

REGISTERED

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

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : **14 APR 1988**

CONTEMPT OF COURT APPLICATION NO.  
IN APPLICATION NO. 419/86(T)

W.P. NO.

34

/ 88

9740

/ 80

Applicant

Shri S.R. Satyanarayana Naik

V/s

Respondent

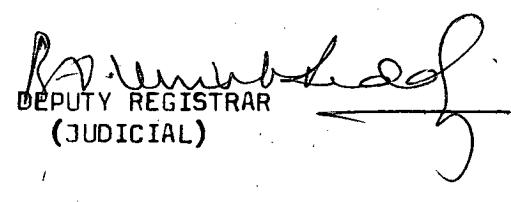
The Divisional Personnel Officer,  
Southern Railway, Mysore

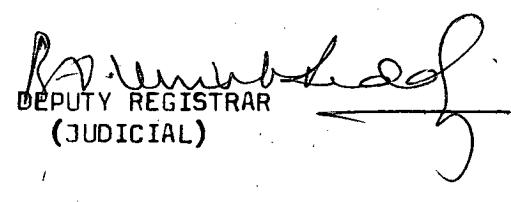
To

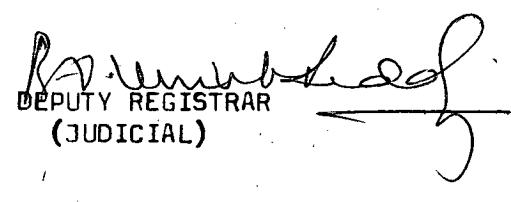
1. Shri S.R. Satyanarayana Naik  
D.No. 25, 1st Stage, 3rd Cross  
Gokulam  
Mysore
2. Shri M. Raghavendra Achar  
Advocate  
1074-1075, Banashankari I Stage  
Bangalore - 560 050

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~CONTUMACIOUS ORDER~~  
Contempt of Court  
passed by this Tribunal in the above said application on 8-4-88.

  
DEPUTY REGISTRAR  
(JUDICIAL)

  
O/C

  
E-mail : as above  
K. N. C. M. S. U. E. N.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 8TH DAY OF APRIL, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri P. Srinivasan, Member (A)

C.C. APPLICATION NO. 34/1988

Shri S.R. Sathyanarayana Naik,  
D.No.25, 1st Stage,  
3rd Cross, Gokulam,  
MYSORE.

.... Applicant.

(Shri M. Raghavendrachar, Advocate)

v.

Shri Muthu Mankymam,  
Divisional Personal Officer  
Southern Railway,  
Mysore.

.... Respondent.

This application having come up for hearing to-day,  
Vice-Chairman made the following:

ORDER

In this application made under Section 17 of the  
Administrative Tribunals Act, 1985 and the Contempt of  
Courts Act of 1971 ('the Acts') the petitioner has moved  
us to punish the contemnor for disobedience of an order  
made in his favour on 3.11.1986 in A.No.419/86.

2. The petitioner who claims to be a member of a  
'Scheduled Tribe' (ST) called 'Nayaka' in A.No.419/86 had  
challenged various orders made against him by the respon-  
dents in that case holding him that he was not a member  
of a 'ST' but was a member of other community ('OC'). On  
3.11.1986 this Tribunal allowed that application reserving  
liberty to the authorities to hold a fresh inquiry and  
redo the matter.

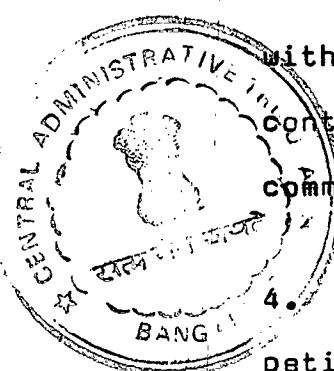


3. In pursuance of the order made by this Tribunal, the contemnor who was respondent No.2 in A.No.419/86 had made an order on 30.11.1987 (Annexure-C) which reads thus:

"On perusal of the records on the representation made by you in your reply dated 26.4.1987 to the show cause Notice issued vide No.Y/P.171/SRs of 19-3/1.4.87 and based on the records and enquiries made it has been established that you belong to "BEDA" community only and not "NAYAKA" community which is classified as 'ST'. In the circumstances, you are treated as belonging to other community as already advised to you under this Office letter No.Y/P.171/p/Vol.III of 29.2.1980."

In this order the authority has held that the petitioner was not a member of ST but was a member of OC. But notwithstanding this order, the petitioner claims that the contemnor had not complied with the order and had committed contempt of this Tribunal.

4. Sri M. Raghavendrachar, learned Counsel for the petitioner, contends that the order made by the contemnor on 30.11.1987 was only an eye-wash and was not in full and faithfull compliance of the order made by this Tribunal and in making such an order, the contemnor had committed contempt of this Tribunal.



5. Without any doubt the order made by the contemnor was in compliance of the order made by this Tribunal. Whether that order itself is a legal order or not cannot be properly examined and decided in contempt of court proceedings. The validity of that order has necessarily to be examined and decided in a separate proceeding only. On this view, we cannot initiate contempt of court proceedings against the contemnor. We, therefore, reject this application at the admission stage without notice. But this does not prevent the petitioner from challenging the order of the contemnor in a separate proceeding on all such grounds as are available to him.

Sd/-

VICE-CHAIRMAN

8/4/93

Sd/-

MEMBER (A)

TRUE COPY



*By \_\_\_\_\_*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE