

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

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

Dated: 26-10-87

CONTEMPT OF  
COURT

APPLICATION NOS. 31 to 37 / 87 (1)  
IN APPLICATION NOS. 6 to 13/86 (1)  
W.P.No.

APPLICANT

Vs

RESPONDENTS

Shri N. Koteswara Rao & 6 Ors  
To

V/s

The Chief Personnel Officer,  
Southern Railway & 4 Ors

1. Shri N. Koteswara Rao
2. Shri M.L. Narayana Swamy
3. Shri N.G. Krishna Murthy
4. Shri R. Shivaswamy
5. Shri Govaiah
6. Shri Vinayagam
7. Shri Munesh Bavi

(Sl Nos. 1 to 7 - C/o Shri K. Sreedhar  
Advocate  
730, 6th Main,  
Srinagar  
Bangalore - 560 050)

8. Shri K. Sreedhar  
Advocate  
730, 6th Main  
Srinagar, Bangalore - 560 050)
9. Shri K.K. Gopal Rao  
COP Madras, Chief Personnel Officer  
Southern Railway, Madras - 3

10. Shri Ramkumar  
Divisional Railway Manager  
Southern Railway  
Mysore
11. Shri Panchapakesm  
Divisional Personnel Officer  
Southern Railway  
Mysore
12. Shri R. Sundaresan  
Divisional Railway Manager  
Southern Railway  
Bangalore City
13. Shri V. Pichai Raju  
Divisional Personnel Officer  
Southern Railway  
Bangalore City
14. Shri A.N. Venugopal  
Central Govt. Stng Counsel  
Room No. 12, IInd Floor  
S.S.B. Mutt Buildings  
Tank Bund Road  
Bangalore - 560 009

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

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

~~XXXXXX ORDER~~ passed by this Tribunal in the above said Contempt of Court  
on 19-10-87

RECEIVED/H copies 27/10/87

Diary No. 1340/87

Date: 28-10-87  
Encl: as above.

Deputy Registrar  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 19TH DAY OF OCTOBER, 1987.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And:

Hon'ble Mr. L.H.A. Rego,

.. Member(A).

CONTEMPT PETITIONS NOS. 31 TO 37 OF 1987.

1. N. Koteswara Rao,
  2. M. L. Narayana Swamy,
  3. N. G. Krishna Murthy,
  4. R. Shivaswamy,
  5. Govaiah,  
Guards 'B', Yeshwanthapur, SBC,  
Bangalore.
  6. Vinayagam,
  7. Munesh Bavi,  
Assistant Guards,  
Bangalore Division of Railways,  
Bangalore.
- (By Sri K. Sreedhar, Advocate).

.. Petitioners.

v.

1. Sri K. K. Gopal Rao,  
COP Madras, Chief  
Personnel Officer,  
Madras, S. Railway.
2. Sri Ramkumar,  
Divisional Railway Manager,  
Mysore, S. Railway.
3. Sri Panchapakesm,  
Divisional Personnel Officer,  
Mysore, S. Railway.
4. Sri R. Sundaresan,  
Divisional Railway Manager,  
Bangalore City, S. Railway.
5. Sri V. Pichai Raju,  
Divisional Personnel Officer,  
Bangalore City, S. Railway.

... Contemnors.

(By Sri A. N. Venugopal, Advocate)

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These petitions coming on for hearing this day, Vice-Chairman made the following:



In these applications made under Section 17 of the Administrative Tribunals Act, 1985 and the Contempt of Courts Act, 1971 (Central Act 70 of 1971) ('the Act') the petitioners have moved this Tribunal to punish the contemnors for non-implementation of an order made in their favour in Applications Nos. 6 to 13 of 1986 (Writ Petitions Nos. 5326 to 5333 of 1984).

2. In Application Nos. 6 to 13 of 1986, which were transferred applications under Section 29 of the Act from the High Court of Karnataka, the petitioners who are working as Guards or Assistant Guards, had challenged the action of the Railway Administration in repatriating certain officials from Mysore Division to Bangalore Division. On an examination of all the questions that arise in those cases, a Division Bench of this Tribunal consisting of one of us (Sri L.H.A. Rego, (AM)) and Sri Chi Ramakrishna Rao (J) disposed them on 31st October, 1986 with the following directions:

" 10. We would delineate the corrective measures as follows in the light of the guidelines in so far as they apply to this case:

- (i) The sixth respondent should ensure that a proper CSL is drawn up on 10-5-1981 to help regulate transfers and promotions in administrative interest between MYS and SBC during the period intervening between 10-5-1981 and 6-2-1984.
- (ii) The optants for SBC who were transferred on administrative grounds to MYS during the said intervening period to a station or a section in MYS which was to be transferred to SBC should stand repatriated to SBC within the posts available giving them the benefit of promotion if any, granted to them in that station or section, during this period strictly in accordance with their seniority in the CSL, on their repatriation to SBC. In all other cases, the promotions during this intervening period should be treated as purely fortuitous and ad hoc.
- (iii) If any of the optants for SBC transferred to MYS on administrative grounds has not been repatriated to SBC within the period upto 31-9-1984, for want of posts, he may be absorbed in MYS, considering him eligible for normal inter-Divisional transfer rules thereafter."

The petitioners claim that these directions have not so far been implemented by the contemnors.



3. Before we examine the rival cases of the parties in the contempt petitions, it is necessary to notice that in sub-para (iii) of para 10 of the order, extracted earlier, the Tribunal has specified the date as upto 31-9-1984. We must examine whether this is correct or not.

4. We have carefully read the entire order. We find that in the course of the discussion, the Tribunal had stated that that date should be upto 31-8-1984 instead of 31-9-1984. Apart from this the number of days in the month of September is only 30. From this it follows that the date specified in sub-para (iii) of para 10 viz., 31-9-1984 is an obvious typographical error for the date 31-8-1984 and the same calls for rectification. We, therefore, direct that in sub-para (iii) of para 10 of the order the date 31-9-1984 be rectified as 31-8-1984. With this we now pass on to examine the merits.

5. Sri A.N.Venugopal, learned counsel for the contemnors has produced an authenticated copy of the Memorandum No.B/P.131/I/ /W.P.No.5326 to 5333 dated 7-10-1987 issued by the Divisional Personnel Officer, Bangalore City ('DPO') who is arrayed as Contemnor No.5 before us and urges that the order of this Tribunal stands implemented.

6. In terms of sub-para (i) of para 10 of the order the DPO had drawn up combined seniority list as on 10-5-1981. Sri K.Sridhar, learned counsel for the petitioners does not rightly dispute this position or the total compliance of the directions made by this Tribunal in sub-para (i) of para 10 of the order.

7. In compliance with the directions contained in sub-para (ii) of para 10 of the order, the DPO had also prepared a "List of staff of SBC Division transferred on administrative grounds to MYS Division



during the period from 10-5-1981 to 6-2-1984 to a station or a section on Mysore Division and required to be repatriated to SBC Division" ('List'). Sri Sridhar does not dispute that this List partially complies with the directions contained in sub-para (ii) of para 10 of the order. But, he contends that the other directions contained in sub-paras (ii) and (iii) of para 10 of the order as a follow up to the preparation of the List had not been done and completed and thus the order of this Tribunal to that extent had not been complied with by the DPO or by the other authorities of the Railway administration.

8. Sri Venugopal contends that the combined seniority list prepared by the DPO in pursuance of the directions contained in sub-para (i) of para 10 of the order was only 'provisional' and that the DPO had rightly allowed time for filing representations and objections before finalising the same and that for its finalisation and implementation of the other two directions reasonable time was absolutely necessary.

9. We are of the view that the submissions made by Sri Venugopal are correct and reasonable. If that is so, then we must necessarily accede to the same.

10. We find from the memorandum dated 7-10-1987 the DPO had given 10 days time from the publication of the combined seniority list and that time given by the DPO had now expired. We are informed that representations filed in the Divisional Offices had not so far been received and are likely to be received within a short time. In these circumstances, it is necessary to give time till 30-11-87 to finalise the combined seniority list.

11. When once we allow time for the finalisation of the provisional combined seniority list, it also follows from the same that we must allow a reasonable time for complying with the other directions contained in sub-paras (ii) and (iii) which really follows from



from the same. We consider it proper to allow time till 31-1-1967 for the same.

12. When once we have granted time for complying with the directions, we cannot proceed with these contempt proceedings. We must, therefore, drop them reserving liberty to the parties to approach this Tribunal, if the directions contained in sub-paras (ii) and (iii) of para 10 of the order are not implemented within the time now granted by us.

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

sd/-  
VICE-CHAIRMAN  
19-10-1966

sd/-  
MEMBER(A) (9-10-66)

- True copy -



NP/

*R. V. Venkatesh*  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE  
26/10