

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 21 APR 1988

CONTEMPT OF COURT APPLICATION NO
IN APPLICATION NO. 1955/86(F)
W.P. NO.

24

88

Applicant

Smt M. Conlon

v/s

Respondent

The Chief Mechanical Engineer, Southern Railway,
Madras & another

To

1. Smt M. Conlon
No. 54/2, 'Olive Villa'
Gospel Street
Bangalore - 560 084

2. Shri Thomas Peter
Advocate
No. 7, Edward Road
Bangalore - 560 052

3. The Chief Mechanical Engineer
Southern Railway
Madras

4. The Divisional Mechanical Engineer
Southern Railway
Bangalore

5. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Building
10th Cross, Cubbonpet
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/ ~~MEMORANDUM~~ ORDER
Contempt of Court passed by this Tribunal in the above said application on 12-4-88.

Encl : As above

dc

R. 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.24/1988

Mrs. M. Conlon,
W/o. E.P. Conlon,
No.54/2, 'Olive Villa',
Gospel Street,
Bangalore.

... Petitioner.

(Shri Thomas Peter, Advocate)

v.

1. The Chief Mechanical Engineer,
Southern Railway,
Madras.

2. The Divisional Mechanical-
Engineer, Southern Railway,
Bangalore.

... Contemnor.

(Shri M. Sreerangaiah, Advocate)

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

ORDER

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 contemnors for non-implementation of
an order made by this Tribunal on 24.7.1987 in her
favour in Application No.1955 of 1986 (Annexure-A).



2. In her Application No.1955 of 1986, the petitioner has sought for a direction to the Contemnors for payment of family pension stated to have become due to her on the facts pleaded in her application. On an

examination of that claim, a Division Bench of this Tribunal consisting of one of us (Shri P. Srinivasan, Member (A) and Shri Ch. Ramakrishna Rao, Member (J) expressed thus:

"4. We, therefore, direct the applicant to approach the DPO, Mysore. A copy of the circular letter of the Railway Board dated 19.9.1986 will be given to her by Sri Sreerangaih so that she could meet the DPO along with the circular. We, direct the respondents in this application viz., Chief Mechanical Enginner and Divisional Mechanical Engineer, Bangalore to inform the DPO, Mysore to extend every help to the applicant in getting the matter settled and in getting whatever she is entitled to in terms of the circular referred to above. We however expect that the Railway authorities will also take the necessary initiative in the matter themselves and contact the applicant at her address and render her every help if that is possible. That is the least that they could do as model employers. This should be done within four months from today."



The petitioner claims that the contemnors have not implemented these directions and therefore they are liable to be punished under the Acts.

3. Shri Thomas Peter, learned Counsel for the petitioner, contends that the contemnors had not implemented the directions issued in favour of his client within the time permitted by this Tribunal and, therefore, they are guilty of contempt of this Tribunal.

4. Shri M. Sreerangaih, learned Counsel for the contemnors contends that the observations made in A.No. 1955 of 1986 cannot be really treated as the direction made and that even otherwise, the contemnors are making every earnest effort to settle the family pension, if any due to the petitioner in accordance with law.

5. We will even assume that what had been expressed by this Tribunal were not mere observations but were directions to the contemnors and examine the questions on that basis only. But then also, we are satisfied that the contemnors are making very genuine efforts to settle the family pension due to the petitioner. The nature of the controversy raised is such that some delay is inevitable. We cannot even fix any dead line for complying with the directions on the peculiar facts and circumstances of the case. In these circumstances, we consider it proper to drop these contempt of court proceedings with appropriate observations. We therefore drop these contempt of court proceedings. But we do hope and trust that the contemnors will continue their earnest efforts and settle the family pension if any due to the petitioner in accordance with law, with



all such expedition as is possible in the circumstances of the case. But, in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-

VICE-CHAIRMAN 12/4/88

Sd/-

MEMBER (A)



TRUE COPY

Ratneshwaran
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE