

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

FORM OF INDEX AS PER CAT (DESTRUCTION OF RECORDS) RULES, 1990

LIST OF PAPERS IN ~~CA/TA/PA~~/CP NO. 30 to 33/88/in

CA Nos. 962 to 965/88

Sl.No.	Items	Description of papers
1.	2.	3.
1.	Order sheets	Kept
2.	All orders/judgements of the Tribunal passed in the case	do -
3.	Judgements and orders received from the Supreme Court in the case.	NA
4.	All applications including MAs/Plaints/memoranda/appeals together with annexures and all other documents whether original or copies filed with them	Kept
5.	Counter/written statement and reply affidavits	NA
6.	All depositions of witnesses taken by way of affidavit	NA
7.	All documents or certified copies received by the Court and marked as exhibits, reports and examination of commissioners.	NA
8.	Notices	NA
9.	Letters filed by the counsel and other correspondences, vakalatnama/memo of appearance	Kept
10.	All other papers not already specified.	do -

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

ORDER SHEET

Contempt of Court Application No. 30 E 33 of 1988
in A. Nos. 962 to 965/86(T)

Applicant

R. Cyril & Sons.

Advocate for Applicant

R. M. R. Acharya.

Respondent

Sh. P. S. Murthy, Secretary, & Commissioner, Do Communication, B. D. S. & Co.

Advocate for Respondent

Date	Office Notes	Orders of Tribunal
4/4/88	<p>These applications filed under 17 of the A.T. Act, 1985, praying to take action against the respondents for having disobeyed the orders of the Tribunal passed in A-nos. 962 to 965/86 by a Bench comprised of Hon'ble AM (LHAR) & JM (Ch. R. K. Rao).</p> <p><u>Office Observations</u></p> <p>As seen from Annexure - B, the respondents have complied with orders of the Tribunal by issuing a reviewed Seniority list, as directed by the Tribunal.</p> <p>Whereas in the ^{present} application, the applicants contend that the respondents in the reviewed seniority list have maintained the same <u>status-quo</u>, hence, orders of the Tribunal is violated.</p> <p>It is observed that since, the orders of the Tribunal has been complied with, this Contempt application is not sustainable. If the applicants are still aggrieved, they proper course</p>	

Contd/-

Date

Office Notes

Orders of Tribunal

From Mr. J. J.

For Induced & their grievance
is through filing the application
under section 19 of the Act.

For the above observations,
the Complaint application is not
sustainable.

Submitted for

6/4/88 Vakilat signed by only
one complainant.

For order please, to be
posted on 7.4.88.

~~6/4/88~~
6/4/88

DR(J)

pos-before court for
orders on application -
observed on 7-4-88

6/4
6/4

7.4.88

Betore

KSPJ-VE

PS-MCA)

Sri. M.R. Acharya for A

~~APP~~ Proceedings dropped
order dictated

Boo

VRs.

CO

CH,

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

~~XXXXXX~~ CD Nos. 30 to 33/88

Order Sheet (contd)

Date	Office Notes	Orders of Tribunal
14.4.88	<p>Order dated 7.4.88 issued to all the parties concerned & o/c added to the file.</p> <p><u>15. Nalagundi</u></p>	
21.4.88	<p>Copy of the order issued to applicant at Sr. No. 4 received back undelivered is added to the file.</p> <p>TRB.</p>	

presented on 6-4-88

part for Admission on
2-4-88. Court informed

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE

CONTEMPT PETITION NO. ^{206 33} /1988

Bul
4/4

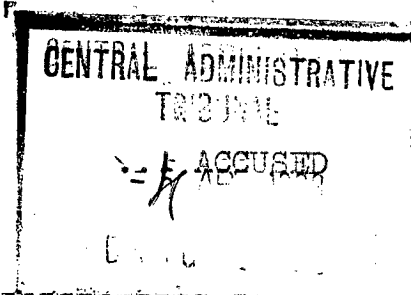
BETWEEN:

R. CYRIL AND OTHERS

... COMPLAINANTS.

AND:

Shri. S. S. Murali
The General Manager
and another, Telephones
Bangalore



I N D E X

Sl No.	Description	Pages
1.	Contempt Application	1 - 3
2.	Annexure "A" Order Copy	4 - 6
3.	Annexure 'B' <u>copy</u>	7 - 8
4.	Vakalat	10

Date: 6-4-88 = 988

Bangalore

M. Madan
Advocate for Applicant

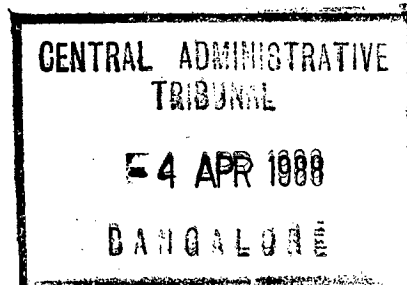
Dy No. 169/88 J-2
Dt 4-4-88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE.

30633
CONTEMPT OF COURT CASE /1988.

BETWEEN

1. R.Cyril,
Telephone Supervisor,
Bangalore Telephones,
Bangalore.
2. Rosy Chander Barnadas,
Telephone Supervisor,
Bangalore Telephones,
Bangalore.
3. Theresa Manoharan,
Telephone Supervisor,
Bangalore Telephones,
Bangalore.
4. R.Sulochana, -
Telephone Supervisor,
Bangalore Telephones,
Bangalore.



... COMPLAINANTS.

AND

- Shri C. S. S. Murthy*
1. The General Manager
(Telephones), K.G.Road,
Bangalore-9.
 2. Sri R.R.Rao,
Asst.General Manager (Staff),
Bangalore Telecom District,
Bangalore-560 009.

... ACCUSED

CONTEMPT OF COURT PETITION UNDER SECTION
17 OF THE KARNATAKA ADMINISTRATIVE TRIBUNALS ACT
1985.
--

The applicants state that the applicants and the respondents 3 to 8 in Application No.962 to 965 of 1986 joined the service of the first respondent establishment. Earlier the department was following the seniority on the basis of the date of confirmation and not the date of appointment.

2. The Supreme Court of India in the case of Ganapati Kini Vs. Union of India, held that for preparing the seniority list, the date of entry into service has to be taken into consideration and not the date of confirmation, of such persons, who are appointed between 1946 and 1959. Even though the respondent prepared and published the seniority list in higher cadre, the respondent has not reviewed the seniority of the ~~applicants~~ complainants.

3. Aggrieved by the said order, the applicants approached this Hon'ble Tribunal. This Hon'ble Tribunal has disposed of the said application on 1-5-1987. In para 6 of the said order, it is clearly stated that the complainants were also promoted prior to 1972 and as respondents 3 to 8 in the said application were placed above them, their case should be reviewed and the seniority of the applicants should be determined on the basis of such review. In spite of the said order, no steps have been taken by the respondent, but an application for extension of time has been made. Unfortunately on 5-2-1988, they have informed to the applicants that ~~xxxx~~ they have complied with the orders of the Hon'ble Tribunal. A copy of the said letter is produced herewith and marked as Annexure-B.

4. It is surprised to note that again they have maintained the same status-quo. Hence, it is a clear case of violation of the directions issued by this Hon'ble Tribunal.

5. The entire intention of the accused is to float and disobey the orders, which is illegal and amounts to contempt of court.

6. WHEREFORE, the complainants pray that this Hon'ble Tribunal be pleased to take action against the accused for disobedience of the order dated 1-5-1987 and punish the accused.

VERIFICATION

Mrs. Theresa Hanoharan wife of
I, ~~R. Cyril, son of~~ *Sri S. Hanoharan*

major, Telephone Supervisor, Bangalore Telephones, Bangalore, the first complainant in the above case, do hereby verify that the contents from 1 to 6 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Bangalore,

Dated: 4 - 4 - 1988.

Mrs. Theresa Hanoharan
SIGNATURE OF THE COMPLAINANT.

To

The Registrar,
Central Administrative Tribunal,
Bangalore.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

(4)

DATED THIS THE FIRST DAY OF MAY 1980

Present : Hon'ble Shri Ch. Ramakrishna Rao ... Member (J)

Hon'ble Shri L.H.A. Rego ... Member (A)

APPLICATION NO.962 TO 965/86(T)

R. Cyril,
~~XXXXXXXXXX~~
 Telephone Supervisor,
 Bangalore Telephones,
 Bangalore

(5) Rosy Chander Barnabas,
 Telephone Supervisor,
 Bangalore Telephones,
 Bangalore.

(6) Theresa Manoharan,
 Telephone Supervisor,
 Bangalore Telephones,
 Bangalore.

(7) R. Sulochana,
 Telephone Supervisor,
 Bangalore Telephones,
 Bangalore.

... Applicants

(Shri M.Raghavendrachar . Advocate)

V.

Union of India by its Secretary
 and Commissioner,
 Department of Communication,
 Parliamentary Road, New Delhi.

General Manager (Telephones),
 K.G. Road, Bangalore-9.

3. Mrs. T.Krishna Murthy,
 Telephone Supervisor,
 Bangalore Telephones,
 Bangalore

4. Komethagam Ramalingam,
 Telephone Supervisor,
 Bangalore Telephones,
 Bangalore.

5. Smt. Swarnadevi,
 Telephone Operator,
 Bangalore Telephones,
 Bangalore.

6. Sri S. Murthy,
 Telephone Operator,
 Bangalore Telephones,
 Bangalore.

m m

7. M.J. Balakrishna,
Telephone Supervisor,
Bangalore Telephones,
Bangalore.

8. K. Janaki,
Telephone Supervisor,
Bangalore Telephones,
Bangalore.

... Respondents

(Shri D.V.Shailendra Kumar, Advocate)

This application came up for hearing before this
Tribunal on 25.9.1986, Hon'ble Shri Ch.Ramakrishna Rao,
Member (J) made the following :

O R D E R

This composite application was initially filed by four
applicants as a composite Writ Petition in the High Court of
Karnataka and subsequently transferred to this Tribunal.
The facts giving rise to the application are briefly as follows:

2. In the seniority list as on 25.7.1978, a true copy of which
is marked as Annexure - A to the application the ranking of the
applicants in the gradation list of Telephone Operators as on
14.7.1978 was shown at S. No.13, 16, 24, 29 and that of respon-
dents at S. Nos.33 to 36. By reading the said list, it is clear
that the General Manager (Telephones)(Respondent 2) has imple-
mented the judgment and decree of the Supreme Court in Civil
Appeal Nos.1845/68 and 1846/68 and 90/79 decided on 4.1.1972
and prepared the list of Operators on the basis of the principles
laid down by the Supreme Court to the effect that the date of
appointment should be taken into account and not the date of
confirmation. Respondents 5 and 6 were also juniors to the
applicants. They have further been promoted.

3. Aggrieved by the aforesaid action of Respondent 2 the
applicants have filed this composite application.

C. J.

6

4. Shri M. Raghavendrachar, learned counsel for the applicants submits that Respondent 2 after revising the gradation list of telephone operators on 14.7.1978 in the light of the Supreme Court judgment should have reviewed the promotions already effected to the post of Telephone Supervisors and in the light of such review appropriate grading should have been assigned to his clients without placing them below Respondents 3 to 8. Since this has not been done the revised gradation list of Telephone Supervisors (Annexure B) is legally unsustainable.

5. Shri D.V. Shailendra Kumar, learned counsel for the Respondents submits that the judgment of the Supreme Court dated 4.1.1972 does not call for reviewing promotions effected prior to 1972, and the prayer of the applicants is misconceived.

6. We have examined the rival contentions. From column 6 of gradation list of Telephone Supervisors (Annexure B) it is apparent that the four applicants were also promoted prior to 1972 and Respondent 2 was therefore, bound to review the applicants' case vis-a-vis Respondents 3 to 8 placed above them. In other words since the applicants and Respondents 3 to 8 were all promoted prior to 1972 their cases should be reviewed afresh and the seniority of the applicants determined on the basis of such review.

7. We direct Respondent 2 to undertake and complete the review of the applicants' cases within a period of two months from the date of receipt of this order.

8. The application is allowed subject to the directions given above. Parties to bear their own costs.

for Deputy Registrar
Central Tribunal
14/5/87
M. Raghavendrachar

Sd/-

MEMBER (J)

Sd/-

MEMBER (A)

on on

DEPARTMENT OF TELECOMMUNICATIONS
Office of the General Manager, Bangalore Telecom District,
Bangalore-560 009.

No. STB-11/8/II/46 Dated at Bangalore-9, the 5-2-1988

To.

Smt.R.Cyril

Smt.R.C.Barnabas

Smt. Theresa Manoharan L.W.S (h)
AECR

Smt.R.Sulochana

Smt.K.Janaki

Smt.Swarna Devi

Smt.Komethagam Ramalingam

Shri.S.Murthy

Smt.T.Krishnamurthy

Sri.M.J.Balakrishna

SUB: Refixation of seniority and
grant of benefits following
such refixation.

REF: Central Administrative Tribunal
Order Dated 14.5.87 and application
No. 962-965/86(T).

-----XX-----XX-----XX-----

With reference to the above cited C.A.T order ,
the competent authority undertook a complete review of the
seniority of the applicants and also the officials shown as
respondents. The relative inter-se seniority of all the
10-officials in the cadre of Telephone Supervisors fixed after
the review is as under:

SL. NO.	Name of the official	Relative seniority
1.	Smt.Swarna Devi SC	1
2.	Shri.S.Murthy SC	2
3.	Smt.T.Krishnamurthy SC	3
4.	Smt.Komethagam Ramalingam SC	4
5.	Sri.M.J.Balakrishna SC	5
6.	Smt.R.Cyril OC	6
7.	Smt.R.C.Barnabas OC	7
8.	Smt.K.Janaki SC	8
9.	Smt. Theresa Manoharan OC	9
10.	Smt.R.Sulochana OC	10

(R.R.RAO.)

Asst.General Manager(Staff)
Bangalore Telecom District,
Bangalore-560 009.

Copy to: V.O for information (this is continuation of this
office letter of even No. dt 04-02-88.

IN THE COURT OF

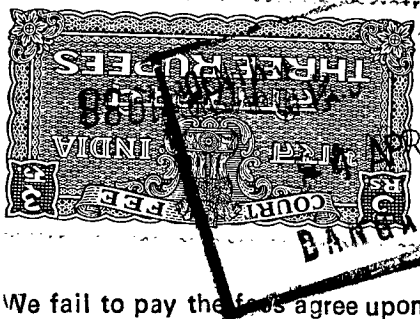
Central Administrative Tribunal
at Bangalore

Contempt No. of 198 8
Plaintiff/s, Petition/s, Defendant/s, Respondant/s,
Appellant/s, Complaint/s Opponent/s, Accused,
Decree-Holder/s, Judgement-Debtor/s,

Sr R. G. Cyril and
others

eg. S.S. Murthy
General Manager
Telephones

I/We Sr R. Cyril and others the Appellants / Complainants
Nos in the above matter hereby appoint and retain
Sri Mr. Raghavendra Sharan and Mr. Madhusudan
to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend the
same in all interlocutory or miscellaneous proceedings connected with the same or with any decree
or orders passed therein, appeals and from and also in proceedings
for review of judgement and for leave to obtain return of any
documents filed therein, or receive any me/us



2. I/We hereby authorise him/above matter, to execute any decree
to appeal, to act and to plead in such decree/order therein.

3. I/We further agree that if I/We fail to pay the fees agree upon or to give due instructions
at all stages he/they is/are at liberty to retire from the case and recover all amounts due to him/them
and retain all my/our monies till such dues are paid.

Executed by me/us this 28th day of March 1988 at Bangalore
Signature/s

Mrs. Shreera Mutharasan

Executant/s are personally known to me and he/has/they have/signed before me
Satisfied as to the identity of executant/s signature/s.
(where the executant/s are illiterate, blind or unacquainted with the language of vakalat)

Certified, that the contents were explained to the executant/s in my presence in.....
language known to him/them who appear/s perfectly to understand the same and has/ have signed
in my presence.

Accepted

[Signature]

Address for service

Mr. R. Sharan
No 1074 - 75
B.S. 1st Stage
Bangalore - 50

Mr. Madhusudan

Advocate's for appellants

Date : 4-4-88

15. A.no.7778 of 86 (T) By Sri.N.Y.Hanumanthappa,Adv.for appt
(w.p.12468/85) Govt.Adv.for R.1 and 1A.
G.Papireddy,Adv.for R.4.
R.2 & 3 : Shivaraj & Chidambara Murthy
are served and unreptd.
16. A.no.7822 of 86 (T) By Sri.M.Narayanaswamy,Adv.for appt.
(w.p.13125/85) Govt.Adv.for respts.
17. A.no.7836 of 86 (T) By Sri.M.Narayanaswamy,Adv.for appt.
(w.p.13326/85) Govt.Adv.for respts.
18. A.no.7853 of 86 (T) By Sri.U.L.Narayanarao,Adv.for appt.
(w.p.13665/85) Govt.Adv.for R.1 and 20.
OTHERS : VIDE W.L. 8.2.88.
19. A.no.7996 of 86 (T) By Sri.K.S.Desai,Adv.for appt.
(w.p.359 of 86) Govt.Adv.for respts.
20. A.no.7976 of 86 (T) By Sri.M.Narayanaswamy,Adv.for appt.
(w.p.16077/85) Govt.Adv.for respts.
21. A.no.8067 of 86 (T) By Sri.U.L.Narayanarao,Adv.for appt.
(w.p.17338/85) Govt.Adv.for R.1 and 2.
M.Narayanaswamy,Adv.for R.3.
22. A.no.8356 of 86 (T) By Sri.H.S.Jois,Adv.for appt.
(w.p.1272/86) Govt.Adv.for respts.
23. A.no.8923 of 86 (T) By Sri.S.Ramaswamy Iyengar,Adv.for appt.
(w.p.8482/86) Govt.Adv.for respts.
24. A.no.9681 of 86 (T) By Sri.B.C.Seetharama Rao,Adv.for apt
(w.s.117/74) Govt.Pld.for respts.
25. A.no.9777 of 86 (T) By Sri.M.Raghavendrachar,Adv.for appt.
(O.S. 420 of 81) Govt.Adv.for respts.
26. REVIEW 83 of 87 By Sri.H.S.Jois,Adv.for appt.
Govt.Adv.for respts.

* S.P/-

(H. P. DESI GOWDA)
DEPUTY REGISTRAR.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 7TH DAY OF APRIL, 1988.

PRESENT:

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

And:

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

CONTEMPT OF COURT APPLICATIONS 30 TO 33 OF 1988

1. R. Cyril,
Telephone Supervisor,
Bangalore Telephones,
Bangalore.
2. Rosy Chander Barnadas,
Telephone Supervisor,
Bangalore Telephones,
Bangalore.
3. Theresa Manoharan,
Telephone Supervisor,
Bangalore Telephones,
Bangalore.
4. R. Sulochana,
Telephone Supervisor,
Bangalore Telephones,
Bangalore. .. Petitioners.

(By Sri M. Raghavendra Achar, Advocate)

v.

1. Shri G.S.S. Murthy,
General Manager (Telephones),
K.G. Road,
Bangalore-9.
2. Sri P.R. Rao,
Assistant General Manager (Staff),
Bangalore Telecom District,
Bangalore-9. .. Respondents.

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

ORDER

In these applications made under Section 17 of the
Administrative Tribunals Act, 1985 and the Contempt of Courts
Act, 1971 (Central Act No. 70 of 1971) ('the Acts') the petitioners

have moved us to punish the contemnors for non-implementation of an order made in their favour on 1-5-1987 by this Tribunal in Applications Nos.962 to 965 of 1986 (T).

2. In Application No.962 to 965 of 1986 (T) which were transferred applications received from the High Court of Karnataka, the applicants/petitioners had sought for a direction to the contemnors/respondents to undertake a review of the earlier promotions. On an examination of the claims made by the petitioners and the justification pleaded by the contemnors, this Tribunal on 1-5-1987 directed thus:

6. We have examined the rival contentions. From column 6 of gradation list of Telephone Supervisors (Annexure-B) it is apparent that the four applicants were also promoted prior to 1972 and Respondent-2 was therefore, bound to review the applicants' case vis-a-vis Respondents 3 to 8 placed above them. In other words since the applicants and Respondents 3 to 8 were all promoted prior to 1972 their cases should be reviewed afresh and the seniority of the applicants determined on the basis of such review.

7. We direct Respondent-2 to undertake and complete the review of the applicants' cases within a period of two months from the date of receipt of this order.

8. The application is allowed subject to the directions given above. Parties to bear their own costs.

In pursuance of this order, contemnor No.2, who is the competent officer had passed an order on 5-2-1988 which reads thus:

DEPARTMENT OF TELECOMMUNICATIONS
Office of the General Manager, Bangalore Telecom
District, Bangalore 560 009.

No.STB-11/8/II/46 Dated at Bangalore-9 the 5-2-1988

To

Smt. R.Cyril,

Smt.Swarna Devi

Smt. R.C.Barnabas

Smt. Komethagam Rama-
lingam

Smt. Theresa Manoharan

Shri S.Murthy,

Smt. R.Sulochana

Smt. T.Krishnamurthy,

Smt. Janaki,

Sri M.J.Balakrishna.

Sub: Refixation of seniority and grant of
benefits following such refixation.

Ref: Central Administrative Tribunal order
dated 14-5-1987 and A.No.962-965/86(T).

With reference to the above cited C.A.T.order,
the competent authority undertook a complete review
of the seniority of the applicants and also the
officials shown as respondents. The relative inter-
se seniority of all the 10 officials in the cadre
of Telephone Supervisors fixed after the review
is as under:

<u>Sl.No.</u>	<u>Name of the Official</u>	<u>Relative seniority.</u>
1.	Smt. Swarna Devi	SC 1
2.	Shri S.Murthy	SC 2
3.	Smt. T.Krishmurthy,	SC 3
4.	Smt.Komethagam Ramalingam	SC 4
5.	Sri M.J.Balakrishna	SC 4
6.	Smt. R.Cyril	OC 6
7.	Smt. R.C.Barnabas	OC 7
8.	Smt. K.Janaki.	SC 8
9.	Smt. Theresa Manoharan	OC 9
10	Smt. R.Sulochana	OC 10

Sd/- R.R.Rao,
Asst.General Manager(Staff),
Bangalore Telecom District,
Bangalore-560 009

Copy to:V.O.for information. This is in continuation
of this office letter of even number dated
4-2-1988.

But, notwithstanding this order, the petitioners claim that
the contemnors had not implemented the order made in their favour
by this Tribunal.

3. Sri M.Raghavendra Achar, learned counsel for the
petitioners contends that the contemnors had deliberately flouted
the order made by this Tribunal and had not implemented the
same in letter and spirit and, therefore, they are liable to

be punished for contempt of this Tribunal.

4. We have earlier reproduced the directions issued by this Tribunal and the order made by contemnor No.2 in compliance of those directions.

5. An order had been made in compliance of the directions of this Tribunal is beyond all doubt. Whether that order itself is a legal order or not is a separate matter. Even otherwise the validity of that order itself cannot be examined in contempt proceedings and can only be examined and decided in a separate proceeding only. On these grounds themselves these applications are liable to be rejected.

6. We are also of the view that the authority had not deliberately flouted our order and had not made his order on 5-2-1988 as an eye wash only.

7. On any view, we find no justification to proceed against the contemnors for contempt of this Tribunal. We, therefore, reject these contempt of court applications. But, this does not prevent the petitioners from challenging the order made on 5-2-1988 by contemnor No.2 in separate applications under Section 19 of the Act on all such grounds as are available to them.

R. S. Pruthi
VICE-CHAIRMAN
2/4/88

P. S. Dhillon
7/4/88
MEMBER(A)

np/