

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 9 JAN 1989

Contempt

APPLICATION NO.

In

~~W. E. No.~~ ANos.

203 to 211/88 C/w CPs, 277 to 296/88
466/88, 216/25/88, 28/88, 242/88 to 251/88
and 253 to 262/88]

Applicant(s)

Sh. Ganesh H. Patwardhan
To and ors.

Respondent(s)

Sh. R. S. A. Rao, AG. (A.E.)
Bangalore & 2 ors.

(1) Dr. M. S. Nagaraja,
Advocate,
NO. 35, Above Hotel Swagath,
1st Main Road, Gandhi Nagar,
Bangalore - 560 009. (~~206/88~~)

(2) Sh. R. S. A. Rao,
Accountant General (A & E),
Karnataka,
Bangalore.

(3) Sh. T. N. Chattervedi,
Comptroller & Auditor General of
India,
NO. 10, Bhadur Shah Jagar Marg,
New Delhi - 110 002.

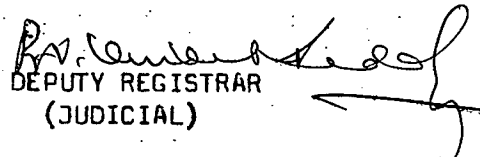
(4) Sh. S. Venkataraman,
Secretary,
Ministry of Finance, Govt. of India,
Dept. of Expenditure,
New Delhi - 110 001.

(5) Sh. M. S. Padmeswari,
CGSC,
Bangalore.

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 16-12-88.

Encl : As above


DEPUTY REGISTRAR
(JUDICIAL)

Date

Office Notes

Orders of Tribunal

VC/LHAR(AM)
16-12-1988.

ORDERS IN CONTEMPT PETITIONS
Nos.203 TO 211/88 C/w C.Ps.277
TO 296/88.

Petitioners by Dr.M.S.
Nagaraja.

2. Respondents by Smt.K.
Ganga, Deputy Accountant General
(Admn.), Bangalore.

3. In these petitions filed
under Sec.17 of the Administrative
Tribunals Act, 1985 and the Contempt
of Courts Act, 1971, the petitioners
have moved this Tribunal to initiate
contempt of Courts proceedings
against the respondents for non-
implementation of the orders made
in their favour, by this Tribunal.

4. Smt. K.Ganga, Deputy Account-
tant General, appearing for the
respondents, has brought to our
notice that the Hon'ble Supreme
Court has stayed the operation of
the orders made in favour of the
petitioners and therefore, these
Contempt of Courts Proceedings are
liable to be dropped. We find
this submission of Smt. Ganga is
correct. On this view, these
Contempt of Courts Proceedings are
liable to be dropped. We, therefore,
drop these Contempt of Courts Pro-
ceedings. But, in the circumstances
of the cases, we direct the parties
to bear their own costs.



TRUE COPY

Sd/-
VICE CHAIRMAN

Sd/-
MEMBER(A)

contd...3

DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 9 JAN 1989

Contempt

APPLICATION NO.

IN AND

W.P. NO.

197 to 202/88 CW CPs, 212 to 276/88 and 297 to 326/88

1078/87 to 1083/87, 29/88, 26/88, 30 to 33/88, 39 to 44/88, 59 to 63/88, 120/88 to 132/88, 135/88 to 136/88, 138/88, 137/88, 139/88, 188 to 215/88, 240/88 to 241/88, 315/88 to 344/88

Applicant(s)

To

Smk. S.G. Bharathi & ORs

Vs. Sh. R.S.A. Rao, AG (AE)
Bangalore & 2 ORs.

(1) Dr. M.S. Nagaraja
Advocate,
No. 35 Above Hotel Sivagathi,
1st Main Road, Gandhi Nagar,
Bangalore - 560 009. (1988/88)

(3) Sri. T.N. Chaturvedi,
Comptroller & Auditor General
of India,
No. 10, Bhadshah Shikha Marg
New Delhi - 110 002.

(2) Sh. R.S.A. Rao,
Accountant General (A&E),
Karnataka Bangalore.

(4) Sri. S. Venkataraman,
Secretary,
Ministry of Finance, Govt.
Department of Expenditure,
New Delhi - 110 001.

(5) Sh. M.S. Padmarajah,
CGSC, Bangalore.

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

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passed by this Tribunal in the above said application(s) on 16-12-88.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

Smt S.G. Bharathi & Ors

Order Sheet (contd)

The AG (A&E), Karnataka,
Bangalore & Ors
M.S. Padmarajiah

Dr M.S. Nagaraja

| Date | Office Notes | Orders of Tribunal |
|------|--------------|---|
| | | <p>VC/LHAR(AM) 16-12-1988</p> <p><u>ORDERS IN CONTEMPT PETITIONS</u> <u>NOS.197 to 202/88 C/W C.Ps.</u> <u>212 to 276 & 297 to 326/88:</u></p> <p>In these petitions under Sec.17 of the Administrative Tribunals Act, 1985 and Contempt of Courts Act, 1971, the petitioners have moved this Tribunal to initiate Contempt of Court Proceedings against the respondents for non-implementation of the orders in their favour by this Tribunal.</p> <p>2. Smt.K.Gange, Deputy Accountant General(Admn.), Bangalore, appearing for the respondents, has placed before us copies of two orders, both dated 14-12-1988 passed by respondent(R) 1, in favour of the petitioners, pursuant to the orders of this Tribunal in the matter, subject to certain terms and conditions specified by R-1. It is apparent that the aforesaid orders of R-1 would eventually result in payment to the petitioners as directed by this Tribunal. In these circumstances, we consider it proper to drop the Contempt of Court Proceedings in question. The said proceedings therefore are hereby dropped. But, in the circumstances of the case, we direct the parties to bear their own costs.</p> |

TRUE COPY

Sd/-

Sd/-

(K.S.PUTTASWAMY)
VICE CHAIRMAN.

(L.H.A.REGD)
MEMBER(A)

[Signature]
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BOA)
Indiranagar
Bangalore - 560 038

Dated : 2-2-88

APPLICATION NOS. 1078 to 1083/87(F), 4 to 6,
21 to 26, 28 to 33, 39 to 44
& 59 to 63/88(F)

Applicants

Respondents

Smt SG Bharathi & 31 Ors

V/s The AG, (A&E), Karnataka & 2 Ors

To

1. Smt S.G. Bharathi
110/D, III Cross
Raghavendra Colony
Bangalore - 560 018
2. Sri T. Gokulananda Rao
15/1, 'E' Street, Fort
Bangalore - 560 002
3. Smt Sowmya D. Pant
301, II Main
Malleswaram
Bangalore - 560 003
4. Smt Anasuya Gokhale
40/122, 9th Cross
Govindarajanagar
Bangalore - 560 040
5. Smt N.S. Leelavathy
707, 'Kumaradhara'
16th Cross, JP Nagar
Bangalore - 560 078
6. Shri D.R. Srinivasan
142/3/3, Ganappa Gardens
Coconut Avenue, Malleswaram
Bangalore - 560 003

7. Shri Ganesh H. Patwardhan
1068/11 (Out House)
8th Main Road, Vijayanagar
Bangalore - 560 040
8. Shri K.N. Suparna
No. 2529, 10th Main, 'E' Block
IIInd Stage, Rajajinagar
Bangalore - 560 010
9. Shri M.K. Chandrasekaran
No. 4/24, Lingaiahnapalya
IIIrd Cross, (Dasappa Circle)
Jeggalyam, Ulsoor
Bangalore - 560 008
10. Smt K.R. Kamala
1349, 10th Main Road
Vijayanagar
Bangalore - 560 040
11. Smt K. Usha Devi
17 (Out House), 8th Cross
6th Main Road, Malleswaram
Bangalore - 560 003
12. Smt H.N. Manjula
136, 70, II Block
Thyagarajanagar
Bangalore - 560 028

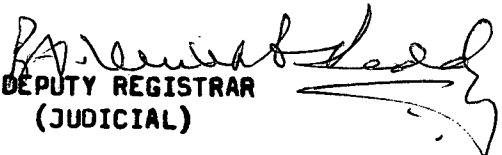
13. Smt Gita Govinden
14, 17th Cross
13th Main, Malleswaram
Bangalore - 560 055
14. Shri K. Dayananda Shet
14, Model House
3rd Street, Basavanagudi
Bangalore - 560 004
15. Smt Saramma Varghese
29/2, Wheeler Road
Bangalore - 560 084
16. Shri V. Kanappa
31/2, Kodandaram Layout
A.S. Mudaliar Road Cross
Bangalore - 560 042
17. Smt A. Manjula
338, 10th 'A' Main
III Block, Jayanagar
Bangalore - 560 011
18. Smt Nalini Balakrishnan
173, Jeevanahalli Main Road
Cox Town
Bangalore - 560 005
19. Smt A.T. Kamala
570, II Cross, Vth Main
Hanumanathanagar
Bangalore - 560 019
20. Smt Poorna Krishna Murthy
59, 1st Main Road
Thyagarajanagar
Bangalore - 560 028
21. Smt Lakshme Prasad
1081, 4th Main Road
Prakashnagar
Bangalore - 560 021
22. Smt V. Chandra
172, LIG House
Kengeri Satellite Town
Bangalore
23. Shri M. Narasimhamurthy
254/5, 14th 'B' Cross
Multistoried Building
New Town, Yelahanka
Bangalore - 560 064
24. Shri H.A. Ananth
45, 3rd Cross Road
Swimming Pool Extension
Malleswaram
Bangalore - 560 003
25. Smt Usha Selvam
19, Hutchins Road
Cook Town
Bangalore - 560 005
26. Smt P. Vasantha Kumeri
2, 'Sarovar'
2-A Cross, Hanumanthappa Layout
Sultanpalya
Bangalore - 560 032
27. Smt V. Malini Murthy
28. Shri P.S. Matha
29. Shri A.V. Srikantaiah
30. Shri K.S. Raykar
31. Shri L.P. Krishnamurthy
32. Shri A. Alphonse
(Sl Nos. 27 to 32 - Senior Accountants,
Office of the Accountant General(A&E),
Karnataka - I, Bangalore - 560 001)
33. Shri M.S. Nagaraja
Advocate
35, (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
34. The Accountant General
(Accounts & Entitlements)
Karnataka
Bangalore - 560 001
35. The Comptroller & Auditor General
of India
10, Bahadur Shah Zafar Marg
New Delhi - 110 002
36. The Secretary
Ministry of Finance
Department of Expenditure
New Delhi - 110 001

37. Shri M. Vasudeva Rao
Central Govt. Sng Counsel
High Court Building
Bangalore - 560 001

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 25-1-88.

Encl : As above


DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 25th DAY OF JANUARY, 1988

Present : Hon'ble Justice Sri K.S.Puttaswamy

Vice-Chairman

Hon'ble Sri L.H.A.Rago

Member (A)

A.Nos.1078 to 1083/87(F)

4 to 6/88(F)

21 to 26/88(F)

28 to 33/88(F)

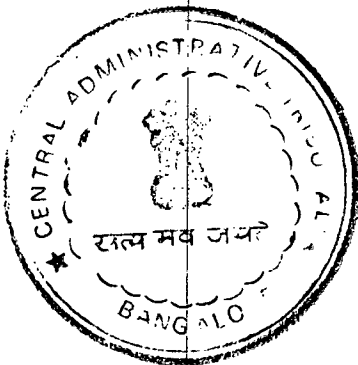
39 to 44/88(F)

59 to 63/88(F)

1. Smt.S.G.Bharathi,
110/D, III Cross,
Raghavendra Colony,
Bangalore - 18.
2. T.Gokulananda Rao,
15/1, 'E' Street, Fort,
Bangalore - 2.
3. Smt.Sowmya D.Pant,
301, II Main, Malleswaram,
Bangalore - 3.
4. Smt.Anasuya Gokale,
40/122, 9th Cross,
Govindarajanagar,
Bangalore - 40.
5. Smt.N.S.LeeLavathy,
707, 'Kumaradhara', 16th Cross,
J.P.Nagar, Bangalore.
6. D.R.Srinivasan,
142/3/3, Ganappa Gardens,
Coconut Avenue, Malleswaram,
Bangalore - 3.
7. Ganesh H.Patwardhan,
1068/11(Outhouse), 8th Main Rd,
Vijayanagar, Bangalore - 40.
8. K.N.SUparna,
No.2529, 10th Main 'E' Block,
IIInd Stage, Rajajinagar,
Bangalore - 10.
9. M.K.Chandrasekaran,
No.4/25, Lingaiahnapalya,
III rd Cross, (Dasappa Circle),
Jogpalyam, Ulsoor, B'lore-8.
10. Smt.K.R.Kamala,
R/a No.1349, 10th Main Road,
Vijayanagar, B8lore - 40.



11. Smt.K.Usha Devi,
R/a No.17(OH), 6th Main Rd,
8th Cross, Malleswaram,
Bangalore - 3.
12. Smt H.N.Manjula,
R/a No.136, 70, II Block,
T.R.Nagar, Bangalore -28.
13. Smt.Gita Govindan,
R/a No.14, 13th Main,
17th Cross, Malleswaram,
Bangalore - 55.
14. K.Dayananda Shet,
R/a No.14, Model House,
3rd Street, Basavangudi,
Bangalore - 4.
15. Smt.Saramma Varghese,
R/a No.29/2, Wheeler Rd,
Bangalore - 84.
16. V.Kanappa,
R/a 31/2, Kodanadaram
Layout, A.S.Mudaliar Road
Cross, Bangalore - 42.
17. Smt.A.Manjula,
R/a No.338, 10th 'A' Main,
III rd Block, Jayanagar,
Bangalore.
18. Smt.Nalini Balakrishnan,
R/a No.173, Jeevanahalli
Main Road, Cox Town,
Bangalore - 5.
19. Smt A.T.Kamala,
No.570, II Cross, V Main,
Hanumanthanagar, Bangalore - 19.
20. Smt.Poorna Krishna Murthy,
R/a No.59, I st Main Road,
Thyagarajanagar, Bangalore - 28.
21. Smt.Lakshme Prasad,
R/a No.1081, 4th Main Road,
Prakash Nagar, Bangalore - 21.
22. Smt V.Chandra,
No.172, LIG House, Kengeri
Sattelite Town, Bangalore.
23. M.Narasimhamurthy,
No.254/5, 14th 'B' Cross,
Multistoried Building, New
Town, Yelahanka, Bangalore -54.



24. H.A.Ananth,
No.45, 3rd Cross Rd,
Swimming Pool Extension,
Malleswaram,
Bangalore - 3.
25. Smt. Usha Selvam,
No.19, Hutchins Rd,
Cooke Town, Bangalore - 5.
26. Smt.P.Vasantha Kumari,
No.2, 'Sarovar',
"-A Cross, Hanumanthappa Layout,
Sultanpalya, Bangalore - 32.
27. Smt.V.Nalini Murthy,
W/o B.R.Srinivasa Murthy,
R/a Bangalore.
28. P.S.Matha,
29. A.V.Srikantaiah,
30. K.S.Raykar,
31. L.P.Krishnamurthy,
32. A.Alphonse,
(all Working as Senior Accountant,
O/o the Accountant General(A&E),
Karnataka-I, Bangalore - 1. ... Applicants.
- { Dr.M.S.Nagaraja ... Advocate }
{ Sri S.K.Srinivasan ... Advocate }

Vs.

1. The Accountant General,
(Accounts & Entitlements),
Karnataka, Bangalore - 1.
2. The Comptroller and Auditor
General of India, No.10,
Bahadur Shah Safar Marg,
New Delhi - 2.
3. The Government of India,
by the Secretary,
M/o Finance Department and
Expenditure, New Delhi - 1. ... Respondents
- (Sri M.Vasudeva Rao ... Advocate)

These applications have come up before the court

today, Hon'ble Justice Sri K.S.Puttaswamy, Vice-chairman
made the following :



O R D-E R

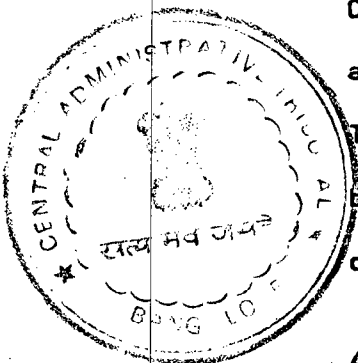
These cases were posted for hearing before us today. Sri M.Vasudeva Rao, learned Additional Standing counsel for the Central Government appearing for the Respondents in these cases prays for two months time to ~~file~~ their reply and then only argue these cases.

Dr. M.S.Nagaraja, learned counsel for the applicants opposes the request of Sri Rao and contends that the questions raised in these cases, are concluded by an earlier decision rendered by us in A.No.1327 to 1334/86(F) decided on 7/8th July, 1987 M.NANJUNDASWAMY V. ACCOUNTANT GENERAL, BANGALORE AND OTHERS. Sri Rao does not dispute that the facts of these cases and the questions to be decided are in all ~~four~~ with Nanjundaswamy's case. But notwithstanding the same he prays for time.

2. We are of the view that the request of Sri Rao which will not really serve any purpose but will only delay the proceedings without any benefit to anybody is wholly unjustified. We, therefore, reject the prayer of Sri Rao and proceed to decide the cases on merits.

3. The applicants are working as Senior Accountants in the office of Accountant General, Accounts and Entitlement, Bangalore (AG). In OM No.F.5(32)-E.III/86-Pt.II dated 12.6.1987, accepting the recommendations of the Fourth Pay Commission, Government had revised the pay scales of the applicants, but had extended that benefit only from 1.4.1987. The applicants claim that the benefit of such revision should be extended to them from 1.1.1986 as in the case of all other civil servants of the Union of India.

4. In Nanjundaswamy's case, we had occasion to examine this very question on the claims made by Nanjundaswamy

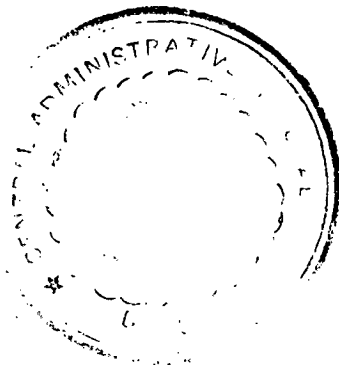


and others who are working as Senior Accountants as the applicants before us. On a detailed examination of that question(vide paras 27 to 34) we held that those persons, whose claims were in all ~~forms~~ to the applicants before us were entitled for the benefit of revision of pay scales from 1.1.1986 as in the case of all other civil servants of the Union of India. The order made by us in Nanjundaswamy's case the stay of which was also granted by us for a period of 90 days has not even been challenged by the Respondents before the Supreme Court and had become final also.

5. While upholding their claim we also expressed that Government itself should generously extend that benefit to all others similarly situated without necessarily driving them to approach this Tribunal or the Supreme Court. But we regret to notice that hope had been belied and the respondents have extended the benefit of that order only to the applicants in those cases denying the same to these applications though they made a demand for a similar treatment. In these circumstances, the claim of the applicants for extending the benefit of the revision of pay scales from 1.1.1986 for the very reasons stated in Nanjundaswamy's case has necessarily to succeed. We therefore uphold their claims.

6. In the light of our above discussion we make the following orders and directions :

- (i) We declare that the applicants are entitled for the revised pay scales extended by the Government of India in its order No.F.5(32)-E.III/86-Pt.II dated 12.6.1987 from 1.1.1986.
- (ii) We direct the Respondents to fix the pay scales of the applicants in the revised pay scales in terms of order made by the Government of India on 12.6.1987 from 1.1.1986 and extend all such consequential monetary benefits flowing from the same to them from that date with all such expedition as is possible in the circumstances of the cases and in any event on or before 30.4.1988.



7. Applications are allowed. But in the circumstances of these cases, we direct the parties to bear their own costs.

Sd/-

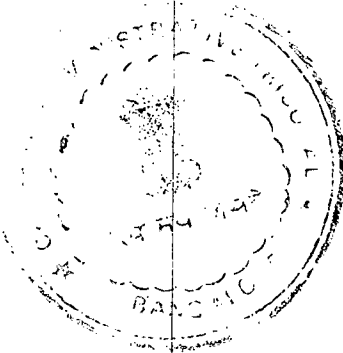
(VICE-CHAIRMAN)

25/11/58

Sd/-

(MEMBER-A) 1/25/11/58

an.



TRUE COPY

[Signature]
JOINT REGISTRAR (JDR)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(80A)
Indiranagar
Bangalore - 560 038

Dated : 9 MAY 1988

IA I IN APPLICATION NOS. 263 to 281, 4 to 6, 21 to 26, 28 to 33,
39 to 44, 59 to 63, 120, 121 to 132,
135 to 139, 188 to 215, 218 to 239,
240 to 251, 253 to 262, 283 to 303,
415 to 435/88(F) & 1078 to 1083/87(F)

Applicants

Smt A. Manjula & Ors

Respondents

V/s

The Accountant General (A&E), Karnataka,
Bangalore & 2 Ors

To

1. Dr M.S. Nagareja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
2. The Accountant General
(Accounts & Entitlements)
Karnataka
Bangalore - 560 001
3. The Comptroller & Auditor General
of India
No. 10, Bahadur Shah Zafar Marg
New Delhi - 110 002

4. The Secretary
Ministry of Finance
Department of Expenditure
New Delhi - 110 001
5. Shri M.S. Padmarajiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001
6. Shri M. Vasudeva Rao
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 passed by this Tribunal
in the above said applications on 4-5-88.


SECTION OFFICER
(JUDICIAL)

Encl : As above

**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

ORDER SHEET

Application Nos. 263 to 281, 4 to 6, 21 to 26, 28 to 33, 39 to 44,
59 to 63, 120, 121 to 132, 135 to 139, 188 to 215,
218 to 239, 240 to 251, 253 to 262, 283 to 303,
415 to 435/88(F) & 1078 to 1083/87(F)

Respondent

Applicant

Smt A. Manjula & Ors
Advocate for Applicant

V/s

The AG (A&E), Karnataka, B'lore & 2 Ors
Advocate for Respondent

Dr M.S. Nagaraja

M.S. Padmarajaiah

| Date | Office Notes | Orders of Tribunal |
|------|--------------|--------------------|
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TRUE COPY

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

LHAR/RKR

Applicants by Dr.M.S.Nagaraj
and respondents by Shri M.S.Padmarajaiah.

Shri Padmarajaiah requests
for extension of time by three months to
comply with our orders. Dr.Nagaraj has
no objection. Request granted.

//Rmtt mx

Sd/-
MEMBER(A) 4.5.88.
4.5.88

Sd/-
MEMBER(J)
4.5.88