

CENTRAL ADMINISTRATIVE TRIBUNAL:BANGALORE

DATED THIS THE 2ND DAY OF SEPTEMBER,1987.

PRESENT:

Hon'ble Mr.Justice K.S.Puttaswamy, .. Vice-Chairman.

And:

Hon'ble Mr.P.Srinivasan, .. Member(A)

CONTEMPT OF COURT APPLICATION NO.2 OF 1987.

T.M.Ramachar,
Scientific Officer (Grade SF),
Atomic Minerals Division,
Department of Atomic Energy,
Patan Bhavan,
Race Course Road,
Bangalore-560 001.

.. Petitioner.

(By Sri B.V.Krishnaswamy Rao, Advocate)

v.

1. The Secretary,
Department of Atomic Energy, D.Y.C.Building,
C.S.M.Marg, Bombay-560 001.
2. Director,
Atomic Minerals Division,
Department of Atomic Energy
I-10-I53/I56, A.M.B.Complex,
Begumpet, Hyderabad-560 016.

Contemnors

(By Sri M.S.Padmarajaiah, Standing Counsel).

This application coming on for hearing this day, Vice-Chairman made the following:

O R D E R

In this application made under Section 17 of the Administrative Tribunals Act,1985 and the Contempt of Courts Act,1971, the petitioner has moved this Tribunal to punish the contemnors for wilful disobedience of an order made in his favour in A.No.523 of 1986.

2. On 4-6-1987 we examined the case and found that the order

made by this Tribunal had been technically complied. But, notwithstanding the same, we made an order directing the contemnors and Government which was not a party to the original proceedings to make its order on the recommendation of the Departmental Promotion Committee and issue its orders thereto on or before 31-7-1987. In compliance with the said orders, the contemnors and Government had issued orders promoting the petitioner from 1-8-1987 and to that effect, a memo is also filed before us to-day. Sri B.V.Krishnaswamy Rao, learned counsel for the petitioner without disputing the correctness of these facts, however, contends that on the very terms of the order made by this Tribunal, his client's case for promotion from the date his immediate junior was promoted should have been considered and promoted also and that such failure still amounts to not complying with the order of this Tribunal.

3. Shri M.S.Padmarajaiah, learned Senior Central Government Standing Counsel appearing for the contemnors, contends that the contemnors had faithfully complied with the orders and, therefore, we should drop these proceedings.

4. On the very terms of the order made by us on 4-6-1987 and the compliance now reported, these proceedings are liable to be dropped.

5. We have carefully read the order made by the Division Bench on 16-1-1987. In that order, there is no direction to the contemnors or Government to consider the case of the petitioner for promotion from any retrospective date. If that is so, then we cannot examine that grievance of the petitioner in this contempt proceedings. We must, therefore, drop these proceedings. But, this cannot and does not prevent the petitioner from agitating his claims for retrospective

promotion in a separate proceeding, if he is so advised, in which it is undoubtedly open to the contemnors and other authorities to urge all such defences as are open to them on the same.

6. In the light of our above discussion, we hold that these contempt proceedings are liable to be dropped. We, therefore, drop the contempt of court proceedings against the contemnors. But, in the circumstances of the case, we direct the parties to bear their own costs.

Abdul Razzak
VICE-CHAIRMAN
29/1/1987

P.D. B
29/1/1987
MEMBER(A).

np/

BY REGISTERED POST

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

CONTENPT

OF COURT APPLICATION NO

Dated : 9/9/87

2/87 /86(1)

W.P. NO IN A. NO. 523/86(F)

Applicant

T. M. Ramachar

VS Secy., Dept. of Atomic Energy & Ave.

To

1. Sri T. M. Ramachar,
Scientific Officer (Grade SF),
Atomic Minerals Division,
Department of Atomic Energy,
Patans Bhawan, Race Course Road,
Bangalore - 560 001.

2. Sri B. V. Krishna Swamy Rao,
Advocate,
No. 52, Yamuna Bai Road,
Madhav Nagar, Bangalore - 560001.
Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

3. The Secretary,
Dept. of Atomic Energy,
D. Y. C. Building, C. S. B. Marg,
Bengaluru - 560 001.

4. Director, Atomic Minerals Divn,
Dept. of Atomic Energy,
1-10-153/156, A. M. B. Complex,
Begumpet, Hyderabad - 560016.

5. Sri M. S. Padmanabhaiah
Sr. Central Govt. Standing
Counsel,
High Court Building,
Bangalore - 560001.

Please find enclosed herewith the copy of ORDER/STAY

INTERIM ORDER passed by this Tribunal in the above said
application on 2. Sep '87.

Encl : as above

CR
Please write (5)
D. 9/9

~~Hoee~~
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

O/c 80
RECEIVED (5 copies) 10/9/87
Diary No. 112 & C12/81
Date: 11-9-87 S

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v.

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2. Director,
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Department of Atomic Energy
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Contemnors

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Sd/-

VICE-CHAIRMAN

29/11/1967

"True copy"

Sd/-

MEMBER(A).

Hase
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE