

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 11 Nov 87

CONTEMPT OF
COURT APPLICATION NO

SI /87

~~IN~~ A. No. 1077/86 (T)

APPLICANT

Vs

RESPONDENTS

T.N. Ramamurthy
To

The Collector of Central Excise,
Bangalore and 2 Ors.

1. Sri T.N. Ramamurthy,
Inspector of Central Excise,
No. 45, Nala Road,
Bangalore - 560 042.
~ ~ ~
2. Sri Sanstaram Sawant (Advocate),
No. 26/1, Millers Road,
1st Cross, Benson Town,
Bangalore - 560 046.
~ ~ ~

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 application
on 04 Nov 87.

RECEIVED 2 copies 12/11/87

Diary No. 142/CR/87

Time Date: 12.11.87

Encl: as above.

[Signature]
SECTION OFFICER
(JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 4TH DAY OF NOVEMBER, 1987.

PRESENT:

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

And:

Hon'ble Mr. L.H.A. Rego, .. Member(A).

CONTEMPT COURT APPLICATION NO.51 OF 1987.

T.N. Ramamurthy,
Inspector of Central Excise,
No.45, Nala Road,
Bangalore- 560 042.

.. Petitioner.

v.

1. The Collector of Central Excise,
P.Box No.5400, Central Revenue Building,
Queens Road,
Bangalore.
2. The Chairman,
Central Board of Central Excise,
New Delhi-1.
3. The Deputy Collector of Central Excise,
(Personnel and Establishment)
Central Revenue Buildings,
Queens Road, P.Box No.5400,
Bangalore-1.

.. Contemnors.

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

O R D E R

In this petition made under Section 17 of the Administrative Tribunals Act, 1985 and the Contempt of Courts' Act, 1971 ('the CC Act'), the petitioner has moved this Tribunal to punish the contemnors for the alleged non-implementation of an order made in his favour in Application No.1077 of 1986 on 1-5-1987.



2. Sri T.N.Ramamurthy, petitioner in the case contends that the order made in his favour had not been implemented.

3. In the order made, this Tribunal modified the punishment of compulsory retirement from service of the petitioner from 25-8-1982 and directed his reinstatement.

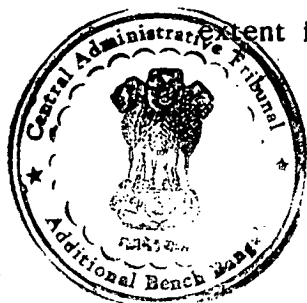
4. In compliance of the order of this Tribunal, the petitioner has been reinstated to service from 1-8-1987. Thereafter the Deputy Collector (Personnel and Establishment) ('the DC') had also made an order on 29-9-1987 regulating the period from 25-8-1982 to 31-7-87 (Annexure-E). We are of the view that the reinstatement of the petitioner and the order made by the DC on 29-9-1987, without any doubt implements the order of this Tribunal. If that is so, then there is hardly any ground for us initiate contempt of Court proceedings against the Contemnors.

5. We will assume that in making his order on 29-9-1987, the DC had committed one or the other illegality or mistake, as urged by the petitioner. But, those illegalities or mistakes in that order, do not constitute a ground to hold that the order of this Tribunal had not been implemented. If the petitioner has any grievance on the order made by the DC on 29-9-1987, then he has to challenge the same to the extent it decides the matters against him in a separate application. On this view also, we do not find any justification to initiate contempt of court proceedings against the contemnors

6. In the light of our above discussion, we hold that this contempt petition is liable to be rejected without notices to the contemnors. We, therefore, reject the same without notice to the contemnors. But, this order should not be understood by either of the



the parties as this Tribunal expressing any opinion on the correctness of the order made by the DC on 25-9-1987 and its validity to any extent it affects the petitioner/which is left open by us.




Sd/-
VICE-CHAIRMAN
4/11/87

Sd/-
MEMBER(A)
4-11-87

- True copy -

np/


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE