

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

Dated : 1/9/87

C.C. APPLICATION NO 6/87 ~~xxxxxx~~
in Application No. 1629/86(F)
~~xxxxxxxxxx~~

Applicant

M.Navakeerthi Vs DPO TM.Jayaraman, Major, S.Rly. Mysore & anr.

To

1. Shri M.Navakeerthi,
Laboratory Superintendent Gr.III.
Railway Hospital, Mysore.
2. Shri T.M.Jayaraman, Major,
Divisional Personnel Officer,
Southern Railway, Mysore.
3. Chief Personnel Officer
H.Q. Office, Southern Railway,
Madras. 3
4. Shri Ranganath Jois, Advocate,
'Vagdevi', 36, ~~Shankarapuram~~
Shankara Park, Shankarapuram,
Bangalore-560 004.
5. Shri A.N.Venugopal, ~~...~~
Central Govt. Standing Counsel,
High Court Building,
Bangalore.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~xxxxxx~~
~~xxxxxx~~ passed by this Tribunal in the above said
application on 25-8-1987.

Encl : as above

B.V. Venkatesh Reddy
Deputy Registrar
SECTION OFFICER
(JUDICIAL)

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Diary No. 1045/CR/87
Date: 2/9/87

o/c .

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 25TH DAY OF AUGUST, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

C.C. APPLICATION NO. 6/1987

M. Navakeerthi,
Aged 28 years,
Laboratory Superintendent Gr.III,
Railway Hospital, Mysore.
(Shri Ranganath Jois, Advocate)

.... Petitioner

v.

1. Sri T.M. Jayaraman,
Major,
Divisional Personnel Officer,
Southern Railway,
Mysore.

2. Chief Personnel Officer,
H.Q. Office, Southern Railway,
Madras.

.... Contemnors

(Shri A.N. Venugopal, Advocate)

This application having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

In this application made under Section 17 of the
Administrative Tribunals Act, 1985 ('the Act') and the
Contempt of Courts Act, 1971 (Central Act No.70/1971)
(1971 Act) the petitioner had moved this Tribunal to
No.1
punish the contemnor for the alleged disobedience of an
order made in his favour on 13.11.1986 in Application
No.1629 of 1986.

2. In Application No.1424 and 1629 of 1986 this Tribunal directed ~~the~~ ^{No.1} Contemnor and the Union of India, who were parties, to consider the cases of the petitioner and the applicant in A.No.1424/1986 for regularisation with expedition and in any event within 3 months from the date of receipt of the order with a condition that they should not be disturbed from the posts they were then holding till such consideration.

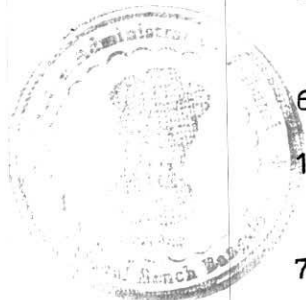
3. On an examination of the order made by this Tribunal and all other factors ~~the~~ contemnor No.-1 by his order No.Y/P.268/VIII/I/Pharmacist/Vol.VIII dated 20.4.1987 had terminated the services of the petitioner (Annexure-A) and same is being separately challenged by him in A.No.320 of 1987.

4. Sri S. Ranganath Jois, learned counsel for the petitioner strenuously contends that the contemnor had deliberately flouted the order of this Tribunal and is therefore liable to be punished under the 1971 Act.

5. Sri A.N. Venugopal learned counsel for the contemnor contends that in making the order dated 20.4.1987 the contemnor had not flouted the order of this Tribunal.

6. We have carefully read the directions made in A.No. 1424 and 1629 of 1986.

7. We are of the view that the order made by this Tribunal did not prohibit the contemnor from terminating



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the services of the petitioner. Whether that order is legal or not has necessarily to be examined and decided in A.No.320 of 1987. But, that can hardly be a ground for holding that the contemnor had wilfully flouted the order of this Tribunal. We are of the view that the contemnor had not wilfully disobeyed the order made by this Tribunal to justify us to punish him under the 1971 Act.

8. On the foregoing discussion, we hold that the contempt proceedings are liable to be dropped. We, therefore, drop the contempt proceedings with no order as to costs. But this should not be understood as our expressing an opinion on the legality or otherwise of the order made by the contemnor which is the subject matter of Application No.320 of 1987.

Sd----

Vice-Chairman

Sd----

Member (A)

np/Mrv.

'True copy'

B. V. Venkatesh Reddy
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL JUDGE
BANGALORE
11/9/87