

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 8-2-88

APPLICATION NO.

689 to 694

87(F)

W.P. NO.

Applicant

Respondent

Dr Venkatesh & 5 Ors
To

V/s The Secy, M/o Finance, New Delhi & 2 Ors

1. Dr Venkatesh
2. Shri D.M. Nagaraju
3. Shri T.S. Ravishankar
4. Shri S. Swaminathan
5. Shri S. Nagarjuna
6. Dr A. Ramulu

9. The Director General
Archeological Survey of India
Janpath
New Delhi - 110 001
10. The Chief Epigraphist
Archeological Survey of India
Old University Office Building
Mysore - 5
11. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

(Sl Nos. 1 to 6 -

Epigraphical Assistants
Office of the Chief Epigraphist
Old University Office Building
Mysore - 5)

7. Shri V.K. Kulkarni
Advocate
981, IV(M) Block
Rajajinagar
Bangalore - 560 010
8. The Secretary
Ministry of Finance
Department of Expenditure
New Delhi

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~904~~ / ~~INTERIM ORDER~~
passed by this Tribunal in the above said application on 1-2-88.

RECEIVED

Diary No. 1673/S/2/88

Date: 9-2-88

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL : BANGALORE.

Coram: Hon'ble Shri Justice K.S. Puttaswamy, Vice Chairman,
and

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

DATED THIS THE FIRST DAY OF FEBRUARY, 1988.

Application Nos. 689 to 694 of 1987.

Between:

1. Dr. Venkatesh,
2. Sri D.M. Nagaraju,
3. Sri T.S. Ravishanker,
4. S. Swaminathan,
5. S. Nagarjuna, and
6. Dr. A. Ramulu.

All Epigraphical Assistants, Office
of the Chief Epigraphist, Mysore-5.

(Shri V.K. Kulkarni, Advocate)

....Applicants.

and

1. Government of India,
rep. by Ministry of Finance (Secy),
Dept. of Expenditure, New Delhi.
2. Director of General, Archaeological
Survey of India, Govt. of India,
New Delhi.
3. Chief Epigraphist, Old University Office Building,
Mysore-5.

....Respondents.

(Shri M. Vasudeva Rao, Addl. C.G.S.C.)

These Applications having come up for hearing today, the
Hon'ble Vice Chairman made the following:



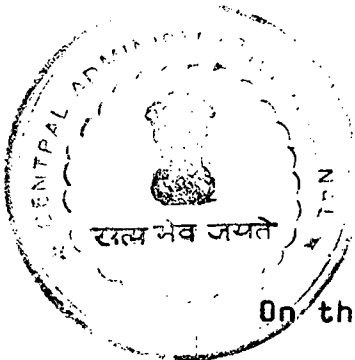
O R D E R

These are applications made by the applicants under Section 19 of the Administrative Tribunals Act, 1985.

2. As on 1.1.1986, the applicants were working as Epigraphical Assistants in the Archaeological Survey of India ('ASI') in the then time-scale of Rs. 425-700, which was also the time-scale allowed to Technical Assistants ('TAs') of the department as on that day.

3. In implementation of the recommendations of the IV Pay Commission and the orders made by Government thereto on allowing the revised pay scale to TAs from 1.1.1986, the Director-General, ASI ('DG') made an order in these terms:

"As per the IV Pay Commission Report No. F/15(1)/10/86 dated 22.9.1986, page No.9, Sl.No. 10, the post of Technical Assistant in the present scale of 425-700 has been upgraded and merged with the post in the present scale of Rs. 550-900. This is also applicable to all Technical Assistants including the Epigraphy/Science branches of the Archaeological Survey of India."



On the basis of this order, the applicants were allowed to draw the revised time-scale of Rs. 1640-2900 by fixing their pay at the appropriate levels as on 1.1.1986. But on an examination of the same, Government on 9.1.1987 had taken exception to the same and had directed the DG only to allow the revised scale of 1440-2300 to the applicants, with which he had complied and had effected necessary recoveries from the applicants, the validity of which is challenged before us by them.

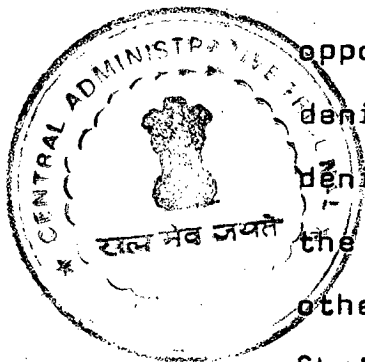
4. The applicants have urged that the orders made by Government and the recoveries effected thereto by the DG without notice and affording them an opportunity of hearing were in violation of the principles of natural justice, and were illegal.

5. In justification of the orders made, the respondents have filed their reply.

6. Shri V.K. Kulkarni, learned counsel for the applicants, contends that the order made by Government on 9.1.1987 and the consequent recoveries made thereto by the DG without affording an opportunity of hearing to his clients, was in violation of the principles of natural justice, namely, audi alteram partem, and were illegal.

7. Shri M. Vasudeva Rao, learned Additional Standing Counsel for the Central Government, appearing for the respondents, sought to support the orders of the authorities.

8. The assertion of the applicants that before Government made its order on 9.1.1987 and the recoveries made thereto by the DG, they were not afforded an opportunity of hearing to state their cases, is not denied by the respondents. In the absence of a denial, we must necessarily accept the said plea of the applicants and decide the legal question. Even otherwise, the records of the DG placed before us by Shri Rao establish the same.



9. While the applicants contend that the earlier order made by DG was in conformity with the recommendations of the IV Pay Commission and the orders made thereon by Government, the respondents contend that they were not so. Which of the rival contentions is correct ^{& or not that} is to be decided by Government and the DG. Whether before doing so, Government and the DG were required to afford an opportunity of hearing or not, is also well settled by several rulings of the Supreme Court. Without any doubt, the order made by Government on 9.1.1987 and the consequent recoveries made thereto by the DG were in violation of the principles of natural justice and are clearly illegal. On this short ground, we must set aside the orders and direct Government/DG to afford an opportunity to the applicants to state their cases and then decide the same, without ourselves examining the questions urged before us.

10. In the light of our above discussion, we allow these applications, quash orders of the Government in Lr.No. 48/9/86-Admn.II dated 9.1.1987 and the consequent recoveries made thereto by the DG, and direct the respondents to redetermine the matter after affording an opportunity of hearing to the applicants. But till then, the amounts recovered from the applicants need not be repaid to them, and the same, including further payments shall be regulated in conformity with the orders to be made by Government and the DG thereon.



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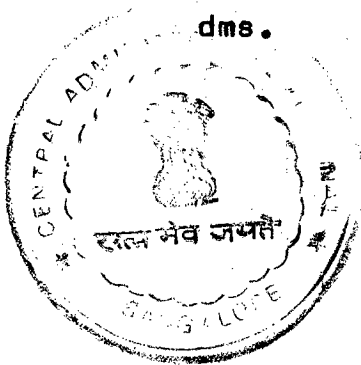
11. Applications are disposed of in the above terms.
But in the circumstances of the cases, we direct the
parties to bear their own costs.

sd/-
VICE CHAIRMAN

1/27/1948

TRUE COPY

sd/-
MEMBER (A)



[Signature]
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 14 DEC 1990

CONTEMPT
PETITION (CIVIL) NO (S) 43 to 48 / 90
IN APPLICATION NOS. 689 to 694/87(F)
W.P. NO (S)

Applicant (s)

Dr Venkatesh & 5 Ors
To

1. Dr Venkatesh
 2. Shri D.M. Nagaraju
 3. Dr T.S. Ravishankar
 4. Shri S. Swaminathan
 5. Shri S. Nagarjuna
 6. Shri A. Ramulu
- (Sl Nos. 1 to 6 -
Epigraphical Assistants
Office of the Chief Epigraphist
Old University Office Building
Mysore - 5)
7. Shri D. Leelakrishnan
Advocate
No. 28, Raja Snow Buildings
Seshadripuram
Bangalore - 560 020

Respondant (s)

V/s The Secretary, M/o Finance, Dept of Expenditure,
New Delhi & 2 Ors

8. The Secretary
Ministry of Finance
Department of Expenditure
New Delhi - 110 001
9. The Director General
Archaeological Survey of India
Janpath
New Delhi - 110 011
10. The Chief Epigraphist
Old University Office Building
Mysore - 5
11. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY/INTERIM ORDER~~
C.P.(Civil)
passed by this Tribunal in the above said application (s) on 6-12-90.

Encl : As above


DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE.

DATED THIS THE 6TH DAY OF DECEMBER, 1990.

PRESENT:

Hon'ble Mr. P.S.Habeeb Mohamed, .. Member(A)

And:

Hon'ble Mr. A.V.Haridasan, .. Member(J)

CONTEMPT OF COURT APPLICATIONS NOS. 43 TO 48 OF 1990.

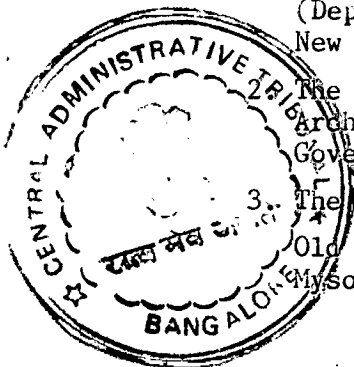
1. Dr. Venkatesh,
S/o Anandachar, Aged about 40 years,
Epigraphical Assistant,
Office of the Chief Epigraphist, Mysore-5.
2. D.M.Nagaraju,
S/o Madaiah, Aged about 21 years,
Epigraphical Assistant,
Office of the Chief Epigraphist,
Mysore-5.
3. Dr. T.S. Ravishankar,
S/o T.R.Srinivasan,
Aged about 32 years,
Epigraphical Assistant,
Office of the Chief Epigraphist,
Mysore-5.
4. S.Swaminathan,
S/o T.K.Suryanarayana,
Aged about 33 years, Epigraphical Assistant,
Office of the Chief Epigraphist, Mysore-5.
5. S.Nagarjuna,
S/o Venkatarayalu, Aged about 32 years,
Epigraphical Assistant, Office of the
Chief Epigraphist, Mysore-5.
6. A.Ramulu,
S/o A. Raghurama Sharma, Aged about 27 years,
Epigraphical Assistant,
Office of the Chief Epigraphist, Mysore-5. .. Petitioners.

(By Sri D.Leelakrishnan, Advocate)

v.

1. The Government of India,
represented by the Ministry of Finance
(Department of Expenditure),
New Delhi, by its Secretary.
2. The Director General,
Archaeological Survey of India,
Government of India, New Delhi.
3. The Chief Epigraphist,
Old University Office Building,
Mysore-5. .. Respondents.

(By Sri M.Vasudeva Rao, Standing Counsel)



These applications having come up for hearing to-day, Hon'ble Member(J) made the following:

O R D E R

The petitioners in these contempt applications were applicants before this Tribunal in Applications Nos. 689 to 694 of 1987. Those applications were disposed of by a common order dated 1-2-1988 allowing the applications, quashing the orders of the Government in letter No.48/9/86-Admn.II dated 9-1-1987 and the consequent recoveries made thereto by the Director General and directing the respondents to redetermine the matter after affording an opportunity of hearing to the applicants. It was also mentioned that till then, the amounts recovered from the applicants/petitioners need not be repaid to them. The petitioners have filed these contempt applications alleging that the alleged contemnors who were respondents in the original applications have not cared to implement the direction contained in the orders of this Tribunal.

2. On behalf of the alleged contemnors, a statement has been filed in which it is stated that the competent authority has considered the representations made by the petitioners and passed a final order and therefore, since the orders have been complied with in full, they have not committed any contempt of this Tribunal. A copy of the order issued by the Director (Administration) dated 4-10-1990 taking a decision on the basis of the representations submitted by the petitioners has been produced before us for our perusal. Learned counsel for the petitioners has agreed that the petitioners have received a copy of the order dated 4-10-1990^{each}. Therefore, we find that the direction contained in the combined order in the batch of applications has been complied with. If the petitioners feel aggrieved by the out come of their representations, they may seek appropriate reliefs in appropriate proceedings. But, we do not find ~~any~~ any.

reason to initiate action against the alleged contemnors under the Contempt of Courts Act. The applications are, therefore, closed and the notices issued are discharged.)

Sd-

MEMBER (A)

1 1

Sd-

MEMBER (J)

TRUE COPY



P. V. Venkatesh Reddy
DEPUTY REGISTRAR (JD) *14/2/72*
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE