

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indira Nagar
Bangalore - 560 038

Application No. 1540 /1986 (T)

OSN No 28183 (Ghat Bida)

Applicant

Versus

Respondent(s)

Mohammed Ishag

Collector Control Excise &
Customs & Am.

1) M. Mohammed Ishag.

2) Khuddus Advocate

3) M. V. Rao. Adv. ^{Ad} Take notice that application above-mentioned is posted
for hearing on 17-8-87. You are, therefore, directed to
appear in person or through a duly authorised legal practitioner
on the said date.

By order of the Registrar.

Bangalore
Dated :

~~Hari~~
(K.R.RAO)
Deputy Registrar.

dt 25-2-87

officer

Q.C.

A copy of the application dated 17-7-87
should be served on respondents well before 17-8-87.

तारीख
Date
मोहर
Stamp
संदर्भ
Time

सी. नं.
C. N. No.
Recd. by post
टिप्पणी का संख्या 83
Booking No. 83
ब्रात का संख्या 83
Receipt No. 83
From: से
By: 83

इस तार के प्रारम्भ में प्रविष्टियों को कम इस प्रकार रहेगा
तार की संख्या, ब्रात करने का संख्या, क्षमा मेंद्रया, मूल कार्यालय
तारीख, मेदा अनुदेश (यदि कर्ता हो) और शब्दों की संख्या।

The sequence of entries at the beginning of this
telegram class of telegram, thus, handed in, serial
number, office of origin, date, service instructions
(if any) and number, of words.

इस तार के संदर्भ में यदि किसी प्रकार की पूछताछ हो तो
उसे इस फार्म के साथ अवश्य संलग्न करना चाहिए।

This form must accompany any enquiry in respect of
this telegram.

Spp B-53,ptg/H-35/85-86 15-1-86 1Lakhs Books

खोलने के लिए यहाँ काटें / TO OPEN CUT HERE

दूरसंचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

तार
TELEGRAM
031

पता
Address

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCE INDIRANAGAR

BANGALORE 38 =

पहला मोड/FIRST FOLD

== 0 1145 N59 HYDERABAD 24 26

== PRAY REFER APPN NO 1540/1986 (T) OF OS NO 28/83 OF
BIDAR KINDLY EXPELITE COPY OF JUDGEMENT OF SEVENTEENTH INSTANT

== MOHD ISSHAQ ==

== 25 59 BANGALORE BENCE RPT BENCE 38 APPLN 1540/1986 (T)

OS 28/83 MOHD ISSHAQ ==

खोलने के लिए यहाँ काटें / TO OPEN CUT HERE

Filed in Court
25/8/86



No. 1309. Before the Central Administrative Tribunal
Bangalore Branch

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

C.S. NO. 28/86

APPN. NO. 1540/86

No. 1540/86 of 1986

Appellant/Petitioner/s

Plaintiff/s Complainant/s

Decree-Holder/s, Applicant/s

VS

Defendants, Respondent/s,
Accused/Judgement-Debtor/s,
Opponent/s.

Mohamed Isaq

The Collector & Central Excise
& Customs, Bangalore & another

I/We..... Mohamed Isaq.....

the..... Applicant.....

Nos..... in the above matter hereby appoint and retain

Sri. Shivaraj Patil & Marai Gowda Advocates
to appear, act and plead for me/us in the above matter and to conduct, prosecute and defend the
same and all Interlocutory or miscellaneous proceedings connected with the same or with any
decree or orders passed therein. appeals and/or other proceedings arising there from and also in
proceedings for review of judgement and for leave to appeal to Supreme Court, and to obtain
return of any documents filed therein or to receive any money which may be payable to me/us in
the said matter.

2. I/We hereby authorise him/them on my/our behalf to enter into a compromise in the
above matter, to execute any decree or order therein, to appeal from any decree/order therein
and to appear, to act and to plead in such appeal or in any appeal preferred by any other party
from any decree/order therein.

3. I/We further agree that if I/we fail to pay the fees agreed upon or to give due
instructions at all stages, he/they is/are at liberty to retire from the case and recover all
amounts due to him/them and retain all my/our papers and moneys till such dues are paid.

Executed by me/us this 25th date of August 1986 at Bangalore.

Signature/s

Executants are personally known to me and..... signed before me

Satisfied as to Identity of Executant's Signature.

(where executant is illiterate, blind or unacquainted with the language of Vakalath)

Certified that the contents were explained to the executants in my presence in.....

English..... language, known to him/them who appeared perfectly to understand the same
and have signed in my presence.

Accepted

.....

..... Marai Gowda.....
ADVOCATES FOR Applicant

DATE 25-8-86

ADDRESS FOR SERVICE

Phone: 24598
SHIVARAJ PATIL
ADVOCATE
24, 8th Main Road
1st Cross, Vasantha Nagar
BANGALORE 560 052

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

0.3
Applicant (W.P. 28/83) Versus
Mohamed Ishaq
To
Baburao Patil Adv

Commercial Complex(BDA)
Indira Nagar, Bangalore.38

Respondent
The Collector of Central Excise
& Customs, Bangalore & another
R1 & R2 semi individually.

~~30/1~~
Writ petition No. 281/83 on the file of Hon'ble High
Court of Karnataka, Bangalore, transferred to this Tribunal under Section 29
of the Administrative Act, 1985, and registered in this Tribunal as
Application No. 1540/86 is posted before the Bench on 25.8.86
for fixing the date for final hearing.

2. Your are directed to appear on the aforesaid date at 10.30 AM
failing which further proceedings will be held in your absence.

By Order of the Tribunal.

ML
30/7

O/C Deputy
(Section Officer)
Judicial.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Application No

1540

/86(F)

Applicant

Versus

(Case No 28/83 Bidal)

Respondent(s)

To Mohammed Ishog

Collector, Central
Excise & Customs

Shri Shivaji Patil Advocate

Nandi 24 8th Main Road

Ist cross, Vasantnagar

near ~~Mount~~ Mount Carmel college.

Bangalore 52

Take notice that Application above mentioned is posted for hearing

on 3-2-87. You are, therefore, directed to appear in

person or through a duly authorised legal practitioner on the said date.

By Order of the Registrar.


(SECTION OFFICER)

Bangalore.

Date : 10-12-86


10/12/86


Ques
10/12/86

lu*

filed in Court 26/2/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE.

A.No. 1540 OF 1986

Between

Mohammed Ishaq.

Applicant

And

The Collector of Central
Excise & Customs and
another.

Respondents

M E M O

The Applicant abovenamed states as
follows:-

1. The Applicant undertakes to deposit the entire amount due to the Department by way of D.C.R.G; Commutation of Pension; and the pension drawn so far, in one lumpsum within a period of SIX months; or even earlier, if possible. On his depositing the entire amount due, the respondents may be directed to take the applicant to duty and permit him to continue in service till he attains the age of superannuation. The time of six months is sought, in view of the strained circumstances in which the applicant is placed and also the family difficulties.

2. The Applicant respectfully submits that he has made certain averments in the form of allegations against the respondents in the writ petition (now application), either knowingly or unknowingly in the spur of the moment. He therefore

prays that he may be excused, had he given room for feeling or wounded the feelings of higher officers by those averments and tenders unconditional apology for the same.

3. In the above circumstances, the Applicant very respectfully prays that the above proceeding may be disposed of with suitable orders directing the respondents to take back the applicant to duty subject to his paying or depositing the entire money due to the department on or before six months and continue him in service till his superannuation, in the ends of justice.

Bangalore,

25-2-1987.


APPLICANT

S. Venkateshwaran
Advocate for Applicant

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE.

A.A. No. 1540 OF 1936

Between

Mohammed Ishaq.

Applicant

And

The Collector of Central
Excise & Customs and
another.

Respondents

M. S. H. Q.

The Applicant abovenamed states as
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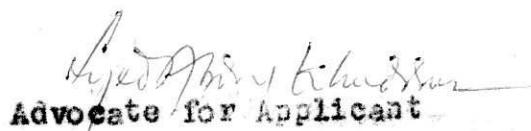
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Bangalore,

25-2-1987.


APPLICANT


Advocate for Applicant

Registered

RECEIVED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore-560 038.

Dated: 2-4-87

Application No. 1540 /86(T)

O.S.
~~W.P.~~ No. 28/83

Applicant
To Mohammed Ishaq vs. Collector, Central Excise & Customs
& anr.

- 1) Mohammed Ishaq,
Excise Department,
Quadarapura, Bidar,
- 2) Collector, Central Excise &
Customs, Central Revenue Building,
Queens Road, Bangalore-560001.
- 3) Assistant Collector,
Central Excise & Customs,
Davangere.

(4) Shri M. Vasudeva Rao,
Central Govt. Standing Counsel,
High Court buildings,
Bangalore - 1.

(5) Shri Khuddus, Advocate
Shri Shivaraj Patil, Advocate,
Nandi: 24, 8th Main Road,
1st Cross, Vaishnagar,
Bangalore - 560052.

Ans
3/4/87 Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH
IN APPLICATION NO. 1540/86(T)
Please find enclosed herewith the copy of the Order/

Interim Order passed by this Tribunal in the above said

Application on 25-2-1987.

Encl: As above.

R.V. Venkatesh
Deputy Registrar
(Judicial)

DK
Please
write well
DK
2/4/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 25th FEBRUARY 1987

Present : Hon'ble Shri Ch. Ramakrishna Rao - Member (J)
Hon'ble Shri L.H.A. Rao - Member (A)

APPLICATION No. 1540/86

Mohammed Ishaq
Excise Department
Quadariapura, Bidar - Applicant

(Shri Khuddus, Advocate)

1. Collector
Central Excise and Customs
Central Revenue Building,
Queens Road, Bangalore 560001

2. Assistant Collector, Central Excise &
Customs, Davanagere - Respondents

(Shri M.Vasudeva Rao, Advocate)

This application came up for hearing before
this Tribunal and Hon'ble Shri Ch. Ramakrishna Rao,
Member (J) to-day made the following

O R D E R

This application was initially filed as a Suit
in the Court of District Munsiff, Bidar (O.S. No. 28 of
1983) praying for a declaration that the order dated
23.1.80 of the first respondent permitting the plaintiff
to retire from 1.4.80 be set aside and the plaintiff
reinstated in service with all benefits. It was subsequently
transferred to this Tribunal.

2. We have heard Shri Khuddus, learned counsel for
the applicant, at length. We have also heard Shri M.V.
Rao, learned counsel for the respondents. At the
conclusion of the hearing a memo was filed by the

....

applicant praying that he may be taken back to duty on the conditions mentioned therein. He has also withdrawn the allegation made against the respondents.

3. After considering the rival submissions carefully, we consider that the ends of justice would be met if we direct respondents to take back the applicant into service on the following terms and conditions.

- (1) The applicant is directed to deposit in the office of the first respondent (R1) the entire amount received by him from R1 on account of D.C.R.G., commuted value of pension and the pension drawn upto the date of deposit in one lumpsum within a period of six months from the date of this order.
- (2) R1 shall take the applicant back to duty from the date of the deposit of the entire amount as directed above
- (3) R1 is directed to treat the period between 1.4.80 and the date of reinstatement as diss. hon.
- (4) R1 shall permit the applicant to remain in service from the ~~six~~ date of reinstatement till he attains the age of superannuation.

4. The benefit of this order shall lapse if the applicant fails to comply with this order.

5. The application is disposed of subject to the above directions. No order as to costs.

Sd/-

Member (J)

Sd/-

Member (A) 7-5-87

B. V. Venkatesh
DEPUTY MEMBER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

- True Copy -

DD. 25/2/87

// By Regd. Post. A.D.//

Central Administrative Tribunal
Bangalore Bench.

17.7.1987



Commercial Complex (BDA),
Indiranagar,
Bangalore-560 038.
Dated:

Mohammed Ishaq

.. Applicant.

Vs.

Collector, Central Excise
& Customs, Central Revenue
Building, Queens Road,
Bangalore 560001.

Sub:- Estt. Reinstatement in service -
Shri. Md. Ishaq, Retd. Sepoy - reg.

...

Sir,

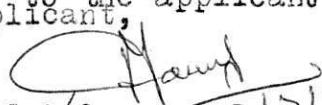
The applicant submits as under:-

1. That the Hon'ble Court Re-insteated by the Hon'ble ^{law} Court in service to the applicant on the condition that to pay the pension and gratuity to the Department which is received by him, while he was in service. Now the applicant collected the amount by mortgaging his residential house to the tune of Rs. 12,000/- which will be sufficient only for the gratuity amount and commutation amount which ^{he} will pay already if the Hon'ble Court permitted the applicant and the pension amount may be taken and deducted from his service of monthly salary, while he ~~was~~ is doing the service after coming in service by the order of the Court. So, the applicant request that the applicant may taken on duty and he may be re-initiated in service by relaxing the conditions imposed by the Tribunal, in the above case and now only the gratuity amount and commutation amount may be taken and pension ^{amount} may be taken and deducted from his salary after re-instatement in service of the applicant. for payment of the said amount further six months time may be given as dept. is not giving any answer to the applicant.

Dt. 17-7-87.

Note:

The applicant herewith enclosing the application submitted to the Dept. & its reply letter dt. 10.7.87.

Md. Ishaq s/o 
H.No.5-2-21, Mohalla Patalanagary
Khadriyapura, Bidar-585401.

Bidar,
Dated the

To:

The Assistant Collector of
Customs & Central Excise,
DAVANGERE:

Sir,

By Registered Post Ack.Due

Subject:- Estt-Reinstatement in Service- Sri.Mohd Ishaq,
Sepoy - Regarding:

Reference:-Order of the Central Administrative Tribunal,
Bangalore Branch (Application No.1540/86(T)-
O.S.No.28/83 dated 2-4-1987.

-0000-

Kind attention is invited to the Central Administrative-
Tribunal, Bangalore Branch's Order referred to above on the
aforesaid subject.

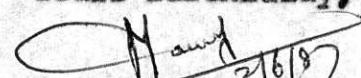
2. I request to be informed, at the earliest, the total
amount payable by me (i.e.received by me towards Pension and
Gratuity etc.) and also the place and Head of Account for
remittance, enabling me to do the needful in the matter as
ordered under the reference cited and oblige.

Thanking you Sir,

ADDRESS FOR COMMUNICATION

Mohammad Ishaq,
House No. 5-2-21,
Mohalla Patal Nagri,
Quadria Pura, BIDAR- 585401

Yours faithfully,



(MOHAMMAD ISHAQ)

Sepoy of Central Excise,
(Retd.)

Copy submitted to the Collector of Customs & Central-
Excise, Bangalore Collectorate, Queens Road, Bangalore-560001.

Copy also submitted to the Collector of Central Excise
Belgaum Collectorate, BELGAUM for favour of information please.

++++

Office of the Assistant Collector of Central Excise
Davangere-4.

C.No. 21/25/6/89 APP) Apl

Dated-10-7-87.

To

The Collector of Central Excise,
Belgaum.(Ett. Section).

Sir,

Sub:- Ett.- Reinstatement in service-Shri.Md.Ishaq
Retd. Sepoy-regd

.....

Shri. Md.Ishaq, Retired sepoy has requested to
intimate him about total amount payable by him towards
Pension and gratuity DCRG received by him for remittance
to Govt., as per Central Administrative Tribunal Bangalore's
Order.

2. It is therefore requested that whether the same
may be intimated to him, as the Central Administrative
Tribunal Bangalore's order has not been received in
this office.

Yours faithfully,

Puhanik
(S.K.PUHANIK)
Administrative Officer

Copy submitted to the Collector of C.Exc Bangalore.

2. Pension file of Shri. Md.Ishaq, (Retd. Sepoy),
may please be sent to this office for necessary actions.

Copy to Shri. Md. Ishaq, Retired sepoy, C.Exc, N.No. 5-2-21,
Mehalle Patel Nagazi, Quadri pura, Bidar-585 401, for
information.

Recd.

On 14/7/87.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 25th FEBRUARY 1987

Present : Hon'ble Shri Ch. Ramakrishna Rao - Member (J)
Hon'ble Shri L.H.A. Rego - Member (A)

APPLICATION No. 1540/86

Mohammed Ishaq
Excise Department
Quadariapura, Bidar - Applicant

(Shri Khuddus, Advocate)

1. Collector
Central Excise and Customs
Central Revenue Building,
Queens Road, Bangalore 560001

2. Assistant Collector, Central Excise &
Customs, Davanagere - Respondents

(Shri M.Vasudeva Rao, Advocate)

This application came up for hearing before
this Tribunal and Hon'ble Shri Ch. Ramakrishna Rao,
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to retire from 1.4.80 be set aside and the plaintiff
reinstated in service with all benefits. It was subsequently
transferred to this Tribunal.

2. We have heard Shri Khuddus, learned counsel for
the applicant, at length. We have also heard Shri M.V.
Rao, learned counsel for the respondents. At the
conclusion of the hearing a memo was filed by the

....

applicant praying that he may be taken back to duty on the conditions mentioned therein. He has also withdrawn the allegation made against the respondents.

3. After considering the rival submissions carefully, we consider that the ends of justice would be met if we direct respondents to take back the applicant into service on the following terms and conditions.

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4. The benefit of this order shall lapse if the applicant fails to comply with this order.

5. The application is disposed of subject to the above directions. No order as to costs.

Chowdhury

Member (J)

Chowdhury

Member (A) 25-2-87

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@@@@@

Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 19/8/84

IA I IN APPLICATION NO 1540 /86(T)

W.P. NO

Applicant

Shri Mohammad Ishaq

v/s The Collector, Central Excise & Customs
and another

To

1. Shri Mohammad Ishaq H.No. 5-2-21, Mohalla Patalanagary Khadriyapura Bidar - 585401	3. The Collector Central Excise & Customs Central Revenue Buildings Queen's Road, Bangalore - 560 001
2. Shri Khuddus Advocate C/o Shri Shivaraj Patil Advocate 'Nandi' 24, 8th Main Road 1st Cross, Vasanthanagar Bangalore - 560 052	4. The Assistant Collector Central Excise & Customs Davangere
	5. Shri M. Vasudeva Rao Central Govt. Stng Counsel High Court Buildings Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~
~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 18-8-87

Encl : as above

~~SECTION OFFICER
(JUDICIAL)~~

RECEIVED 9/6/81
Dairy No 1019 ter 187

Date: 21/8/87 B

ssociate, *Journal of the American Statistical Association*, 1930, 26, 101-110.

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE

Mohammad Ghias

V/s The Collector, Central Excise &
Customs & Revenue

Order Sheet (contd)

A. NO. 1540 SEC(1) Vasudeva Rao

Khuddus

Date	Office Notes	Orders of Tribunal
		<p>VC/M(S)</p> <p>AUGUST 18, 1987.</p> <p><u>ORDER ON I.A.NO.1</u></p> <p>We have heard the applicant and Sri M. Vasudeva Rao, learned Standing Counsel for the Respondents.</p> <p>In this I.A. the applicant has sought for modification of a consent order made by this Tribunal on 25th February, 1987. As this Tribunal has made the order on the consent of the applicant and the respondents,</p>



Date	Office Notes	Orders of Tribunal
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respondents, the same can only be varied with the consent of parties. The respondents do not consent for varying the terms of the order. We, cannot therefore, vary the order made by this Tribunal on 25-2-1987. We, therefore, reject this application.

—

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(W.C.18) 18

M(A)(S)

-True COPY-

Hase
SECTION OFFICE 198
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

THE & CUSTOMS, BANGALORE & ANR. PETITIONER(S)

MOHAMMED ISHQ

RESPONDENT(S)

ir,

I am directed to inform you that the petition above mentioned filed in the Supreme Court was dismissed *as infractions* by the Court on 06/04/95

Yours faithfully

A. M. Alwan
For Registrar

COPY TO
MR. P. PARMESWARAN (Adv)

11
AM

11
AM



From:
The Registrar
Supreme Court of India.
NEW DELHI.

To
The Registrar
Supreme Court of
Central Admin. Tribunal
at Bangalore

Section IVA
SUPREME COURT OF INDIA
NEW DELHI.
DATED: 15/06/95

12/7/95

Recd. by post.

R 2/8/95

Enter in SLP Register, Main Register,
add to file & note. Thereafter to be a
copy of this with a copy of A order as

per R 143 of Rop 93.

187

R
11/8/95

PETITION FOR SPECIAL LEAVE TO APPEAL CIVIL No. 9763

(Petition under Article 136(1) of the constitution of India from
the Judgment and Order dated 25/10/87

of the ~~Central Admin. Tribunal~~ Central Admin. Tribunal So (JII)
at Bangalore in Appln. No. 1540/87

COLL