

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REGISTERED

Commercial Complex(BDA)
Indira Nagar,
BANGALORE- 560 038.

Dated 10-11-1986

Application No. 169 /86(T)

WP No. 3257/79)

Applicant

A.K. Loganathan

To

1. The Secretary,
Department of Science & Technology,
New Delhi.
2. The Surveyor General of India,
Post Box No.37, Dehra Dun,
Uttar Pradesh.
3. The Senior Director,
Survey of India, Southern Circle,
91, Richmond Road, Bangalore-560 025.
4. The Superintending Surveyor, Incharge,
No.17, Party (Southern Circle)
Survey of India, Bangalore- 25.
5. Shri Ananda Ramu, Advocate for Applicant,
C/o.Shri K. Subbra Rao, Advocate,
128, Cubbonost Main Road, Bangalore- 560 002.
6. Shri N.S. Padmarajaiah, Sr. Central Govt. Standing Counsel,
High Court of Karnataka Buildings, Bangalore-1.

Respondents

The Secretary,
Deptt. of Science & Technology
& others.

SUBJECT: Sending copies of Order passed by the Bench in
Application No. 169/86(T)

....

Please find enclosed herewith the copy of the Order/
~~XXXXXX~~ passed by this Tribunal in the above said Application
No. 169/86(T) on 31-10-1986.

Encl: as above.

Hales
SECTION OFFICER
(JUDICIAL)
(o/c)

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CH
Advocate
11/11

Fe
1986
20/11/86

**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE**

ORDER SHEET
Application No 169 of 1986 (T)

Applicant
A.K. Loganathan
Advocate for Applicant
Ananda Ramu

Respondent
The Secy. cum
D/o. Science & Technology
Advocate for Respondent
M.S. Padmarajiah

Date	Office Notes	Orders of Tribunal
31.10.1986	<p>The order passed by the Respondent No.2 (R2) accepting the resignation of the applicant w.e.f. 29.2.1964 A.N. was set aside by the Additional Munsif, Civil Station at Bangalore, whose Judgment was confirmed in appeal by the Civil Judge, Bangalore, and also in Second Appeal by the High Court of Karnataka. As a sequel to the aforesaid legal proceedings, R2 reinstated the applicant on 15.3.1976, as Air Survey Draughtsman Grade IV. After reinstatement, the applicant took the Trade Test for the Trade of Planetabler (TT for TPT) Grade III in 1977 and got through the same. His promotion, however, to PT Gr.II was not considered on the ground that he should appear for the prescribed test and get through the same.</p> <p>Shri Anandaramu, learned counsel for the applicant, submits that the xxxx TT for xxx promotion to PT Gr.II was prescribed only in 1970; that his client was obliged to appear for the TT for TPT Gr.III only in 1977, but not before 1970 when the amendment to the rules relating to recruitment and promotion took place, because of the illegal order passed by R2 which was struck down by the Courts; that the success of his client at the TT held in 1977 for PT Gr.III is actually relatable to the test held in the year subsequent to the year in which his client failed to get through before the illegal order was passed by R2, and in view thereof, R2 is not justified in insisting in his letter dated 13.2.1979 that the applicant should appear for the TT for TPT Gr.II held in 1979.</p> <p>Shri M.S. Padmarajiah, counsel for respondents, submits that the applicant got through the TT for TPT Gr.III only in 1977, and in view thereof, he is governed by the amended rules, and the letter dt. 13.2.1979 issued by R2 is therefore justified.</p> <p>After considering the rival contentions, we are satisfied that it is not obligatory on the part of the applicant to appear at the TT for TPT Gr.II since it was for reasons beyond his control that he could not appear for RT the said test prior to the amendment of rules in 1979, and had he qualified at that time, the necessity of appearing for the TT in 1979 would not have arisen. We, therefore, set aside the communication dated 13.2.1979 of R2 (Annexure I -L to the application) and direct the respondents to consider the case of the applicant for promotion from the post he is currently holding to the post of PT Gr. II in conformity with the rules existing prior to 1970. The application is accordingly allowed; parties to bear their own costs.</p>	



sd/-
(CH. RAMAKRISHNA RAO)
MEMBER (J)
31.10.1986.

sd/-
(L.H.A. REGO)
MEMBER (A)
31.10.1986.

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

CONTEMPT OF COURT

APPLICATION No. 20/87
IN APPLICATION NO. 169/86(T)
(WP.NO.)

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

DATED: 24/7/87

APPLICANT

Vs

RESPONDENTS

Shri A.K. Loganathan

The Secy, Dept of Science & Technology & 3 Ors

TO

1. Shri A.K. Loganathan
No. 6, Muruga Pillai Street
Bangalore - 560 001

2. Shri K. Subba Rao
Advocate
128, Cubbonpet Main Road
Bangalore - 560 002

3. The Secretary
Department of Science & Technology
New Delhi

4. The Surveyor General of India
Post Box No. 37, Dehra Dun
Uttar Pradesh

5. The Senior Director
Survey of India, Southern Circle
Koramangala II Block
Sarjapura Road
Bangalore - 560 034

6. The Superintending Surveyor
Incharge, No. 17, Party
(Southern Circle)
Survey of India
Bangalore - 560 025

7. Shri M.S. Padmarejaiah
Senior Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 20/87

CONTEMPT OF COURT

....

Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on

14-7-87

ENCL: As above.

*copy is file
A no. 169/86(T)*

B. V. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 14th DAY OF JULY, 1987

Present : Hon'ble Sri Ch.Ramakrishna Rao

Member (J)

Hon'ble Sri P.Srinivasan

Member (A)

CONTEMPT OF COURT No. 20/87

A.K.Loganathan,
Plane tabler Grade III,
No.17 Party, Survey of India,
Bangalore and residing at
No.6, Muruga Pillai Street,
Bangalore - 1.

Applicant/Complainant

(Sri K.Subba Rao ... Advocate)

Vs.

1. Secretary,
Department of Science and
Technology, Govt. of India,
New Delhi.
2. The Surveyor General of India,
Post Box No.37, Dehra Dun,
Uttar Pradesh.
3. The Senior Director,
Survey of India,
Southern circle,
Keramangala, II Block,
Sarjapura Road,
Bangalore - 34.
4. The Superintending Surveyor,
In charge, No.17, Party
(Southern Circle), Survey
of India, Bangalore - 25.

Respondents/Accused

(Sri M.S.Padmarajaiah ... Advocate)

This Contempt of Court Application has come up before the court today. Hon'ble Sri Ch.Ramakrishna Rao, Member(J) made the following :

O R D E R

In this Contempt of Court application filed under Section 17 of the Administrative Tribunals Act 1985, the complainant who was the applicant in Application No.169/86 complains that the respondents have not complied with the order of this Tribunal passed there-



in on 31.10.1986. The complainant who was present in person has been heard. We directed Sri M.S.Padmarajaiah, learned counsel for the Central Government who was present in court, to take notice on behalf of the respondents and heard him.

2. We may here reproduce the last para of the order of this Tribunal dated 31.10.1986 :-

"After considering the rival contentions, we are satisfied that it is not obligatory on the part of the applicant to appear at the TT for TPT Gr.II since it was for reasons beyond his control that he could not appear for the said test prior to the amendment of rules in 1979, and had he qualified at that time, the necessity to appear for the TT in 1979 would not have arisen. We, therefore, set aside the communication dated 13.2.1979 of R2(Annexure 1 to the application) and direct the respondents to consider the case of the applicant for promotion from the post he is currently holding to the post of PT Gr.II in conformity with the rules existing prior to 1970. The application is accordingly allowed; parties to bear their own costs."

The complainant complains that in pursuance of this order he applied to the respondents on 11.12.1986, 10.3.1987 and 5.6.1987 requesting them to consider his case for promotion in terms of the said order. But the respondents have not so far taken any action thereon. He, therefore, contends that the respondents have committed contempt of this Tribunal by not obeying its orders and that the respondents should be punished for the same.

3. It will be seen from the extract of the order dated 31.10.1986 reproduced above that this Tribunal did not set any date by which its order should be complied with. Therefore, it cannot be said that the respondents have wilfully, disobeyed the order of this Tribunal, by not acting in pursuance of it so far.

4. The applicant states that he is due to retire on 31.7.1987 and the respondents have already issued the pension payment order to him stating therein that it represented the final determination of his pension. His anxiety is that the respondents should not treat this pension order as the final order but should revise it in the light of the decision to



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be taken by the respondents pursuant to the order of this Tribunal dated 31.10.1986. He is also anxious that the matter should be settled early because of his impending retirement.

5. We are satisfied that there is no case for hauling up the respondents for contempt. But since the applicant is due to retire by the end of this month and nine months have already elapsed after the judgement was rendered by this Tribunal in Application No.169/86 we consider it proper to issue the following directions to the respondents: the respondents shall consider the application made by the applicant in pursuance of our order dated 31.10.1986 and convey their decision thereon to him before 30.9.87 at the latest. Pension and other retirements payable to the applicant shall be revised in the light of the said decision. If the applicant is aggrieved with the decision, as and when rendered, he will have liberty to agitate the matter before this Tribunal at that stage. Parties to bear their own costs.



Sd---

MEMBER(J)

Sd---

MEMBER(A)

- True Copy -

B.V. Venkatesh Rao
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

m/g

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 23.9.87

MEMO IN APPLICATION NO 169 /86(T)

W.P. NO 3257 / 79

Applicant

Shri A.K. Loganathan

V/s The Secy, Dept of Science & Technology
New Delhi & 3 Ors

To

1. Shri A.K. Loganathan
No. 6, Muruga Pillai Street
Bangalore - 560 001

Received with all
annexures + Respondent's
copy filed.

ALLNathan
23/9/87
(A.K. LOGANATHAN.)
Applicant.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXX~~
~~INTERIM ORDER~~ passed by this Tribunal in the above said Memo in
application on 18-9-87. As directed, the annexures are

returned herewith. Respondent's Copy of the
Memo, supplied by the Applicant is also returned.

Encl : as above

herewith with annexures.

P. Chy
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

for
o/c

**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

A No. 169/86CT

AK. Loganathan

V/s - The Secy, Dept of Science & Technology
New Delhi & 3 Ors

Order Sheet (contd)

Date	Office Notes	Orders of Tribunal
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KSPVC/LHARM(A)

18.9.87.

ORDERS ON THE MEMO DATED
4.9.1987 FILED BY THE APPLICANT:

Shri A.K. Loganathan, applicant in the case, is in person. We have heard the applicant.

In this application, styled as a memo, the applicant is really seeking for various ~~relief~~ reliefs which have arisen in pursuance of the orders made by this Tribunal in A.No. 169/86 and C.C. No. 20/87.

When we pointed out that this application is not maintainable and the relief sought is to be adjudicated in a fresh application, Shri Loganathan, in our opinion, very rightly, seeks permission to withdraw this application, with liberty reserved to file a fresh application U/s 19 of the Administrative Tribunals Act, 1985. We grant this permission and reject this application as withdrawn by the applicant, reserving him liberty to file a fresh application U/s 19 of the A.T. Act. We direct the Office to return all the annexures annexed to the application to the applicant within a week from this day.



- True copy -

P. Sanyal 22/9/87

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
BANGALORE

N.S. Prasad
VICE CHAIRMAN
18/9/87

[Signature]
MEMBER(A)