

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 3RD DAY OF AUGUST, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 2051/1986

Shri T.H. Vittalamurthy,
B/R, Grade-I,
Military Engineering Services,
Garrison Engineer,
No.455, I Stage,
Industrial Suburb,
MYSORE.

.... Applicant

(Shri S.M. Babu, Advocate)

v.

1. Union of India through
Engineer-in-Chief, Army HQ,
DHQ, New Delhi.

2. Chief Engineer,
Southern Command,
Pune.

3. Chief Engineer,
Rajasthan & Gujarat Zone,
Jaipur, Rajasthan.

4. Garrison Engineer,
ADGES, Mount Abu,
Rajasthan.

.... Respondents.

(Shri M.S. Padmarajaiah, CGSSC)

This application having come up for hearing to-day,
Vice-Chairman made the following

O R D E R

This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1985
('the Act').



2. Prior to June, 1979, the applicant was working as a civilian Superintendent in the Office of the Commander, Works Engineer, Bangalore ('CWE'). In June, 1979, he was transferred to the office of the Garrison Engineer, Mount Abu, Rajasthan ('GE') at which office, he reported for duty on 25.6.1979, and was working from that day.

3. On 13.12.1981, the Chief Engineer, Southern Command ('CESC') transferred the applicant from Mount Abu to Bangalore (Annexure-B) and that order to the extent it relates to the applicant, with which we are concerned reads thus:

"POSTINGS/TRANSFERS TO TENURE
STATIONS SUPDT B/R GDE I

I. The following postings are hereby ordered in the interest of the State:

Sl.No.	MES/NO & DE SGN.	POSTED TO		REMARKS
		FROM	TO	
1.	XXXX			
2.	XXXX			
3. 127179	Shri T.H. VITTALAMURTHY SUPDT B/R GDE I	CE R&G ZONE GE MOUNT ABU	CE(P) R&D GE(P) (I)R&D BANGALORE	To move by 15.6.82

2. The moves should be completed as specified above in direct correspondence between the formations concerned.

Sd/-

M. Balakrishnan, Lt.Col.
SO I(R) - For Chief Engineer. "



While this order required that the applicant be relieved from the post he held in the office of the GE on or before 15.6.1982 he was not actually relieved on or before that date in that office. But notwithstanding the same and without obtaining actual relief thereto, the applicant left Mount Abu and did not also report for duty at the Bangalore Office.

4. Evidently before leaving Mount Abu, the applicant wrote to the CESC on 16.6.1982 (Annexure-D), stating that his transfer from Mount Abu to Bangalore was complete from 16.6.1982. But the GE, without accepting the same and taking the view that the applicant had violated the discipline and conduct rules, initiated disciplinary proceedings against him under the Central Civil Services (Classification Control and Appeal) Rules ('Rules') on 19.6.1982 on the following charge:

"Garrison Engineer(N)
Mount Abu Rajasthan

212/2/EIC 19 June 1982

Shri T.H.Vittalamurthy,
Supdt B/R Gde I
445 I Stage Industrial Suburb
Mysore-570 008.

Discipline: Subordinates

1. Reference your application dated 16-6-1982.
2. You have arbitrarily/unauthorisedly left the station on 16-6-82(FN) and and not AN as stated in your application) without getting relieving orders from this office which is considered as breach of discipline. You were advised to proceed on short leave or wait for some time till movement order for a replacement is received. In the meantime you were also told that necessary clarification from higher authorities with regard to implementation of tenure policy was also being sought for.



Despite all this advice rendered, you left the place. Please state why disciplinary action should not be taken against you for unauthorised absence to reach this office by 5 June, 1982.

Sd/-
E. Vijayan
Major
Garrison Engineer "

On receipt of this charge memo, the applicant filed his written statement denying the same, for which reason the GE appointed one Sri S.N. Gupta as inquiry officer (IO) to hold a regular inquiry under the Rules, and submit his report.

5. But before the IO, the applicant did not appear and participate in the inquiry held against him. On an examination of the evidence on record, the IO in his report dated 24.11.1983 (Annexure-R2) found that the applicant was guilty of the charge levelled against him, and submitted the same to the disciplinary authority ('DA').

6. On an examination of the report of the IO and the evidence on record, the DA made an order on 30.11.1984 (Annexure-A) inflicting the penalty of dismissal from service against the applicant. Aggrieved by this order, the applicant filed an appeal before the Engineer-in-Chief New Delhi (AA) who on 7.10.1985 (Annexure-D) dismissed the same.

On 13.10.1986 the applicant approached this Bench of the Tribunal in A.No.1742/86 challenging them on diverse grounds. On 20.10.1986, this Bench by an order made on that



day held that the said application was not maintainable before this Bench and directed the return of the papers to the applicant for representation before the appropriate Bench. In pursuance of this order the applicant represented the papers before the Principal Bench of this Tribunal, with a prayer that the same be transferred to this Bench for disposal. On 28.11.1936, the Hon'ble Chairman allowed the said request of the applicant and had transferred the application to this Bench for disposal. In compliance with the said order of the Hon'ble Chairman this application has been taken on the file of this Bench admitted and then notices issued to the respondents.

3. The applicant has challenged the orders of the AA and the DA on more than one ground and We will notice and deal with them in due course.

9. In their reply, the respondents while justifying the orders of the AA & DA on merits, have urged that this application presented before the Principal Bench should have been transferred only to the Jodhpur Bench of the Tribunal and not to this Bench, and therefore this Bench cannot entertain and dispose of the same on merits.

Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel, appearing for the respondents, sought to support this preliminary objection and urged for rejection of the application itself and in any event for its re-transfer to the Principal Bench for its transfer to the Jodhpur Bench of this Tribunal.



10. Shri S.M. Babu, learned counsel for the applicant, contends that once the Principal Bench had entertained the application which it was competent to do, and had transferred the same to this Bench, this Bench cannot examine the validity of the order made by the Hon'ble Chairman, and was bound to dispose of the same only on merits.

11. We have earlier noticed that the applicant had approached this very Bench and this Bench by its order dated 20.10.1986 directed the return of the papers to the applicant for their re-presentation before the appropriate Bench of the Tribunal and in pursuance of the same, the applicant represented the application before the Principal Bench with an application under Section 25 of the Act, for transfer to this Bench. On that application, the Hon'ble Chairman made an order on 23.11.1986 in these terms:

"Petitioner through counsel Ms. Madhu Moolchandani.

Petitioner has since been transferred to Bangalore and requests for transfer of this case to Bangalore Bench of the Central Administrative Tribunal for hearing and disposal under Section 25 of this Act. Petition for transfer is allowed. Petitioner to appear before the Bangalore Bench of the Tribunal on 12.1.1987."

In obedience to this order, the Principal Bench had transmitted the application to this Bench, which, on an examination of the same, had admitted it and had directed notices to the respondents.



12. The Act contemplates and creates only one Tribunal for the whole of India, with different Benches working at different States.

13. On the jurisdiction and powers of the different Benches to entertain applications made under the Act, rule 6 of the Central Administrative Tribunal (procedure) Rules, 1987 (CAT Rules) regulates the same.

14. As one of the respondents in this application was ordinarily residing at Delhi, it was open to the Principal Bench to entertain this application. On such entertainment, it was also open to the Hon'ble - Chairman in exercise of the powers conferred on him Sec. by/25 of the Act, to transfer the application to such Bench as he deemed fit and proper in the circumstances. The power conferred by Sec.25 of the Act, is not restricted and controlled by Rule 6 of the CAT Rules, which only regulates the forum for filing an application under the Act. Rule 6 of the CAT Rules, does not control and restrict the power of the Chairman under Sec.25 of the Act.

15. When we find that the Principal Bench had jurisdiction to entertain the application and the Hon'ble Chairman exercising the special and exclusive power conferred on him by Sec.25 of the Act, had transferred the application to this Bench, we are bound to entertain the same and deal with the same only on merits. We are also of the view that we cannot sit in judgment



on the order made by the Hon'ble Chairman and direct
the proceedings/retransferred to the Principal Bench
for transfer to the Jodhpur Bench as contended by
Shri Padmarajaiah. We see no merit in this preliminary
objection of the respondents and we reject the same.

16. As we have rejected the preliminary objection
of the respondents, we now proceed to examine the merits.

17. Shri Babu contends that the DA had not furnished
a copy of the report of the IO along with his order as
was mandatorily required by Rule 17 of the Rules, and
that failure completely vitiates the order of the AA and
DA.

18. Shri Padmarajaiah contends that the applicant
had been served with a copy of the report of the IO
and that even otherwise he had not raised the same before
the AA and on the ratio of the ruling of this Tribunal
in H.NARASHIMAPPA v. THE REGIONAL DIRECTOR OF POSTAL
SERVICES & Ors.(ATR 1987(2) C.A.T. 29), the contention
of Shri Babu cannot be sustained.

19. In his letter No.1026/THV/7/E10 dated 13-2-1985
(Annexure-R1), the DA had stated that a copy of the
report of the IO had been served on the applicant. We
have no reason to disbelieve the responsible statement
made in the letter dated 13-2-1985. If that is so, then
this contention is liable to be rejected.

20. We find that the applicant had not urged this
plea in his appeal memo presented before the AA. We
have no doubt that the applicant did not urge this as



a ground in his appeal for the reason that he had received a copy of the report of the IO. On this view also, this contention of the applicant is without any merit.

21. We will also assume that the applicant had not received a copy of the report of the IO as stated by him and examine the contention on that basis.

22. As pointed out by us in NARSIMHAPPA's case, the failure, if any, to supply a copy of the report of the IO does not vitiate the orders made by the AA & DA. For the very reasons stated in NARASIMHAPPA's case, this contention in any event, is liable to be rejected.

23. On the foregoing discussion, we see no merit in the contention of Shri Babu and we reject the same.

24. Shri Babu next contends that the DA by refusing to make payment of subsistence allowance or TA and DA had really denied a reasonable opportunity guaranteed to a Civil servant by Article 311 of the Constitution.

25. Shri Padmarajaiah contends that the applicant who had not been kept under suspension, was not entitled for subsistence allowance, much less, any TA and DA, to attend the inquiry.

26. At no stage of the inquiry or thereafter the applicant had ~~been~~ been kept under suspension. If that was so, then the applicant cannot legitimately claim



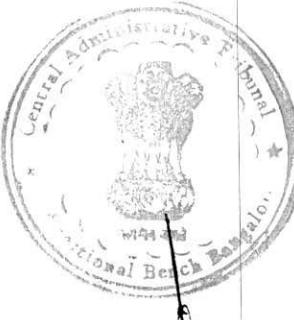
subsistence allowance under the rules or otherwise also. If he cannot claim subsistence allowance then the question of non-payment and denial of reasonable opportunity if any guaranteed to a civil servant in Article 311 of the Constitution will not arise.

27. Shri Babu has not relied on any provision of law or order of Government that entitled the applicant to claim TA & DA to attend the inquiry in the circumstances at Mount Abu. If that is so, then we cannot uphold the same solely on the ground that it was held at a distant place.

28. We have earlier noticed that the applicant had not also been relieved at Mount Abu. When the applicant had not been relieved, the question of the applicant claiming TA & DA as if he had been legally relieved and had legally been posted to duty at Bangalore, does not arise. In these circumstances rule 133-A of the TA Rules has no application at all.

29. On the foregoing discussion we see no merit in this contention of Shri Babu, and we reject the same.

30. Shri Babu contends that the authorities had assured the applicant that he would atleast be relieved on or before 30.6.1982 and that on their failure it was not open to the AA & DA to hold that he was guilty of the charge levelled against him.



31. Shri Padmarajaiah contends that when the applicant had not actually been relieved from his post it was not open to him to rely on any assurance.

32. An examination of the records show that the authorities were making earnest efforts to relieve the applicant at Mount Abu and thus enable him to join duty at Bangalore. But the fact remains that they did not actually relieve him at Mount Abu as they were finding it extremely difficult to do so for reasons virtually beyond their control. In this view, the applicant cannot rely on any assurance at all. When the applicant was working at a sensitive post and place, it was not open to him to leave that post and place and proceed as if he had been relieved from that post and place. We also find that the authorities had even taken a sympathetic view and advised the applicant to proceed on leave if his personal conditions compelled him to go to Bangalore. But without heeding to that advise and without waiting for proper relief the applicant had, at his own peril, left the sensitive post and the place. We cannot countenance the conduct of the applicant.

33. On an examination of the evidence on record, the IO had found that the applicant was guilty of the charge levelled against him, with which the AA & DA had concurred. We see no error of jurisdiction or illegality in the inquiry held, or in the orders made by the authorities to the extent they hold that the applicant was guilty of the charge levelled against him.



34. Shri Babu lastly contends that having regard to the long and meritorious service of 18 years rendered by the applicant at various places without blemish, this is a fit case in which we should modify the punishment of dismissal from service to a minor penalty under the Rules.

35. Shri Padmarajaiah contends that there is no justification whatsoever for this Tribunal to modify the punishment.

36. The charge levelled against the applicant was one of dereliction of duty and ~~he did~~ not involve any moral turpitude. When the applicant was proceeded for dereliction of duty, he had completed 18 years of service. His previous record was good. On these and all other relevant factors we are of the view that the penalty of dismissal from service imposed on the applicant is too severe and disproportionate to the gravity of the charge. We are of the view that having regard to all the facts and circumstances of the case, it will be just and proper to impose the penalty of compulsory retirement from service, instead of dismissal from service.

37. At this stage, Shri Padmarajaiah contends that even then it is proper for us to deny the arrears of pension from 30.11.1984 to 31.7.1987. Shri Babu vehemently opposes this request of Shri Padmarajaiah.



38. We have earlier held that the punishment of dismissal from service from 30.11.1984 should be modified to compulsory retirement from that day. The applicant challenged the orders of the AA & DA only on 13.10.1986. We are of the view that having regard to this and all other factors it is reasonable to deny the actual pension only due to the applicant from 30.11.1984 to 31.7.1987 and not other terminal benefits like gratuity to which he is entitled to under the rules.

39. In the light of our above discussion, we make the following orders and directions:

- (1) We dismiss this application in so far as it challenges the orders of the AA & DA to the extent that they hold that the applicant was guilty of the charge levelled against him.
- (2) We allow this application in part and modify the penalty of dismissal from service imposed on the applicant to one of compulsory retirement from service from 30.11.1984. We further direct the respondents to compute the pension and other terminal benefits due to the applicant on this basis and extend him all such benefits to which he is entitled/however denying him only the actual arrears of pension from 30.11.1984 to 31.7.1987 with all such expedition



as is possible in the circumstances of the case and in any event, within a period of four months from the date of receipt of this order.

40. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.



Sd--

Vice-Chairman

3/8/81

Sd--

Member (A)

dms/Mrv.

True copy

R. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

395/883-1
21/11

D.No. 5946/87 iv/A

SUPREME COURT OF INDIA
NEW DELHI-1

Dated: 15th November, 1988

From:

Shri Darshan Singh,
The Assistant Registrar,
Supreme Court of India,
New Delhi

To

✓ The Registrar,
High Court of Central Administrative Tribunal
at Bangalore
2) Military Engineering
Services, Army Headquarters,
DHQ, New Delhi

CIVIL APPEAL No. 3973 OF 1988
(High Court Central Administrative Tribunal Application
No. 2051/86 (P))

T. H. Vithalayyappa Appellant(s)
versus

Union of India & Ors. Respondent(s)

Sir,

In pursuance of Order 13, Rule 6, S.C.R. 1966,
I am directed by their Lordships of the Supreme Court
to transmit herewith a Certified copy of the Judgment/
Order dated the 8th November, 1988 in the Appeal
above-mentioned. The Certified copy of the Decree
made the said appeal will be sent later on.

Please acknowledge receipt.

Yours faithfully,


ASSISTANT REGISTRAR

ns/17.2/88/ivA*

21/11
Shrikant

Certified to be true copy

IN THE SUPREME COURT OF INDIA
 CIVIL APPELLATE JURISDICTION
 CIVIL APPEAL NO. 3973 OF 1988

Sankha
 Assistant Registrar (Judl.)
 15/11/1988
 Supreme Court of India

(Arising out of Special Leave Petition (Civil) No. 14349 of 1987)

T.H. Vittalamurthy

... Appellant

-Versus-

Union of India & Ors.

... Respondents

O R D E R

Special leave granted.

We have heard learned counsel for the parties on the appeal. On going through the record, we feel that the Central Administrative Tribunal, Bangalore was in error in denying the pension to the appellant for the period between 30.11.1984 and 31.7.1987. We, therefore, modify the order passed by the Tribunal by and directing the Respondents to pay pension to the appellant *Extd* w.e.f. 30.11.1984 onwards. The arrears of pension shall be disbursed within two months. The appeal is allowed to the above extent. No costs.

E.S. Venkata Ramiah
 (E.S. VENKATARAMIAH) J.

N.D. Ojha
 (N.D. OJHA) J.

New Delhi,
 November 8, 1988.

All communications should
be addressed to the Registrar,
Supreme Court, by designation,
NOT by name.
Telegraphic address :—
"SUPREMECO"

D. No. 5946/87/SecIV A

SUPREME COURT
INDIA

FROM
The Registrar(Judicial),
Supreme Court of India,
New Delhi.

To
The Registrar,
Central Administrative Tribunal,
Bangalore.

Dated New Delhi, the 22nd November, 1988.



CIVIL APPEAL NO. 3973 OF 1988.

T.H. Vittalmurthy

...Appellant

Versus

Union of India & Ors.

...Respondents

Sir,

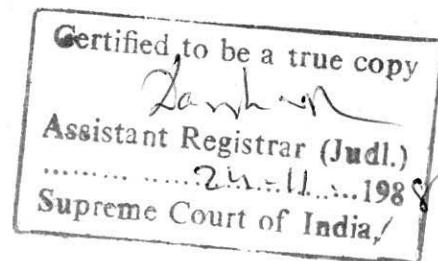
In continuation of this Court's letter of even
number dated the 18th November, 1988, I am ~~xx~~ directed to
transmit herewith for necessary action a certified copy
of the decree dated the 8th November, 1988, of the
Supreme Court in the said appeal.

Please acknowledge receipt.

Yours faithfully,

FOR REGISTRAR(JUDICIAL)

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL/APPELLATE JURISDICTION



CIVIL APPEAL NO. 3973 OF 1988.

(Appeal by Special Leave granted by this Court by its order dated the 8th November, 1988, in Petition for Special Leave to appeal (Civil) No. 14349 of 1987 from the Judgment and Order dated the 3rd August, 1987 of the Central Administrative Tribunal at Bangalore in Application No. 2051 of 1986).

T.H. Vittalamurthy
 No. 455, 1st Stage
 Industrial Suburb
 Mysore - 570 008.

...Appellant

Versus

1. Union of India
 through Military Engineering Services,
 Engineer in Chief Army Headquarters,
 DHQ, New Delhi 110 001.
2. Chief Engineer, M.E.S.
 Southern Command
 Pune.
3. Chief Engineer
 Rajasthan & Gujarat Zone,
 Jaipur,
 Rajasthan.
4. Garrison Engineer
 ADGES, Mount Abu,
 Rajasthan.

...Respondents

8th November, 1988.

CORAM:

HON'BLE MR. JUSTICE E.S. VENKATARAMIAH
 HON'BLE MR. JUSTICE N.D. OJHA

For the Appellant: Ms. Madhu Moolchandani, Advocate.

For the Respondents: Mr. Kuldeep Singh Additional Solicitor General of India.
 (Mr. P.P. Singh and Mrs. Sushma Suri,
 Advocates, with him).

SUPREME COURT
CIVIL/CRIMINAL/APPELLATE JURISDICTION

CIVIL APPEAL NO. 3973 OF 1988.

T.H. Vittalmurthy

Appellant
Petitioner

Versus

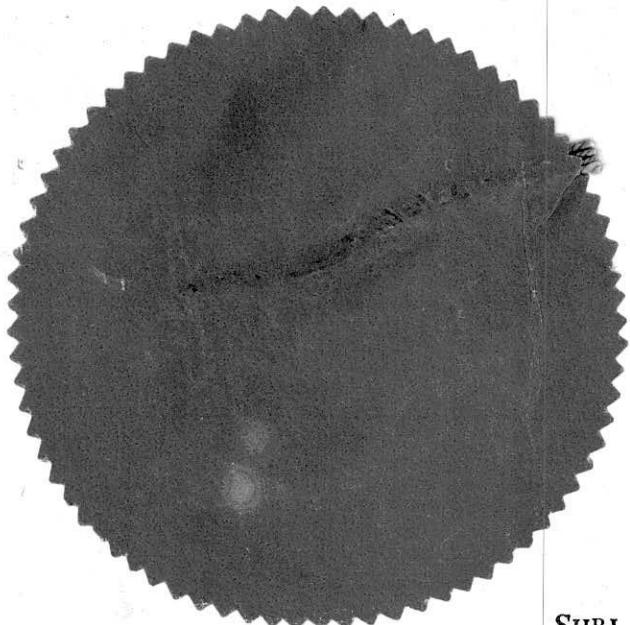
Union of India and Ors.

Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE.
APPLICATION NO.2051 OF 1986.

PARTLY
DECREE/ALLOWING THE APPEAL WITH
NO ORDER AS TO COSTS.

Dated the 8th day of November, 1988.



REGD/25/88

SHRI Ms. Madhu Moolchandani, RESENCE
Advocate-on-Record for the

Appellant

Advocate Un-Rao, the
Respondents.

SHRI Advocate-on-Record for

Engrossed by
Examined by rm
Compared with
No. of folios

The Appeal above-mentioned being called on for hearing before this Court on the 8th day of November, 1988, UPON perusing the record and hearing counsel for the parties herein, THIS COURT DOTHE IN allowing the appeal in part ORDER:

1. THAT the Judgment and order dated 3rd August, 1987, of the Central Administrative Tribunal, Bangalore in Application No.2051 of 1986 be and is hereby modified by directing the Respondents herein to pay pension to the appellant herein with effect from 30th November, 1984 onwards and to disburse the arrears of pension to the appellant herein within two months from this the 8th day of November, 1988;
2. THAT there shall be no order as to costs of the said appeal in this Court;

AND THIS COURT DOTHE FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Raghunandan Swarup Pathak, Chief Justice of India at the Supreme Court, New Delhi, dated this the 8th day of November, 1988.

S/L

(P.N. LIKHYANI)
JOINT REGISTRAR

SL

SL

केन्द्रीय प्रशासनिक अधिकरण
अतिरिक्त न्यायपीठ, बैंगलोर

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

A.No.2051/86(F)

Dt. 20.12.88

To

The Registrar (Judicial),
Supreme Court of India,
New Delhi

Sub Civil Appeal No.3973 of 88-

T.H.Vittalamurthy

Vs.

Union of India & Ors

Sir,

The receipt of certified copy of the ~~order~~ decree dated 8.11.88 in the above appeal sent to this office vide your letter No.5946/87/Sec IVA dated 15.11.88 & 22.11.88 is hereby acknowledged.

Yours faithfully,


(N. Ramamurthy),
Section Officer III

QC

I issued
DN
21.12.88

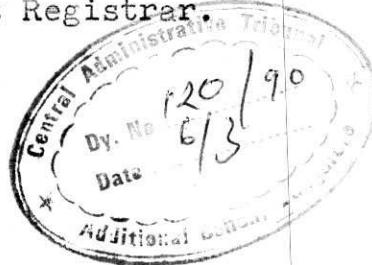
'All' communications should
be addressed to the Registrar,
Supreme Court, by designation.
NOT by name.
Telegraphic address:-
"SUPREMECO"

D.No. 5946/87/SC/Sec-IVA

K.S.P.
S/IO
R.K.

SUPREME COURT INDIA

FROM : Shri H.S.Kaickar, B.A., LL.B,
Assistant Registrar.



To

✓ The Registrar
Central Administrative Tribunal
Bangalore Bench, Bangalore.

Dated New Delhi, the....., 19 90

CONTEMPT PETITION NO.201 OF 1989

(Application for initiating proceedings for contempt of Court
against respondent No.1 for Non-compliance of the Orders of
this Hon'ble Court dated the 8th November, 1988.)

IN

CIVIL APPEAL NO.3973 OF 1988
(C.A.T. No.2051/86)

T.H.Vittalamurthy .. Appellant.

-Versus-

Union of India and Others. ..

Respondents.

Sir,

In continuation of this Registry's letter dated the 22nd November, 1988, I am directed to forward herewith for your information and necessary action a certified copy of the Record of Proceedings of this Court dated the 20th February, 1990 in the application above-mentioned.

Yours faithfully,

H. Vittalamurthy
ASSISTANT REGISTRAR.

Enclosed

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Contempt

PETITION (S) (Civil/Crl.) No. (S)
(In C.A.No.3973/88)

Vittalamurthy

Union of India & Ors.

201

/89

OF 1990

...PETITIONER(S)

VERSUS

...RESPONDENT(S)

Date : 20.2.90 This/These petition (s) was/were, called on for hearing today

CORAM :

Hon'ble Mr. Justice

M.N. Venkatachaliah

Hon'ble Mr. Justice

N.D. Ojha

Hon'ble Mr. Justice

J.S. Verma

For the Petitioner (s)

Ms. Madhu Moolchandani, Adv.

Certified to be true copy

Assistant Registrar (JUDL.)

Supreme Court

For the Respondent (s) :

M/s Ashok K. Srivastava, and Ms. Sushma Suri, Adv.

UPON hearing counsel the Court Made the following

ORDER

Learned counsel for the respondent states before us that the order of this Court dated 8.11.1988 has been complied with and appropriate instructions to the bank to release the pension have been issued vide letter dated 6th September, 1989. This submission is placed on record and the Contempt Petition No.201 of 1990 is disposed of. Further proceedings in this Contempt Petition are dropped. Liberty to mention.

S.R. Thite
(S.R. THITE)
COURT MASTER

Sir
S. T. B.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

1. The OA/TA/CCP No. of the Case appealed: Ans. 2051/86 (F)
2. Name of Parties:
 - (a) Applicant(s)/Petitioner(s) : T. H. Vittalamurthy
 - (b) Respondent(s) : U.O.I. High Engineer in
Chief Army Army HQs.
New Delhi & ors.
3. Nature of case in brief : Disciplinary proceedings
arising out of Transfer-
Dismissal - Pension
- challenged -
4. Name of the Bench which passed the impugned orders : BANGALORE BENCH
5. Whether the case was:-
 - (a) Allowed or disallowed : Fully Allowed
 - (b) Date of Order : 3-8-87
 - (c) Bench comprising of : Hon. Justice. Sh. K.S. Puttaswamy
Vice Chairman
Hon. Sh. L.H.A. Rego M(A)
6. SLP/Civil Appeal No. : SLP No. 14349 g 87 ad
7. Parties name before the Hon'ble Supreme Court:-
 - (a) Applicant(s)/Petitioner(s) : T.H. Vittalamurthy
 - (b) Respondents : U.O.I. & ors.
 - (c) Date of Interim Order : 8-11-88 order in CA
 - (d) Nature of Order in brief (may contain the order if not too long) : 20-2-90 order in Contempt Petition
SLP Granted
Order of CAT modified.
Pension made payable from
30.11.84 onwards (copy
- Contempt dropped
of order, enclosed)
 - (e) Whether operation of the order of the Tribunal stayed/restricted or modified. : Modified.

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

1. The OA/TA/CCP No. of the Case appealed: OA 2051/86(F)
2. Name of Parties:
 - (a) Applicant(s)/Petitioner(s) : TH Vittalamurthy
 - (b) Respondent(s) : UOI through Engr.-in-Chief, Army HQs, N.Delhi & ors.
3. Nature of case in brief : Disciplinary proceedings arising out of Transfer-Dismissal-Pension-C challenged.
4. Name of the Bench which passed the impugned orders : Bangalore Bench
5. Whether the case was:-
 - (a) Allowed or disallowed : Partly Allowed.
 - (b) Date of Order : 3-8-87
 - (c) Bench comprising of : Hon. Justice Sh. KS Puttaswamy, VC, Hon. MR. L.H.A. Rego, M(A)
6. SLP/Civil Appeal No. : SLP No. 14349 of 87 & CA No. 3973 of 88, CP No. 201/89.
7. Parties name before the Hon'ble Supreme Court:-
 - (a) Applicant(s)/Petitioner(s) : TH Vittalamurthy
 - (b) Respondents : UOI & ors.
 - (c) Date of ~~Temporary~~ Order : Order 8-11-88/89 In CA, 20-2-90 order in CP
 - (d) Nature of Order in brief (may contain the order if not too long) : SLP granted. Order of CAT modified. Pension made payable from 30-11-84 onwards. CP dropped (Copy of order enclosed) ed.
 - (e) Whether operation of the order of the Tribunal stayed/restricted or modified. : Modified.