

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE TWENTY THIRD DAY OF OCTOBER 1986

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

Hon'ble Shri P. Srinivasan ... Member (A)

APPLICATION NO. 771/86

Shri P. Vasudevan Nair,
Ex-Hon. Sub-Lieutenant,
Indian Navy,
Now working as Skipper,
Deputy Collector of
Central Excise and Customs,
Mangalore.

... Applicant

(Shri Suresh S. Joshi .. Advocate)

V.

The Administrative Officer,
Office of the Deputy
Collector of Central Excise
and Customs,
PVS Sadan, II Floor,
Mangalore-3.

The Additional Collector,
Central Excise and Customs,
(Rajasava Bhavan),
Bangalore-1.

The Secretary,
Board of Customs &
Central Excise,
New Delhi.

... Respondents

(Shri M.S. Padmarajaiah .. Advocate)

This application came up for hearing today before
Court. Hon'ble Member (A) made the following:

ORDER

This is a transferred application received from the High
Court of Karnataka.

2. The applicant who retired from the Indian Navy on 1.1.1975
was reemployed as Skipper in the Central Excise and Customs
Department, at Mangalore, with effect from 3.1.1975 on the scale
of Rs.840-1200. On the basis of a provisional pay slip issued by
the Accountant General he started drawing pay from 3.1.1975 at

P. S. U.

Rs.840/- per month and this arrangement continued even after the departmentalisation of accounts with effect from 1.4.1976 and he drew increments from time to time. This continued upto the salary for September 1980 which he drew on 1.10.1980. Thereafter the Office of the Collector of Central Excise and Customs realised that the applicant being in receipt of pension from the Indian Navy and having been reemployed in civilian service after retirement the pension and pension equivalent of gratuity to which he was eligible from the Indian Navy should have been deducted from the pay of the post to which he had been appointed from 3.1.1975. The pension and pension equivalent of gratuity receivable by the applicant from the Indian Navy worked out to Rs.395.65 and under the rules the first Rs.50/- had to be ignored and the balance of Rs.345.65 had to be deducted from the pay of the post to which he was appointed. His pay and allowances were, therefore, recalculated from 3.1.1975 to September 1980 after deducting pension and pension equivalent of gratuity as mentioned above and a total sum of about Rs.23,600 or so was found to have been overdrawn by him. His salary for the period October 1980 onwards was thereafter correctly drawn after deducting pension and pension equivalent of gratuity. Since the amount overdrawn was determined at about Rs.23,600/- the Collector of Central Excise ordered that the entire salary and allowance payable to him for the month of August 1983 onwards be set off against the overdrawn amount till the entire overdrawn amount was recovered. It was at this stage that the applicant went to the High Court pleading that it was not right to set off his entire salary and allowances against the amounts said to have been overdrawn leaving him nothing to live upon. He also complained that before determining the amount overdrawn he had not been given an opportunity of being heard and the calculation by which this amount was arrived had not been furnished

P. D. K. Y.

to him. No stay was granted by the High Court of Karnataka and the applicant retired from service on 31.8.1983. He was not eligible for any pension from the Central Excise Department and after 31.8.1983 he has been drawing only his Naval pension and nothing more. He has not received the balance in his provident fund account, amount due under the Group Insurance Scheme and terminal gratuity, if any, due to him.

3. Shri Suresh Joshi, learned counsel, complains that the respondents had acted in an arbitrary manner by stopping the applicant's salary from the month of August 1982 onwards without giving him the details of the calculation and that after retirement even the Provident Fund balances and the Insurance amounts have not been paid to him. Shri M.S. Padmarajaiah, learned counsel for the respondents produced a due and drawn statement for the period 3.1.1975 to September 1980 showing how the overdrawn amount was arrived at. Thereupon Shri Joshi pleaded that the calculation needed to be checked because during the month of January 1975, the applicant was on refusssed leave after retirement from the Indian Navy and he was entitled to draw full pay for the period of refusssed leave from the Navy in addition to pay and allowances from the Central Excise Department in which he was appointed from 3.1.1975. He has cited in this connection an extract from a letter No. DM/ 25533 dated 17.4.1986 of the Naval Pay Office and drew our attention to para 3 and 4 thereof. He also pleaded that since the calculation of overdrawn amount was furnished only now, a statement should be given to the applicant showing how much of this had been recovered till his retirement and how much remained to be recovered on the date of retirement. He also argued that after he had drawn pay according to the scale of the post of Skipper in the Customs and Excise department for 5 years, i.e.,

P. S. 132

from 1975 to 1980, the Collector of Central Excise had no right to reduce his pay for that period retrospectively in 1980 and recover any excess on that account. According to him, pay can be fixed provisionally for only six months and if the arrangement continued beyond six months it should be taken as final fixation which cannot be disturbed later. He was also not sure whether refixation of his pay had been done by the competent authority because no intimation was given to the applicant at the time.

4. Shri Padmarajaiah strongly defended the action of the respondents. He produced the office files of the Collector of Central Excise to show that the refixation of pay had been ordered by the Controller of Central Excise who, after departmentalisation of accounts on 1.4.1976, was the competent authority to do so. This file has also been shown to Shri Joshi. We do not agree that the applicant's pay could not be refixed after 5 years. There is no time limit for refixation of pay if it had been drawn earlier on an incorrect basis with reference to the relevant rules. A reemployed person who had earlier retired from another Government Department can only be given the pay of the new post less the pensionary benefits due to him from his earlier employment. In the case of military pensioners a sum of Rs.50/- out of such pensionary benefits is ignored and the balance is deducted from the pay due to them on reemployment. The provisional fixation of pay is done to benefit the employee. Normally an employee's pay is fixed only after the last pay certificate from the earlier station is received. But to avoid delay on this account, the officer competent to fix his pay, the Accountant General in this case in the first instance i.e., before 1.4.1976 and the Head of the Department after 1.4.1976 can fix his pay provisionally and

P. S. Iyer

make disbursement accordingly for six months. The extension of this facility beyond six months was in fact to the advantage of the applicant because if a proper fixation had been made at that stage itself he would have drawn less pay after deduction of the pensionary benefits. The principle on which the excess amount drawn by the applicant had been worked seems to us to be correct. Arithematical calculation will be checked up by the applicant and the respondents. The respondents will also consider whether the deduction of pensionary benefits for January 1975 should be made, i.e., for the period during which the applicant drew pay as on refused leave from the Indian Navy in view of the letter cited by Shri Joshi. Subject to this, we would direct the respondents to furnish to the applicant immediately a statement showing how much had been recovered from him upto the date of retirement from the pay and allowances due to him and how much was still due to be set off against the terminal benefits due to him. The amount found due should be paid to the applicant within one month of the receipt of this order. The matter has been delayed already long and the applicant is undergoing hardship by not having been paid any salary for the last year or so of his service and his terminal benefits like Provident Fund balances, Insurance, etc. have not been received by him even though three years passed after his retirement. As regards Provident Fund and gratuity, if any amount is found, the applicant should be paid interest thereon at the rates applicable to the Provident Fund for the period for which the payment has been delayed.

5. In the result the application is disposed of as indicated above. No order as to costs.

C. A. Joshi

MEMBER (J)

J. S. V.

MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE.

DATED THIS THE FIRST DAY OF JANUARY, 1987.

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

APPLICATION NO. 771 of 1986 (T)
(W.P. No. 34843 of 1982)

Between:

P. Vasudevan Nair,
Ex.Hon. Sub-Lieutenant,
Indian Navy, now working
as Skipper, Deputy Collector
of Customs and Central Excise,
MANGALORE.

(Shri Nair in person)Applicant.

and

1. The Administrative Officer,
Office of the Deputy Collector
of Central Excise & Customs,
PVS Sadan, Mangalore.
2. The Addl. Collector,
Central Excise & Customs,
Bangalore.
3. The Secretary,
Board of Customs & Central Excise,
New Delhi.

....Respondents.

(Shri M.S. Padmarajaiah, C.G.S.C.)

This case having up for hearing/orders on a letter
filed by the applicant, Hon'ble Shri K.S. Puttaswamy, Vice-
Chairman, made the following:

O R D E R

Case called.

2. Shri P. Vasudevan Nair, applicant, is in person. Respondents by Shri M.S. Padmarajaiah, learned C.G.S.C.

3. We have perused the letter dated 8.12.1986 written by the applicant and heard him and Shri Padmarajaiah.

4. Shri Padmarajaiah submits that the competent authority had directed respondent No.1 (R.1) to implement the order of this Tribunal made on 23.10.1986 in letter and spirit, and that authority had already taken necessary steps for drawal of the amounts that are due to the applicant and their payment to him. We have no reason to disbelieve the correctness of this submission made by Shri Padmarajaiah. We, however, direct respondent Nos. 1 and 2 to take immediate steps for implementation of the order of this Tribunal made on 23.10.1986, drawal of the amounts found due to the applicant, and their payment to him, with expedition, and in any event, on or before 30.1.1987. If the applicant appears in person before R.1 on any day before 27.1.1987, the said respondent is directed to make payment of the amounts drawn to the applicant either in cash or by cheque, as he may decide, on obtaining the necessary acknowledgement thereof from him. If the applicant does not appear on or before 26.1.1987, then R.1 is directed to draw the amounts found due and make payment by a cheque, which shall be sent

to the address of the applicant as furnished in the application by registered post with acknowledgement due.

5. Letter dated 8.12.1986 written by the applicant is disposed of in the above terms. No costs.

6. We direct the Registrar to communicate a copy of this Order to respondent Nos. 1 and 2 within three days from this day, and furnish a copy of the same to Shri Padmarajaiah within the same time.


M. Padmarajaiah
VICE CHAIRMAN


Member

dms.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Commercial Complex (BDA)
 Indiranagar
 Bangalore - 560 038

Dated : 13 MAR 1989

CONTEMPT

PETITION (CIVIL)

APPLICATION NO (R) 74
 IN APPLICATION NO. 771/86(T)
 W.P. NO (S)

/ 88

Applicant (s)

Shri P. Vasudevan Nair

v/s

To

Respondent (s)

The Administrative Officer, Office of the Deputy
 Collector of Central Excise & Customs, Mangalore
 & 2 Ores

1. Shri P. Vasudevan Nair
 Lakshmi Sadan
 Kadavanthra
 Cochin - 682 020
 Kerala

4. The Additional Collector
 Central Excise & Customs
 Central Revenue Building
 Queen's Road
 Bangalore - 560 001

2. Shri M. Madhusudan
 Advocate
 1074-1075, Banashankari I Stage
 Sreenivasa Nagar II Phase
 Bangalore - 560 050

5. The Secretary
 Board of Customs & Central Excise
 New Delhi

3. The Administrative Officer
 Office of the Deputy Collector
 of Central Excise & Customs
 P.V.S. Sadan, II Floor
 Kodialbail
 Mangalore - 575 003

6. Shri M.S. Padmarajaiah
 Central Govt. Stng Counsel
 High Court Building
 Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STAN/INTERIM ORDER
 passed by this Tribunal in the above said Application(s) on 8-3-89.

Presented by
 DEPUTY REGISTRAR
 (JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 8TH DAY OF MARCH, 1989

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY...VICE-CHAIRMAN
HON'BLE SHRI L.H.A. REGO ...MEMBER (A)

CONTEMPT PETITION(CIVIL) NO.74/88

1. P. Vasudevan Nair
Age: 57 years
Ex-Hon. Sub-Lieutenant
Indian Navy, now working
as Skipper, Deputy Collector
of Customs and Central Excise
Mangalore

...APPLICANT

(Shri M. Madhusudan.....Advocate)

Vs.

1. The Administrative Officer
Office of the Deputy Collector
of Central Excise & Customs
PVS Sadan, II Floor
Mangalore-3

2. The Additional Collector
Central Excise & Customs
Bangalore -1 (Rajasava Bhavan)

3. The Secretary
Board of Customs & Central
Excise, NEW DELHI

... RESPONDENTS

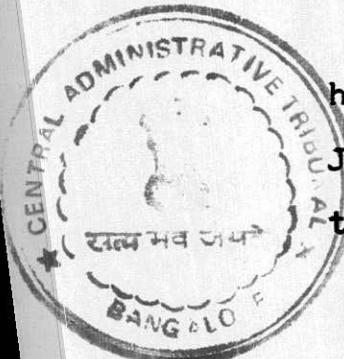
(Shri M.S. Padmarajaiah)

This application having come up for
hearing before this Tribunal to-day, Hon'ble Shri
Justice K.S. Puttaswamy, Vice-Chairman, made the
the following :-

O R D E R

Petitioner by Shri M. Madhusudan.

Respondents by Shri M.S. Padmarajaiah.



2. In this petition made under Section 17 of the Administrative Tribunals Act, 1985 and the Contempt of Courts Act, 1971, the petitioner has moved us to punish the respondents for non-implementation of the order made in his favour on 1.1.1987 in A.No. 771/86.

3. In pursuance of the order made by us, the respondents had earlier extended a part of the terminal benefits deferring the grant of certain other benefits due to him.

4. Shri Padmarajaiah has placed before us, the directions issued by Government and the Collector of Central Excise, Bangalore (Collector) directing the payment of all the terminal benefits due to the petitioner in terms of the order made on 1.1.1987 in A.No. 791/86. We have perused the orders made by the authorities on matters that are still outstanding. We are satisfied that the respondents have taken all necessary steps to implement our order on all aspects in letter and spirit. We have no doubt that the authorities will make payment of the amounts that are still outstanding to the petitioner with expedition. From this it follows that this contempt of court proceedings are liable to be dropped. We, therefore, drop this contempt of court proceedings. But in the circumstances of the case, we direct the parties to bear their own costs.

TRUE COPY

RECORDED
DEPUTY REGISTRAR (JULY 1987)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Sd/-
VICE-CHAIRMAN
6/3/87

Sd/-
MEMBER (A)A

CENTRAL ADMINISTRATIVE TRIBUNAL
• BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated :

24 JAN 1990

CONTEMPT

PETITION (CIVIL) NO. (S)

79

IN APPLICATION NO. 771/86(T) & C.P. (CIVIL) NO. 74/88

W.P. NO (S)

89

Applicant (s)

Shri P. Vasudevan Nair
To

V/s

The Administrative Officer, O/o Addl Collector
of Central Excise & Customs, Mangalore & anr

1. Shri P. Vasudevan Nair
Lakshmi Sadan
Kadavanthra
Cochin - 682 020
Kerala
2. The Administrative Officer
Office of the Additional Collector
of Central Excise & Customs
P.V.S. Sadan II Floor, Kedialbail
Mangalore - 575 003
3. The Additional Collector
Central Excise & Customs
Central Revenue Building
Queen's Road
Bangalore - 560 001
4. Shri M.S. Padmaraiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Respondent (s)

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STRAK/INTERIM ORDER
C.P. (Civil)
passed by this Tribunal in the above said application(s) on 18-1-90.

Encl : As above

R. Venkateshwaran
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 18TH DAY OF JANUARY, 1990

Present: Hon'ble Shri P.Srinivasan, Member(A)
Hon'ble Shri D.Surya Rao, Member(J)

CONTEMPT PETITION (CIVIL) NO.79/89

P.Vasudevan Nair,
(Retired Skipper),
Lakshmi Sadan, Kadavanthra,
Cochin - 682 020, Kerala.

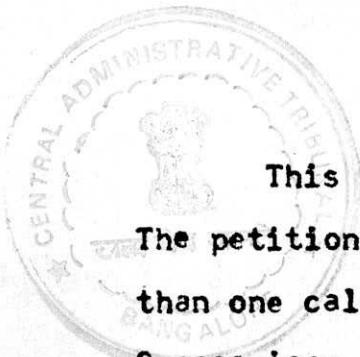
... Applicant.

Vs.

1. The Administrative Officer,
Office of the Additional Collector
of Central Excise & Customs,
Mangalore - 575 003.
2. The Additional Collector,
Central Excise & Customs,
Central Revenue Building,
Bangalore - 560 001. ... Respondents.
(Shri M.S.Padmarajaiah, Advocate)

This application having come up for hearing before this Tribunal today, Hon'ble Shri P.Srinivasan, Member(A), made the following:

ORDER



This petition has been set down for hearing today. The petitioner is not present in Court in spite of more than one call being made. We find that even on the last 2 occasions on which the case was posted, that is, on 4-12-1989 and 30-10-1989 the applicant did not appear though notice of the hearing date was served on him.

P.S. 4/2

2. Shri M.S.Padmarajaiah, learned Senior Central Government Standing Counsel appears for the respondents and submits that the orders of this Tribunal have been complied with and a statement of account issued to the applicant according to which the applicant is due to repay some amount paid to him in the past after settling all terminal dues payable to him.

3. The petition alleging contempt is therefore rejected and the notice issued to the respondents in this regard is discharged. Parties to bear their own costs.



Sd-
MEMBER(A)

TRUE COPY

Sd-
MEMBER(J)

Parvaneh Patel
DEPUTY REGISTRAR (JULY 2011)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 8 JUN 1990

REVIEW APPLICATION NO (S) 23 / 90
IN C.P.(CIVIL) 79/89
W.P. NO (S)

Applicant (s)

Shri P. Vasudevan Nair
To

V/s

Respondent (s)

The Administrative Officer, 0/o Deputy
Collector of Central Excise & Customs,
Mangalore & 2 Ors

1. Shri P. Vasudevan Nair
Lakshmi Sadan
Kadaventha
Cochin - 682 020
Kerala
2. Shri G.H. Nadgir
Advocate
15, 3rd Cross
Nehru Nagar
Bangalore - 560 020
3. The Administrative Officer
Office of the Deputy Collector
of Central Excise & Customs
PVS Sadan, II Floor, Kodialbail
Mangalore - 575 003

4. The Additional Collector
Central Excise & Customs
Central Revenue Buildings
Queen's Road
Bangalore - 560 001
5. The Additional Collector
Board of Customs & Central Excise
New Delhi
6. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER ~~REVIEW~~ ORDER
passed by this Tribunal in the above said application (s) on 1-6-90.

Review

Encl : As above

J. Haas
DEPUTY REGISTRAR
(DRAFTED)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 1ST DAY OF JUNE, 1990

Present: Hon'ble Shri P. Srinivasan Member(A)
Hon'ble Shri A.V.Haridasan Member(J)

REVIEW APPLICATION NO.23/1990

Shri P. Vasudevan Nair,
Ex-Hon. Sub-Lieu Tenant,
Indian Navy, residing at
Lakshmi Sadan,
Kadavanthara, Cochin-20
Kerala

Applicant
Petitioner

(Shri G.H. Nadiger - Advocate)

Vs

1. The Administrative Officer,
Office of the Deputy Collector
of Central Excise & Customs,
PVS Sadan, II Floor, Mangalore-3
2. The Additional Collector,
Central Excise & Customs,
Bangalore-1(Raja Seva Bhavan)
3. The Additional Collector,
Board of Customs & Central Excise,
New Delhi.

Respondents

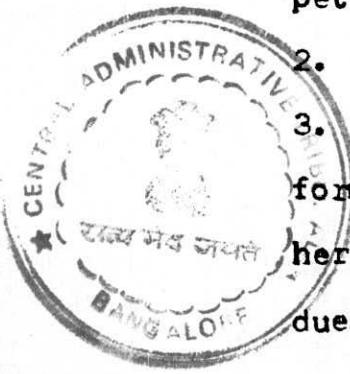
(Shri M.S.Padmarajaiah - Advocate)

This application has come up today before
this Tribunal for orders. Hon'ble Member(A) made
the following:

ORDER

Shri G.H. Nadiger for the review applicant
who was also the petitioner in the contempt
petition No.79 of 1989.

2. Shri M.S. Padmarajaiah for the respondents.
3. This matter has been dragging on in one
form or the other for a long time. The applicant
herein complains that he has not been paid the
dues due to him while the other side states that



P.S. 18

1. ^{all} ~~for~~ the amounts has been paid. According to the present application, the respondents are seeking to make a recovery of alleged excess payment made to him by way of terminal benefits and they are doing so on the basis of a wrong calculation.

2. ^{The applicant} His Counsel submits that there is some mistake in the calculation of his gratuity. We feel that the best thing to do in this situation is for the applicant to go to the office of respondent-1 namely the Accounts Officer in the office of the Deputy Collector of Central Excise and Customs, Mangalore, when the latter should give him a detailed statements of accounts. The applicant will state his objections to the said AO and thereafter if there is any point of dispute, that could be considered by us. We would direct the AO(R-1 herein) to prepare a detailed statement of accounts item by item and show it to the applicant, hear his objections and thereafter finalise the matter.

3. Since the matter has been dragging along for long, we direct the applicant to appear before the AO on 10.7.1990 when the latter will give him a detailed statement of accounts and the applicant will state his objection thereto, if any, and the AO will thereafter give his final decision. If at that stage, the applicant is still aggrieved, he may approach this Tribunal with an application indicating the particular point of dispute which can be decided ^{by} ~~in~~ this Tribunal.

4. In view of the above, the R.A. is disposed of on the above terms.

TRUE COPY

~~For~~ DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Sd-
MEMBER(A) 11/6/11

Sd-
MEMBER(J)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated :

6 DEC 1990

REVIEW	APPLICATION NO (s)	49	/ 90
	IN REVIEW APPLICATION NO.	23/90	
	W.P. NO (s)		/

Applicant (s)

Shri P. Vasudevan Nair
To

V/s

The Administrative Officer, O/o Deputy
Collector of Central Excise & Customs,
Mangalore & 2 Ors

1. Shri P. Vasudevan Nair
Lakshmi Sadan
Kadavanthara
Cochin - 682 020
Kerala

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

2. Shri G. Sukumara Menon
Advocate
Plot No. 796
Panampillynagar
Cochin - 682 015

5. The Additional Collector
Board of Customs & Central Excise
New Delhi

3. The Administrative Officer
Office of the Deputy Collector
of Central Excise & Customs
PVS Sadan, II Floor, Kodialbail
Mangalore - 575 003

6. Shri M.S. Padmarajiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~ORDER~~/~~ORDER~~/~~ORDER~~
passed by this Tribunal in the above said application (s) on 30-11-90.
Review

Encl : As above

RA Sankar Rao
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 30TH DAY OF NOVEMBER, 1990

Present: Hon'ble Shri P.S. Habeeb Mohamed, Member (A)
and
Hon'ble Shri A.V. Haridasan, , Member (J)

REVIEW APPLICATION NO.49/1990

Shri P. Vasudevan Nair,
Aged 65 years,
Ex. Hon. Sub Lieutenant,
Indian Navy, residing at
Lakshmi Sadan, Kodavanthara,
Cochin, Kerala.

.... Applicant.

(Shri Sukumara Menon, Advocate)

v.

1. The Administrative Officer,
O/o the Deputy Collector,
of Central Excise and Customs,
P.V.S. Sadan, II Floor,
Mangalore-3.
2. The Additional Collector
Central Excise & Customs,
Rajaseva Bhavan, Bangalore-1.
3. The Additional Collector,
Board of Customs & Central
Excise, New Delhi.

.... Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

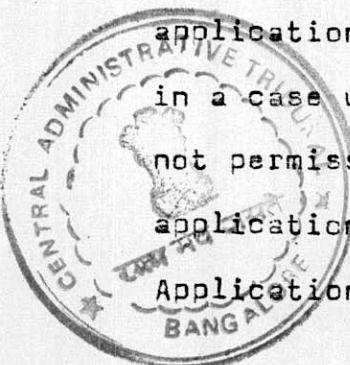
This application having come up for hearing to-day, Shri A.V. Haridasan, Hon'ble Member (J), made the following:

O R D E R

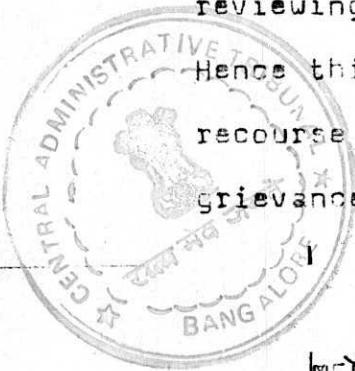
Heard Mr. Sukumara Menon, appearing for the applicant.

This application is filed praying for a review of the review

application no.23/1990 in O.A. No.771/1986. A further review in a case where a review petition has already been ordered is not permissible under the rules. Further, the original review application itself was moved in an order passed in a Contempt Application. The role of the complainant in a contempt



application ceases once he brings to the notice of the Court that an act amounting to contempt has been committed by the alleged contemner. Then it is the look out of the Court to see whether there is wilful defiance by the alleged contemner of the orders of the court and either to take action or not as the situation demands. The contempt petition was closed by this Bench finding that there was no occasion to initiate action against the alleged contemner who are the respondents in the original application. It may be true that the grievance of the applicant in the original application has not been fully redressed. If he is dissatisfied by any orders given by the respondents, it is open for him either to challenge the order in the original application in that behalf or to seek implementation of the order passed in C.A. No.771/36, in an appropriate proceeding in that behalf. In this view of the matter we are convinced that interest of justice does not deserve reviewing the order passed in review application no.23/1990. Hence this application is rejected. The applicant may take recourse to appropriate proceedings for redressal of his grievance.



SD-
MEMBER (A) / TRUE COPY

SD-
MEMBER (J)

bsv/Mrv.

A. Venkatesh
DEPUTY REGISTRAR (JDL) 6/12
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE