

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex (BDA)  
Irangar  
Bangalore - 560 038

Date: ~~10 SEP 1992~~  
14 SEP 1992

CONTEMPT  
PETITION (CIVIL)

~~APPLICATION~~ NO (5)

67

/ 90

W.P. NO (S)

IN APPLICATION NO. 1/87(T)

Applicant(s)

Shri K.G.S. Bhat

To

V/s

Respondent (s)

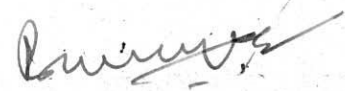
The Joint Secretary (Admn), Council of  
Scientific and Industrial Research,  
New Delhi & anr

1. Shri K.G.S. Bhat  
Civil Engineer 'C'  
Central Food Technological  
Research Institute (CFTRI)  
Mysore - 570 020
2. Shri S.N. Bhat  
Advocate  
No. 72, Balepet  
Bangalore - 560 053
3. The Joint Secretary (Admn)  
Council of Scientific and  
Industrial Research (CSIR)  
Anusandhan Bhavan  
Rafi Marg  
New Delhi - 110 001

4. The Director  
Central Food Technological  
Research Institute (CFTRI)  
Cheluvamba Mansion  
Mysore - 570 013
5. Shri H. Sulaiman Sait  
Advocate  
No. 52, Infantry Road  
Bangalore - 560 001

Subject : FORWARDING COPIES OF THE ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of the ORDER/~~STAY~~  
~~INTERIM ORDER~~ passed by this Tribunal in the above said C.P. (Civil)  
~~application(s)~~ on 1-9-92.

  
for DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS DAY THE 1ST OF SEPTEMBER, 1992

Present: Hon'ble Shri Syed Fazlulla Razvi Member(J)  
Hon'ble Shri S. Gurusankaran Member(A)

CONTEMPT PETITION NO.67/90

Shri K.G.S. Bhat,  
Civil Engineer 'C',  
Central Food Technological  
Research Institute,  
Mysore

Petitioner

( Shri S.N. Bhat - ,Advocate )

v.

1. The Joint Secretary (Admn),  
Council of Scientific and  
Industrial Research,  
Anusandhan Bhavan,  
Rafi Marg,  
New Delhi - 110 001
2. The Director,  
Central Food Technological  
Research Institute,  
Cheluvamba Mansion,  
Mysore - 570 013

Respondents/  
Alleged  
Contemners

( Shri Sulaiman Sait - Advocate )

This contempt petition has come up today  
before this Tribunal for hearing. Hon'ble  
Shri Syed Fazlulla Razvi, Member(J) made the  
following:

ORDER

The petitioner in this contempt petition  
is the original applicant in O.A.No.1/87(T), which  
came to be disposed of by a Bench of this Tribunal



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by order dated 7.8.87. This Tribunal in para 16 of the order directed the respondents to consider the case of the applicant for quinquennial promotion from the date he was entitled to be so considered in terms of bye-law 71(b)(ii) and not from 1.2.81 with all consequential benefits and accordingly granted the prayers (i) and (ii) in the plaint as claimed by the applicant. The respondents had taken up the matter before the Hon'ble Supreme Court by way of Civil Appeal No.3967/1987 and the Hon'ble Supreme Court by its order dated 29.8.89 dismissed the appeal.

2. The original applicant came to file this contempt petition alleging that the respondents have failed to carry out the directions given by this Tribunal by its order dated 7.8.87 and have thus exposed themselves for being proceeded against for contempt of court.

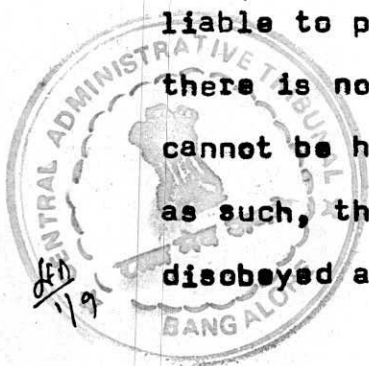
3. Notice having been issued to the respondents, the case has lingered over for nearly two years and the respondents were taking time to comply with the directions given by this Tribunal from time to time. The Tribunal also granted time again and again to the respondents for complying with the directions given.

4. Today, when the matter came up for hearing, applicant's counsel and Shri Sulaiman Sait for the respondents were present. It was submitted on behalf of the respondents that they have complied with the directions given by this Tribunal by its order dated 7.8.87 and, as such, there is no necessity whatsoever for proceeding with

this contempt petition. It was also pointed out that there has been no wilful or deliberate act on the part of the respondents to evade the directions given by this Tribunal and having regard to the nature of the directions given by this Tribunal which was time consuming, the directions could not be complied with earlier. It was further submitted on behalf of the respondents that all the directions have since been complied with and, as such, the contempt proceedings may be dropped.

5. As against the above contention put forth, Shri S.N. Bhat for the original applicant, while not disputing that the directions have been complied with, he stated that the respondents ought to have given interest on the delayed payment of the amounts. He does not dispute that the amount payable having been worked out as per the directions given, has been paid to the original applicant. The only grievance is that the respondents should have paid the interest on the delayed payment.

6. We have heard the learned counsel. We have already extrated the directions given by this Tribunal by order dated 7.8.87. There is no direction as such that the respondents are liable to pay the interest on the amount. When there is no such direction, the respondents cannot be held liable to pay any interest and, as such, the respondents cannot be said to have disobeyed any direction given by this Tribunal.





If at all the applicant is entitled to any interest, he should make a proper representation to the respondents and it would be for the respondents to consider the same and pass necessary orders. Since there is no deliberate or wilful disobedience of the directions given by this Tribunal in the O.A., we see no reason for continuing the contempt proceedings further. We accordingly drop these contempt proceedings and discharge the respondents.

Sd-

MEMBER (A)

Sd-

MEMBER (J)

TRUE COPY

*[Signature]* 14/5/92

SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE