

REGISTERED/A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Application No. 429/86(T)
(W.P.No 16203/1983)

Dated the **22 OCT. 1986**

To

Sri C.K.Dhargupta
(Shri R.S.Hegde, Advocate)
Versus

... Applicant

1. The Director Gas Turbine Research Establishment,
Government of India, Ministry of Defence,
Suranjan Das Road, P.B.No.7575, Bangalore-560075
2. The Scientific Adviser to Raksha Manthry, and
Director General Research and Development, R&D Organisation,
Ministry of Defence, New Delhi.
(Shri M. Vasudeva Rao, Advocate)

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH
IN APPLICATION NO.429/86(T)

Please find enclosed herewith the copy of the Order/~~Interim Order~~
passed by this Tribunal in the above said Application on 25.9.1986. .

(N. RAMAMURTHY)
SECTION OFFICER
(Judicial)
o/c

Encl: As above.

Copy to:-

Shri R.S.Hegde, Advocate,
231, Laxminivas, Subedar Chatram Road,
Bangalore-9.

Advocate for
Applicant.

Shri M. Vasudeva Rao,
Addl. Central Govt. Standing Counsel,
High Court of Karnataka Building,
Bangalore-1.

Advocate for
Respondents

*Received a copy
of order.
(C.K. Dhargupta)
Applicant*

29/10/86

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

Order Sheet (contd)

A.No. 429/86 (T)

Date	Office Notes	Orders of Tribunal
25.9.86.	app	<p>The grievance of the applicant is that during August and October, 1977, his case for promotion in the grade of Senior Scientific Assistant (SSA) in Flight Science group should have been considered, since he was eligible for promotion from 1.6.1977 as per the rules.</p> <p>The stand taken by the 2nd respondent (R2) is that no post was vacant in the group in which the applicant was working against which he could have been considered for promotion to SSA during 1977, and those promoted to the grade of SSA in 1977 belonged to other groups in which vacancies were available. This stand was refuted by the 1st respondent (R1) in his letter dated 18.3.1983 addressed to R2 in which it was pointed out that as many as 11 vacancies of SSA in Flight Science were available for promotion, in addition to 4 vacancies which were also notified. It is further stated in the aforesaid letter that in view of the above 15 vacancies, R1 had forwarded 12 names of JSA-1 who were eligible for ad hoc promotion, among whom the applicant was one. R1, therefore, requested R2 to reconsider the case of the applicant and grant him promotion w.e.f. December, 1977.</p> <p>In view of the above, we direct the respondents to consider the case of the applicant for promotion w.e.f. 13.8.1977 and fix his seniority in accordance with rules within two months from the date of receipt of this order. Application disposed of accordingly.</p>



(L.H.A. REGO) (CH. R.K. RAO)
MEMBER (AM) MEMBER (JM)
dms. 25.9.86. TRUE COPY

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

REGISTERED

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

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

Dated : 29/6/87

CONTEMPT OF COURT APPLICATION NO 15 /87()

on A.No. 429/86 (1)

W.P. NO

Applicant

Shri C.K. Dhargupta

V/s The Director, GTRE, B'lore & another

To

1. Shri C.K. Dhargupta
Senior Scientific Assistant
Gas Turbine Research Establishment (GTRE)
Ministry of Defence
Suranjan Das Road
P.B. No. 7575
Bangalore - 560 075

2. Shri R.S. Hegde
Advocate
No. 231 (Upstairs)
Laxmi Nivas, Subedar Chatram Road
Anand Rao Circle
Bangalore - 560 009

3. The Director
Gas Turbine Research
Establishment (GTRE)
Ministry of Defence
Suranjan Das Road
P.B. No. 7575, B'lore - 75

4. The Scientific Adviser to
Raksha Manthry & Director
General, R & D Organisation
Ministry of Defence
DHQ PO, New Delhi - 110011

5. Shri M. Vasudeva Rao
Addl Central Govt. Stng
Counsel, High Court Bldg,
B'lore - 1

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH B'lore - 1

Please find enclosed herewith the copy of ORDER ~~/STG/~~

~~INTERIM ORDER~~ passed by this Tribunal in the above said Contempt of Court
application on 27-7-87.

Encl : as above

B. V. Venkatesh
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

*copy to A.No.
429/86 (1)*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 27TH DAY OF JULY, 1987

Present: Hon'ble Sri Ch. Ramakrishna Rao

Member (J)

Hon'ble Sri P. Srinivasan

Member (A)

C.C. APPLICATION NO. 15/87

C.K. Dhargupta
S/O. Late A.K. Dharagupta
Major, working as Senior
Scientific Assistant
in Gas Turbine Research
Establishment, Bangalore.

...

Applicant

(Shri R.S. Hegde

...

Advocate)

Vs.

1. The Director
Gas Turbine Research Establishment
Government of India, Ministry of
Defence, Suranjan Das Road
P.B. No.7575, Bangalore - 560 075

2. The Scientific Adviser to Raksha
Manthry and Director General
Research and Development
R&D Organisation
Ministry of Defence, New Delhi.

...

Respondents

(Shri M. Vasudeva Rao

...

Advocate)

This application came up for hearing
today. Member (A) made the following:

O R D E R

This is an application presented by the
applicant in A No. 429/86 complaining that the Respondents
therein had not complied with the orders of this Tribunal
dated 25.9.1986 and had, therefore, committed contempt
of this Tribunal. The complainant was present in
person when the matter was taken up for hearing.

2. Shri M.V. Rao, learned counsel for the
Respondents informs that his clients had taken the matter

P. Srinivasan

....2/-

-: 2 :-

to the Supreme Court by way of a Special Leave petition which was rejected by the Court on 10.7.1987. Shri Rao informs us that the Supreme Court has given two months to his client from 10.7.1987 to implement the order of this Tribunal.

3. In view of the above the Respondents in A. No. 429/86 cannot be held guilty of contempt of this Tribunal. They will implement the order of this Tribunal before the expiry of the time limited by the Supreme Court.

4. The proceedings for contempt of court are therefore dropped. Parties to bear their own costs.

Sl -----

MEMBER (J)

Sl -----

MEMBER (A)

"True copy"

mr.

B. V. Venkatesh Reddy
DEPUTY REGISTRAR
CENTRAL ADJUTANT GENERAL
ADDITIONAL
BANGALORE

29/7

Sl No 12 (R)

D.No. 1087/87/sec.iv-A.1
SUPREME COURT OF INDIA
NEW DELHI.

dt. 24th July, 1987

FROM:

The Additional Registrar,
Supreme Court of India,
New Delhi.

To

The Registrar,
High Court of Central Administrative
Tribunal, Additional Bench,
Bangalore



PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 2783 of 1987
(Petition Under Article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the Judgment
and Order dated 25.9.86 of the High Court of
Central Administrative Tribunal in Appln. 429/86.)

The Director Gas Turbine Research
Establishment & Anr...

....Petitioners

-VS-

C.K.Dhargupta...

....Respondent

Sir,

I am to inform you that the Petition above-mentioned
for Special Leave to Appeal to this Court was filed on behalf
of the Petitioner above-named from the Judgment and Order of
the High Court noted above and that the same was dismissed
by this Court on the 10th day of July, 1987

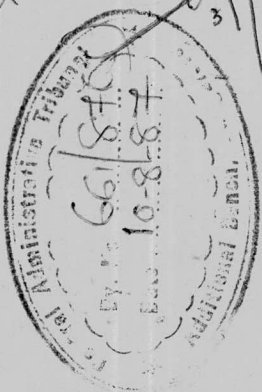
A certified copy of this Court's Proceedings dated
the 10th July, 1987 is enclosed herewith for your
information and necessary action.

Yours faithfully,

for ADDITIONAL REGISTRAR

encl: as above.

tri/IV-A/12.9.84/



Seems to be
missed.
Pl Examine & put up
31/7/87

431

1087/87
S/L
25.9.86
31/7

179398

Court No. 6

Item No. 25

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Certified to be true copy	
<i>[Signature]</i>	Section TVA
Assistant Registrar (Judl.)	
2.4.7.1987	
Supreme Court of India	

Petition(s) For Special Leave To Appeal (Civil/Criminal) No. (s) 2783 of 1987

(From the judgment and order dated 25-9-86 of the High Court of Central Adm. Tribunal.

in Application No 429 of 1986(T))

The Director Gas Turbine Research
Establishment & Anr.

.. PETITIONER (S)

VERSUS

C.K. Dhargupta

...RESPONDENT (S)

(with appln for condn of delay & ex parte stay)

Date : ~~10-7-87~~ : This/These petition (s) was/were called on for hearing today
10-7-87.

CORAM :

Hon'ble Mr. Justice M.M. Dutt (Vacation Judge)

Hon'ble Mr Justice

hon'ble Mr. Justice

For the Petitioners : Mr B. Datta ASG, Pramod Swarup Adv.
Mr P Parmeshwaran Adv.

For the Respondents :

UPON hearing counsel the Court made the following
ORDER

Delay condoned. The Special Leave Petition
is dismissed. The Petitioner is permitted
to implement the order of the tribunal within
two months from today.

(P. Dey)
Courtmaster

as SSA. We have no reason to hold otherwise.

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

1. We hold that the respondents are liable to pay the difference of arrears due to the petitioner on his promotion as SSA from 13.8.77 to 8.8.1979. We direct the respondents to make payment of the same to the petitioner with all such expedition as is possible in the circumstances of the case and in any event within a period of two months from the date of receipt of this order.
2. We drop these contempt of court proceedings against the respondents leaving open all other grievances of the petitioner.
3. We direct the parties to bear their own costs.


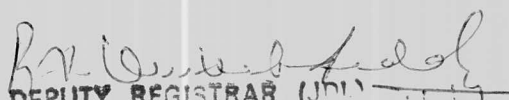
Sd/-

(K.S. PUTTASWAMY) 24/1
VICE-CHAIRMAN

Sd/-

(L.H.A. REGO)
MEMBER (A)

TRUE COPY



DEPUTY REGISTRAR (Jr)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

directed the respondents to consider his case for promotion from 13.8.1987 and if so promoted, then fix his seniority in the seniority list.

7. In the order of this Tribunal there is no specific direction for denying monetary benefits to the petitioner. In the absence of the same the order of this Tribunal should only be interpreted as directing the respondents to extend him all such consequential and financial benefits to which he is entitled to if he is promoted to the post of SSA. We cannot read the order in any other manner. From this it follows that the denial of monetary benefits from 13.8.1977 to 8.8.1979 was impermissible and unjustified. But the respondents have denied monetary benefits for this short period under a bonafide mistake. We therefore consider it proper not to proceed against them under the CC Act and grant a reasonable time to them to make payment of the difference of amounts due to the petitioner for the said period.

8. Sri Rao prays for 3 months' time for making payment to the petitioner. Sri Hegde oppose the same.

9. We consider it proper to grant 2 months time from the date of receipt of our order.

10. On the seniority, the respondents have asserted that they have restored the seniority of the petitioner from the date he was promoted



In terms of this order, the financial benefits due to the petitioner have been paid from 8.8.1979 and onwards. But the petitioner claims that he was entitled for payment of financial benefits from 13.8.1977 from which date he has been promoted as SSA for restoration of his seniority from that very date.

3. In their reply, the respondents in relying on the order made on 26.10.1987, have asserted that the seniority due to the petitioner had been restored.

4. Sri R.S. Hegde, learned counsel for the petitioner contends that on terms of the order made by this Tribunal in A.No. 429/86 (T) and the order made on 26-10-1987 by the competent authority promoting his client from 13.8.1977 he was entitled for payment of all consequential benefits from that date and the denial from 13.8.1977 to 8.8.1979 was impermissible and constitutes contempt of this Tribunal .

5. Sri M. Vasudeva Rao, learned Additional Central Government Standing Counsel appearing for the respondents in supporting the order made on 26.10.1987, contends that the petitioner who had not worked as SSA from 13.8.1977 to 8.8.1979 was not at all entitled for monetary benefits.

6. On an examination of the claim of the petitioner in A.No. 429/86(T) this Tribunal



1. Shri CK Dhargupta, SSA - RefOO Pt II No.22/SSA/87
dt. 08.9.87

Consequent on the implementation of Central Administrative Tribunal Order dated 25 Sep 1986 in application No.429/86 (T) 1986 and review DPC II considered and recommended for promotion to SSA wef 13 Aug 1977, the pay of the marginally named individual has been re-fixed at Rs.550/-pm wef 13.8.77 (Pre-revised scale) with DNI 1.8.78 on notional basis and granted annual increments as under:-

Pay Scales:

Pre revised:Rs.550-25-780-EB-
30-900
Revised: Rs.1640-60-2600-EB-
75-2900

01.8.1978	Rs.575/-
01.8.1979	Rs.600/-
01.8.1980	Rs.625/-
01.8.1981	Rs.650/-
01.8.1982	Rs.675/-
01.8.1983	Rs.700/-
01.8.1984	Rs.725/-
01.8.1985	Rs.750/-

Financial effect is only from 08.8.79

Pay fixed at Rs.2180/-pm wef 1.1.986 (Revised pay scale) with DNI 1.8.86 and granted annual increments as under:-

01.8.1986	Rs.2240/-
01.8.1987	Rs.2300/-

Auth: JCDA, Bangalore, letter No Pay/832/NGO/Fix
dated 19.10.87

sd/-

(P SIVAPERUMAL) AO
for DIRECTOR

....4/-



CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 14 JUN 1988

CONTEMPT OF COURT APPLICATION NO. 9 / 88
IN APPLICATION NO. 429/86(T) & C.C.A.No. 15/87
W.P. NO. /

Applicant(s)

Shri C.K. Dhargupta,
To

Respondent(s)

V/s The Director, GTRE, Bangalore & another

1. Shri C.K. Dhargupta
Senior Scientific Assistant
Gas Turbine Research Establishment (GTRE)
Suranjan Das Road
P.B. No. 7575
Bangalore - 560 075
2. Shri R.S. Hegde
Advocate
No. 231 (Upstairs)
Laxmi Nivas, Subedar Chatram Road
Ananda Rao Circle
Bangalore - 560 009
3. The Director
Gas Turbine Research Establishment (GTRE)
Suranjan Das Road
P.B. No. 7575
Bangalore - 560 0075
4. The Scientific Adviser to Raksha
Mantry & Director General
Research & Development Organisation
Ministry of Defence
DHQ P.O.
New Delhi - 110 011
5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
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 Contempt of Court
[application(s)] on 8-6-88.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE EIGHT DAY OF JUNE, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy... Vice-Chairman

Hon'ble Shri L.H.A. Rego....

Member (A)

C.C.A.NO.9/88

C.K. Dhargupta,
s/o. late A.K. Dhargupta,
Major, working as Senior
Scientific Assistant,
in Gas Turbine Research
Establishment, Bangalore.

Petitioner

(Shri R.S. Hegde.....Advocate)

Vs.

1. Sri Arunprasad,
Director, Gas Turbine Research
Establishment, Government of
India, Ministry of Defence,
Suranjandas road, P.B.No.7575,
Bangalore-75.
2. Dr.V.S. Arunachalam,
The Scientific to Raksha Mantry
and Director General Research
& Development, R & D Organisation,
New Delhi-11.

Respondents

(Shri M.Vasudeva Rao.....Advocate)

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

O R D E R

In this application made under Section
17 of the Administrative Tribunals Act, 1985
(AT Act) and Contempt of Courts Act, 1971 (CC Act)
the petitioner has moved this Tribunal to punish
the respondents for non-implementation of an order



made in his favour by this Tribunal on 25.9.1986 in A.No. 429/86 (T).

2. In A.No. 429/86 which was a transferred application received from the High Court of Karnataka, the petitioner had sought for a mandamus to the respondents to promote him as Senior Scientific Assistant (SSA) from 1.8.1977 which was resisted by them on diverse grounds. On examination of the rival claims, a Division Bench of this Tribunal consisting of one of us (Sri L.H.A. Rego, Member (A)) disposed of the same on 25.9.1986 with the following directions:

"...we direct the respondents to consider the case of the applicant for promotion w.e.f. 13.8.1977 and fix his seniority in accordance with rules within two months from the date of receipt of this order."

In compliance with this order, the competent authority has made an order on 26.10.1987 in favour of the petitioner and that order, the construction of which is material, reads thus:

"Last OO Pt II No.25/SSA/87

OO Pt II No.26/SSA/87

Dated:20.10.87

Dated:26.10.87

(SECTION II NON INDUSTRIAL NON GAZETTED (SCIENTIFIC STAFF))

PAY FIXATION:-