

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indira Nagar
Bangalore - 560 038

Application No. 1540 / 1986 (T)

OS NO 28183 CGH at Bidar

Applicant

Versus

Respondent(s)

Mohammed Ishag

Collector Control Excise & Customs & Arr.

To

1) Mohammed Ishag

2) Khuddus Advocate

3) M.V. Rao Adv.

PA in

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 :

(K.R.RAO)
Deputy Registrar.

PA for modification of Judgment
dt 25-2-87

officer

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

तारीख
Date
मोहर
Stamp

समय
Time

सी. नं.

C. No.

Booking

Receipt

From

By

Recd. Inpost

8/18/86

इस तार के प्रारम्भ में प्रविष्टियों का क्रम इस प्रकार रहेगा
तार की श्रेणी, प्राप्त करने का समय, क्रम संख्या, मूल कार्यालय
तारीख, सेवा अनुदेश (यदि कोई हो) और शब्दों की संख्या।

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

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

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

Spp 8-53,ptg/11-35/85-86 15-1-86 1LaKhs Books

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दूरसंचार विभाग
DEPARTMENT OF TELECOMMUNICATIONS

तार
TELEGRAM
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पता

Address

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCE INDIRANAGAR

BANGALORE 38 =

पहला मोड़/FIRST FOLD

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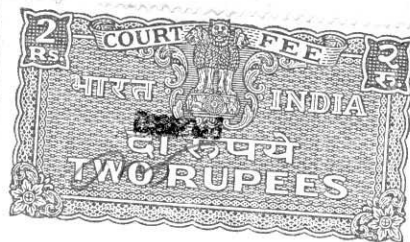
== 0 1145 N59 HYDERABAD 24 26

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

== MOHD ISSHAQ ==

== 25 59 BANGALORE BENCE RPT BENCE 38 APPLN 1540/1986 (T)
OS 28/83 MOHD ISSHAQ ==

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. 28/83
APPL. NO. 1540/86 No. 1540/8 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, B'lore & another

I/We Mohamed Isaq

the Applicant -

Nos. in the above matter hereby appoint and retain
Sri Shivaraj Patil & Hasei 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 and 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

Hasei Gowda
ADVOCATES FOR Applicant
DATE 25-8-86

ADDRESS FOR SERVICE

Phone : 24598

SHIVARAJ PATIL
ADVOCATE

"Nandi" 24, 8th Main Road
1st Cross, Vasanthanagar
BANGALORE-560 052

Forms can be had at : The Judicial Department Multi-purpose Co-operative Society. Ltd.,
High Court Buildings, BANGALORE-560 001.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indira Nagar, Bangalore.38

^{O.S}
Applicant (W.P. 28/83) Versus

Mohamed Isahq

To

Baburao Patil Adv

Respondent

The Collector of Central Excise
& Customs, Bangalore & another.

R1 & R2 send individually.

Writ petition No. ^{O.S} 28/83 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. 1540/81 is posted before the Bench on 25.8.86
for fixing the date for final hearing.

2. You 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.

[Signature]
(Section Officer)
Judicial.

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30/8

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Application No 1540 /86(F)

Versus

Respondent(s)

Applicant

To

Mohammed Ishoq

Collector Central
Excise & Customs

Shri Shivulaj patil Advocate

Nandi 24 5th Main Road

1st cross, Vasant nagar.

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

[Signature]
10/12

lu*

[Signature]
14/12/86

OK

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:-

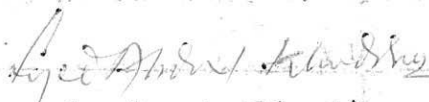
1. The Applicant undertakes to deposit the entire amount due to the Department by way of D.C.R.G; Commutation of Pension; and the pension drawn so far, in one lumpsum within a period of SIX months; or even earlier, if possible. On his depositing the entire amount due, the respondents may be directed 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


Advocate for Applicant

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:-

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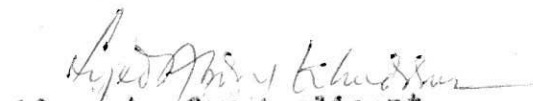
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Bangalore,

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. No. 28/83

Applicant
To Mohammed Ishag,

vs. Collector, Central Excise & Customs
& anr.

- 1) Mohammed Ishag,
Excise Department,
Quadanapura, Bidar,
- 2) Collector, Central Excise &
Customs, Central Revenue Building,
Queens Road, Bangalore-560001.
- 3) Assistant Collector,
Central Excise & Customs,
Davanagere.

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

Shri Khuddus, Advocate
(5) ~~Shri~~ Shivaraj Patil, Advocate,
'Nondi' 24, 8th Main Road,
1st Cross, Vasanthnagar,
Bangalore - 560052.

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.

B.V. Venkatesh
Deputy Registrar
(Judicial)

please
min call
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. 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,
Member (J) to-day made the following

ORDER

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

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Ch



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 ~~xxx~~ 1.4.80 and the date of reinstatement as dis non.

(4) R1 shall permit the applicant to remain in service from the ~~xxx~~ 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.



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

Sd/-
Member (J)

Sd/-
Member (A) T-25-287

- True Copy -

DD. 25/2/87

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

17.7.1987

Central Administrative Tribunal
Bangalore Bench.

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



Application No. 1540/86 (T)
O.S.No. 28/83.

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-instated by the Hon'ble ^{law} 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 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.

Applicant,

Dt. 17-7-87.

Md. Ishaq s/o ^{12/7/87}
H.No.5-2-21, Mohalla Patalanagary
Khadriyapura, Bidar-585401.

Note:

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

Bidar,
Dated the

To:

The Assistant Collector of
Customs & Central Excise,
DAVANGERE :

By Registered Post Ack.Due

Sir,

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.

-oo0oo-

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

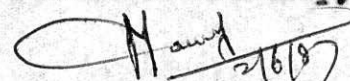
2. I request to be informed, at the earliest, the total
amount payable by me (i.e.received by me towards Pension and
Gratuity etc.) and also the place and Head of Account for
remittance, enabling me to do the needful in the matter as
ordered under the reference cited and oblige.

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 (APF) A-1

Dated-10-7-87.

To
The Collector of Central Excise,
Belgaum. (Estt. Section).

Sir,

Sub:- Estt.- 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,

(S.K. PURANIK)

Administrative Officer

Copy submitted to the Collector of C.Ex. Bangalore

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

Copy to Shri. Md. Ishaq, Retired sepoy, C.Ex., N.No. 5-2-21, Mohalla Patel Nagar, Quadra 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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2. We have heard Shri Khuddus, learned counsel for
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Rao, learned counsel for the respondents. At the
conclusion of the hearing a memo was filed by the

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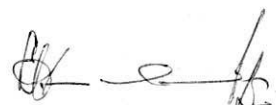
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4. The benefit of this order shall lapse if the applicant fails to comply with this order.

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


Member (J)


Member (A) 05.2.87

REGISTERED

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

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

Dated : 19/8/87

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
Khadiyapura
Bidar - 585401

2. Shri Khuddus
Advocate
C/o Shri Shivaraj Patil
Advocate
'Nandi' 24, 8th Main Road
1st Cross, Vasanthanagar
Bangalore - 560 052

3. The Collector
Central Excise & Customs
Central Revenue Buildings
Queen's Road, Bangalore - 560 001

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

[Signature]
SECTION OFFICER
(JUDICIAL)

RECEIVED 19/8/87

Diary No. 1019/87

Date: 21/8/87

[Signature]

[Signature]
28/8/87

[Signature]

Order Sheet (contd)
A. NO. 1540/86(T) Ramadeva Rao

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.



Sl -
(WC18/8)

Sl -
M(A)(S)

- True copy -

Handwritten signature
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

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

VS

CHAMMED ISHO

... RESPONDENT(S)

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

Yours faithfully

[Signature]
For Registrar

COPY TO
MR. P. PARAMESWARAN (ADV)

Prasad



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

From:

The Registrar
Supreme Court of India.
NEW DELHI.

12/7/95

Recd. by post.

R 2/8/95

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

To
The Registrar
~~Supreme Court of~~
Central Admn. Tribunal
at Bangalore.

PETITION FOR SPECIAL LEAVE TO APPEAL CIVIL No. 9763

187

per R 143 of Rop 93

(Petition under Article 136(1) of the constitution of India from

the Judgment and Order dated 25/02/87

R
11/8/95

of the ~~Central Administrative Tribunal~~ Central Admn. Tribunal
at Bangalore in Appn. No. 1540/86) So (JII)

COLL