

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

LIST OF PAPERS IN OA/TA/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

19

S
DE

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. Dayananda
R1. 10R-3

Presented on

Registered and Numbered on

Admitted on.

23/11 R

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

WP: 17617 of 29

(Part—I—Contd.)

WD 494—GEPD—1000 pads of 100 shts. each—14—

Office Notes

Orders of Court

I.A. II for Stay

~~17 advocate for Peer
has filed an I.A.
and affidavit
praying to consider
stay for his reasons
stated in the I.A.
(Copy Served)~~

Posi. I.A. I for
order before Court
(Re: Cawley Hef)

Put up I.A. for
orders in March
1980.

Mse

21 JAN 1990

No reason made
out for early hearing
I.A. I is rejected

Mse

6 MAR 1990

WP. 17617 of 29 (5)

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.

of 19.....

Office Notes

Orders of Court

R1 to R-3 are
represented
R-4 - sd - not
represented

Post. WP for
further order on
4-1-80 as directed

3.1.80

4

J.A.I. for Early Hg.

Advocate for Petr
has filed an J.A.
praying for order
for Early Hg. of WP.
for the reasons stated
in the J.A.

(Copy Seized)

WP is ready for Hg.

Post. J.A.I. for
order before Court
(Re: Early Hg.)

No further orders
are called for
petitioners may move
the court for early
hearing.

Mise

14 JAN 1990

10/1/80

10/1/80

10/1/80

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.

of 19...

Office Notes

Orders of Court

The repts
all are served only
R. 1 & R. 3 are
represented.

W.P. is ready
to work

Post- W. P.
for further order
on 3-10-80 at 2.30 PM
to day on dinner hol.

Minuted

2

18/3/10

18/3/10

3/10/80

no further order is
necessary

By

Dr

Govt

WP 17617/19

(5)

(Part—I—Contd.)

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

Office Notes

Orders of Court

I. A. II for Early
hearing:

Advocate
for the Petv. has
filed this I. A.
for the reason stated
therein, Praying to
grant an order of
Early hearing is
this W.P.

Copy Served

The Repts.
all are served
only R-1 & R-3 are
represented.

W.P. is ready
for notice:

Post I. A. II
for Orders.
2

Post I A for orders
in the 1st week
of December.

Mde

26 OCT 1967

4
21/10

21-11-80

WP 17612/79 2

Office Notes

Orders of Court

21-11-79

Ad5 to 22-11-79
S. C. H. 6

Post WP for Pte-
Heg on 22/11/79 as
directed
(Copies not filed)

21/11
4/21/11

22-11-79

Post m 23-11-79 along
with the list of documents
filed in court today

S. C. H. 6

Post WP for Pte-
Heg on 23-11-79 as
directed
(List of documents
not filed)

22/11
4/22/11

Rule Nisi

E-IV
21/11/79
23/11/79

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.

**The Divnl., Superintendant
& ors.,**

Respondent

Appellant
Advocate W

Petitioner **T. N. Raghaviah**

Advocate for Respondent

WD 403-GBPD-1000 pads of 100 sheets 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 R1 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-instatement.

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.

Petr to produce copies of Petitions filed before higher authorities after the disposal of the appeal and endorse with any orders from these authorities. Adv to tomorrow

13-11-79
Adv to next week
CO, CH. 16

9.11/21/11/79

..3...

17. Any other defect not stated above?

Correct order no. 2 Ex. F.
1-2 notes at page no. 12

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. [Signature]
Examiner.

[Signature]
Section Officer.

[Signature]
DEPUTY REGISTRAR.

skm:

Resubmitted

Necessary Compliance
is done on all
objections. The same
may be posted for
hearing on adm. 7/11/79

Ky. Howard
7/11/79

OK
2/11/79

Need fee order

Re 14

Retrieved again

8/11/79

Ref. back

objection no 14 is
removed & needfuld

for T.N. Raghavachari
Advocate 9-11-79

Need fee done
K.D. may be registered

12/11

12/11

6921 4952

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

PRESENTED BY S. T. N. Rayhan ADVOCATE.

WRIT PETITION NO. 17.617.....(S)

C. Sharmajal Chetty..... PETITIONER/S.

-Vs-

The State of Karnataka..... RESPONDENT/S.

Subject matter (in brief)

For removal of one Sharmajal Chetty from service of the State of Karnataka

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

226/227. Correct provision of law to be noted in view of the amendment of Rule 2 of 1977

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 in 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

9. (a) Whether the affidavit is of the Petitioner?
(b) If not, whether affidavit mentions the authorisation?
(c) Whether the affidavit is as per form No.2 read with Rule 3 of the Writ Petition Rules, 1977?
10. Whether the Annexures are properly marked?
- ✓ 11. Is the Vakalathnama as per High Court Rules?
12. (a) Whether Annexure to be quashed is filed in original?
(b) If not, is a certified copy filed?
(c) If not, is it authenticated as per rule 9 or 10?
13. (a) Whether the relief claimed is specific?
(b) Whether any interim relief is prayed for ?
- ✓ 14. Is there any other remedy for the aforesaid redress under any other law?
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

no

44

44

Blocks to be filled up.

44 3x5. F 25 are filed

no

no.

44

no.

To be filled

44

W.P. 17617/79 (S)

GPB-89855

Office Notes - 8 -

Orders of Court

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

W.P. is ready for hearing

put the above p
 for further orders.

(~~Re: GA III~~) ~~as directed~~
 (requested in the memo)
 as directed vide order
 dt. 16-8-82)

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

W.P. is ready for hearing

put the above W.P.
 for further orders Re: early
 hearing (vide memo filed
 before the Addl Registrar.)

Q

6-8-82

W.P. 17617/79

2/5/82

Memo is rejected

Har
 10-8-82

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

Har
 20-8-82

ORDER SHEET PART-I (Contd.)

R.F.A./R.S.A./M.R.A./M.S.A./W.P./C.R.P./C.P. 17617 of 1979.....

Office Notes

Orders of Court

gA III for early
hearing -

A Advocate for peto
has filed an gA and
affidavit praying to
grant an order of early
hearing for the reasons
stated therein.

(Copy served)

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

W.P. is ready for Hg

past gA III
four orders before Court.

15-3-82
21/3/82 2/15/3

2A. II is ready
2/12/82

KASJ:

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
the ^{There is a} 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.

[Signature]

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

ORDER SHEET PART-I (Contd.)

~~R.E.A./R.S.A./M.R.A./M.S.A./W.P./C.R.P./C.P.~~ 17617 of 1979 (S)

Office Notes	Orders of Court
<p>Respts are served and R1 to 3 are presented wps ready for hearing post w.p. for hearing week after next as directed on 18-11-1983</p> <p>18/11/83 ✓ 19/11/83 30/ ✓ 19/11 14.12.83 A. S. K. A. V. B. S. R. S. C. S.</p>	

Office Notes

Orders of Court

W.P. 17617/79(S)

70-2

WB 06398-GPB-1000 pads of 100 shts. each-19-12-81

Office Notes

Orders of Court

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

Post the above
W.P. for ^{final} hearing in
October 1982 as directed
(vide Court order dt. 20-8-82)

Q

5-10-82

W.P. 17617/79
5/10/82

GA V for Early Hearing :-

GA 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 GA 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

W.P. 17617/79 (S)

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

gA IV for early hearing

Advocate for petr
has filed an g.A and
affidavit praying to grant
an order of early hearing
for the reasons stated
therein.

(copy served)

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

W.P. is ready for hearing

part gA IV for
orders before Court.

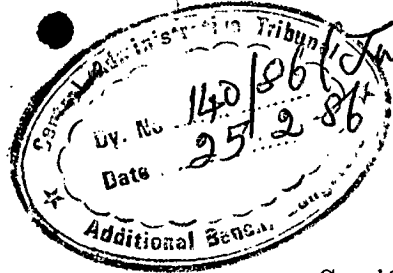
Ce
18-8-82

18/8/82 31/8/82

No. HCE. 358/85.

High Court of Karnataka,
Bangalore,

Dated :



CERTIFICATE

Certified that the writ petition No. 17617/29
filed by Shri. C. Dharmapala Chetty, Bangalore
in this High Court, shall stand transferred to the Central
Administrative Tribunal, Bangalore on 1-11-85 as per
Section 29 of the Administrative Tribunals Act 1985.

(Signature)

(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 align="right">S.O.</p> <p><u>Registrar</u></p> <p><i>Regisr</i></p> <p><i>Notice to advocate - post to 4.7.86 for hearing</i></p> <p><i>Jm 17/6</i></p>	
25-6-86	<p>Notice dt 20-6-86 issued to the Advocate of the Applicant & Respondents is added to file.</p> <p><i>all</i></p>	
1-7-86	<p>Notice issued to the Advocate for Applicant is received back undelivered is added to file.</p> <p><i>all</i></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>Ch. Ramakrishna Rao</i> (CH. RAMAKRISHNA RAO) MEMBER (J) 21.6.86</p> <p><i>L.H.A. REGU</i> (L.H.A. REGU) MEMBER (A) 21/86</p>

Date

Office Notes

Orders of Tribunal

11-7-86

Notice dt 10-7-86 issued to
the Applicant & R-H in added

5.8.86.

Shri Srirangiah, 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.

(LHA Rego)
Member (AM)
5.8.86.

(Ch. Ramakrishna Rao)
Member (JM)
5.8.86.

22.8.86

Sr. T.N. Raghavalli
for A
Sr. Venugopal for R
Application is adjourned
to 5-9-86

Bo

2
6
462

5-9-86

Shri Raghavalli, Srivastava,
present for the applicant
Sr. V.S. Srivastava, present
for the respondents. Heard
counsel for both sides.
Arguments concluded.
Orders reserved.

By order

5/9/86

Counsel - 2

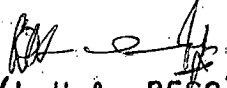
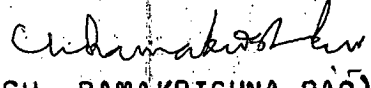
**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE**

+ 3 -

Order Sheet (contd)

A.N. 221/86(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>1. 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>2. Shri A. Venugopal, counsel for the respondents, submits that in the circumstances of the case, the penalty awarded is not excessive.</p> <p>3. 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) AIR 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
	<p>3.10.86 order dt 5-9-86 issued to all the parties concerned</p> <p>Order saved to Advocate for Applicant 2 also to R-123.</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>* 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 & thereof.</p> <p>5 In the result, the application is allowed to the extent indicated above</p> <div><div><p> (L.H.A. REGO) MEMBER (AM) 5.9.1986.</p></div><div><p> (CH. RAMAKRISHNA RAO) MEMBER (JM) 5.9.1986.</p></div></div> <p>dms.</p>

- 5 -
IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE

App/n No 221/86 (T)
Order Sheet (contd) WP No 17617/79

Date	Office Notes	Orders of Tribunal
	<p><u>JA I For Amendment</u> <u>of order dt 5-9-87</u></p> <p>The Counsel for the Applicant has filed An & A IUs 119 of the CAT Act R/w ISI of C.P.C that for the reasons stated in the JA it is prayed that this Hon'ble Tribunal May be pleased to Amend the order dt 5⁹/₈₇ and to direct the Respondent to pay the arrear of salary increa ments, and promotion etc. Copy of the JA 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
9.9.1987	<p>Post I A I for orders before Court</p> <p>8/9</p> <p>Dr.</p> <p>Post I A I for orders on 9-9-87 before Court</p> <p>8/9</p>	<p>KSPVC/LHARM</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 Raghavkaiah 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**

- 7 -

Order Sheet (contd)

A. No. 221/86 (T)

Date	Office Notes	Orders of Tribunal
<p>18-9-87</p> <p>15.2.1988</p>	<p>order dt. 9-9-87 issued to all the parties concerned & o/c added to the file.</p> <p>TRR</p>	<p>5. On any view I.A.No.1 is liable to be rejected. We, therefore, reject I.A. No.1</p> <p>bsv</p> <p>9/9/87</p> <p>VICE CHAIRMAN</p> <p>MEMBER (A)</p> <p>9.9.87</p> <p>PSM/CHAKRT</p> <p>This application which was earlier</p>