

(1)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE

C.C.No. 11 & 12 /1987.

IN

APPLICATION No.128/86(F)

BETWEEN:

1. SRI. T.R. SRIDHAR,
Assistant Audit Officer,
Office of the Accountant
General (Audit) I,
Karnataka,
Bangalore-560 001.

CCA 11/87

C.C. NO. _____ /1987.

IN

APPLICATION NO. ¹²⁸128/86(F)

&

BETWEEN:

2. SRI. A. KRISHNA MURTHY,
Assistant Audit Officer,
Office of the Accountant
General (Audit)-I,
Karnataka,
Bangalore-560 001.

CCA 12/87

COMPLAINANTS
PETITIONERS

AND:

1. Sri.S.T. Kenge,
Accountant General
(Accounts & Entitlements)
Karnataka, Bangalore-1.
2. Sri.T.N. Chaturvedi, I.A.S.,
Comptroller and Auditor
General of India,
No.10, Bahadur Shah Zafar Marg,
New Delhi-110 002.

ACCUSED
RESPONDENTS

..2.



MEMORANDUM OF CONTEMPT OF COURT PETITION UNDER
SECTIONS 11,12 and 13 OF THE CONTEMPT OF COURT
ACT, 1971, READ WITH SECTION 17 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985 AND THE
CENTRAL ADMINISTRATIVE TRIBUNAL (CONTEMPT OF
COURT) RULES 1986.

The Complainants/Petitioners named above, respectfully,
submit as follows:

1. In this Complaint, the Complainants/Petitioners bring to the notice of this Hon'ble Tribunal the wilful disobedience by the Accused/Respondents the final orders of this Hon'ble Tribunal dated 24-7-1986, passed in Applications No.126/86(F) and No.434/86(F).

2. In applications No.126/86 and No.434/86, the Complainants/Petitioners had prayed for issue of directions to the Accused/Respondents to promote them as Assistant Audit Officers, with effect from 1-3-1984 and not from 15-11-1984 as was done. The Hon'ble Tribunal, partly allowed the applications and ordered that the Complainants/Petitioners were entitled to ^{Count} ~~court~~ the period from 1-3-1984 for increment, but would not be entitled to monetary benefits till 15-11-1984, during which period they did not actually discharged the duties and responsibilities of the higher post, vide Para 6 of the Order dated 24-7-1986.

..3.

No of Copies kind - ONE

Alagamy

3. The Complainants/Petitioners approached the authorities to give effect to the orders of the Hon'ble Tribunal, by reckoning the period from 1-3-1984 to 15-11-1984 for further increments in the scale of the Assistant Audit Officers. In spite of repeated requests, the orders of this Hon'ble Tribunal were not implemented.

4. The Complainants/Petitioners, after waiting patiently for over 9 months, got issued registered legal notice to the Respondents on 10-4-1987. A copy of the notice is enclosed as ANNEXURE 'C-1.

5. The Accused/Respondents have received the certified copies of the orders of this Hon'ble Tribunal. In spite of the actual knowledge of the orders of this Hon'ble Tribunal and in spite of repeated requests and the legal notice, the accused/respondents have disregarded the orders of this Hon'ble Tribunal.

6. If the accused/respondents had any difficulty, they should have approached this Hon'ble Tribunal for necessary directions. They have not chosen to do so.

..4.

No of Corrections - NIL

[Signature]

4

/4/

7. The accused/respondents have thus, substantially interfered with the due course of justice and have exhibited utter disregard by wilfully disobeying the orders of this Hon'ble Tribunal.

8. It is therefore just and necessary to initiate appropriate proceedings against the accused/respondents in order to ensure compliance to the said orders and to uphold the status, dignity and majesty of this Hon'ble Tribunal.

P R A Y E R

WHEREFORE, the Complainants/Petitioners humbly pray that this Hon'ble Tribunal be pleased to initiate appropriate proceedings against the accused/respondents under sections 11,12 and 13 of the Contempt of Courts Act 1971, read with section 17 of the Central Administrative Tribunals Act, 1985, for the wilful disobedience of the orders of this Hon'ble Tribunal and be further pleased to ensure that the orders ^{of} this Hon'ble Tribunal are obeyed immediately, in the interests of justice and equity.

Bangalore.

Dated:12-6-1987.

ADDRESS FOR SERVICE:


ADVOCATE FOR COMPLAINANTS/
PETITIONERS.

Not Corrected - 1



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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE

C.C. No. 11 & 12/1987.

IN

APPLICATION NO.128/86(F)

Between:

SRI.T.R. SRIDHAR

C.C. NO. /1987.

IN

APPLICATION NO.434/1986(F)

BETWEEN:

A. Krishna Murthy.

COMPLAINANTS
PETITIONERS

AND:

Sri. S.T. Kenge,
Accountant General &
another

ACCUSED/RESPONDENTS.

AFFIDAVIT

I, T.R. Sridhar, Major, residing at
Bangalore, do hereby solemnly affirm and state
on oath as follows:

1. I am one of the Complainants/Petitioners
in the above case and that I am conversant with
the facts of the case.
2. That I have been authorised by the other
~~me~~ Complainants/Petitioners to depose on ~~its~~ *their*
behalf also.
3. That what is stated in Paras 1 to 8 are
all true to the best of my knowledge, belief and
information.

3. That ANNEXURE 'C-1' is true copies
of the originals.

Identified by me,

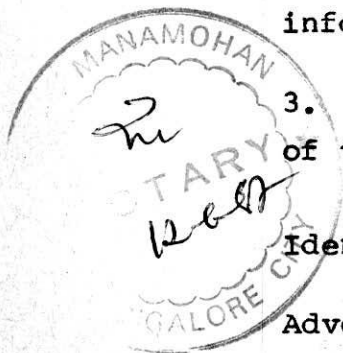
Advocate,
Bangalore.

Dated:
No of corrections=

Signed and ex *T.R. Sridhar* before
me at Bangalore DEPENDENT.
day of *12* 1987

SWORN TO BEFORE ME,

(K. M. MANAMOHAN, M.A., B.L.,
ADVOCATE & NOTARY
No. 23 1st Cross, R.M. Ray Extn.
K. H. Double Road,
BANGALORE



Annexure C-1

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10.4.1987

Mr. Kenge, IA & AS
The Accountant General
(Accounts and Entitlement)
Karnataka-1
BANGALORE 560 001.

Sir,

Under instructions from the following clients of mine, I hereby state as follows :

1. Sri.T.R.Sridhar, Asst.Audit Officer
2. Sri.A.Krishna Murthy, Asst.Audit Officer
3. Smt.Sabha Shareen, Asst.Audit Officer

According to the judgement of the Hon'ble Central Administrative Tribunal, Bangalore Bench, dated 24.7.86 and 12.1.87, my clients are entitled to the benefits detailed therein.

The period from 1.3.84 has to be reckoned for the purpose of regularising their increments in the cadre of Asst.Audit Officer, though monetary benefits have to be given from 15.11.84, in terms of the judgement. Though more than a reasonable period has elapsed, the decision of the Hon'ble Central Administrative Tribunal has not been implemented and my clients have not been paid the arrears they are entitled to

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in terms of the decision. My clients have approached the concerned officers time and again but in vain.

In the circumstances, I hereby give this notice to implement the decision of the Hon'ble Central Administrative Tribunal and pay the arrears due to my clients within 15 days from the date of receipt of this notice, failing which my clients shall be constrained to initiate appropriate proceedings against you for contempt of court for which you alone shall be fully responsible.

Yours faithfully,

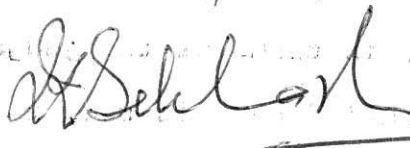
(M.S. Nagaraja)

Copy to Sri. K. Ram Mohan, IA & AS,
Accountant General (Audit-1)

I for information and
I necessary action.

Copy to Smt. A.L. Ganapati, IA & AS,
Accountant General (Audit-2)
Bangalore-1

COPY



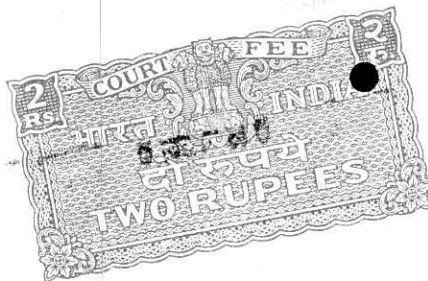
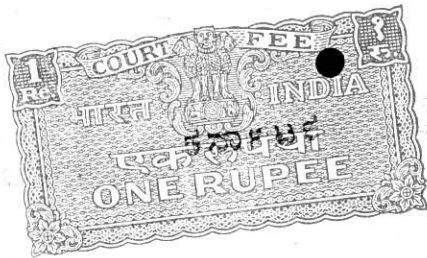
K. SEKHARAN, MA, LL.B.,

ADVOCATE

No. 35, (Above Hotel Swagath)

1 Main Road, Gandhinagar,

BANGALORE-560 009



IN THE HIGH COURT OF KARNATAKA
BANGALORE

CCC No. 11 & 12 of 1987

BETWEEN SRI T.R. SRIDHAR
AND SRI A. KRISHNAMURTHY
VS
AND SRI S.T. KANGE AND
SRI T.N. CHATURVEDI

PETITIONER / COMPLAINANT
APPLICANT
APPELLANT
RESPONDENT / ACCUSED
OPPONENT

I/We T.R. SRIDHAR

Appellant/s, Petitioner/s, ^{COMPLAINANTS} Applicant/s, Respondent/s Nos. M.S. NAGARAJA B.Sc. M.L.
in the above matter hereby appoint and retain Sri P.D. ADVOCATE.

to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend the same and all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein, and also in proceedings for review of judgement and for leave to appeal to Supreme Court or compromise and obtain return of any documents filed therein, or to receive any money which may be payable to me/us in the said matter.

Executed by me/us on this 11th day of JUNE 1987 at BANGALORE

Executant/s personally known to me and he /they has/have signed in my presence.

Satisfied as to the identity of executant/s signature/s.

[where the executant/s is/are illiterate, blind or unaquainted with the language of vakalat]

Certified that the contents were explained to the executant/s in my presence in language known to him/them who appeared perfectly understood the same and signed his name/made his mark in my presence.

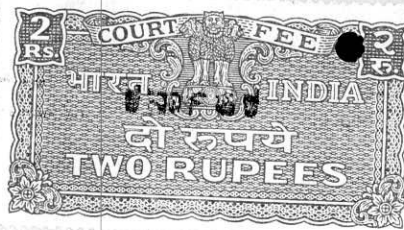
Accepted

Advocate/s for

Date :

Address for service
Dr. M.S. NAGARAJA B.Sc., M.L., Ph.D.,
ADVOCATE

No. 35, (SWAGATH),
1st MAIN, CHANDHINAGAR,
BANGALORE-560 009



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IN THE HIGH COURT OF KARNATAKA
BANGALORE

C.C.C No. 11 & 12 of 1987

BETWEEN

SRI. T. R. SRIDHAR AND
SRI - A. KRISHNA MURTHY

PETITIONER/~~COMPLAINANT~~
APPLICANT
~~APPELLANT~~

AND

VS
SRI. S. T. KANGE AND
SRI. T. N. CHATURVEDI

RESPONDENT/~~ACCUSED~~
~~OPONENT~~

I/We

A. KRISHNA MURTHY

Appellant/s, Petitioner/s/~~COMPLAINANT~~ Applicant/s, Respondent/s Nos.

in the above matter hereby appoint and retain Sri

M. S. NAGARAJA

B.Sc., M.L. PH.D., ADVOCATE

to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend the same and all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein, and also in proceedings for review of judgement and for leave to appeal to Supreme Court or compromise and obtain return of any documents filed therein, or to receive any money which may be payable to me/us in the said matter.

Executed by me/us on this 11th day of JUNE 1987 at BANGALORE

Executant/s personally known to me and he /they has/have signed in my presence.

Satisfied as to the identity of executant/s signature/s.

[where the executant/s is/are illiterate, blind or unaquainted with the language of vakalat]

Certified that the contents were explained to the executant/s in my presence in..... language known to him/them who appeared perfectly understood the same and signed his name/made his mark in my presence.

Accepted

Advocate/s for

Date :

[Signature]
Complainant.
11/6/87

Address for service
Dr. M.S. NAGARAJA B.Sc., M.L. PH.D.,
ADVOCATE
No. 35, (ABOVE HOTEL SWAGATH),
1st MAIN ROAD, GANDHINAGAR,
BANGALORE-560 009



Secured
Bul
27/7

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

C.C. Appln. No. 11 & 12 of 1987

Between:

T. R. Sridhar
and anr

and

S. T. Kenge
and anr

Complainants
.. ~~Applicants~~
petitioners

Accused/
.. Respondent/s

I N D E X

| Sl. No. | Description | Pages |
|---------|--------------------------------|-------|
| 1 | Reply on behalf of respondents | 2 |
| | | 1 - 3 |

Bangalore
13th July , 1987

ADDL. CENTRAL GOVT. STANDING COUNSEL
&
ADVOCATE FOR RESPONDENT/s.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL - BANGALORE.

C.C. NO. 11 & 12 of 1987.

BETWEEN:
T.R. SRIDHAR
and another.

Complainants
Petitioners.

AND

S.T. KENGHE
and another.

Accused
Respondents

STATEMENT OF DEFENCE FILED ON BEHALF OF RESPONDENT 1 & 2

It is submitted as follows:

1. The complainants in these applications have sought for the initiation of appropriate proceedings against the respondents under Section 11, 12 and 13 of the Contempt of Court Act, 1971 read with Section 17 of the Administrative Tribunals Act, 1985 for the wilful disobedience of the orders of this Hon'ble Tribunal. In this regard it is submitted that special leave petition and stay petition have already been filed before the Hon'ble Supreme Court on 30.04.1987. These petitions will come up for early hearing shortly.


2. The complainants 1 and 2, working in the Office of the Accountant General, Audit-I had filed Applications Nos. 126 and 434 of 1986 before this Hon'ble Tribunal challenging that their promotion to the Assistant Audit Officers cadre should be with effect from 01.03.1984 (i.e., the date of re-structuring of the Indian Audit and Accounts Department) and not from 15.11.1984 as was done. This Hon'ble Tribunal, as per order dated. 24.07.1986, partly allowed the applications. The Comptroller and Auditor General of India, New Delhi in his letter dated. 21.01.1987 intimated the Accountant General, Bangalore that Special Leave Petition against the order dated. 24.07.1986 was filed before the Hon'ble Supreme Court of India. Application has also been

made for the stay of the operation of the order of this Hon'ble Tribunal in this connection.

3. The accused/respondents have the highest respect to the orders of this Hon'ble Tribunal and they have no intention to disobey the orders of this Hon'ble Tribunal. The Respondents No.1 is not the authority to implement the order and he is not liable for any contempt proceedings.

For the reasons set out above, the accused/respondents humbly pray that this Hon'ble Tribunal be pleased to drop the contempt proceedings against them, in the interest of justice and equity.


BANGALORE.
13th July, 1987.


for ACCUSED / RESPONDENT - 2.


VERIFICATION

I, S.T. KENGHE, Accountant General (A&E), Office of the Accountant General (A&E) Karnataka, Bangalore, do on my behalf and on behalf of respondents, do hereby verify and state that what is stated above is true to the best of my knowledge and belief.

BANGALORE.
13th July, 1987.


for ACCUSED / RESPONDENT - 1&2

BANGALORE.
13th July, 1987.


ADDITIONAL CENTRAL GOVERNMENT STANDING COUNSEL
AND
ADVOCATE FOR RESPONDENTS.

H E A R I N G

1. A.No.6471 & 72/86 (T) By Sri.D.E.Kotian & Sri.G.Sukumaran,
(W.P.8370 & 71/84) Advs.for Aplts. Govt.Advs.for respts.
/further hearing/
2. A.No.926/87 By Sri.M.Narayanaswamy, Adv.for Apt.
Govt.Pld. for respts.
C/W
Contempt A.No.5/87 -do-
3. A.No.2110/86 to (T) - Vide Annexure. -
2115/86
(W.P.15416 to
15421 of 80)

(S.B.N. PRAKASH)
Assistant Registrar-I
Karnataka Administrative Tribunal,
Bangalore-38.

Dvs.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 17TH DAY OF AUGUST, 1987.

PRESENT:

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

.. Vice-Chairman.

And

Hon'ble Mr. P. Srinivasan,

.. Member(A)

C.C.A. NOS. 11 AND 12 OF 1987.

1. T.R. Sridhar,
Assistant Audit Officer,
Office of Accountant General (Audit)-I,
Karnataka-560 001.
2. A. Krishna Murthy,
Assistant Audit Officer,
Office of the Accountant General (Audit)-I,
Karnataka, Bangalore-1.
(By Dr. M. S. Nagaraja, Advocate)

.. Petitioners.

v.

1. S. T. Kenge,
Accountant General,
(Accounts & Entitlements),
Karnataka, Bangalore-1.
2. T. N. Chaturvedi, I.A.S.,
Comptroller and Auditor General
of India, No. 10,
Bahadur Shah Zafar Marg,
New Delhi-2.

.. Contemnors.

(By Sri M. Vasudeva Rao, Standing Counsel).

--

These applications coming for hearing to-day, Vice-Chairman made the following:

ORDER

In these petitions made under Section 17 of the Administrative Tribunals Act, 1985 and the Contempt of Courts Act, 1971, the petitioners have moved this Tribunal to punish the contemnors for non-implementation of an order made on 24-7-1986 in their favour in A.Nos. 128 and 434 of 1986.

2. Shri M.Vasudeva Rao, learned Additional Central Government Standing Counsel, appearing for the contemnors, submits that the Hon'ble Supreme Court, while rejecting the Special Leave Petitions filed by the contemnors against the order of this Tribunal had given four weeks time to implement the order of this Tribunal and that the same was due to expire on 7-9-1987. Dr.M.S.Nagaraja, learned counsel for the petitioners does not rightly dispute the same. From this it follows that the contemnors have time till 7-9-1987 to implement the order of this Bench. If that is so, then we cannot proceed against the contemnors for non-implementation of the order made by this Tribunal. We, therefore, drop these proceedings. But, this does not prevent the petitioners from approaching the appropriate forum on the expiry of the time granted by the Supreme Court, if the order made in their favour is still not implemented.

His P. Vasudeva Rao
VICE-CHAIRMAN *17/8*

P. S. Nagaraja
MEMBER(A) *17/8/87*

dms/np.

From:

The Additional Registrar,
Supreme Court of India,
New Delhi.

To

~~The Registrar, High Court of~~ The Central Administrative
Tribunal, Bangalore Bench.

D.No. *1808-09/1986 /sec.1
SUPREME COURT OF INDIA
NEW DELHI

Dated: 14-8-1987

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) Nos. 14387-88 OF 1986
(Petition Under Article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the Judgment and
Order dated 24-7-86 of the ~~High Court of~~
Central Administrative Tribunal Bangalore Bench in App. Nos. 128/86 &
434/86(F))

The Accountant General & Anr.

...Petitioners

-vs-

H.R. Sridhar & Anr.

...Respondents

Sir,

I am to inform you that the Petition above-mentioned
for Special Leave to Appeal to this Court ^{wch} ~~was~~ filed on behalf of
the Petitioner above-named from the Judgment and Order of the High
Court noted above and that the same ^{wch} ~~was~~ dismissed by this Court
on the 7th day of August, 1987.

A certified copy of this Court's Proceedings dated the
7-8-1987 is enclosed herewith for your information
and necessary action.

Encl. as above:

Yours faithfully,

[Signature]
for ADDITIONAL REGISTRAR

[Handwritten signature]

Item No. 10

183346
Court No. 4

Certified to be true copy

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Section IVA

Assistant Registrar (Judl)

14.8.1987

Supreme Court of India

No. (S) 14387-88 of 19 86

Petition(s) For Special Leave To Appeal (Civil/Criminal) No. (S) 14387-88 of 19 86
(From the judgment and order dated 24.7.86 of the High Court of xxx
xx Tribunal, Bangalore Bench in Appln Nos. 128/86(F) and
434/86(F) Central Administrative

The Accountant General & Anr .. PETITIONER (S)
VERSUS

T.R.Sridhar & Anr.RESPONDENT (S)
(With appln. for ex-parte stay)

Date: 7.8.87 : This/These petition (s) was/were called on for hearing today

CORAM :

Hon'ble Mr. Justice Ranganath Misra

Hon'ble Mr Justice M.M.Dutt

Hon'ble Mr. Justice

For the Petitioners : Mr. G. Ramaswamy, Addl. Sol. Genl.
M/s. Pramod Swarup & P. Parmeswaran, Advs.

For the Respondents :

**UPON hearing counsel the Court made the following
ORDER**

Special leave petitions are dismissed. Counsel
for the petitioners undertakes to comply with the
directions within four weeks. In that view of the
matter the contempt proceedings may not be taken up
for four weeks.

H. S. Kaicker
(H. S. Kaicker)
Court Master

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@@@@@@@@@@@@@@

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

Dated : 21/8/87.

CONTEMPT OF COURT APPLICATION NOS 11 & 12 /87()
IN APPLICATION NOS. 128 & 434/86(F)
W.P. NO _____

Applicant

Shri T.R. Sridhar & another

V/s

The Accountant General(Accounts &
Entitlements), Karnataka & another

To

1. Shri T.R. Sridhar
Assistant Audit Officer
Office of the Accountant General(Audit-I)
Karnataka
Bangalore - 560 001

4. Shri S.T. Kenge
Accountant General
(Accounts & Entitlements)
Karnataka
Bangalore - 560 001

2. Shri A. Krishna Murthy
Assistant Audit Officer
Office of the Accountant General(Audit-I)
Karnataka
Bangalore - 560 001

5. Shri T.N. Chaturvedi, I.A.S
Comptroller & Auditor
General
No. 10, Bahadur Shah
Zafar Marg
New Delhi - 110 002

3. Dr M.S. Nagaraja
Advocate

35 (Above Hotel Swagath), 1st Main, Gandhinagar, B'lore-9

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 17-8-87.

B. V. Venkatesh
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

Encl : as above

6. Shri M. Vasudeva Rao
Central Govt. Sng Counsel
High Court Buildings
Bangalore - 560 001

9c
RECEIVED - 24/08/87

Diary No. 1049/8/87

Date: 25/8/87

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 17TH DAY OF AUGUST, 1987.

PRESENT:

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

.. Vice-Chairman.

And

Hon'ble Mr. P. Srinivasan,

.. Member(A)

C.C.A. NOS. 11 AND 12 OF 1987.

1. T.R. Sridhar,
Assistant Audit Officer,
Office of Accountant General (Audit)-I,
Karnataka-560 001.
2. A. Krishna Murthy,
Assistant Audit Officer,
Office of the Accountant General (Audit)-I,
Karnataka, Bangalore-1.
(By Dr. M.S. Nagaraja, Advocate)

.. Petitioners.

v.

1. S.T. Kenge,
Accountant General,
(Accounts & Entitlements),
Karnataka, Bangalore-1.
2. T.N. Chaturvedi, I.A.S.,
Comptroller and Auditor General
of India, No. 10,
Bahadur Shah Zafar Marg,
New Delhi-2.
(By Sri M. Vasudeva Rao, Standing Counsel).

.. Contemnors.

These applications coming for hearing to-day, Vice-Chairman made the following:

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In these petitions made under Section 17 of the Administrative Tribunals Act, 1985 and the Contempt of Courts Act, 1971, the petitioners have moved this Tribunal to punish the contemnors for non-implementation of an order made on 24-7-1986 in their favour in A.Nos. 128 and 434 of 1986.



2. Shri M.Vasudeva Rao, learned Additional Central Government Standing Counsel, appearing for the contemnors, submits that the Hon'ble Supreme Court, while rejecting the Special Leave Petitions filed by the contemnors against the order of this Tribunal had given four weeks time to implement the order of this Tribunal and that the same was due to expire on 7-9-1987. Dr.M.S.Nagaraja, learned counsel for the petitioners does not rightly dispute the same. From this it follows that the contemnors have time till 7-9-1987 to implement the order of this Bench. If that is so, then we cannot proceed against the contemnors for non-implementation of the order made by this Tribunal. We, therefore, drop these proceedings. But, this does not prevent the petitioners from approaching the appropriate forum on the expiry of the time granted by the Supreme Court, if the order made in their favour is still not implemented.



Sd/-
VICE-CHAIRMAN *MP*

Sd/-
MEMBER(A) *1+1*

-True copy-

dms/np.

B.V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
2/18