

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 2 JUN 1988

CONTEMPT OF COURT APPLICATION NO
IN APPLICATION NO. 497/86(T)
W.P. NO.

27

/ 88

Applicant

Shri R.P. Joshi

To

Respondent

V/s The Secretary, M/o Defence & 2 Ors

1. Shri R.P. Joshi
Senior Scientific Assistant
Gas Turbine Research Establishment(GTRE)
Suranjandas Road
C.V. Raman Nagar Post
Bangalore - 560 093
2. Shri M. Narayanaswamy
Advocate
844 (Upstairs)
Vth Block, Rajajinagar
Bangalore - 560 010
3. The Secretary
Ministry of Defence
South Block
New Delhi - 110 011

4. The Scientific Adviser to
the Raksha Mantri & Director
General Research & Development
Ministry of Defence
DHQ PO
New Delhi - 110 011
5. The Director
Gas Turbine Research Establishment
(GTRE)
Suranjan Das Road
Jeevan Bheemanagar Post
Bangalore - 560 075
6. Shri M. Vasudeva Rao
Central Govt. Sing 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 Contempt of Court application on 24-5-88.

DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 24TH DAY OF MAY, 1988

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

C.C. APPLICATION NO. 27/88

Shri R.P. Joshi,
S/o. P.K. Joshi,
Aged 38 years,
Senior Scientific Assistant,
Gas Turbine Research Establishment,
Bangalore.

.... Applicant.

(Shri M. Narayanaswamy, Advocate)

v.

1. The Secretary,
M/o Defence,
South Block,
New Delhi.
2. The Scientific Advoser to
the Raksha Mantri,
South Block,
New Delhi.
3. The Director,
Gas Turbine Research Establishment,
Suranjan Das Road,
Jeevan Bheemanagar Post,
Bangalore.

.... Respondents.

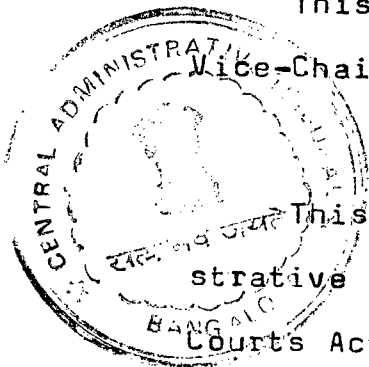
(Shri M. Vasudeva Rao, C.S.A.S.C.)

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

ORDER

This is a petition made under Section 17 of the Administrative Tribunals Act, 1985 (the AT Act) and Contempt of Courts Act, 1971 (the CC Act).

2. Prior to 18.8.1984 the petitioner was working as Senior Scientific Assistant (SSA) in the Office of the Gas Turbine Research Establishment, Bangalore (GTRE). On 17th and 18th August 1984 the Director General, Defence Research and



Development Organisation (DG DRDO) promoted several officials of the GTRE and other Defence establishments as Junior Scientific Officers (JSOs) however superseding the applicant. On his said supersession, the petitioner approached the High Court of Karnataka in Writ Petition No. 8304/85 which was transferred to this Tribunal under the AT Act and was registered as A.No. 497/86(T). On 17.3.1987 a Division Bench of this Tribunal consisting of Hon'ble Shri P. Srinivasan, Member (A) and Hon'ble Ch. Ramakrishna Rao, Member (J) disposed of the same with these directions:

"In the circumstances, we allow this application and direct the respondents 1 to 3 to re-do the process of promotion completed in August 1984, in accordance with the Rule of subject-wise promotion, as expeditiously as possible. The order of effecting promotion on the basis of the recommendation of the DPC which met on the 17th and 18th August 1984 appearing at Annexures 'S' and 'U' are quashed. However, till the fresh process of promotion in accordance with the Rule of subject-wise promotion is completed, persons already been promoted as JSOs need not be disturbed."



The petitioner complains that these directions have not been wilfully implemented by the Respondents so far and therefore they are liable to be proceeded with under the CC Act.

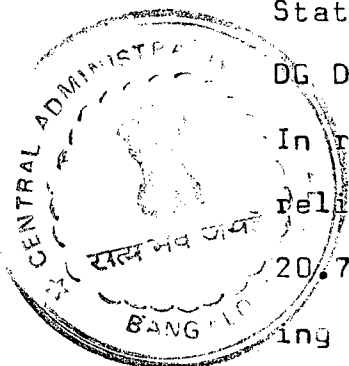
3. In their reply, the respondents have asserted that the judgment of this Tribunal had been rendered ineffective by the Defence Research and Development Organisation, Junior

Scientific Officers Recruitment (Amendment) Rules, 1988 (Amended rules) and, therefore, the question of implementing the directions issued in favour of the applicant does not arise.

4. Shri M. Narayanaswamy, learned Counsel for the petitioner contends that the respondents had wilfully disobeyed the order made in favour of his client on 17.3.1987 which had become final and, therefore, they are liable to be proceeded with under the CC Act.

5. Shri M. Vasudeva Rao, learned Additional Standing Counsel appearing for the respondents contends that the 'Amended Rules' had rendered the judgment of this Tribunal in favour of the applicant ineffective and therefore the question of implementing the same does not arise.

6. The claim of the applicant for promotion to the post of JSO was founded on the Defence Science Service Rules 1967 (1967 Rules) and their continuance on the Statute book on 17 and 18th August 1984 on which day the DG DRDO made promotions however superseding the petitioner. In rejecting the claim of the applicant, the Respondents relied on letter No. 88608/VIII/Pers/RD-21(a) dated 20.7.1979 of the DG DRDO. On this, this Tribunal holding that the 1967 rules had not been abrogated and were on the statute book as on 17th and 18th August, 1984 and that promotion of officers should be regulated in conformity with those rules, directed the Respondents to redo the earlier promotions on that basis.



7. The amended rules made by the President in exercise of the powers conferred on him by the proviso to Article 309 of the Constitution on which the Respondents rely to claim that the order of the Tribunal has been rendered in effective reads thus:-

"(TO BE PUBLISHED IN PART II, SECTION 4 OF
THE GAZETTE OF INDIA)

NOTIFICATION

New Delhi, the 14th March, 1988

S.R.O. 3-E.- In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Defence Research and Development Organisation (Junior Scientific Officer) Recruitment Rules, 1980, namely:-

1. (1) These rules may be called Defence Research and Development Organisation (Junior Scientific Officer) Recruitment (Amendment) Rules, 1988.

(2) They shall be deemed to have come into force on the 8th of March 1980.
2. In rule 1 of the Defence Research and Development Organisation (Junior Scientific Officer) Recruitment Rules, 1980, after sub-rule (2), the following sub-rule shall be inserted, namely:-

"(3) The Defence Science Service Rules, 1967 shall, in so far as they relate to the posts to which these rules are applicable, cease to be in force."

Sd/-(Durga Dass)
Under Secretary

No.0744/87/RD/Pers-1/1020/D(R&D)

Note:- The principal rules were published in the Gazette of India, Part II, Section 4 dated the 8th March 1980 vide Government Notification, Ministry of Defence SRD 81 dated the 23rd February 1980 and was subsequently amended by -



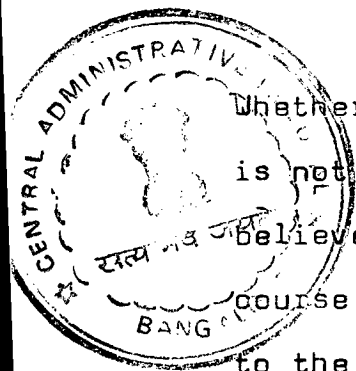
- (1) Government Notification, SRD 35 dated the 11th February 1981, published in the Gazettee of India, Part II, Section 4 dated the 21st February, 1981.
- (2) Government Notification, SRD 166 dated the 17th June, 1985 published in the Gazettee of India, Part II, Section 4 dated the 20th July, 1985.

EXPLANATORY MEMORANDUM TO SRD _____ DATED _____ 1988

Prior to the promulgation of Defence Research and Development Organisation (Junior Scientific Officer) Recruitment Rules, 1980, the posts of Junior Scientific Officer (Group-8, Gazetted) of Defence Research and Development Organisation were governed by Defence Science Service Rules, 1967. By an inadvertent error it was not mentioned in the Defence Research and Development Organisation (Junior Scientific Officer) Recruitment Rules, 1980, that these rules were promulgated in supersession of Defence Science Service Rules, 1967. Hence, to rectify the mistake, amendment is being made with effect from the date of publication of Defence Research Development Organisation (Junior Scientific Officer) Recruitment Rules, 1980.

Sd/- (Durga Dass)
Under Secretary to the Government
of India

Whether this claim of the respondents is well-founded or not, is not free from doubt. At any rate the respondents bona fide believe that to be the position. When that is so, the proper course for us is to drop these proceedings reserving liberty to the petitioner to challenge the Amended Rules in separate proceedings and then seek for the implementation of the order of this Tribunal. On this view, we decline to deal with the submissions made by Shri Narayanaswamy on the validity of the Amended Rules.



8. On the foregoing discussion we hold that these contempt of court proceedings are liable to be dropped. We, therefore, drop these contempt of court proceedings reserving liberty to the petitioner to challenge the Amended Rules in separate legal proceedings and then seek for the implementation of the order of this Tribunal. But in the circumstances of the case, we direct the parties to bear their own costs.

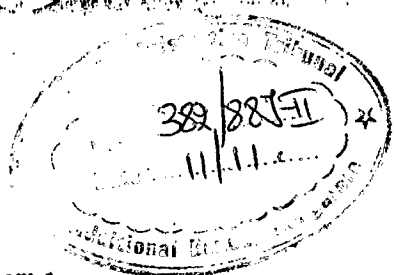
Sd/-
VICE-CHAIRMAN 24/5/88

Sd/-
MEMBER (A) 24-5-1988

TRUE COPY



[Signature]
DEPUTY REGISTRAR (JDL) 25/5
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE



by hand received from KAT.
9/11/88 30J
at 14-45 hours

D.No.3869/88/Sec-IV-A
SUPREME COURT OF INDIA
NEW DELHI.

Dated 28th October, 1988

From: The Additional Registrar,
Supreme Court of India.

To

✓ The Registrar,
Central Administrative Tribunal,
B.D.A.Complex, Indira Nagar,
Bangalore- 560 038.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 10810 OF 1988

Petition under Article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the ~~XXXXXX~~
~~xx~~ Order dated 24.5.88 of the ~~XXXXXX~~
Karnataka Administrative Tribunal, at Bangalore in Exx.
C.C.Application No.27/88.

Shri R.P.Joshi

....Petitioner

Vs.

Union of India & Ors.

...Respondent s

Sir,

I am to inform you that the petition above -mentioned
for Special Leave to Appeal to this Court was filed on behalf
of the Petitioner above-named from the ~~XXXXXX~~ Order
of the High Court noted above and that the same was/were
~~dismissed~~ ^{permitted to be withdrawn.} by this Court on the 26th day of October
1988.

Yours faithfully,

for Addl. Registrar.

9/11/88
AS/

Case number mentioned
in the letter of H-116
Supreme Court, does not
relate to this instrument
May be sent to Central
Ad. Tribunal

9/10/88

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 13 APR 1988

REVIEW APPLICATION NOS. 11 to 27/88
IN APPLICATION NOS. 449 to 452 & 577 to 592/87(F)

Applicants

Indian National NGOs Association
of Army Electronics Inspection
& 16 Ors

To

1. Shri K. Ramanujam
Chairman
Indian National NGOs Association
of Army Electronics Inspection
C/o Controllerate of Inspection
Electronics (CIL)
JC Nagar P.O.
Bangalore - 560 006
2. Shri A.N. Mazumdar
Foreman
Controllerate of Inspection
Electronics (CIL)
JC Nagar P.O.
Bangalore - 560 006
3. Shri H. Prahaladarao
Foreman
Controllerate of Inspection
Power Systems (CIP)
JC Nagar P.O.
Bangalore - 560 006
4. Shri M.A. Hardikar
Foreman
Controllerate of Inspection
Radar (CIR)
JC Nagar P.O.
Bangalore - 560 006
5. Shri S. Srinivasan
Foreman
Inspectorate of Electronics

JC Nagar, Bangalore - 560 006

Respondents

V/s The Secretary, M/o Defence & 11 Ors

6. Shri S. Badrinath
Asst. Foreman
Controllerate of Inspection
Electronics (CIL)
JC Nagar P.O.
Bangalore - 560 006
7. Shri R. Krishnamurthy
Asst. Foreman
Controllerate of Inspection
Electronics (CIL)
JC Nagar P.O.
Bangalore - 560 006
8. Shri K. Narasimhamurthy
Asst. Foreman
Controllerate of Inspection
Electronics (CIL)
JC Nagar P.O.
Bangalore - 560 006
9. Shri M.B. Ramanujam
Asst. Foreman
Inspectorate of Electronics
JC Nagar
Bangalore - 560 006
10. Shri M. Selvaraj
Asst. Foreman
Controllerate of Inspection
Power Systems (CIP)
JC Nagar
Bangalore - 560 006

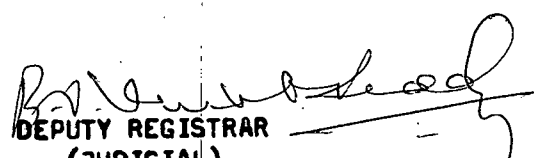
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- | | |
|---|---|
| <p>11. Shri Anandathirtha
Asst. Foreman
Controllerate of Inspection
Electronics (CIL)
JC Nagar P.O.
Bangalore - 560 006</p> <p>12. Shri J.K. Raghunathan
Asst. Foreman
Inspectorate of Electronics
JC Nagar
Bangalore - 560 006</p> <p>13. Shri G. Sadaashivappa
Asst. Foreman
Inspectorate of Electronics
JC Nagar
Bangalore - 560 006</p> <p>14. Shri V.C. Gupta
Asst. Foreman
Controllerate of Inspection
Electronics (CIL)
JC Nagar
Bangalore - 560 006</p> | <p>15. Shri T.S. Ramachandra Rao
Foreman
Controllerate of Inspection
Electronics (CIL)
JC Nagar
Bangalore - 560 006</p> <p>16. Shri J.V. Chadrashekara Rao
Foreman
Controllerate of Inspection
Electronics (CIL)
JC Nagar
Bangalore - 560 006</p> <p>17. Shri K. Nanjundappa
Foreman
Controllerate of Inspection
Power Systems (CIP)
JC Nagar
Bangalore - 560 006</p> |
|---|---|

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal
in the above said applications on 22-3-88.

Encl : As above


DEPUTY REGISTRAR
(JUDICIAL)

jc

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 22ND DAY OF MARCH, 1988

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

REVIEW APPLICATION NOS. 11 TO 27/1988

1. Indian National NGOs Association of Army Electronics-Inspection C/o CIL, Bangalore. ... Applicant in R.A. No.11/88
2. A.N. Mazumdar, Foreman CIL, JC Nagar, Bangalore. ... Applicant in R.A. No.12/88
3. H. Prahaladarao, Foreman CIP, JC Nagar, Bangalore. ... Applicant in R.A. No.13/88
4. M.A. Hardikar, Foreman, CIR, JC Nagar, Bangalore. ... Applicant in R.A. No. 14/88
5. S. Srinivasan, Foreman, Inspectorate of Electronics, JC Nagar, Bangalore. ... Applicant in R.A. No.15/88
6. S. Badrinath, Asst. Foreman, CIL, JC Nagar, Bangalore. ... Applicant in R.A. No.16/88
7. R. Krishnamurthy, Asst. Foreman, CIL, JC Nagar, Bangalore. ... Applicant in R.A. No.17/88
8. K. Narasimhamurthy, Asst. Foreman, CIL, JC Nagar, Bangalore. ... Applicant in R.A. No.18/88
9. HB Ramanujam, Asst. Foreman, Inspectorate of Electronics, JC Nagar, Bangalore. ... Applicant in R.A. No.19/88.
10. M. Selvaraj, Asst. Foreman, CIP, JC Nagar, Bangalore. ... Applicant in R.A. No.20/88
11. Anandathirtha, Asst. Foreman, CIL, JC Nagar, Bangalore. ... Applicant in R.A. No.21/88
12. J.K. Raghunathan, Asst. Foreman, I of L, JC Nagar, Bangalore. ... Applicant in R.A. No.22/88
13. G. Sadashivappa, Asst. Foreman, I of L, JC Nagar, Bangalore. ... Applicant in R.A. No.23/88
14. V.C. Gupta, Assistant Foreman, CIL, JC Nagar, Bangalore. ... Applicant in R.A. No.24/88
15. T.S. Ramadhandra Rao, Foreman, CIL, JC Nagar, Bangalore. ... Applicant in R.A. No.25/88



16. J.V. Chandrashekara Rao, Foreman,
CIL, JC Nagar, Bangalore.

... Applicant in
R.A. No.26/88

17. K. Nanjundappa, Foreman
CIP, JC Nagar, Bangalore.

... Applicant in
R.A. No.27/88

v.

1. Union of India, represented by
the Secretary, Ministry of
Defence, New Delhi.
2. The Director General of Inspection
Department of Defence Production,
M/o Defence (DGI), Room No.234,
South Block, DHQ PO New Delhi.
3. The Controller,
CIL, JC Nagar PO,
Bangalore.
4. PT Gee Verghese, Foreman,
CIR, JC Nagar, Bangalore.
5. T.V. Venugopala Iyer, Foreman
CIP, JC Nagar, Bangalore.
6. N.A. Ramaprasad Narayan, Foreman
CIL, JC Nagar, Bangalore.
7. S. Rajaratnam, Asst. Foreman,
I of L, R.K. Puram PO.
Secunderabad.
8. YS. Jagannatharao, Asst. Foreman,
CIR, JC Nagar, Bangalore.
9. N. Paul Pandian, Asst. Foreman,
CIS, Secunderabad.
10. L. Upendranath Goud, Asst. Foreman,
CIS, Secunderabad.
11. S.C. Patel, Asst. Foreman,
I of L, C/o. GCF, Jabalpur.

12. T. Somashekara, Foreman,
CIL, JC Nagar, Bangalore.

Common Respondents.



These applications having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

In these applications made under Section 22(3)(f)
of the Administrative Tribunals Act, 1985 ('the Act')
the applicants have sought for a review of our order
dated 21.1.1988 dismissing their A.Nos. 449 to 452 and
577 to 592 of 1987.

2. Shri K. Ramanujam, Chairman of the Indian National NGOs Association, Army Electronics Inspection, Bangalore, who is representing the applicants as before submits that the applicants had withdrawn their earlier applications under a bonafide mistake and that they are unable to approach the Hon'ble Supreme Court under Article 32 of the Constitution and on those grounds we must review our earlier order, restore the applications to their original file and determine them on merits.

3. We dismissed A.Nos. 449 to 452 and 577 to 592 of 1987 on the ground that the applicants themselves sought our permission to withdraw them with liberty reserved to approach the Supreme Court.

4. We will even assume that everyone of the grounds stated by Shri Ramanujam are correct. Even then also, all of them will not constitute a mistake or an error apparent on the face of the record or a case of discovery of a new and important matter or evidence that was not within the knowledge of the applicants to justify a review of our order under order .47 R.1 of the Code of Civil Procedure applicable for a review under Section 22 (3) (f) of the Act. We find no grounds to review our earlier order.

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On the foregoing discussion, we hold that these review applications are liable to be rejected. We, therefore, reject these applications at the admission stage,

DEPUTY REGISTRAR (JDL)

Without notices to the respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

[Signature] Sd/-

VICE-CHAIRMAN

Sd/-

MEMBER (A) 22-3-88