

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

LIST OF PAPERS IN OA/IA/PA/GP NO. 221/86

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

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

PROGRESS SHEET

R.F.A./R.S.A./M.F.A./M.S.A./W.P./C.R.P./C.P.

17617 of 1979 DE S

Names of the parties and their advocates arranged according to their rank in the cause title. Presented by Party in person
AdvocatePETITIONER:-**C.Dharmapala Chetty**By M/s. **T.N.Raghaviah**

-vs-

RESPONDENT:-**The Divnl., Superintendant & ors.,****G. Dayanandacharya**
R.I. 6R-3

Presented on

Registered and Numbered on

Admitted on **23/11/81**

Put up on the 'Ready List' on

Put up on the 'Warning List' on

First posted on the 'Daily List' on

Heard on

Final judgement/order pronounced on

Office Notes	Orders of Court
<p><u>I.A II for Stay:-</u></p> <p>17 advocate for Peer has filed an I.A and affidavit praying to consider stay for the reasons stated in the I.A (copy send)</p> <p>Posi. I.A.I for order before Court (Re: Every Hf)</p> <p>18/1</p> <p>18/1</p> <p>18/1</p>	<p>Put up I.A for orders in March 1980.</p> <p>MSE</p>
	<p>No reason made out for early hearing I.A.I is rejected</p> <p>MSE</p> <p>6 MAR 1980</p>

W.P. 14617 of 29 (S)

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

ORDER SHEET PART-I (Contd.)

R. F. A./R. S. A./M. R. A./M. S. A./W. P./C. R. P./C. P.

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of 19.....

Office Notes	Orders of Court
R 1 to R. 3 are disposed of. R-4- sd - now disposed of. Post W.P. for further order on 26-1-80 as directed	
✓ 3/1/80. <i>[Signature]</i>	No further orders are called for. Petitioners may now be sent for early hearing. <u>More</u>
1/1/80 G.A.I. for Easay Hg. Advised for Petr has filed an G.A. Praying post an order for Easay Hg. of W.P. for the Reasons Stated in the G.A. (Copy Seized) W.P. is ready for Hg	14 JAN 1980
✓ 10/1/80 (Re: Easay Hg) 10/1/80 <i>[Signature]</i>	Post G.A.I. for order before Court (Re: Easay Hg)

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

ORDER SHEET PART-I (Contd.)

B. F. A./R. S. A./M. R. A./M. S. A./W. P./C. R. P./C. P.

of 19.....

W.P. 17617/19
15

Office Notes	Orders of Court
The resps all are served only R. 1 to R. 3 are represented.	
W.P. is ready to file.	
Post W.P. for further order on 3-10-80 at 2.30 P.M. to day or directed [initials] 2 US 3/10 KR 3/10 P	
<u>3/10/80</u>	
no further order is necessary	
	Mo
	DR
	Colly

(Part-I-Contd.)

-6-

WD 404-GBPD-1000 pads of 100 shts. each-1-74

Office Notes	Orders of Court
<p><u>I.A. II for Early hearing:</u></p> <p>Advocate for the Petr. has filed this I.A. for the reason stated therein, Praying to grant an order of early hearing in this W.P.</p> <p><u>Copy Served</u></p> <p>The resp'ts. all are served only R-1 to R-3 are represented.</p> <p><u>W.P. is hereby dismissed.</u></p> <p>Post I.A. II for Orders.</p> <p>U 2/1/10</p>	<p>Orders of Court</p> <p>Post I.A. for orders in the 1st week of December.</p> <p>Ms</p> <p>26 OCT 1997</p>

WP 176(2) / 29²

Q

Office Notes

Orders of Court

21-11-29

Add. to 22-11-29

S.C.H.6

Post. WP for Pte -
 Hrg. on 22/11/29 as
 directed
 (Copies not filed)

18

21/11

B/11

11

21/11

22-11-29

Post in 23-11-29 along
 with the list of documents
 filed in court today.

S.C.H.6

Post WP for Pte -
 Hrg. on 23-11-29 as
 directed
 (List of documents
 not filed)

18

21/11

B/11/29

11

22/11

Rule Miss

Ex-N.

21/11/23/11/29

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

ORDER SHEET (PART I)

R. F. A./R. S. A./M. F. A./M. S. A./W. P./C. R. P./C. P.

1767 of 1979

Appellant Petitioner

C. Dharmapala Chetty

vs.

Respondent

The Divnl., Superintendent
& ors.,

Appellant
Advocate

T. N. Raghaviah

Advocate for Respondent

WD 403 - GBPD - 1000 pads of 100 slts. each - 5-3-1974

Office Notes

Orders of Court

In this W.P. it is prayed
that this Hon'ble Court may be
pleased to :-

Issue CERTIORARI quashing
Ex. ~~**~~ F & J.

Direct RI to take back the petr.
to duty with effect from 10.4.72
and pay all the arrears of pay
and allowances etc., accruing to
his past service from 10.4.72 to
the date of the petr's re-instate-
ment.

Declare that the petr., is
entitled to leave from 10.4.72 to
25.4.72.

Declare further that the petr.,
is not unauthorisedly absent from
duty from 10.4.72 to 25.4.72.

Post W.P. for preliminary
hearing before Single Judge.

13-11-79

Ad's to next week

C.O. CH. 16

Petr to produce copies
of Petitions filed
before higher
authorities after
the disposal of the
appeal and
endorsement of
any decree from
those authorities
Ad's to morrow
9-12-11-79

..3...

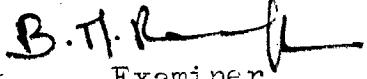
17. Any other defect not stated above?

18. (a) Has the Petitioner served copies of the petition and annexures on the opposite side?

(b) If so, has he produced acknowledgments in token of service of the same?

There is no defect in this Writ Petition. This may be registered and sent to the Board Branch for posting before the Court consisting of one Hon'ble Judge/two Hon'ble Judges/not less than five Hon'ble Judges for preliminary hearing.

This may be returned to the Advocate to remove the defect mentioned at item Nos. 4, 5, 11, 14, 15
WITHIN FIFTEEN DAYS.


B.T.R.

Examiner.

6/1/79

skm:


Section Officer.

DEPUTY REGISTRAR.

11
6/11

Resubmitted

Necessary Compliance
is done on all
objection. The same
may be posted for
hearing or awaiting

Keybunch
7/11/79

~~8/11/79~~

Need fee order due

Re 14

Retained again

~~8/11~~ 8/11 8/11

Refiled

objection no 14 is
removed & needful day

for Mr T N Raghavachari
Advocate 9-11-79

Need fee due
AD. May be registered

8/11

8/11
8/11

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
Form of Examination Report of Writ Petns.

PRESENTED BY D. T. N. Raghaviah ADVOCATE.

Writ Petition No. 17.617.....(S)

C. Sharmaneel Chetty..... PETITIONER/S.

-vs-

Thiru. S. Jayalalithaa..... RESPONDENT/S.

Subject matter (in brief) Th. and. 2. remd.

Dr. M. S. Srinivas.....

1. Date of Presentation	5-11-79
2. Is the presentation as per High Court Rules ?	44
3. Is proper Court Fee paid ?	44 Rs 100/00
4. Provision of Law <i>which rules</i>	226/227. Correct provision of law view of the amendment of Rule 227 MAY
5. (a) Is the respondent a person or authority ?	44
(b) Is the residence or location of respondent in Karnataka ?	44
OR	
(c) Whether the cause of action wholly or in part arises in this State ?	wholly
6. Is the Writ Petition in prescribed form ?	Correct Exhibit (to be noted at page no. 8 - page no. 16)
7. Is the name and address of the Petitioner/s and Respondent/s stated in full ?	44
8. Whether the Writ Petition is as per rule-2 of W.P.Rules 1977?	44

2...

9. (a) Whether the affidavit is of the Petitioner?

44

(b) If not, whether affidavit mentions the authorisation?

no

(c) Whether the affidavit is as per form No.2 read with Rule 3 of the Writ Petition Rules, 1977?

44

10. Whether the Annexures are properly marked?

41

11. Is the Vakalathnama as per High Court Rules?

Blanks to be filled up.

12. (a) Whether Annexure to be quashed is filed in original?

44 exs if 25 certified

(b) If not, is a certified copy filed?

no

(c) If not, is it authenticated as per rule 9 or 10?

no

13. (a) Whether the relief claimed is specific?

44

(b) Whether any interim relief is prayed for?

no

14. Is there any other remedy for the aforesaid redress under any other law?

To be Meld

15. (a) Does the Writ Petition question the Constitutional validity of any Central Law? (State the name of the Central Law).

—

(b) Does the W.P. question the Constitutional validity of any State Law? (State the name of the State Law).

—

(c) Does the W.P. question the Constitutional validity of any provision of Central Law and State Law?

—

16. Is the Writ Petition maintainable?

44

Office Notes -8-

Orders of Court

Respondents are served and only R-1 to 3 are represented.

W.P. is ready for hearing

part the above W.P. for further orders
 (Re: 9/1/82) ~~as directed~~
 (requested in the memo)
 as directed vide order
 dt. 6/3/82

Respondents are served and only R-1 to 3 are represented

W.P. is ready for hearing

part the above W.P. for further orders re: early hearing (vide memo filed before the ~~addl~~ Registrar.)

C

6-8-82

25/7/82

VR 6/8/82

Memo is rejected

HR
 10-8-82

part the W.P. for final hearing
 in Oct 82

HR

10-8-82

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

ORDER SHEET PART I (Contd.)

R.F.A./R.S.A./M.R.A./M.S.A./W.P./C.R.P./C.P. No. 1761 of 1979.....

Office Notes	Orders of Court
	2.A. II is rejected P. B. 2/2/82
<u>g.A. III for early hearing</u> An Advocate for petitioner has filed an g.A and affidavit praying to grant an order of early hearing for the reasons stated therein. (Copy served)	<u>KASJ:</u> 16.3.1982. Similar application has been rejected on 2.12.1981. Subsequent thereto ^{no} new circumstances have been brought to the notice of the Court. Therefore I do not think ^{There is a} the case for early hearing of the writ petition. Accordingly the application is rejected with liberty to the petitioner to move within the month of August.
<u>W.P. is ready for hearing</u> part g.A III for orders before Court.	<i>[Signature]</i>
15-3-82 R.W.B/S/2 15/3	

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

ORDER SHEET PART-I (Contd.)

R.F.A./R.S.A./M.R.A./M.S.A./W.P./C.R.P./C.P. 1761)

of 1979 (S)

Office Notes	Orders of Court
<p>Repts are served and R 1 to 3 represented wps ready for hearing post w.p. for hearing week after next as directed on 18-11-1983</p> <p><i>18/11/83 K 19/11/83 31</i></p> <p><i>(4112-83)</i></p> <p><i>Adit De AV</i></p> <p><i>Bo TC comd</i></p>	

Office Notes	Orders of Court

Office Notes

Orders of Court

Respondents are served and R-1 to 3 are represented.

Post the above
w.p. for hearing in
October 1982 as directed
(Vide Court order dt. 20-8-82)

S. J.
G-10-31
5/10/83 10/10
Mr. J. A. S.

G.A.V for Early Hearing :-

G.A. filed by the Advocate
for the petitioner u/s 151 CPC
Praying to post the
writ petition at an
early date in the
interest of justice
Copy served.

Resps are served and
R-1 to 3 represented
w.p. is ready for hearing.

Post G.A.V for orders
before court.

17/11/83
17/11/83

17/11/83

MRJJ:

18-11-1983.

Include the case in the hearing
list week after next.

7/11/83

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

ORDER SHEET PART-I (Contd.) 9-

R.F.A./R.S.A./M.R.A./M.S.A./W.P./C.R.P./C.P.

of 19 _____

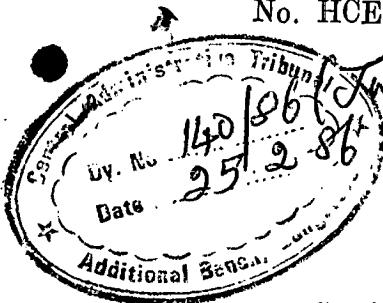
Office Notes	Orders of Court
<u>g.A IV for early hearing</u> Advocate for pet. has filed an g.A and affidavit praying to grant an order of early hearing for the reasons stated therein. <u>(copy served)</u>	
 <u>Respondents are served and R-1 to 3 are represented.</u>	
<u>W.P. is ready for hearing</u>	
<u>past g.A IV for orders before Court.</u>	
<u>C 18-8-82</u> <u>by 18/8/82</u>	
	<u>18/8/82</u>

No. HCE. 358/85.

High Court of Karnataka,
Bangalore,

Dated :

CERTIFICATE



Certified that the writ petition No. 17617/29.....
filed by Shri. C.Rahmanpala Chetty..... Bangalore
in this High Court, shall stand transferred to the Central
Administrative Tribunal, Bangalore on.....11.85.....as per
Section 29 of the Administrative Tribunals Act 1985.

Manohar
(VAIJANATHAPPA)
IV Deputy Registrar.

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE

(Application No. 221/86(T)
(W.P.No. 17617/79)
Order Sheet (contd.)

Date	Office Notes	Orders of Tribunal
11.6.86	<p>This Writ Petition is obtained from High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985 on 27.2.1986.</p> <p>Submitted for orders.</p> <p style="text-align: center;">S.O.</p> <p><u>Registrar</u> Register Notice to advocate - Post to advocate for hearing Jee 17/6</p>	
25-6-86	<p>Notice of 20-6-86 issued to the advocate of the applicant & Respondents in added to file.</p> <p>Re -</p>	
1-7-86	<p>Notice issued to the Advocate for applicant is received back undelivered is added to file.</p> <p>Re -</p>	
4-7-86		<p>Shri Srirangaiah, counsel for the respondents, undertakes to file the counter affidavit, if not already filed, within a fortnight, after serving a copy on the applicant under intimation to the Registry. Post the case for final hearing on 5-8-86.</p> <p><i>En Annasab</i> (L.H.A. REGD) (CH. RAMAKRISHNA RAO) MEMBER (A) 4/7/86</p>

Date	Office Notes	Orders of Tribunal
11-7-86	Notice dt 10-7-86 issued to Re Applicant & R-H in added	
5.8.86.		<p>Shri Srirangarao, counsel for respondents present. A memo is filed by Applicant's counsel seeking a short adjournment. Request granted. Application be listed for hearing on 22.8.86.</p> <p><i>DR</i> <i>Unnikrishnan</i> (L-H-A Rego) (Ch: Ramakrishna Rao Member (AM) Member (JM) 5.8.86. 5.8.86.</p>
22.8.86	Sri T-N. Raghavareddy for A Sri Venkateswaran for R Application is adjourned to 5-9-86	<p><i>DR</i></p> <p><i>DR</i> <i>DR</i></p>
5-9-86	Shri Raghavareddy, Venkateswaran present for the applicant, Sri N.S. Srinivasan present for the respondents. Heard counsel for both sides. Arguments concluded. Orders reserved.	
		<p>By Order <i>DR</i> 5-9-86</p> <p>Cont'd.</p>

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE

+ 3 -

Order Sheet (contd)

A.N. 921/86(T)

Date	Office Notes	Orders of Tribunal
5.9.1986.		<p>After hearing counsel of both sides and perusing records, we are satisfied that the departmental proceedings initiated by the respondents against the applicants do not suffer from any legal infirmity. The applicant was afforded a reasonable opportunity to defend himself. Notices were also got served through post from time to time, but the applicant, for reasons best known to him, refrained from participating in the proceedings and defending himself either in person or through his authorised representative. We do not, therefore, find any justification for interfering with the decision taken by the disciplinary authority that the charge against the applicant is established.</p> <p>2. Shri T.N. Raghavaiah, counsel for the applicant, submits that the penalty of removal from service imposed by the disciplinary authority against the applicant is out of proportion to the gravity of the charge relating to absence from duty for the period from 10.4.1972 to 25.4.1972; that the applicant represented to the authorities that he was obliged to proceed on leave without awaiting the sanction of the same due to serious illness of his wife, and as there was no earlier occasion on which the applicant had absented himself in the manner he did during the aforesaid period, the authorities should have taken a lenient view.</p> <p>3. Shri A. Venugopal, counsel for the respondents, submits that in the circumstances of the case, the penalty awarded is not excessive.</p> <p>4. Taking all the facts and circumstances into account, we are satisfied that the penalty imposed on the applicant is unduly severe, viewed in the context of the charge levelled against him. The Supreme Court has laid down in BHAGAT RAM v. STATE OF HIMACHAL PRADESH (1983(2) AISLJ page 323), that the penalty should be commensurate with the charge and applying the rationale of this decision to the present case, we consider that the ends of justice would be met if the order of removal from service is set aside and instead the following order is passed:</p>

Date	Office Notes	Orders of Tribunal
3.10.86	<p>order dt 5.9.86 issued to all the parties concerned</p> <p>Order served to Advocate for applicant & also to R-123.</p> <p>dms.</p>	<p>(1) that the applicant shall be reinstated in the post which he was holding at the time of his removal from service;</p> <p>(2) that the seniority of the applicant shall be restored, but he is not entitled to claim any pay & allowances for the period from the date of his removal from service till he is reinstated; and</p> <p>(3) that the pay of the applicant on reinstatement shall be fixed, deeming him to be in service for the entire period and drawn increments as and when they fell due.</p> <p>4. The order removing the applicant from service is accordingly set aside subject to the conditions imposed above. The applicant shall be reinstated back into service within 15 days from the date of receipt of this order and the directions complied within a month & thereafter.</p> <p>5. In the result, the application is allowed to the extent indicated above</p> <p><i>Ch. Ramakrishna Rao</i> (L.H.A. REGO) MEMBER (AM) 5.9.1986.</p> <p><i>Ch. Ramakrishna Rao</i> (CH. RAMAKRISHNA RAO) MEMBER (JM) 5.9.1986.</p>

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE

Appn No 221/86 (T)
Order Sheet (contd) Appn No 17617/79

Date	Office Notes	Orders of Tribunal
	<p><u>FAI For Amendment of order dt 5-9-87</u></p> <p>The Counsel for the Applicant, here filed an FAI U/s 119 of the CAT Act R/w 151 of C.P.C. that for the reasons stated in the FAI it is prayed that this Hon'ble Tribunal may be pleased to Amend the order dt 5/9/86 and to direct the Respondent to pay the arrears of salary, increments, and promotion etc.</p> <p>copy of the FAI not Served on the other side.</p> <p>The Bench Comprised of Hon'ble Member (T) and Hon'ble Member Shri L. A. A. Rego.</p>	

P.T.O

Date	Office Notes	Orders of Tribunal
	<p>POST I.A for orders before Court</p> <p>B 819</p> <p>Dr.</p> <p>post I.A for orders on 9-9-87 before Court</p> <p>Bal 819</p> <p>9.9.1987</p>	<p>819</p> <p><u>KSPVC/LHARM</u></p> <p><u>Orders on I.A. No.1</u></p> <p>In this application purported to be made under Section 19 of the Administrative Tribunals Act, 1985 (the Act) and Section 151 of the Code of Civil Procedure, the applicant had sought for modification of an order made in A No.221/86(T) on 5.9.1986, which was a transferred application under Section 29 of the Act from the High Court of Karnataka.</p> <p>2. Shri T.N.Raghavaiah, learned counsel for the applicant, at the threshold contends that the order made by this Tribunal on 5.9.1986 had not been faithfully implemented by the respondents.</p> <p>3. We will assume that Shri Raghavaiah is correct for purposes of argument. But even then, that has to be agitated in a separate proceeding under Section 17 of the Act and the Contempt of Court Act 1971 only.</p> <p>4. We find that the applicant in reality and in substance is asking us to reexamine the earlier order and modify many of its terms and grant him certain reliefs specifically refused earlier. We need hardly say that the same, on any principle, is impermissible and cannot be done.</p>

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE

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Order Sheet (contd)

A. No. 221/86 (T)

Date	Office Notes	Orders of Tribunal
18-9-87 15-2-1988	order dt. 9-9-87 issued to all the parties Concerned & o/c added to the file. TRB	5. On any view I.A.No.1 is liable to be rejected. We, therefore, reject I.A. No.1 bsv VICE CHAIRMAN a/9/87 4.8.87 MEMBER (A) PSM/CHAKRJ This application which was earlier