1024/86.

2. In A.Nos. 1020-1024/86(T) which were transferred cases from the High Court of Karnataka the applicants had challenged their terminations. On 24.10.86, a Division Bench of this Tribunal consisting of one of us namely Hon'ble Shri LHA Rego, Member(A) and Hon'ble Shri Ch. Rama-krishna Rao Member (J) made an order in these terms:

"After considering the rival contentions, we are satisfied that even in the case of temporary employees, though no seniority list is maintained, the principle "Last Come, First Go" should be applied; otherwise, the termination of services of temporary employees will become arbitrary. In view of the above, we grant prayers 1 and 2 of the application of the applicant. We do not consider it necessary to pass any order regarding prayer 3".

The applicants claim that this order has not been implemented by the contemner in letter and spirit and therefore he is liable to be punished under the 1971 Act.



3. The contemner and his learned counsel Shri N. Basavaraju are present.

4. We have heard Shri S. Ranganath Jois, learned counsel for the petitioner and Shri Basavaraju.

5. In compliance of the order made by this Tribunal, the petitioners have been re-instated to service by the contemner on 13.4.87 with effect from the date of their termination viz., 21.11.83. In this view, the grievance of the petitioners for their reinstatement has been <sup>redressed</sup> ~~complied~~ by the contemner.

6. Another grievance of the petitioners is that the monetary benefits due to them from 21.11.83 has not so far been paid and therefore the contemner is liable to be punished.

7. Shri Basavaraju submits that proposals for creation of supernumerary posts and for payment of the arrears have been submitted by the contemner to the Head of the Department at Delhi who, in turn had submitted his proposals to Government, which had not so far made its orders and communicated the same to the contemner to make payments. Shri Basavaraju prays for six months' time from this day to enable the Government to make its orders and arrange for payment of the monetary benefits due to the applicants. Shri Jois opposes the grant of six months' time for payment of the arrears.



8. We are of the view that having regard to all the facts and circumstances of the case, it is reasonable to grant another 4 months' time from this date to the contemner and Government of India to comply with that portion of the order of this Tribunal dealing with the payment of monetary benefits.

9. In compliance with the order made by this Tribunal, the contemner had also passed an order for promotion of the petitioners on 9.6.87. In that order, the contemner had given promotion to the petitioners from 16.4.1987. But Shri Jois contends that the petitioners were due for promotion from an earlier date.

10. We will assume that Shri Jois is ~~also~~<sup>also</sup> correct. But that can hardly be <sup>a</sup>ground to hold that the contemner had not complied with the order made by this Tribunal. If the petitioners have any grievance on the date of promotion given by the contemner, it is undoubtedly open to them to agitate the same in a separate application before this Tribunal.

9. In the light of our above discussions, we hold that these proceedings are liable to be dropped. We therefore drop the contempt of Court proceedings against the contemner. We however grant 4 months' time from this day to the contemner and Government of India for payment of monetary benefits due to the petitioners.

Sd/-

Vice-chairman

Sd/-

Member (A) 10.6.87

SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

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