

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 13 JUN 1988

CONTEMPT OF COURT APPLICATION NO.
IN APPLICATION NO. 1889/86(T)
W.P. NO.

16

/ 88

Applicant(s)

Shri G. Nagappa
To

1. Shri G. Nagappa
S/o Shri Masthangadu
Harijan Beedi
Adongeri
Kaval Bazaar
Bellary

2. Shri Vadiraj Ghatigar
Advocate
497, Upstairs, Avenue Road
Bangalore - 560 002

3. The Secretary
Ministry of Railways
Rail Bhavan
New Delhi - 110 001

4. The Assistant Personnel Officer
South Central Railway
Divisional Office
Personnel Branch
Hubli - 580 020

Respondent(s)

V/s The Secretary, M/o Railways, New Delhi & 4 Ors

5. The Senior Divisional Mechanical Engineer
South Central Railway
Hubli - 580 020

6. The Assistant Mechanical Engineer (L)
Divisional Office
South Central Railway
Hubli - 580 020

7. The Chairman
Indian Railway Board
Rail Bhavan
New Delhi - 110 001

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

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY ORDER
passed by this Tribunal in the above said application(s) on 9-6-88.

Encl : As above

dc : *R. Venkatesh*
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE NINTH DAY OF JUNE, 1988

Present: Hon'ble Shri Justice K.S.Puttaswamy... Vice-Chairman
Hon'ble Shri L.H.A. Rego.... Member (A)

C.C.NO. 16 OF 1988

Sri G. Nagappa,
son of Masthangadu,
Harijan Beedi, Adongeri,
Kaval Bazaar, Bellary.

Applicant

(Shri Vadiraj Ghatigar...Advocate)
Vs.

1. Secretary,
Ministry of Railway,
Rail Bhavan,
Union of India,
New Delhi- 1.
2. The Assistant Personnel
Officer, South Central
Divisional Office,
Personnel Branch,
Hubli - 580 020.
3. The Senior Divisional
Mechanical Engineer,
South Central Railway,
Hubli - 580 020.
4. The Assistant Mechanical
Engineer(L), Divisional
Office, South Central
Railway, Hubli-580 020.

The Chairman,
The Indian Railway Board,
Rail Bhavan,
New Delhi - 1.

Respondents

(Shri M. Sreerangaiah.....Advocate)

This application has come up for hearing
before this Tribunal to-day, Hon'ble Shri Justice K.S.
Puttaswamy, 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 petitioner has moved this Tribunal to punish the respondents for non-implementation of an order made in his favour on 30-4-1987 in A.No. 1889/86.

2. In A.No. 1889/86, which was a transferred application, the petitioner had challenged his removal from service, which was resisted by the respondents. On an examination of the same, we modified the punishment imposed on the petitioner to one of compulsory retirement and directed the respondents to make him available the financial benefits flowing from the same within the time allowed in our order.

3. Shri K.V. Laxmanachar, appearing for Shri M. Sreerangaiah, learned counsel for the respondents, files a memo stated that the order made by us in A.No. 1889/86 has been implemented and all the financial benefits due to the applicant had been made available to him. Shri Vadiraj Ghatigar, learned counsel for the petitioner, is unable to vouchsafe to the correctness of the statement made by the respondents.

4. We have no reason to disbelieve the responsible statement made by the respondents, in their memo. If that is so, then we must necessarily hold that the respondents had already

implemented the order of this Tribunal. On this, these contempt of court proceedings are liable to be dropped. We, therefore, drop these contempt of court proceedings. But in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-

(K.S. PUTTASWAMY) 9/6/88
VICE-CHAIRMAN

Sd/-

(L.H.A. REGO) 9/6/88
MEMBER (A)

TRUE COPY



By [Signature]
DEPUTY REGISTRAR (JDL) 23/6
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE