

## CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 1 DEC 1988

C.P. (CIVIL)  
I AND II IN APPLICATION NO.

68/88

W.P. NO. IN ANO:

174/86

Applicant(s)

C.K. Angadi

To

Respondent(s)  
The Commissioner of Income Tax,  
Bangalore & Anr.1). Sh. C.K. Angadi  
R/o - THIPPAIAHKOPPA,  
MASUR POST,  
HIRE KERUR TALUK,  
DHARWAD DIST.  
KARNATAKA.(4) The Inspecting Commissioner of Income Tax,  
Hubli Range,  
Vidya Nagar  
Hubli.2) Sh. BASAVARAJ V. SABARAD,  
Advocate,  
NO 895, 16th Main 3rd Block,  
Rajaji Nagar,  
Bangalore - 10.(5) Sh. M.S. Padmarajiah  
Senior Central Govt.  
Standing Counsel,  
High Court Buildings,  
Bangalore - 1.3) The Commissioner of Income Tax,  
Karnataka II,  
Bangalore.Subject : SENDING COPIES OF ORDER PASSED BY THE BENCHPlease find enclosed herewith the copy of ORDER/STAY/INTERIM ORDER  
passed by this Tribunal in the above said application(s) on 28-11-88.Gopal  
Encl : As aboveS/C  
DEPUTY REGISTRAR  
(JUDICIAL)

In the Central Administrative  
Tribunal Bangalore Bench,  
Bangalore

115.

CP (Civil) No. 68/88

Order Sheet (contd)

Date	Office Notes	Orders of Tribunal
8.11.88	<p>TRUE COPY</p> <p><i>R. H. May 1/12/88</i></p> <p>SECTION OFFICER CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE</p>	<p><u>KSPVC/LHARM</u></p> <p><u>Orders on IA No.1 - application for recalling our order dated 31.10.1988.</u></p> <p>In this IA the applicant has sought for recalling <del>as</del> our order made on merits on 31.10.1988 on the ground that the absence of the petitioner and his counsel were for bona fide reasons. We will even assume that every one of the facts stated by the applicant and his learned counsel in IA No.1 are correct. But even then there is no justification for us to recall our order. Even otherwise we are of the view that the order made by us would not have been in any way different even if we had heard the applicant and his counsel on the date the case was fixed. In the circumstances IA No.1 is liable to be rejected. We, therefore, reject IA No.1.</p>



Sd/-  
VC

Sd/-  
M(A) T. G. R. S.

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 7 NOV 1988

CONTEMPT

PETITION(CIVIL) APPLICATION NO.

IN APPLICATION NO. 1714/86(F)  
W.P. NO.

68

88

Applicant(s)

Shri C.K. Angadi

To

1. Shri C.K. Angadi  
S/o Smt M.K. Angadi  
R/o Tippaishkeppa  
Masur Post  
Mirekerur Taluk  
Dharwad District

2. Shri Basavaraj V. Sabared  
Advocate  
No. 895, 16th Main,  
3rd Block, Rajajinagar  
Bangalore - 560 010

3. The Commissioner of Income-Tax  
Karnataka - II  
Central Revenue Building  
Queens Road  
Bangalore - 560 001

v/e

Respondent(s)

The Commissioner of Income-Tax, Karnataka - II,  
Bangalore & another

4. The Inspecting Assistant Commissioner  
of Income-Tax  
Hubli Range  
Vidyanagar  
Hubli

5. Shri M.S. Padmarajaiah  
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(s) on 31-10-88.

*Received  
K. Mallesh  
9-11-88*

Encl : As above

O/C *Neethy*  
SECTION OFFICER  
DEPARTMENT OF EXCISE & TAXATION  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE 31ST DAY OF OCTOBER, 1988

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY... VICE-CHAIRMAN  
HON'BLE SHRI L.H.A. REGO ... MEMBER (A)

CONTEMPT PETITION (CIVIL) A.NO.68/88

Sri C.K. Angadi,  
Major, R/O Thippaiahkoppa  
Masur Post  
Hirekerur Taluk,  
Dharwad District

Petitioner

Vs.

1. The Commissioner of Income - Tax  
Karnataka II,  
Bangalore.
2. The Inspecting Asst.Commissioner of  
Income - Tax,  
Hubli Range, Vidya Nagar,  
Hubli.

Contemptonor

(Shri M.S. Padmarajaiah.....Advocate)

This application having come up for hearing  
before this Tribunal to-day, Hon'ble Shri Justice K.S.  
Puttawamy, made the following :

O R D E R

Case called on more than one occasion in  
the pre-lunch session and again in the post-lunch  
session. On every occasion, the petitioner and his  
learned counsel were absent. On the last date of  
hearing also, the petitioner and his counsel were



absent. We see no justification to adjourn this case any further. We have therefore perused the records and heard Sri M.S. Padmarajaiah, Senior Standing Counsel for Central Government, appearing for respondents.

2. In this application made under Sec. 17 of the Administrative Tribunals Act, 1985(Act) and the Contempt of Courts Act, 1971, the petitioner has complained that the order made by a Division Bench of this Bench in his favour in Application 1714/86 (Ann.A) on 2nd December 1987, has not been implemented in letter and spirit.

3. In their reply, the respondents have asserted that the order of this Tribunal had been implemented in letter and spirit. In elaboration of the same, the respondents have pointed out that deducting the inadmissible periods, the petitioner was not entitled for pension and therefore an order to that effect had been made and communicated to the petitioner and the admissible amount of gratuity had been paid to him. We have no reason to disbelieve these statements. Even otherwise, the records produced before us establish these submissions of the respondents. From this it follows that the respondents have complied with the order made by us. On this view, these proceedings are liable to be dropped reserving liberty to the petitioner to challenge the consequential orders in separate legal proceedings.



4. In the light of above discussion, we hold that these Contempt of Court Proceedings are liable to be dropped. We therefore drop the Contempt of Court Proceedings. But, this order does not prevent the petitioner from challenging the later orders made by the respondents in appropriate legal proceedings.



Sd/-  
VICE-CHAIRMAN 31/10/88

Sd/-  
MEMBER (A) 27.10.88

TRUE COPY

*AP* 7/11/88  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE