

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

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

Dated: 17 FEB 1988

APPLICATION NOS. 135 to 139 /88 (F)

W.P.No. \_\_\_\_\_

APPLICANT

Vs

RESPONDENTS

Shri H.N. Hiriyanna Swamy  
& 4 Ors

The Accountant General (A&E), Bangalore  
& 2 Ors

To

1. Shri H.N. Hiriyanna Swamy
2. Shri M.S. Venkataramu
3. Smt P. Shivender Kaur
4. Shri B.N. Ramesh
5. Shri S. Sreedhara

(Sl Nos. 1 to 5 - Senior Accountants,  
Office of the Accountant General  
in Karnataka  
(Accounts & Entitlements)  
Karnataka - I  
Bangalore - 560 001)

6. Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009

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

8. The Comptroller & Auditor General  
No. 10, Bahadur Shah Zafar Marg  
New Delhi - 110 002

9. The Secretary  
Ministry of Finance  
Department of Expenditure  
New Delhi - 110 001

10. 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 the copy of ORDER/~~XXXX~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said application  
on 12-2-88.

Encl: as above.

*[Signature]*  
DEPUTY REGISTRAR  
(JUDICIAL)

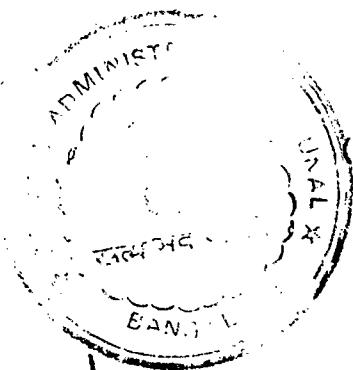
Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel, to take notice for the respondents, in all of them. Accordingly, he has taken notice for the respondents in all these cases. As in the previous cases also, Shri Rao again seeks for two months' time to file reply and then argue the matters. We are of the view that this request of Shri Rao is wholly unjustified. We, therefore, reject this request of Shri Rao and proceed to dispose them on merits.

4. The facts of these cases and the questions of law that arise for determination are in all fours with the decision rendered by us in A. Nos.1327 to 1334/87 decided on 7/8.7.1987 (NANJUNDASWAMY v. ACCOUNTANT GENERAL, KARNATAKA, BANGALORE & OTHERS) reiterated in A Nos.1078 to 1083/87 and connected cases decided on 25.1.1988 (SMT. BHARATHI AND OTHERS v. THE ACCOUNTANT GENERAL, KARNATAKA AND OTHERS). For the very reasons stated in NANJUNDASWAMY and BHARATHI's cases the claim of the applicants for revision of their pay scales from 1.1.1986 instead of from 1.4.1987, sanctioned by the Government has to be upheld and we uphold the same.

5. In the light of our above discussion, we make the following orders and directions:

(i) We declare that the applicants are entitled for the revised pay scales extended by the Government of India in its Order No.F.5(32)-E.III/86-Pt.II dated 12.6.1987 from 1.1.1986.

(ii) We direct the respondents to fix the scales of pay of the applicants in the revised pay scales in terms of order made by the Government of India on 12.6.1987 from 1.1.1986 and extend all such consequential monetary benefits flowing from the same to



them from that date with all such expedition as is possible in the circumstances of the cases and in any event, on or before 30th April, 1988.

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

Sd/-

VICE CHAIRMAN

12/2/88  
TRUE COPY

Sd/-

MEMBER (A)

12/2/88



*[Signature]*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE  
17/2/88

REGISTERED

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

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 5 APR 1988

REVIEW APPLICATION NOS. 29 to 45 / 88  
IN APPLICATION NOS. 121 to 132 & 135 to 139/88(F)  
W.P. NO. \_\_\_\_\_

Applicant

The Accountant General (A&E) Karnataka  
& 2 Ors  
To

Respondent

Smt Vasantha & 16 Ors

1. The Accountant General  
(Accounts & Entitlements)  
Karnataka  
Bangalore - 560 001
2. The Comptroller & Auditor General  
of India  
Post Bag No. 7  
Indraprastha Head Post Office  
New Delhi - 110 002
3. The Secretary  
Ministry of Finance  
Department of Expenditure  
New Delhi - 110 001
4. Shri M. Vasudeva Rao  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001
5. Smt Vasantha
6. Smt Bharathamatha
7. Smt G.S. Lalitha
8. Shri K. Srinath
9. Shri M. Lingesh

10. Shri A.S. Jayathirtha
11. Shri S.K. Kuppaswamy
12. Shri K. Subramanyam
13. Shri M. Basavaraju
14. Smt S. Vathesia
15. Smt N.S. Amruthavally
16. Shri Rajasekharan G.
17. Shri H.N. Hiriyanna Swamy
18. Shri M.S. Venkataramu
19. Smt P. Shivender Kaur
20. Shri B.N. Ramesh
21. Shri S. Sreedhara

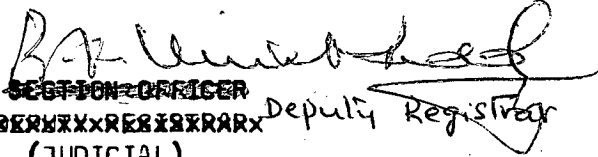
(S1 Nos. 5 to 21 -

Senior Accountants  
Office of the Accountant General  
(Accounts & Entitlements)  
Karnataka, Bangalore - 560 001)

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/8XX/2X282X28282  
passed by this Tribunal in the above said/Review application on 25-3-88.

22. Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009
- Encl : AS above

  
SECTION OFFICER  
DEPUTY REGISTRAR  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 25TH DAY OF MARCH, 1988

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

REVIEW APPLICATION NOS. 29 TO 45/1988

1. The Accountant General (A&E),  
Karnataka,  
Bangalore.
2. The Comptroller and Auditor  
General of India, Post Bag No.7,  
Indraprastha Head Post Office,  
New Delhi.
3. The Government of India, by its  
Secretaries, M/o Finance,  
Department of Expenditure,  
New Delhi.

... Applicants.

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

v.

1. Smt. Vasantha,  
Aged about 41 Years,  
W/o. Sri. S. Narasimhan,  
Senior Accountant.
2. Smt. Bharathamatha,  
Aged about 44 years,  
W/o. Sri. B.S. Nityananda Gupta,  
Senior Accountant.
3. Smt. G.S. Lalitha,  
Aged. about 39 years,  
W/o. Sri. R.N. Venkata Subba Rao,  
Senior Accountant.
4. Sri. K. Srinath,  
Aged about 42 years,  
S/o. H.S. Dwarakanath,  
Senior Accountant.
5. Sri. M. Lingesh,  
Aged about 54 years,  
S/o. Sri. Muniswamappa,  
Senior Accountant.
6. Sri. A.S. Jayathirtha,  
Aged. about 48 years,  
S/o. Sri. A.L. Sethumadhava Rao,  
Senior Accountant.



7. Sri S.K. Kuppaswamy,  
Aged about 58 years,  
S/o. Late Krishnaswamy Iyengar,  
Senior Accountant.
8. Sri. K. Subramanyam,  
Aged about 47 years,  
S/o. Late B.V. Krishnamurthy,  
Senior Accountant.
9. Sri M. Basavaraju,  
Aged about 47 years,  
S/o. Sri. D.C. Mugeravaliappa,  
Senior Accountant.
10. Smt. S. Vathsala,  
Aged about 44 years,  
W/o. Sri. S. Sridhar,  
Senior Accountant.
11. Smt. N.S. Amruthavally,  
S/o. Sri.K.T. Vigamapriyan,  
Senior Accountant.
12. Sri. Rajasekharan,  
Aged about 41 years,  
S/o. Sri. N. Gopalan,  
Senior Accountant.
13. Sri. H.N. Hiriyanna Swamy,  
Aged about 44 years,  
S/o. Sri. HN Suryanarayana Rao,  
Senior Accountant.
14. M.S. Venkataramu,  
Aged about 48 years,  
S/o. Late M.V. Subramanya Sastry,  
Senior Accountant.
15. Smt. P. Shivender Kaur,  
Aged about 41 years,  
W/o. Sri Joginder Kaur,  
Senior Accountant.
16. Sri. B.N. Ramesh,  
Aged about 43 years,  
S/o. Sri. B.N. Murthy,  
Senior Accountant.
17. Sri. S. Sreedhara,  
Aged about 42 years,  
S/o. Late M. Seshagiri Rao,  
Senior Accountant.



... Respondents.

( The above respondents are working  
in the O/o the Accountant General  
(Accountants & Entitlement),  
Karnataka, Bangalore)

(Dr. M.S. Nagaraja, Advocate)

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

O R D E R

These are applications for review of our orders made in Application Nos. 121 to 132 and 135 to 139 of 1988.

2. The applicants herein were the respondents and the respondents herein were the applicants in the afore-said original applications.

3. On 9th and 12th February, 1988, the original applications filed by the respondents were disposed of by a Division Bench of this Tribunal following the ruling in M. NANJUNDASWAMY AND OTHERS v. ACCOUNTANT GENERAL AND OTHERS (1987 (3) SLJ (CAT) 531).

4. In Nanjundaswamy's case we have held that the order of Government of India made on 12.6.1987 reproduced in its entirety at para 31 of the order directing that the revision of pay scales to the cadres referred to in that order, should be given effect <sup>to</sup> from 1.1.1986 instead of from 1.4.1987 as stipulated by Government in that order.

5. In the later orders made, a review of which is sought by the applicants, we have only applied that very principle without doing anything more.

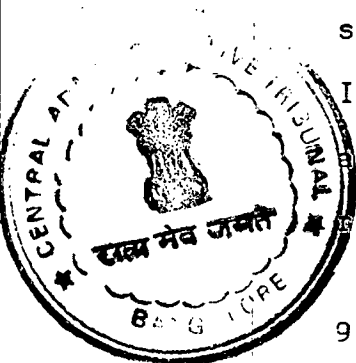
6. But the applicants have still contended that Nanjundaswamy's case had its application only to Accountants and not to senior Accountants and the application of that



order to senior Accountants suffers from a patent error apparent on the face of the record. Shri M. Vasudeva Rao, learned Additional Standing Counsel appearing for the applicants, highlighted this very aspect and urges for a review of our orders.

7. Dr. M.S. Nagaraja, learned Advocate who had appeared for the respondents in the original applications, had suo motu taken notice for them opposes these applications.

8. In Nanjundaswamy's case, all that we have done was to direct the applicants herein or Government that the revision of pay scales effected by Government in its order dated 12.6.1987 given effect <sup>to</sup> ~~by~~ it only from 1.4.1987 should be given effect to from 1.1.1986. In reaching that conclusion, we have not differentiated on the different cadres to which Government itself had extended its benefit. We have only held that the very benefit given by the Government in its order dated 12.6.1987 should be given effect from 1.1.1986 and not from 1.4.1987. In the orders, the review of which is sought by the applicants we have only extended that very benefit to the respondents.



9. We are also of the view that our order in Nanjundaswamy's case, also rightly extended to the respondents, does not proceed on any distinction and difference between the Accountants and the Senior Accountants and other categories, if any, that are referred to in the order of Government. We have, therefore, no hesitation in holding



that our orders made, the review of which is sought by the applicants does not suffer from any patent error justifying a review at all. What had been enunciated by the Supreme Court in SUSHIL KUMAR SEN v. STATE OF BIHAR (AIR 1975 SC 1185) and NORTHERN INDIA CATERERS v. Lt. GOVERNOR OF DELHI (AIR 1980 SC 675) only supports our above conclusion.

10. On the foregoing discussion, we hold that these applications are liable to be rejected. We, therefore, reject these applications. But, since the respondents have entered appearance before they were notified, we decline them costs.

Sd/-

VICE-CHAIRMAN

Sd/-

MEMBER (A)

25.5.88

TRUE COPY

np/Mrv.



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

REGISTERED

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

Commercial Complex(BOA)  
Indiranagar  
Bangalore - 560 038

Dated : 9 MAY 1988

IA I IN APPLICATION NOS. 263 to 281, 4 to 6, 21 to 26, 28 to 33,  
39 to 44, 59 to 63, 120, 121 to 132,  
135 to 139, 188 to 215, 218 to 239,  
240 to 251, 253 to 262, 283 to 303,  
415 to 435/88(F) & 1078 to 1083/87(F)

Applicants

Smt A. Manjula & Ors

Respondents

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

To

1. Dr M.S. Nageraja  
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. Stng Counsel  
High Court Building  
Bangalore - 560 001
6. 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 the copy of ORDER passed by this Tribunal  
in the above said applications on 4-5-88.

  
SECTION OFFICER  
(JUDICIAL)

Encl : As above

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

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated 9 JAN 1989

Contempt

APPLICATION NO.

IN AND

W.P. NO.

Applicant(s)

To

Smk. S.G. Bharathi & ORS

Vs.

Sh. R.S.A. Rao, AG (AE)  
Bangalore & 2 ORS.

197 to 202/88 CW CPs 212 to 276/88 and  
297 to 326/88  
1078/87 to 1083/87, 29/88,  
26/88, 30 to 33/88, 39 to 44/88, 59 to 63/88, 120/88 to 132/88,  
135/88 to 136/88, 138/88, 137/88, 139/88,  
188 to 215/88, 240/88 to 241/88, 315/88 to 344/88

Respondent(s)

(1) Dr. M.S. Nagaraja  
Advocate,  
No: 35 Above Hotel Sivagathi,  
1st Main Road, Gandhi Nagar,  
Bangalore - 560 009. (~~1978/88~~)

(2) Sh. R.S.A. Rao,  
Accountant General (A&E),  
Karnataka Bangalore.

(3) Sri. T.N. Chaturvedi,  
Comptroller & Auditor General  
of India,  
No. 10, Bhadhar Shik Jagar Marg  
New Delhi - 110 002.

(4) Sri. S. Venkataraman,  
Secretary,  
Ministry of Finance, Govt.,  
Department of Expenditure,  
New Delhi - 110 001.

(5) Sh. M.S. Padmarajuh,  
CGSC, Bangalore.

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 16-12-88

Encl : As above

RA Venkataraman  
DEPUTY REGISTRAR  
(JUDICIAL)

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

Smt S.G. Bharathi & Ors

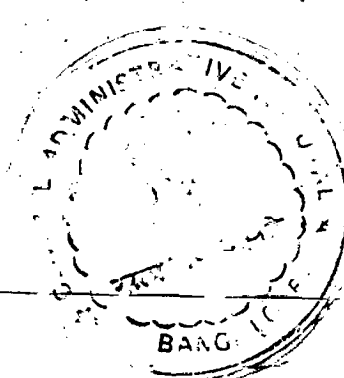
Order Sheet (contd)

The AG (A&F), Karnataka,  
Bangalore & Ors

Dr M.S. Nagaraja

M.S. Padmarajiah

Date	Office Notes	Orders of Tribunal
		<p>VC/LHAR(AM) 16-12-1988</p> <p><u>ORDERS IN CONTEMPT PETITIONS</u> <u>NOS.197 to 202/88 C/w C.Ps.</u> <u>212 to 276 &amp; 297 to 326/88:</u></p> <p>In these petitions under Sec.17 of the Administrative Tribunals Act, 1985 and Contempt of Courts Act, 1971, the petitioners have moved this Tribunal to initiate Contempt of Court Proceedings against the respondents for non-implementation of the orders in their favour by this Tribunal.</p> <p>2. Smt.K.Ganga, Deputy Accountant General(Admn.), Bangalore, appearing for the respondents, has placed before us copies of two orders, both dated 14-12-1988 passed by respondent(R) 1, in favour of the petitioners, pursuant to the orders of this Tribunal in the matter, subject to certain terms and conditions specified by R-1. It is apparent that the aforesaid orders of R-1 would eventually result in payment to the petitioners as directed by this Tribunal. In these circumstances, we consider it proper to drop the Contempt of Court Proceedings in question. The said proceedings therefore are hereby dropped. But, in the circumstances of the case, we direct the parties to bear their own costs.</p>



TRUE COPY

(K.S.PUTTASWAMY) VICE CHAIRMAN.

(L.H.A.REGD) MEMBER(A)

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

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

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 9 JAN 1989

Contempt

APPLICATION NO.

In

~~18.12.88~~ NO. ANos.

203 to 211/88 c/w CPs, 277 to 296/88

4 to 6/88, 21 to 25/88, 28/88, 242/88 to 251/88  
and 253 to 262/88]

Applicant(s)

Sh. Ganesh H. Patwardhan  
To and ors.

Respondent(s)

Sh. R. S. A. Rao, AG. & (A.E.)  
Bangalore & ors.

(1) Dr. M. S. Nagaraja,  
Advocate,  
NO. 35, Above Hotel Swagath,  
1st Main Road, Gandhi Nagar,  
Bangalore - 560 009. (~~206/88~~)

(2) Sh. R. S. A. Rao,  
Accountant General (A & E),  
Karnataka,  
Bangalore.

(3) Sh. T. N. Chakravarti,  
Comptroller & Auditor General of  
India,  
NO. 10, Bhadur Shah Jagar Marg,  
New Delhi - 110 002.

(4) Sri. S. Venkataraman,  
Secretary,  
Ministry of Finance, Govt. of India,  
Dept. of Expenditure,  
New Delhi - 110 001.

(5) Sh. N. S. Padmeswari,  
CGSC,  
Bangalore.

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 16-12-88.

Encl : As above

DEPUTY REGISTRAR  
(JUDICIAL)

Date

Office Notes

Orders of Tribunal

VC/LHAR(AM)  
16-12-1988.

ORDERS IN CONTEMPT PETITIONS  
Nos.203 TO 211/88 C/w C:Ps.277  
TO 296/88.

Petitioners by Dr.M.S.  
Nagaraja.

2. Respondents by Smt.K.  
Ganga, Deputy Accountant General  
(Admn.), Bangalore.

3. In these petitions filed  
under Sec.17 of the Administrative  
Tribunals Act, 1985 and the Contempt  
of Courts Act, 1971, the petitioners  
have moved this Tribunal to initiate  
contempt of Courts proceedings  
against the respondents for non-  
implementation of the orders made  
in their favour, by this Tribunal.

4. Smt. K.Ganga, Deputy Account-  
tant General, appearing for the  
respondents, has brought to our  
notice that the Hon'ble Supreme  
Court has stayed the operation of  
the orders made in favour of the  
petitioners and therefore, these  
Contempt of Courts Proceedings are  
liable to be dropped. We find  
this submission of Smt. Ganga is  
correct. On this view, these  
Contempt of Courts Proceedings are  
liable to be dropped. We, therefore,  
drop these Contempt of Courts Pro-  
ceedings. But, in the circumstances  
of the cases, we direct the parties  
to bear their own costs.



TRUE COPY

Sd/-  
VICE CHAIRMAN

Sd/-  
MEMBER(A)

contd...3

*[Signature]*  
DEPUTY REGISTRAR (JDL)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE