

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 16-12-87

APPLICATION NO 509

/87 (F)

W.P.No.

APPLICANT

Vs

RESPONDENTS

Shri Nazir Ahmmad

To

The Director of Telecommunication
Mangalore Area, Mangalore & 3 Ors

1. Shri Nazir Ahmmad
C/o Shri Ravi S. Balikai
Advocate
10/7(I), Kumara Krupa Road, High Grounds,
Bangalore - 560 001
2. Shri Ravi S. Balikai
Advocate
'Srinidhi'
10/7, (I), Kumara Krupa Road
High Grounds
Bangalore - 560 001
3. The Director of Telecommunication
Mangalore Area
Mangalore - 575 001
4. The Telecommunications District Engineer,
Madikeri - 571 801
5. The General Manager
Telecom
Karnataka Circle
Bangalore - 560 009
6. The Divisional Engineer
Telegraphs
Belgaum

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH.

Please find enclosed herewith the copy of ORDER/~~SEARCH~~
~~SEARCH~~ ORDER passed by this Tribunal in the above said application
on 24-11-87.

RECEIVED 7 copies 17/12/87

Diary No. 1548/CL/87

Date: 17/12/87

Encl: as above.

of

R. Venkatesh
DEPUTY REGISTRAR

(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 24TH DAY OF NOVEMBER, 1987

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

APPLICATION NO. 509/1987

Shri Nazir Ahammad,
S/o Adamasahab Ammanagi,
aged 45 years,
Telephone Operator,
Hospet Galli,
Chikodi
District, Belgaum.

.... Applicant

(Shri Ravi S. Balekai, Advocate)

v.

1. The Director of Telecommunication,
Mangalore, Area Mangalore.

2. The Telecommunications District
Engineer, Madikeri.

3. The General Manager, Telecom,
Karnataka Circle, Bangalore.

4. The Divisional Engineer,
Telegraphs, Belgaum. Respondents.

(Shri M. Vasudeva Rao, CGASC)

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

ORDER

This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1985
('the Act').

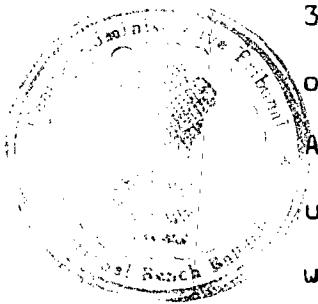
2. Prior to 23.11.1981 the applicant was working as a
Telephone Operator at Nippani Telephone Exchange of Belgaum

District. On 23.11.1981 the competent officer transferred the applicant from Nippani to Kushalnagar Telephone Exchange of Madikeri District where he is stated to have reported for duty in due course.

3. While at Kushalnagar there were various developments in the discharge of his duties in relation to which the Telecommunication District Engineer, Madikeri and the Disciplinary Authority ('DA') initiated disciplinary proceedings against the applicant under the Central Civil Services (Classification, Control and Appeal) Rules, 1965 ('Rules') on two charges which he denied. In that view, the DA appointed an Inquiry Officer ('IO') under the Rules to hold a regular inquiry and submit his report.

4. In accordance with the Rules, the IO held a regular inquiry and on a consideration of the evidence on record submitted his report to the DA recording that the applicant was not guilty of the charges levelled against him. On an examination of that report and the evidence on record, the DA disagreeing with the findings of IO and holding that the applicant was guilty of the charges levelled against him, made an order on 31.3.1986 (Annexure-B) inflicting on him the penalty of removal from service with immediate effect.

Aggrieved by this order, the applicant filed an appeal under the Rules before the Appellate Authority ('AA'), who on 26.12.86 (Annexure-A) dismissed the same. Hence this application.



5. In justification of the orders made by the AA and the DA, the respondents have filed their reply and have produced their records.

6. Sri. R.S. Balekai, learned Counsel for the applicant contends that the order made by the DA and the order of the AA affirming the same without notice and affording an opportunity of hearing of his client for disagreeing with the findings and the report of the IO was in contravention of the Rules and the Principles of natural justice as ruled by this Tribunal in P.K. SHIVANANDAv. COLLECTOR OF CENTRAL EXCISE, BANGALORE (1987)3 ATC 854).

7. Sri M. Vasudeva Rao, Additional Central Government Standing Counsel appearing for the respondents sought to support the impugned orders.

8. From the very order of the DA it is manifest that before disagreeing with the findings of the IO and making his final order he had not issued a show cause notice and had not afforded an opportunity of oral hearing to the applicant, which fact is also borne out from the records.

9. In Shivananda's case on similar facts, examining this very question in detail, this Tribunal had upheld the same for the detailed reasons stated therein. In this case also, the very same infirmity exists. For



the very reasons stated in Shivananda's case the orders of the DA and the AA are liable to be set aside and appropriate directions issued to the DA to re do the matter as in that case.

10. Sri Balekai prays for time till 31.12.87 to file all representations/objections as the applicant proposes to file treating the order of the DA as provisional and issuing necessary show cause notice as in Shivananda's case. We consider it proper to grant this request of Sri Balekai. Shri Rao assures us that the DA will make every effort to hear the applicant, if he appears on 18.1.1988 unless he is prevented to do so by any unfore-
~~se~~ seeable circumstances from being present and pass his final orders thereafter.

11. In pursuance of the order of the DA upheld by the AA, the applicant has been removed from service. Before the DA reconsiders and decides the case, it would not be proper to allow the applicant to join service. We need hardly say that the same has to be regulated in conformity with the final orders to be made by the DA.

12. In the light of our above discussions we make the following orders and directions:

- (1) We quash the impugned orders made by the AA and the DA.
- (2) We permit the applicant to file his representations/objections treating the

order of the DA as a provisional one issuing him a show cause notice on or before 31.12.1987 before the DA.

(3) We direct the Telecommunications Engineer, Madikeri Respondent 2 to afford an opportunity of oral hearing to the applicant on 18.1.1988 if he is not prevented from hearing him on that date or on such other date as is found convenient to him with due notice to the applicant and pass his final orders on the disciplinary proceedings instituted against him with all such expedition as is possible in the circumstances of the case and in any event within three months from the date of receipt of this order.

(4) We also permit the DA not to reinstate the applicant to service till he decides the remanded matter and regulate the same in accordance with the final orders to be made by him thereon on the proceedings.

13. Application is disposed of in the above terms.

But in the circumstances of the case, we direct the parties to bear their own costs.

R. Venkatesh SAI

DEPUTY REGISTRAR / Vice-Chairman

CENTRAL ADMINISTRATIVE BOARD

ADDITIONAL MEMBER

BANGALORE

Sd/-

Member (A) 1/24.11.87

24/11/87

True copy

~~Recd 19/10/87
SOS
19/10/87~~

Before The Central Administrative Tribunal,
Additional Bench, At Bangalore.



A. No. 509 / 1987 (F)

N. A. Ammanagai

..... Applicant

And:-

The Director of Telecommunications,
Mangalore and others

..... Respondents

M E M O

The undersigned counsel appearing for the Applicant is leaving tonight for Belgaum for some urgent personal work. He will not be able to attend the above case which is set out for hearing tomorrow i.e. 20-10-1987. Hence I request that the above case may be adjourned by TWO WEEKS.

Bangalore

19-10-1987


Ravi S. Balikai
A.A.N.

Advocate for
Applicant
(Ravi S. Balikai)

50/5)

DM 24.11.87
RAJASIRI

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL
BENCH, BANGALORE.

BETWEEN:

1. N.A. Ammanagi

... Applicant.

AND

1. The Telecommunication District Engineer,
Madiheri-571201 and Others. ... Respondents.

Herein, I Shri. N.A. Ammanagi, Hospet galli,
Chikodi, District Belgaum an applicant in the
application No.509/1987 beg to state as under:

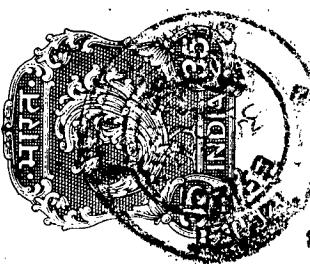
Despite proving my innocence in the Departmental Enquiry and as well in the Hon'ble C.A.T., Bangalore, that are the correct premises, the Respondents have ignored the out come of the Departmental and as well the Judicial proceedings, and the D.A., has passed another Order and has further encroached upon my legitimate rights for no cogent reasons and under no provisions of Law which is contrary to the Order/Directions, dated 24-11-1987 passed in my above referred application instead of passing final order which could have solved amicably my legitimate grievances against the Respondents who are responsible for the entire catastrophe.

Further the D.A. instead of reconsidering and accepting the Enquiry report in toto when he has no grounds to defer with it, has disagreed it by committing character assassination of the I.O., for his bold, impartial and honest declarations without disclosing the relevant correspondence stated to has been between the I.O. and the D.A. The D.A., has made a series of baseless allegations against me in his order without citing a single complaint, absentee statement or a report emerging from any one from any corner of the Department or from the Government of India w.e.f. 5-12-1981 till the date of the Order to prove his claims and conclusions, for any of my alleged misconduct, absence, disloyalty, disobedience, insubordination and acts subversive of discipline when the facts remain otherwise.

Thus the D.A., has caused a considerable damage to me by his Order, dated 15-3-1988 by illegally removing me from service once again Before I could be reinstated by making a mockery of the enquiry report and the Judicial Order of the Hon'ble Central Administrative Tribunal, Bangalore.

अन्तर्राष्ट्रीय पत्र कार्ड
INLAND LETTER CARD

POST AD:
BY REGD. POST



To

The Deputy Registrar,

Hon'ble Central Administrative
Tribunal, Additional Bench,
Indira Nagar. BANGALORE

20/3 CHIKODI
S. A. 2



पिन PIN

प्रथम फॉल

उपर तीसरा फॉल NO ENCLOSURES ALLOWED

प्रेषक नाम तिसरे वर्षे PIN CODE IN ADDRESS
प्रेषक नाम : — SENDER'S NAME AND ADDRESS : —

N. A. Ammangai, T.O.

Hospet galli,
CHIKODI-591201.



पहला फॉल FIRST FOLD

X at B.C.

In view of my above grievances, I once again pray the Hon'ble Tribunal depending upon its potency, integrity, decency and morality having the jurisdiction and powers, to probe in the matter and provide me justice in the interest of justice and equity by providing me the consequential relief as sought in my original application No.509/1987, otherwise I would be duped.

Chikodi.

dated: 30-3-1988


APPLICANT
(N.A. Ammangai)
Telephone Operator,
Hospet galli, Chikodi-
591201.

REGD. POST

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

Sir,
F. No. 509/87(f).

Commercial Complex (GDA),
Indiranagar, Bangalore-38.
Date: 6th May, 1988.

As F. No. 509/87(f) is already disposed of by a Bench,
your letter dated 30-3-88 is ordered to be filed.

It may please be noted that, correspondence is not
entertained in such matters.

Yours faithfully,

MR
(M. RAMAMURTHY)
SECTION OFFICER.

To

Sri. N. A. Ammanagi
Telephone Operator,
Hospet galli
CHIKODI - 591 201.

Done
AB
GTS (87)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 24TH DAY OF NOVEMBER, 1987

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

APPLICATION NO. 509/1987

Shri Nazir Ahammad,
S/o Adamaaheb Ammanagi,
aged 45 years,
Telephone Operator,
Hospet Galli,
Chikodi
District, Belgaum.

.... Applicant

(Shri Ravi S. Balekai, Advocate)

v.

1. The Director of Telecommunication,
Mangalore, Area Mangalore.
2. The Telecommunications District
Engineer, Madikeri.
3. The General Manager, Telecom,
Karnataka, Circle, Bangalore.
4. The Divisional Engineer,
Telegraphs, Belgaum.

.... Respondents.

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

O R D E R

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Section 19 of the Administrative Tribunals Act, 1985
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Telephone Operator at Nippani Telephone Exchange of Belgaum

District. On 23.11.1981 the competent officer transferred the applicant from Nippani to Kushalnagar Telephone Exchange of Madikeri District where he is stated to have reported for duty in due course.

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13. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.

Ms. Dharmendra
Vice-Chairman
24.11.87

Member (A)
24.11.87

Kms/Mrv.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Registered

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 28-7-88

Contempt Petition (Criminal) No. 58/88
/

XXX In A.No. 509/87 (F) /

Applicant(s)

Complainant

Union of India

To

1. Shri.M.S.Padmarajaiah,
Sr.Central Govt. Standing Counsel for the Union of India,
High Court Buildings, Bangalore.

Respondent(s)

Contemner

N.A.Ammanagi

2. Shri.N.A.Ammanagi,
Telephone Operator,
Hospetgalli,
Chikodi,
Belgaum District, Karnataka.

copy to
main file (SIC) Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH
No. 509/87

Please find enclosed herewith the copy of ORDER/STAMPS/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 28-7-88.

By [Signature]
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

Copy to:- Shri J.V.Gaonkar, I.P.S.,
Superintendent of Police,
Belgaum, KARNATAKA STATE

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 26TH DAY OF JULY, 1988

PRESENT:

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

And

Hon'ble Mr.P. Srinivasan, .. Member(A).

CONTEMPT PETITION (CRIMINAL) NO. 58 OF 1988

Union of India. .. Complainant.

v.

N.A.Ammanagi,
Telephone Operator,
Hospet Galli, Chikodi. .. Contemnor.

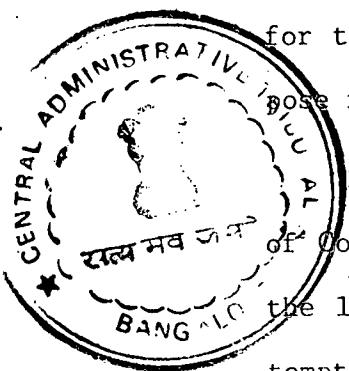
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This application having come up for orders to-day, Vice-Chairman made the following:

O R D E R

This case posted to 1-8-1988 is advanced to to-day as the contemnor had been brought under arrest and was produced to-day at 10-30 a.m. by Sri N.S.Balekai, PCB 1653 of Chikodi Police Station. When the contemnor was produced at 10-30 a.m. before one of us (Mr.Justice K.S.Puttaswamy), he directed the Police to produce the contemnor at 3-00 p.m. before a Division Bench to be specially constituted for the purpose and that is how this Bench constituted for that purpose is now dealing with this case.

2. When we questioned the contemnor under Rule 14 of the Contempt of Court Proceedings Rules ('Rules'), he admits that he had written the letter dated 23-5-1988 on which we have initiated suo motu Contempt of Court proceedings against him and the reply dated 2-7-1988 sent by him by post.



3. We have carefully read the letter dated 23-5-1988 and the reply filed by the contemnor. We have no doubt whatsoever that the two letters written by the contemnor scandalise this Tribunal and clearly constitute contempt of this Tribunal to be dealt with under the Act and the Rules. But, the contemnor realising his grave error regrets for his action and files an unconditional apology.

4. We are convinced that the contemnor had realised his grave error and the apology tendered by him is sincere and unconditional. In this view, we deem it just and proper to accept the apology tendered by the contemnor and drop these Contempt of Court proceedings against him. We accordingly accept the apology tendered by the contemnor and drop these Contempt of Court proceedings against him and direct the Registrar and the Police to set him at liberty forthwith.

5. We record our appreciation for the efficient and prompt execution of our orders and directions by the Superintendent of Police Belgaum and his subordinates.



Sd/-
VICE-CHAIRMAN. 28/1

Sd/-
MEMBER(A).

TRUE COPY

B. I. Venkatesh
DEPUTY REGISTRAR (JDL) - 28/1
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Re
R.F. 18/81
60

Py.M: 288/88
1/1/88

D.No. 4693/88 Sec-IV-A
SUPREME COURT OF INDIA
NEW DELHI

Dated 31-7-89

From: The Additional Registrar
Supreme Court of India.

To

The Registrar
Central Administrative Tribunal
at Bangalore.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 12789/88
(Petition under Article 136 of the Constitution of India,
for Special Leave to Appeal to the Supreme Court from the
Judgment and Order dated 24-11-87 of the High
Court of Central Administrative Tribunal at
Bangalore in Appeal No. 509/87).

Nazir AhammedPetitioner.

Versus

Director of Telecommunication Respondents

and OS

Sir,

I am to inform you that the Petition above-mentioned
for Special Leave to Appeal to this Court was/were filed on
behalf of the Petitioner above-named from the Judgment/Order
of the Central Administrative Tribunal at Bangalore
noted above and that the same was/were dismissed/disposed of

by this Court on the 26th day
of July 1989.

Yours faithfully, AS
for ADDITIONAL REGISTRAR 11/1/89

AS

PUBLIC NOTICE UNDER ARTICLE 51 A OF THE CONSTITUTION OF INDIA

pl. add to relevant file
TO DRAW ITS ATTENTION AND APPROPRIATE ACTION.

Recd. by post Having been one of the victims of lawlessness and injustice I can only say that the Administrative Tribunals are nothing but vehicles being driven by an horse and ass specially designed to dupe and destroy the innocent powerless individuals i.e. class-III and Class-IV employees of the Governments and to protect the devils in the Administration.

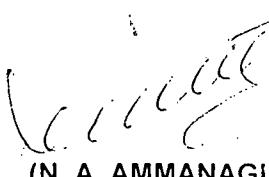
*DR/AT 11/4/88
S. O. O. 22* The Indian Administrative Act 1985 is the greatest scam surpassing all the scams, and is subversive of law and the judicial process which is beyond my due expectations, imaginations and reliance.

If I do not expose this fraud and fight against this menace more and more individuals will be affected and injustice and desaster will be their fate.

It is a matter of shame on the part of the Supreme Court allowing such tribunals and their illegitimate orders I can only say that to beware of judges and the courts. This should cease forthwith. I honour and welcome those who help me in my struggle to avoid such things and to restore justice to those already affected by unfair and irresponsible conduct of those engaged into protect the law and the administration of justice. My due thanks to my lawyers doing their bit though professionals.

In the language of a poet or perhaps the Chief Justice himself "Kuch main Ladoon, Kuch Tum Lado" I have done my bit beyond my abilities and capabilities, now it is the turn of the Chief Juistice of India, his companions, the Supreme Court legal aid committee and the members of the Bar and others to set things right by taking cognizance of this communication and exercise their jurisdiction and authority and pass orders to

- 1) Quash the Indian Administrative Act 1985
- 2) Reopen , review and redispouse off entire cases desposed off by these tribunals since their inception by the High Courts suo-moto in accordance with the law.
- 3) Any other order as deem fit to compensate the victims of these tribunals in the interest of justice and equity so that the law should prevail upon all and not above some and below some.



(N. A. AMMANAGI)

Mulla Plot, Chikodi-591 201.

An Aggrieved Litigant in Appl. No. 509/1987

W.P. No. 1291/1988

S.L.P. No. 12789/1988

S.L.P. No. 1008/1992 etc.

14-3-2005
Date :

11/4/88

Copies to :

- 1) President of India, Rashtrapati Bhavan, New Delhi.
- 2) Chief Justice of India, Supreme Court, New Delhi.
- 3) Prime Minister of India, New Delhi.
- 4) Speakers of Lok Sabha & Rajya Sabha, New Delhi.
- 5) Supreme Court Bar Association, New Delhi.
- 6) Supreme Court Legal Aid Committee, New Delhi.
- 7) High Court Bar Associations
- 8) Editors of News Papers
- 8) Others

mr MR
11/4/88
(Please circulate to others)

[SENDING REPORT]

Mar. 15 2005 12:15PM

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT
01	91113017824	Mar. 15 12:14PM	00'49	SND	01	OK

President of India

[SENDING REPORT]

Mar. 15 2005 12:25PM

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT
01	SUPREME COURT	Mar. 15 12:24PM	00'50	SND	01	OK

23383792
Chief Justice of India

[SENDING REPORT]

Mar. 14 2005 05:25PM

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT
01	01123384241	Mar. 14 05:24PM	01'01	SND	01	OK

Minister of law & Justice

Mar. 14 2005 05:27PM

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT
01	01123714243	Mar. 14 05:26PM	01'01	SND	01	OK

*Minister of State
 Communication & Information*

[SENDING REPORT]

Mar. 14 2005 05:09PM

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT
01	01123093289	Mar. 14 05:09PM	00'53	SND	01	OK

*Minister of Finance
 & Co. Affairs*

[SENDING REPORT]

Mar. 14 2005 05:03PM

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT
01	01123016857	Mar. 14 05:02PM	00'52	SND	01	OK

Prime Minister of India

Mar. 15 2005 12:51PM

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT
01	01123382637	Mar. 15 12:50PM	00'59	SND	01	OK

Minister of Railways.

[SENDING REPORT]

Mar. 14 2005 05:23PM

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT
01	23016648	Mar. 14 05:22PM	01'01	SND	01	OK

Minister of Parliamentary Affairs,