

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
To

V/s

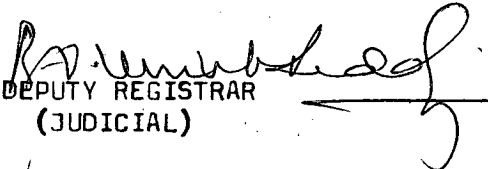
Respondent

The Divisional Personnel Officer,
Southern Railway, Mysore

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 ~~BY~~ ~~IN~~ ~~THE~~ ~~COURT~~
passed by this Tribunal in the above said Contempt of Court application on 8-4-88.


DEPUTY REGISTRAR
(JUDICIAL)

Encl: As above
H.N.
15-4-88

c/c

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 Mankyam,
Divisional Personnel Officer
Southern Railway,
Mysore.

.... Respondent.

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

O R D E R



In this application made under Section 17 of the Administrative Tribunals Act, 1985 and the Contempt of Courts Act of 1971 ('the Act') 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.

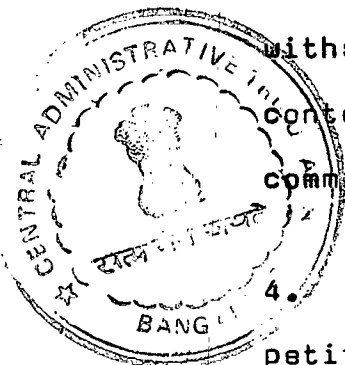
2. The petitioner who claims to be a member of a 'Scheduled Tribe' (ST) called 'Nayaka' in A.No.419/86 had challenged various orders made against him by the respondents in that case holding him that he was not a member of a 'ST' but was a member of other community ('OC'). On 3.11.1986 this Tribunal allowed 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 faithful 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.



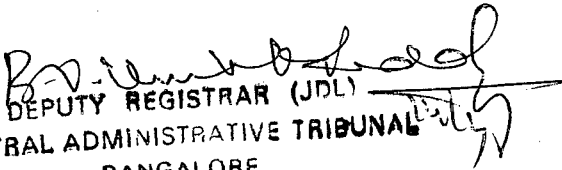
Sd/-
VICE-CHAIRMAN

8/1/83.

Sd/-

MEMBER (A) 1/11

TRUE COPY


DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE