

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 5TH DAY OF FEBRUARY, 1987

Hon'ble Mr. Justice K.S. Puttaswamy, Vice-Chairman
Present: Hon'ble Mr. P. Srinivasan, Member (A)

APPLICATION NO.1533/86

P. Purshotham,
S/o Late M. Muniswamy,
aged 48 years,
Care Taker,
Geological Survey of India,
Jayanagar Shopping Complex,
BANGALORE - 11. Applicant

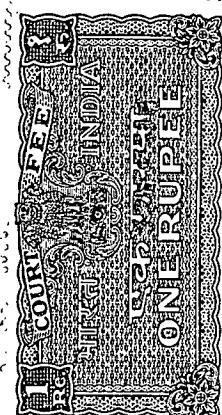
(Shri S. Vasantha Kumar, Advocate)

V.,

1. Senior Deputy Director General,
Southern Regional Office,
Geological Survey of India,
Hyderabad - 1.

2. Sri. Shaik Khasim Sahib,
Store Keeper (Technical)
Geological Survey of India,
Southern Regional Office,
Hyderabad - 1.

.... Respondents



(Shri M.S. Padmarajaiah, (SCGSC)

This application has come up for hearing before
this Bench to-day, Vice-Chairman, made the following.



D R D E R

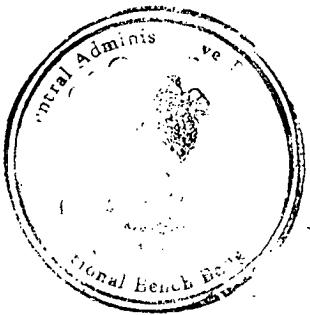
In this transferred application received from
the High Court of Karnataka under Section 29 of
the Administrative Tribunals Act of 1985 ('the Act')
the applicant has challenged Memo No.910/A-28015/5/83
dated 10.5.1985 (Annexure-E) and office Orders No.8908/
A.32016/18/85/16A dated 15.5.1985 (Annexure-F and G)

of the Senior Deputy Director General, Geological Survey of India, Southern Regional Office, Hyderabad ('DG').

2. The applicant joined service in the office of the Geological Survey of India on 19.11.1963 as a Care Taker. He has been confirmed in that post from 1.10.1965. In the cadre of care taker, the applicant is senior to respondent-2. On 16.3.1984 (Annexure-C) the Director, Southern Regional Office, Geological Survey of India, Hyderabad promoted the applicant as Store Keeper Technical ('SKT') on an ad-hoc basis.

3. On 13.5.1985 a Departmental Promotion Committee ('DPC') constituted for the purpose considered the case of the applicant, respondent-2 and two others for regular promotion to the two 'un reserved' promotional posts of SKT and recommended for the promotion of respondent-2 and one other person with whom we are not concerned. Accepting those recommendations, the DG had promoted respondent-2 on 15.5.1985 to the post of SKT on a regular basis, and had reverted the applicant from the post of SKT to the post of Care Taker (Annexure-F&G)

4. For the calendar year 1983 (Viz. from 1.1.1983 to 31.12.1983) the reporting officer of the applicant made certain adverse entries in his confidential report ('CR'), with which the reviewing officer also



concurred. Some time in February or March, 1984 those adverse entries were communicated to the applicant. Aggrieved by the same, the applicant filed an appeal before the DG on 30.5.1984 (Annexure-D), who by his order dated 10.5.1985 (Annexure-E) has dismissed the same, which is one of the orders challenged by him.

5. The applicant has urged that the promotion of respondent-2, his supersession and reversion were in violation of the Geological Survey of India (Group 'C' Non-Ministerial posts) Recruitment Rules, 1960 ('Rules') and Article 16 of the Constitution.

6. In justification of the orders made and challenged, the respondent-1 has filed his reply. Respondent-2 who has been served with notice has remained absent and is unrepresented.

7. Sri. S. Vasanth Kumar, learned counsel for the applicant contends that the promotion of respondent-2 and the consequent reversion of his client were in contravention of the Rules and Article 16 of the Constitution.

8. Sri. M.S. Padmarajaiah, learned Central Government Senior Standing Counsel appearing for respondent-1 has sought to support the promotion of respondent-2 and ~~the~~ the reversion of the applicant.

9. The promotion to the posts of SKT are regulated by the Rules. Under these Rules the promotions to the posts of SKT are on a non selection or seniority cum fitness basis.

officials for atleast a minimum period of 3 years. The consideration for promotion cannot be based on the CRs of any one particular year and should be based on a total evaluation. We have no doubt that the DPC or the appointing authority whoever reconsiders the cases of the applicant and respondent-2 will bear these principles also in redoing the matter.

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

1. We reject this application in so far as it challenges Memo dated 10.5.1985 (Annexure-E) of the DG as not pressed by the applicant.
2. We quash the order dated 15.5.1985 (Annexure-G) of the DG only in so far as it relates to the promotion of respondent-2 and direct respondent-1 to reconsider the case of the applicant and respondent-2 to the post of SKT as on 15.5.1985 and make appropriate orders in accordance with law and the observations made in this order with all such expedition as is possible in the circumstances of the case and in any event within 3 months from the date of receipt of the order of this Court. But, till then only respondent-2 is permitted to discharge the duties of the promoted post, which shall not be taken into consideration by the DPC and the DG in making a fresh selection.

16. Application is disposed of in the above terms.

But, in the circumstances of the case, we direct the parties to bear their own costs.

Sd —

M.S. VV
Vice-Chairman 5/2/1971

Sd —

Member (A) 7/7/1971

- True COPI —

np/Mrv.

R. V. Venkateshwaran
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL 1971
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 21 APR 1988

CONTEMPT OF COURT APPLICATION NO _____ 12 _____ / 88
IN APPLICATION NO. 1533/86(T)
W.P. NO. _____

Applicant

Shri P. Purushothaman

V/s Respondent
The Sr. Dy. Director General, GSI, Hyderabad

To

1. Shri P. Purushothaman
Store Keeper (Technical)
Operations Karnataka & Goa
Geological Survey of India
Jayanagar Shopping Complex
Bangalore - 560 011
2. Shri S. Vasantha Kumar
Advocate
9/1, R.V. Shetty Layout
Seshadripuram
Bangalore - 560 020
3. The Senior Deputy Director General
Geological Survey of India
Southern Regional Office
Hyderabad - 1 (A.P.) ..
4. 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/STEW/MASTERINDEX/ORDER
passed by this Tribunal in the above said Contempt of Court application on 12-4-88.

As above

Pr. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 12TH DAY OF APRIL, 1988

Present Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

CONTEMPT OF COURT APPLICATION No. 12/1988

Shri P. Purushothaman,
S/o. late Shri M. Ponnuswamy,
Aged 50 years,
Store Keeper (Technical),
Operations Karnataka & Goa,
Geological Survey of India,
Jayanagar Shopping Complex,
Bangalore.

.... Petitioner

(Shri Vasanth Kumar, Advocate)

v.

The Senior Deputy Director General,
Southern Regional Office,
Geological Survey of India,
Hyderabad.

.... Contemnor.

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

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

O R D E R


In this application made under Section 17 of the
Administrative Tribunals Act, 1985 and the Contempt of
Courts Act, 1971 (the Acts), the petitioner has moved
us to punish the contemnor for non-implementation of our
order made in his favour on 5.2.1987 in A.No.1533/86.

2. In A.No.1533/86, which was a transferred application received from the High Court of Karnataka, the petitioner had challenged the promotion of one Sheikh Kasim Sahib arrayed as respondent 2 therein to the post

of Store Keeper Technical (SKT) from 15.5.1985 and his supersession to the said post from that day. On an examination of the rival claims made thereto we disposed of the said application with the following directions:-

"We quash the order dated 15.5.85 (Annexure-G) of the DG only in so far as it relates to the promotion of respondent-2 and direct respondent-1 to reconsider the case of the applicant and respondent-2 to the post of SKT as on 15.5.1985 and make appropriate orders in accordance with law and the observations made in this order with all such expedition as is possible in the circumstances of the case and in any event within 3 months from the date of receipt of the order of this Court. But, till then only respondent-2 is permitted to discharge the duties of the promoted post, which shall not be taken into consideration by the DPC and the DG in making a fresh selection."



The petitioner claims that the contemnor had not complied with these directions of this Tribunal.

3. In his reply the contemnor had asserted that in pursuance of our order, a new Departmental Promotion Committee (DPC) examined the case of the petitioner and Sheikh Kasim Sahib for promotion on 8.4.1987, as on 15.5.1985 and that body again recommended the supersession of the petitioner as on 15.5.1985. The contemnor had

-3-

asserted that the petitioner had however been promoted from 22.6.1987, which he had accepted and is working ever since then.

4. We have heard Shri S. Vasanth Kumar, learned Counsel for the petitioner and Shri M. Vasudeva Rao, learned Counsel for the contemnors.

5. In our order, we directed the contemnor to reconsider the case of the petitioner and Sheik Kharim Sahib for promotion as on 15.5.1985 afresh. In compliance with that direction a new Departmental Promotion Committee in its proceedings held on 8.4.1987 again recommended for the supersession of the petitioner. We have perused the proceedings of the Departmental Promotion Committee held on 8.4.1987. We are of the view that what had been done by that Departmental Promotion Committee was in full and faithful compliance of the order made by us. If that is so then there are no grounds for us to proceed against the contemnor for non-implementation of our order.

6. Whether the supersession of the petitioner again on 8.4.1987 was proper or not cannot be properly examined by us in contempt of court proceedings. If the petitioner is aggrieved by the same, then his remedy is to challenge the same in a separate proceedings.

7. On the foregoing we hold this contempt of Court proceedings is liable to be dropped. We, therefore, drop this contempt of court proceeding. But in the circumstances of the case, we direct the parties to bear their own costs.

TRUE COPY

R. Venkatesh
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Sd/-
VICE-CHAIRMAN 12/4/1

Sd/-
MEMBER (A)