

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 1 DEC 1988

C.P. (CIVIL)
IA No. I 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. CK. Angadi
R/o - THIPPAIAH KOPPA,
MASUR POST,
HIREKERUR TALUK,
DHARWAD DIST.
KARNATAKA.

(4) The Inspecting Asst.
Commissioner of Income
Tax,
Hubli Range,
Vidya Nagar
Hubli.

2) Sh. BASAVARAT 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 BENCH

Please find enclosed herewith the copy of ORDER/STAY/INTERIM ORDER
C.P. (Civil)
passed by this Tribunal in the above said application(s) on 18-11-88.

Encl : As above

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	<div data-bbox="271 900 635 1274" data-label="Image"></div> <p data-bbox="365 1369 577 1419">TRUE COPY</p> <p data-bbox="357 1941 555 1973">SECTION OFFICER</p> <p data-bbox="252 1975 660 2070">CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE</p> <p data-bbox="373 1841 682 1955"><i>[Signature]</i> 11/12/88</p>	<p data-bbox="842 1134 1025 1165">KSPVC/LHARM</p> <p data-bbox="842 1199 1464 1279"><u>Orders on IA No.1 - application for re- calling our order dated 31.10.1988.</u></p> <p data-bbox="842 1310 1516 2066">In this IA the applicant has sought for recalling xx 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> <p data-bbox="947 2147 1041 2238"><i>Sd/-</i> VC</p> <p data-bbox="1229 2147 1484 2238"><i>Sd/-</i> M(A) <i>Tig. 10/88</i></p>

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 7 NOV 1988

CONTEMPT

PETITION(CIVIL) APPLICATION NO.

IN APPLICATION NO.
W.P. NO.

68

1714/86(F)

/88

Applicant(s)

Shri C.K. Angadi

To

Respondent(s)

V/s

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

- Recd
7/11/88
CB.V.S. BARAD
ADVOCATE
1. Shri C.K. Angadi
S/o Smt M.K. Angadi
R/o Tippaiahkeppa
Masur Post
Hirekerur 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

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 C.P.(Civil) application(x) on 31-10-88.

o/c SECTION OFFICER

DEPUTY REGISTRAR
(JUDICIAL)

Encl : 4s above

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.

Contemptnor

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

This application having come up for hearing
before this Tribunal to-day, Hon'ble Shri Justice K.S.
Puttaswamy, 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 21/10/88

Sd/-
MEMBER (A) 10.10.88

TRUE COPY

[Signature] 7/11/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE