

CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE

DATED THIS THE 30TH DAY OF MARCH, 1988.

PRESENT:

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

And:

And:

Hon'ble Mr. L.H.A. Rego,

.. Member(A).

APPLICATIONS NUMBERS 391 TO 414 OF 1988

1. E.V. Gopinatha Rao,  
Aged 49 years,  
Son of late E. Venkoba Rao.
2. N.S. Krishna Murthy,  
Aged 55 years,  
S/o C.N. Srinivasaiah,
3. B.V. Narayana,  
Aged 47 years,  
S/o late B.L. Venkatadasappa,
4. Abdurrouf Shaikh,  
Aged 48 years,  
S/o Muhammad Budan Shaikh,
5. G.R. Panduranga,  
Aged 46 years,  
S/o late G. Ramaiah,
6. K.S. Vaidyeswar,  
Aged 43 years,  
S/o K.V. Subba Rao,
7. K.S. Chitprakash,  
Aged 41 years,  
S/o late K. Shamanna.
8. A.C. Ramkumar,  
Aged 46 years,  
S/o A.K. Chandra Sekaran.
9. C.M. Premananda Rao,  
Aged 51 years,  
S/o C. Mannaji Rao,
10. N.R. Madan Kumar,  
Aged about 45 years,  
S/o late N. Rama Setty.
11. S. Krishna Murthy,  
Aged 53 years,  
S/o late R. Sampangappa.
12. L. Viswanath,  
Aged 45 years,  
S/o Lakshminarasimha Sastry.
13. S. Chandrasekharaiah,  
Aged 45 years,  
S/o late A. Siddappa.
14. Smt. B.N. Sree,  
Aged 54 years,  
W/o R. Viswanathan.

.. Applicants  
(Contd..)

15. P.S.Sripathy,  
Aged 57 years,  
S/o late P.Srinivasa Rao.
  16. M.R.Seetharam,  
Aged 50 years,  
S/o M.Rangaswamy.
  17. M.V.Susheela,  
Aged 42 years,  
W/o G.N.Krishnaswamy.
  18. Smt. M.S.Sumithra,  
Aged 47 years,  
W/o A.S.Nagasharma.
  19. Dasa Setty,  
Aged 47 years,  
S/o late Venkapa Setty.
  20. Kumari N.Kasturi,  
Aged 51 years,  
D/o late S.Narasoji Rao.
  21. Smt.Bhanumathi Ramasubbu,  
Aged 40 years,  
Wife of T.K.Ramasubbu,
  22. Smt. M.Muddamma,  
Aged 43 years,  
W/o Seetharamaiah.
  23. Kumari Y.Vasantha,  
Aged 43 years,  
Daughter of Sri Y.S.Narasimhaiah
  24. Smt.C.K.Shantha,  
Aged 49 years,  
Wife of M.N.Rama Rao.
- .. Applicants.

Applicants 1 to 24 are working as  
Senior Accountants in the office of the  
Accountant General (A & E) Karnataka,  
Bangalore-1)

(By Sri S.K.Srinivasan, Advocate)

v.

1. The Accountant General,  
(Accounts and Entitlements)  
Karnataka, Bangalore-1.
  2. The Comptroller and Auditor  
General of India,  
No.10, Bhadur Shah Zafar Marg,  
NEW DELHI-2.
  3. The Government of India,  
by the Secretary,  
Ministry of Finance,  
(Department of Expenditure)  
NEW DELHI-110 001.
- .. Respondents.

(By Sri M.Vasudeva Rao, Standing Counsel)

These applications having come up for hearing this day, Vice-Chairman made the following:

O R D E R

We have heard Sri S.K.Srinivasan, learned counsel for the applicants and Sri M.Vasudeva Rao, learned Additional Central Government Standing Counsel appearing for the respondents.

2. The facts and circumstances and the question that arise for determination in these cases are similar to those in NANJUNDASWAMY AND OTHERS v. ACCOUNTANT GENERAL AND OTHERS [A.No.1327 to 1332 of 1986 decided on 7/8-7-1987 since reported in 1987(3) SLJ (CAT) 531]. The distinction and difference if any sought to be made by the respondents has also been rejected by us in THE ACCOUNTANT GENERAL AND OTHERS v. SMT.VASANTHA AND OTHERS (R.A.No.29 to 45 of 1988 dated 25th March,1988)

3. For the self same reasons stated in Nanjundaswamy's and Smt. Vasantha's cases, the claim of the present applicants for revision of their pay scales with effect from 1-1-1986 instead of 1-4-1987 as sanctioned by Government merits consideration and, therefore, we uphold the same on the principle de similibus idem est judicium in like cases the order is the same.

4. In the light of the foregoing, we make the following orders:

- (1) We declare that the applicants are entitled to the benefits of revision of pay scales as sanctioned by Government of India in their order dated 12-6-1987 with effect from 1-1-1986.

- (2) We direct the respondents to fix the pay of the applicants in the said revised pay scale in accordance with the instructions contained in the aforesaid order dated 12-6-1987 of the Government of India, with effect from 1-1-1986 and extend to them all consequential benefits from that date expeditiously and in any case not later than three months from the date of receipt of this order.

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

Sd-  
VICE-CHAIRMAN

Sd-  
MEMBER(A)

30.3.88

True Copy -

17/8/92  
DR. GAT. B. Rose

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Dated : 7 APR 1988

391 to 414 /88(F)

Respondent

V/s The AG (A&E), Karnataka, Bangalore & 2 Ors

21. Smt Bhanumathi Ramasubbu  
22. Smt, M. Muddamma  
23. Kum Y. Vasantha  
24. Smt C.K. Shantha

(Sl Nos. 1 to 24 -  
Senior Accountants  
Office of the Accountant General (A&E)  
Karnataka  
Bangalore - 560 001 )

26. The Accountant General  
(Accounts & Entitlements)  
Karnataka  
Bangalore - 560 001

28. The Secretary  
Ministry of Finance  
(Department of Expenditure)  
New Delhi - 110 001

Please find enclosed herewith the copy of ORDER/~~STAY~~/~~INTERIM ORDER~~

**30-3-88**

DEPUTY REGISTRAR  
(JUDICIAL)

End: ~~As~~ above

**CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE**

**DATED THIS THE 30TH DAY OF MARCH, 1988.**

**PRESENT:**

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

**And:**

**And:**

**Hon'ble Mr. L.H.A. Rego,**

**.. Member(A).**

**APPLICATIONS NUMBERS 391 TO 414 OF 1988**

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Aged 49 years,  
Son of late E. Venkoba Rao.
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Aged 48 years,  
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S/o K.V. Subba Rao,
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Aged 51 years,  
S/o C. Mannaji Rao,
10. N.R. Madan Kumar,  
Aged about 45 years,  
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Aged 53 years,  
S/o late R. Sampangappa.
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Aged 45 years,  
S/o Lakshminarasimha Sastry.
13. S. Chandrasekharaiah,  
Aged 45 years,  
S/o late A. Siddappa.
14. Smt. B.N. Sree,  
Aged 54 years,  
W/o R. Viswanathan.

**.. Applicants  
(Contd..)**



15. P.S.Sripathy,  
Aged 57 years,  
S/o late P.Srinivasa Rao.
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Aged 50 years,  
S/o M.Rangaswamy.
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Aged 42 years,  
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Aged 47 years,  
S/o late Venkapa Setty.
20. Kumari N.Kasturi,  
Aged 51 years,  
D/o late S.Narasoji Rao.
21. Smt.Bhanumathi Ramasubbu,  
Aged 40 years,  
Wife of T.K.Ramasubbu.
22. Smt. M.Muddamma,  
Aged 43 years,  
W/o Seetharamaiah.
23. Kumari Y.Vasanth,  
Aged 43 years,  
Daughter of Sri Y.S.Narasimhaiah
24. Smt.C.K.Shantha,  
Aged 49 years,  
Wife of M.N.Rama Rao.

.. Applicants.

Applicants 1 to 24 are working as  
Senior Accountants in the office of the  
Accountant General (A & E) Karnataka,  
Bangalore-1)

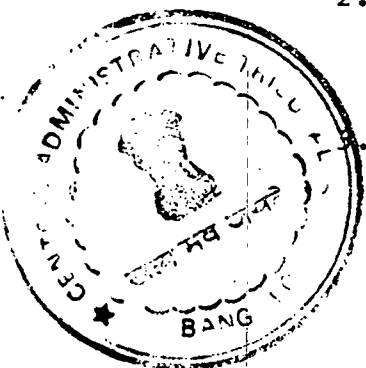
(By Sri S.K.Srinivasan, Advocate)

v.

1. The Accountant General,  
(Accounts and Entitlements)  
Karnataka, Bangalore-1.
2. The Comptroller and Auditor  
General of India,  
No.10, Bhadur Shah Zafar Marg,  
NEW DELHI-2.  
  
The Government of India,  
by the Secretary,  
Ministry of Finance,  
(Department of Expenditure)  
NEW DELHI-110 001.

.. Respondents.

(By Sri M.Vasudeva Rao, Standing Counsel)



-3-

These applications having come up for hearing this day, Vice-Chairman made the following:

O R D E R

We have heard Sri S.K.Srinivasan, learned counsel for the applicants and Sri M.Vasudeva Rao, learned Additional Central Government Standing Counsel appearing for the respondents.

2. The facts and circumstances and the question that arise for determination in these cases are similar to those in NANJUNDASWAMY AND OTHERS v. ACCOUNTANT GENERAL AND OTHERS [A.No.1327 to 1332 of 1986 decided on 7/8-7-1987 since reported in 1987(3) SLJ (CAT) 531]. The distinction and difference if any sought to be made by the respondents has also been rejected by us in THE ACCOUNTANT GENERAL AND OTHERS v. SMT.VASANTHA AND OTHERS (R.A.No.29 to 45 of 1988 dated 25th March,1988)

3. For the self same reasons stated in Nanjundaswamy's and Smt. Vasantha's cases, the claim of the present applicants for revision of their pay scales with effect from 1-1-1986 instead of 1-4-1987 as sanctioned by Government merits consideration and, therefore, we uphold the same on the principle de similibus idem est judicium in like cases the order is the same.

4. In the light of the foregoing, we make the following orders:

- (1) We declare that the applicants are entitled to the benefits of revision of pay scales as sanctioned by Government of India in their order dated 12-6-1987 with effect from 1-1-1986.







(2) We direct the respondents to fix the pay of the applicants in the said revised pay scale in accordance with the instructions contained in the aforesaid order dated 12-6-1987 of the Government of India, with effect from 1-1-1986 and extend to them all consequential benefits from that date expeditiously and in any case not later than three months from the date of receipt of this order.

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

• TRUE COPY

sd/-  
VICE-CHAIRMAN  
30/1/88

sd/-  
MEMBER(A)  
30.3.88

*[Signature]*  
DEPUTY REGISTRAR (JULI)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 9 AUG 1988

IA II IN APPLICATION NO.S

W.P. NO.

391 to 414, 436 to 456,

526 to 546, 548 to 566 & 569 to 591/88(F)

Applicant(s)

Shri E.V. Gopinatha Rao & Ors  
To

Respondent(s)

The AG (A&E), Karnataka, Bangalore & 2 Ors

1. Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009
2. The Accountant General  
(Accounts & Entitlements)  
Karnataka  
Bangalore - 560 001
3. The Comptroller & Auditor  
General of India  
No. 10, Bahadur Shah Zafar Marg  
New Delhi - 110 002

4. The Secretary  
Ministry of Finance  
(Department of Expenditure)  
New Delhi - 110 001
5. Shri M.S. Padmarajiah  
Central Govt. Sng Counsel  
High Court Building  
Bangalore - 560 001

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(s) on 1-8-88.

Encl : As above

DEPUTY REGISTRAR  
(JUDICIAL)

E.V. Gopinatha Rao &amp; Ors

V/s

The AG (A&amp;E), Karnataka, B'lore &amp; 2 Ors

Dr M.S. Nagaraja

M.S. Padmarajaiah

| Date     | Office Notes | Orders of Tribunal   |
|----------|--------------|--|
| 1.8.1988 | /and         | <p>KSPVC/BSM</p> <p>A No.391 to 414/88(F) C/w<br/> 436 to 456/88(F)<br/> 526 to 546/88(F)<br/> 548 to 566/88(F)<br/> 569 to 591/88(F)</p> <p><u>Orders on IA No.II - application for extension of time:</u> In all these cases the Respondents have sought for extension of time by another 45 days either to obtain an order of stay from the Supreme Court or to comply with the orders of this Tribunal. IA No.II is opposed by the applicant.</p> <p>In IA No.II the Respondents have <del>stated</del> stated that they have taken effective steps to challenge the orders before the Supreme Court/until the matters are taken up and decided by the Supreme Court it is necessary for this Tribunal to extend the time at least by another 45 days. Shri M.S.Padmarajaiah, learned senior standing counsel appearing for the Respondents urges for the extension of time sought in these applications. Dr.M.S.Nagara-ja, learned counsel for the applicants opposes the application for extension of time.</p> <p>When the Respondents say that they have taken all the necessary effective steps for approaching the Supreme Court, it is only proper that we should grant a reasonable time to enable them either to obtain an order of stay from the Supreme Court or to comply with the orders of this Tribunal. We consider it proper to grant time by another 45 days from this day.</p> <p>In the light of our above discussion we allow IA No.II and extend time in all these cases till 15.9.1988.</p> |



Sd/-  
VICE CHAIRMAN

Sd/-  
MEMBER (A)

TRUE COPY

*[Signature]*  
DEPUTY REGISTRAR (JUL) 9/8  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 16 DEC 1988

CONTEMPT  
PETITION (CIVIL) APPLICATION NOS 75 to 182 /88  
IN A.NOS. 391 to 414, 436 to 456, 526 to 546, 548 to 566 & 569 to 591/88(F)  
W.P. NO.

Applicant(s)

Shri E.V. Gopinatha Rao & Ors  
To

1. Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009
2. The Accountant General  
(Accounts & Entitlements)  
Karnataka  
Bangalore - 560 001
3. The Comptroller & Auditor  
General of India  
No. 10, Bahadur Shah Zafar Marg  
New Delhi - 110 002

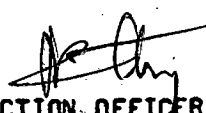
Respondent(s)

V/s The Accountant General (A&E), Karnataka,  
Bangalore & 2 Ors

4. The Secretary  
Ministry of Finance  
(Department of Expenditure)  
New Delhi - 110 001
5. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

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(s) on 29-11-88.

  
SECTION OFFICER  
~~SECRETARY~~  
(JUDICIAL)

Encl : As above

**In the Central Administrative  
Tribunal Bangalore Bench,  
Bangalore**

page-3

**E.V. Gopinatha Rao & Ors**

**V/s The AG (A&E), Karnataka, Bangalore & 2 Ors**

**Contempt Petn.75 to 182/88.**

**Order Sheet (contd)**

**Dr M.S. Nagaraja**

**M.S. Padmarajaiah**

| Date | Office Notes   | Orders of Tribunal  |
|------|--|---|
|      | <div data-bbox="255 893 616 1262" data-label="Image"> </div> <div data-bbox="370 1271 588 1331" data-label="Text"> <p><b>TRUE COPY</b></p> </div> <div data-bbox="271 1662 685 1889" data-label="Text"> <p><i>[Signature]</i> 16/12/88<br/>SECTION OFFICER<br/>CENTRAL ADMINISTRATIVE TRIBUNAL<br/>ADDITIONAL BENCH<br/>BANGALORE</p> </div> | <div data-bbox="865 1239 1356 1288" data-label="Text"> <p><b>KSP/LHAR : 29.11.88</b>      <i>Order</i></p> </div> <div data-bbox="873 1297 1508 1428" data-label="Text"> <p><b>Petitioners by Dr.M.S.Nagaraja.<br/>Respondents by Shri M.S.<br/>Padmarajaiah.</b></p> </div> <div data-bbox="873 1425 1531 1572" data-label="Text"> <p><b>Dr.Nagaraja reports that the<br/>orders made in favour of the petitioners<br/>have been implemented by making payments<br/>that are legitimately due to them.</b></p> </div> <div data-bbox="876 1568 1489 1653" data-label="Text"> <p><b>In this view, these petitions<br/>no longer survive for consideration.</b></p> </div> <div data-bbox="879 1648 1520 1827" data-label="Text"> <p><b>We, therefore, drop these<br/>contempt of court proceedings as having<br/>become infructuous. But in the<br/>circumstances of the case, we direct<br/>the parties to bear their own costs.</b></p> </div> <div data-bbox="882 1845 1221 2020" data-label="Text"> <p><i>Sd/-</i><br/><b>(K.S.PUTTASWAMY)</b><br/>VICE CHAIRMAN<br/>29.11.88</p> </div> <div data-bbox="1257 1845 1531 2020" data-label="Text"> <p><i>Sd/-</i><br/><b>(L.H.A.REGD)</b><br/>MEMBER(A)<br/>29.11.88</p> </div> |

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 9 AUG 1988

IA II IN APPLICATION NO.S  
W.P. NO.

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3. The Comptroller & Auditor  
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4. The Secretary  
Ministry of Finance  
(Department of Expenditure)  
New Delhi - 110 001
5. Shri M.S. Padmarajiah  
Central Govt. Sng Counsel  
High Court Building  
Bangalore - 560 001

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(s) on 1-8-88.

Encl : As above

DEPUTY REGISTRAR  
(JUDICIAL)

E.V. Gopinatha Rao &amp; Ors

V/s

The AG (A&amp;E), Karnataka, B'lore &amp; 2 Ors

Dr M.S. Nagaraja

M.S. Padmarajaiah

| Date     | Office Notes | Orders of Tribunal  |
|----------|--------------|---|
| 1.8.1988 |              | <p>KSPVC/BSM</p> <p>A No.391 to 414/88(F) C/w<br/> 436 to 456/88(F)<br/> 526 to 546/88(F)<br/> 548 to 566/88(F)<br/> 568 to 591/88(F)</p> <p><u>Orders on IA No.II - application for extension of time:</u> In all these cases the Respondents have sought for extension of time by another 45 days either to obtain an order of stay from the Supreme Court or to comply with the orders of this Tribunal. IA No.II is opposed by the applicant.</p> <p>In IA No.II the Respondents have <del>stated</del> stated that they have taken effective steps to challenge the orders before the Supreme Court/until the matters are taken up and decided by the Supreme Court it is necessary for this Tribunal to extend the time at least by another 45 days. Shri M.S.Padmarajaiah, learned senior standing counsel appearing for the Respondents urges for the extension of time sought in these applications. Dr.M.S.Nagara-ja, learned counsel for the applicants opposes the application for extension of time.</p> <p>When the Respondents say that they have taken all the necessary effective steps for approaching the Supreme Court, it is only proper that we should grant a reasonable time to enable them either to obtain an order of stay from the Supreme Court or to comply with the orders of this Tribunal. We consider it proper to grant time by another 45 days from this day.</p> <p>In the light of our above discussion we allow IA No.II and extend time in all these cases till 15.9.1988.</p> <p>Sd/-<br/>VICE CHAIRMAN</p> <p>Sd/-<br/>MEMBER (A)</p> <p>TRUE COPY</p> <p><i>[Signature]</i><br/>DEPUTY REGISTRAR (JDL) 9/8<br/>CENTRAL ADMINISTRATIVE TRIBUNAL<br/>BANGALORE</p> |



CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated :

16 DEC 1988

CONTEMPT  
PETITION (CIVIL) APPLICATION NOS 75 to 182 /88  
IN A.NOS. 391 to 414, 436 to 456, 526 to 546, 548 to 566 & 569 to 591/88(F)  
W.P. NO.

Applicant(s)

Shri E.V. Gopinatha Rao & Ors  
To

Respondent(s)

V/s The Accountant General (A&E), Karnataka,  
Bangalore & 2 Ors

1. Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009
2. The Accountant General  
(Accounts & Entitlements)  
Karnataka  
Bangalore - 560 001
3. The Comptroller & Auditor  
General of India  
No. 10, Bahadur Shah Zafar Marg  
New Delhi - 110 002

4. The Secretary  
Ministry of Finance  
(Department of Expenditure)  
New Delhi - 110 001
5. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAX/INXERINX8RBERX~~  
passed by this Tribunal in the above said application(s) on 29-11-88.

  
SECTION OFFICER

~~SECRETARY~~  
(JUDICIAL)

Encl : As above



**In the Central Administrative  
Tribunal Bangalore Bench,  
Bangalore**

page-3

E.V. Gopinatha Rao & Ors

V/s The AG (A&E), Karnataka, Bangalore & 2 Ors

Contempt Petn.75 to 182/88.

Order Sheet (contd)

Dr M.S. Nagaraja

M.S. Padmarajaiah

| Date | Office Notes | Orders of Tribunal |
|------|--------------|--------------------|
|------|--------------|--------------------|



**TRUE COPY**

*[Signature]* 16/12/88  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

KSP/LHAR : 29.11.88

Order

Petitioners by Dr.M.S.Nagaraja.

Respondents by Shri M.S.  
Padmarajaiah.

Dr.Nagaraja reports that the orders made in favour of the petitioners have been implemented by making payments that are legitimately due to them.

In this view, these petitions no longer survive for consideration.

We, therefore, drop these contempt of court proceedings as having become infructuous. But in the circumstances of the case, we direct the parties to bear their own costs.

*Sd/-*  
(K.S.PUTTASWAMY)  
VICE CHAIRMAN  
29.11.88

*Sd/-*  
(L.H.A.REGO)  
MEMBER(A)  
29.11.88