

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

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 11 APR 1989

REVIEW APPLICATION NO (S) 17 /89  
IN APPLICATION NO. 1829/88(F)  
W.P. NO (S)

Applicant (s)

Respondent (s)

The Regional Provident Fund  
To Commissioner, Bangalore

V/s Shri R.L. Deshpande

1. The Regional Provident Fund Commissioner  
'Bhavishya Nidhi Bhavan'  
No. 8, Rajaram Mohan Roy Road  
Bangalore - 560 025
2. 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 a copy of ORDER/~~STAY~~/~~INTERIM ORDER~~  
<sup>Review</sup>  
passed by this Tribunal in the above said application(S) on 5-4-89.

*[Signature]*  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE FIFTH DAY OF APRIL 1989

Present : Hon'ble Shri P.SRINIVASAN .. MEMBER(A)

REVIEW APPLICATION NO.17/89  
(A.NO. 1829/88)

Reg.Prov. Fund Commissioner,  
8 Raja Rammohan Roy Road,  
Bangalore 25.

.. Review Applicant.

vs.

(Shri M.Vasudeva Rao .. Advocate)

R.L.Deshpande,  
1013, II Block,  
40th Cross,  
Rajajinagar,  
Bangalore 10.

.. Review Respondent.

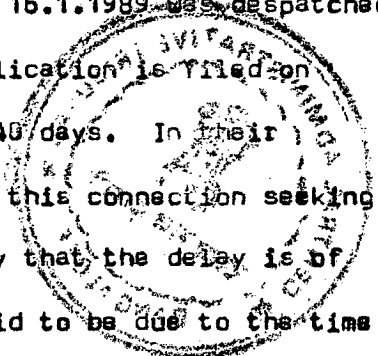
This application has come up today before this  
Tribunal for Orders. Hon'ble Member (A) made the following:

ORDER

By this application, the respondents in  
application No.1829/88 (hereafter referred to as "the respondents")  
seek a review of order dated 16.1.1989 by which that application  
was disposed of.

2. Shri M.Vasudeva Rao, learned Additional Central  
Government Standing Counsel for the respondents has been heard  
in the matter.

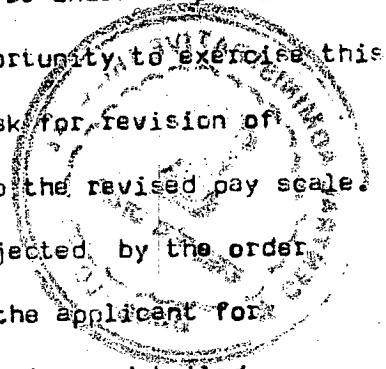
I find the order passed on 16.1.1989 was despatched to  
the respondents on 18.1.1989. This application is filed on  
21.3.1989. It is thus delayed by nearly 40 days. In their  
inter locutory application (IA) filed in this connection seeking  
condonation of delay, the respondents say that the delay is of  
36 days. The reason for the delay is said to be due to the time  
taken by Respondent No.3 having to seek instructions from his  
superiors before he could file this application. I am unable to



*P. Srinivasan*

accept this as a justifiable reason as the respondents knew well that an application for review had to be filed within 30 days- which is itself a reasonable period - and that administrative procedures, if any, have to be completed within that period. For this reason itself this application deserves to be rejected.

4. However, I have also considered the matter on merits. In the Order dated 16/1/1989 disposing of the original application, the respondents were directed to revise the subsistence allowance payable to the applicant with effect from 1.1.1986 with reference to the revised <sup>pay</sup> to which he would have been eligible from that date on the implementation of the recommendations of the Fourth Pay Commission. The respondents urge in the present application that that Order is not in conformity with Rule 6 of the Central Civil Services (Revised Pay) Rules 1986. It may be mentioned here that even in their reply to the original application, the respondents draw attention to Rule 6 of the CCS(Revised Pay) Rules which laid down that a Government servant under suspension as on 1.1.1986 will have to ~~ex-ercise~~ his option within 3 months of his return to duty either to come over to the new pay scale or to continue in his old scale of pay. Since the applicant continues to be under suspension even till now, he has not had the opportunity to exercise this option and till he does so he cannot ask for revision of subsistence allowance with reference to the revised pay scale. This contention stood automatically rejected by the order dated 16.1.1989 allowing the claim of the applicant for revision of subsistence allowance following a detailed judgement to the same effect in H A Krishna Murthy VS Regional Provident Commis. Officer, Application No.1008/88 rendered on 17.8.1988. Therefore, if the respondents are aggrieved with



the Order dated 16.1.1989 disposing of the original application, the remedy open to them is to appeal against that order. This is not a matter for review as there is no mistake apparent from the record.

5. In the result, the application is rejected at the stage of admission itself.



Sd/-

MEMBER (A)

5/4/89

bk.

**TRUE COPY**

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

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex (BDA)

Indiranagar

Bangalore - 560 038

Dated :

18 JAN 1989

APPLICATION NO.

1829

/88(F)

W.P. NO.

Applicant(s)

Respondent(s)

Shri R.L. Deshpande

V/s

The Regional Provident Fund Commissioner, B'lore

To

1. Shri R.L. Deshpande  
No. 1013, II Block, 40th Cross  
Rajajinagar  
Bangalore - 560 010
2. Shri Hari Krishna S. Holla  
Advocate  
34/3, Ganesh Building, II Floor  
5th Main, Gandhinagar  
Bangalore - 560 009
3. The Regional Provident Fund Commissioner  
Bhavishyanidhi Bhavan  
No. 8, Rajaram Mohan Roy Road  
Bangalore - 560 025
4. 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/~~STAY~~/INTERIM ORDER  
passed by this Tribunal in the above said application (a) on 16-1-89.

DEPUTY REGISTRAR  
(JUDICIAL)

Encl : As above

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE 16TH DAY OF JANUARY, 1989

PRESENT: HON'BLE SHRI P. SRINIVASAN

.... MEMBER (A)

APPLICATION NO. 1829/88

Mr. R.L. Deshapande  
Upper Division Clerk,  
(Under Suspension)  
Office of the Regional  
Provident Fund Commissioner,  
No.8, Rajaram Mohan Roy Road,  
Bangalore-25.

.... APPLICANT

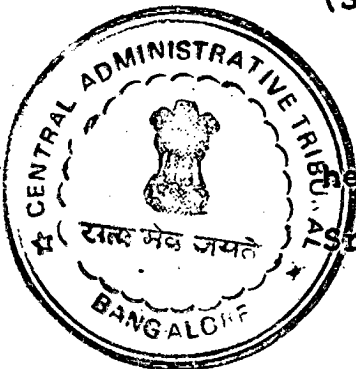
(Shri H.S. Holla....Advocate)

Vs.

1. The Regional Provident Fund  
Commissioner.

.... RESPONDENT

(Shri M. Vasudeva Rao....Advocate)



This application having come up for  
hearing before this Tribunal to-day, Hon'ble Shri P.  
Srinivasan, Member (A), made the following :

O R D E R

This case has been listed for today as  
not being ready for hearing. However, when the matter  
was called up, Shri H.S. Holla learned counsel for the  
applicant and Shri M. Vasudeva Rao, counsel for the respondents

*[Signature]*

.....2/-

*it could be*  
submitted that ~~this matter can be~~ heard and disposed of finally. Both counsel have been duly heard.

2. The applicant who was working as an Upper Division Clerk (UDC) in the Office of the Regional Provident Fund Commissioner (RPFC), Bangalore, was suspended on 14.7.1981 in view of a criminal case registered against him. He continues to be under suspension till date. Initially he was paid subsistence allowances at 50% of the pay and allowances drawn by him immediately before suspension. The same was reviewed after the expiry of six months and increased to 75%. The pay scales of Central Government servants were revised with effect from 1.1.1986 as a result of the recommendations of the 4th Pay Commission. However, subsistence allowances continued to be paid to him on and after 1.1.1986 with reference to the pay and allowances which were in force prior to that date. The applicant's prayer is that his subsistence allowance on and after 1.1.1986 should be calculated and paid to him with reference to the pay and allowances to which he would have been entitled if he were in service on that date i.e., the pay and allowances as revised on and after 1.1.1986 following the recommendations of 4th Pay Commission. *Y*

3. Shri Holla submitted that applications containing similar prayers had been allowed in the past by this Bench of the Tribunal. He has drawn my attention to the decision rendered on 17-8-1988

by a Bench of this Tribunal <sup>to 83</sup> of which I was a party in A No. 1008/88 H.A. KRISHNAMURTHY V. RPF COMMISSSIONER, BANGALORE.

4. Shri Vasudeva Rao, opposes the claim of the applicant and submits that the applicant is not entitled to the relief asked for.

5. After considering the rival contentions I am of the view that the applicant is entitled to the relief sought for by him in this application. The facts of this case are on all fours with those in Krishnamurthy's case decided by us. In view of this I direct the respondents to calculate and pay subsistence allowance to the applicant on and after 1.1.1986 with reference to the pay and allwances that he would have drawn in pursuance of the recommendations of the IV Pay Commission, had he been in service. For this purpose, the pay in the revised scale (applicable on and after 1.1.1986). corresponding to the pay drawn by him in the old scale immediately before this suspension should be taken into account.

6. The application is disposed of on the above terms leaving the parties to bear their own costs.

TRUE COPY

Sd/-

MEMBER (A)

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



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

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 8 SEP 1989

IA I IN APPLICATION NO (S) 1829 /88(F)

W.P. NO (D) \_\_\_\_\_

Applicant (s)

Respondents

Shri R.L. Deshpande

V/s

The Regional Provident Fund Commissioner,  
Bangalore

To

1. Shri R.L. Deshpande  
No. 1013, II Block, 40th Cross  
Rajajinagar  
Bangalore - 560 010
2. Shri Suraj Manjeshwar  
Advocate  
34/3, Ganesh Building, II Floor  
5th Main, Gandhinagar  
Bangalore - 560 009
3. The Regional Provident Fund Commissioner  
Bhavishyanidhi Bhavan  
No. 8, Rajaram Mahan Roy Road  
Bangalore - 560 025
4. 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 a copy of ORDER/~~STAY~~/INTERIM ORDER\*

passed by this Tribunal in the above said application(s) on 1-9-89.

*985ued*  
*K. N. G. 8/9/89*  
*o/c*  
*B. V. Venkatesh*  
DEPUTY REGISTRAR  
(JUDICIAL)

A.No. 1829/88(F)

R.L. Dashpande

V/s

The Regional Provident Fund Commissioner,  
Bangalore

Suraj Manjeshwar

~~M. Vasudeva Rao~~

Date

Office Notes

Orders of Tribunal

KSPVC/PSM(A)

1.9.1989

ORDERS ON I.A. NO. I - APPLICATION  
FOR EXTENSION OF TIME.

In this I.A., the respondent has sought for extension of time till the disposal of the SLP stated to have been filed before the Supreme Court.

We have heard Shri M.V. Rao, learned counsel for the respondent and Shri Suraj, learned counsel for the applicant. We are of the view that everyone of the facts and circumstances states in I.A. No. I does not justify us to grant any extension. We, therefore, reject I.A. No. I.



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Sd/-  
VC

Sd/-  
M(A)

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

copy  
Received from KAT  
on 13-9-89 at 4:30 pm  
Hauzoo 13/9/89

D.No. 4345/89 Sec-IV-A  
SUPREME COURT OF INDIA  
NEW DELHI

Dated 28-8-89

From: The Additional Registrar  
Supreme Court of India.

To

The Registrar

Central Administrative Tribunal  
at Bangalore.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 8767 of 1989  
(Petition under Article 136 of the Constitution of India,  
for Special Leave to Appeal to the Supreme Court from the  
Judgment and Order dated 5-4-89 of the High  
Court of Central Administrative Tribunal at Bangalore  
in Review Appl. No. 17/89.)

Regional Provident Fund .....Petitioner.  
Commissioner Versus  
.....Respondent.

R. L. Deshpande

Sir,

I am to inform you that the Petition above-mentioned  
for Special Leave to Appeal to this Court was/were filed on  
behalf of the Petitioner above-named from the Judgment/Order  
of the Central Administrative Tribunal at Bangalore  
noted above and that the same was/were dismissed/disposed of  
by this Court on the 21st day  
of August, 1989.

Yours faithfully,  
for ADDITIONAL REGISTRAR

AS/Minister  
Hauzoo to C.M.  
13/9/89

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

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 27 SEP 1989

CONTEMPT  
PETITION (CIVIL)

APPLICATION NO (S) 73 / 89

IN APPLICATION NO. 1829/88(F)

W.P. NO (D)

Applicant (s)

Respondents

Shri R.L. Deshapande

V/s

The Regional Provident Fund Commissioner,  
Karnataka, Bangalore


To

1. Shri R.L. Deshapande  
No. 1013, 40th Cross  
II Block, Rajajinagar  
Bangalore - 560 010
2. Shri R.M. Suraj  
Advocate  
34/3, II Floor, Ganesh Building  
5th Main, Gandhinagar  
Bangalore - 560 009
3. The Regional Provident Fund Commissioner  
Karnataka  
'Bhavishyanidhi Bhavan'  
No. 8, Rajaram Mohan Roy Road  
Bangalore - 560 025
4. 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 a copy of ORDER/~~STAY~~/~~INTERIM~~ ORDER  
C.P. (Civil)  
passed by this Tribunal in the above said application(s) on 22-9-89

Encl : As above

  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE 22ND DAY OF SEPTEMBER, 1989

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

CONTEMPT PETITION (CIVIL) NO.73/1989

R.L.Deshapande,  
Upper Division Clerk,  
(Under Suspension)  
Office of the Regional  
Provident Fund Commissioner,  
No.8, Rajaram Mohan Roy Road,  
Bangalore-560 025.

.. Complainant

(Shri R.M.Suraj, Advocate)

Vs.

Mr.H.Mondal,  
The Regional Provident  
Fund Commissioner,  
No.8, Rajaram Mohan Roy Road,  
Bangalore-560 025.

.. Respondent.

(Shri M.Vasudeva Rao, Advocate)

This application has come up for hearing before  
this Tribunal today, Hon'ble Vice-Chairman made the  
following:

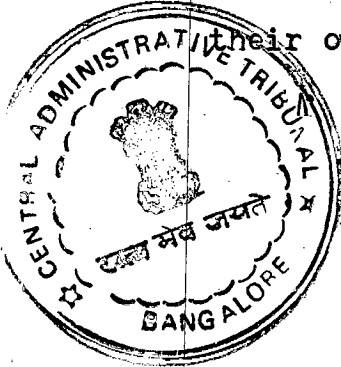
O R D E R

Petitioner by Shri R.M.Suraj. Respondent by  
Shri M.V.Rao.

In this petition made under Section 17 of the  
Administrative Tribunals Act of 1985 and the Contempt of  
Courts Act of 1971, the petitioner has moved this Tribunal  
to punish the respondents for not implementing an order made  
in his favour on 16-1-1989 in Application No.1829/1988.



3. Shri Rao submits that on the dismissal of the Special Leave Petition filed by the respondents, by the Supreme Court, the respondents had implemented the order made in favour of the petitioner in letter and spirit. Shri Suraj does not dispute this statement of Shri Rao. From this it follows that these Contempt of Court Proceedings are liable to be dropped. We, therefore, drop these Contempt of Court Proceedings. But in the circumstance of the case, we direct the parties to bear their own costs.



Sd \_\_\_\_\_  
VICE CHAIRMAN

Sd \_\_\_\_\_  
MEMBER(A)

TRUE COPY  
*[Signature]*  
DEPUTY REGISTRAR (JEL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

vr.