

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 17 FEB 1988

APPLICATION NO^S, 135 to 139 /88 (F)

W.P.No.

APPLICANT

vs

Shri H.N. Miriyanna Swamy
& 4 Ors

To

RESPONDENTS

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

1. Shri H.N. Miriyanna Swamy

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

2. Shri M.S. Venkatarao

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

3. Smt P. Shivender Kaur

10. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

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

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXX~~/
~~XXXX XXXX XXXX~~ passed by this Tribunal in the above said application
on 12-2-88:

Encl: as above.

Parshuram Shinde
DEPUTY REGISTRAR
(JUDICIAL)

dc

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

(2/2)

TRUE COPY

Sd/-

MEMBER (A)

12/2/88



bsv

R. Venkatesh
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 5 APR 1988

REVIEW APPLICATION NO. 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

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

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

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

22. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
Ist Main, Gandhinagar
Bangalore - 560 009

Encl : As above

Respondent
V/s Smt Vasantha & 16 Ors

10. Shri A.S. Jayathirtha
11. Shri S.K. Kuppaswamy
12. Shri K. Subramanyam
13. Shri M. Basavaraju
14. Smt S. Vethala
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

(Sl Nos. 5 to 21 -

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

SECTION OFFICER
REHEARING/REVIEW/REHEARING
(JUDICIAL)

Deputy Registrar

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 43 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. Vijayamapriyan,
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. Sesagiri 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 aforesaid 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 ^{to} 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 ^{to} ~~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)

TRUE COPY

ap/Mrv.



For the above dated
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

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

To

1. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
Ist 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
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. 197 to 202/88 CIV. CPZ. 212 to 276/88 and
IN AND
No. 297 to 326/88

Applicant(s)

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

Smk. S. G. Bharathi & Ors

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

(1) Dr. M. S. Nagaraja
Advocate,
No. 35 Above Hotel Swagath,
1st Main Road, Gandhi Nagar,
Bangalore - 560 009. (Held)

(3) Sri. T. N. Chaturvedi,
Comptroller & Auditor General
of India,
No. 10, Bhadur Shah Jafar Marg
New Delhi - 110 002.

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

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

(5) Sh. M. S. Padmarayah,
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.

R. V. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

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

Smt S.G. Sharathi & Ors

1/3

Order Sheet (contd)

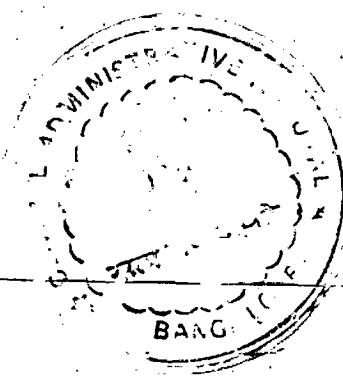
Dr R.S. Nagaraja

CPN&S. 197 to 326/88

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

M.S. Padmarajaiah

Date	Office Notes	Orders of Tribunal
		<p>VC/LHAR(AM) 16-12-1988</p> <p>ORDERS IN CONTEMPT PETITIONS NOS. 197 to 202/88 C/w C.Ps. 212 to 276 & 297 to 326/88:</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

Sd/- Sd/-
(K.S.PUTTASWAMY) (T.S.H.A. REGD) 76
VICE CHAIRMAN MEMBER (A) 89

By
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

~~1000~~, ANOS.

203 to 211/88 C/w CPS, 277 to 296/88
466/88, 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 - 2 028.

(1) Dr. M.S. Nagaraja,
Advocate,
No. 35, Above Hotel Swagath,
1st Main Road, Gandhi Nagar,
Bangalore - 560 009. (3000)

(3) Sh. T.N. Chaturvedi,
Comptroller & Auditor General of
India,
No. 10, Bhadur Shah Jagat Marg,
New Delhi - 110 002.

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

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

(5) Sh. H.S. Padmeswara
C.G.S.C.,
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)

Ganesh M. Patwardhan & Ors

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

Dr M.S. Nagaraja

M.S. Padmanabiah

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.

1372-88

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 Accountant 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 Proceedings. But, in the circumstances of the cases, we direct the parties to bear their own costs.



TRUE COPY

Sd/-

VICE CHAIRMAN

Sd/-

MEMBER(A) 6/88

contd...3

Parmanabiah
 DEPUTY REGISTRAR (JD)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 BANGALORE