

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

* * * * *

Commercial Complex(BDA)

Indiranagar

Bangalore - 560 038

Dated : 8-2-88

APPLICATION NO

107

/ 88(F)

W.P. NO.

Applicant

Shri Penchalaiah

To

Respondent

V/s

The Divisional Railway Manager, Bangalore
& another

1. Shri Penchalaiah
No. 249, Narayanapuram
Krishnarajapuram Railway Station
Dooravani Nagar
Bangalore - 560 016
2. Shri B.L. Nanda Kumar
Advocate
103, Sri Ambika Hotel Complex
20/21, Seshadri Road
Gandhinagar
Bangalore - 560 009

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/EXTRA JUDICIAL ORDER
passed by this Tribunal in the above said application on 3-2-88.

RECEIVED

Copy 11/21/88

Diary No. 1691/14/88

Date: 10-2-88 AM

Encl : As above

R. Venkatesh
DEPUTY REGISTRAR

(JUDICIAL)

jk

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE**

DATED THIS THE 3RD DAY OF FEBRUARY, 1988

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

APPLICATION NO. 107/88

Shri Penchalaiah,
S/o. Sri, K. Venkataiah,
Aged 40 years,
No.249, Narayananapuram,
Krishnarajapuram Railway Station,
Dooravani nagar,
Bangalore.

.... Applicant.

(Shri B.L. Nanda Kumar, Advocate)

v.

1. The Divisional Railway Manager,
Southern Railway,
Bangalore.

2. The Secretary,
Ministry of Railway,
New Delhi.

..... Respondent.

This application having come up for hearing to-day,

Vice-Chairman made the following:

ORDER

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. The applicant approached the High Court of Karnataka in Writ Petition No.4147/83 which was transferred to this Tribunal where it was registered as A.No.1256/86. We dismissed the same on 23.1.1987. In SLP No.3947/87 the applicant challenged the said order before the Supreme Court which by its order dated 7.7.1987 disposed of the same in these words:

"O R D E R

Having considered the facts and circumstances of the case we do not find any merit except that we direct the respondent to find any alternative employment for the petitioner. When the alternative employment is made to which the petitioner can be absorbed it is recorded that the petitioner for goes his right of promotion and he his willing to serve as sweeper. This statement on behalf of the petitioner may be taken into consideration by the respondent, while giving the petitioner alternative employment. The petitioner's application is disposed of with these observations."

In this application, the applicant has sought for a direction to the Respondents to comply with the order made by the Supreme Court.

3. Shri B.L. Nandakumar, learned Counsel for the applicant contends that the respondents were bound to comply with the order made by the Supreme Court and that since they had not done so, so far, we must entertain this application and issue appropriate directions to the Respondents for its implementation.

4. The applicant is seeking for the enforcement of an order made by the Supreme Court. The applicant complains that the order made in his favour by the Supreme Court had

not been implemented by the Respondents in letter and spirit. We will even assume them to be correct. But then also this Tribunal cannot enforce an order made by the Supreme Court under the Act. The one and the only remedy open and had to be pursued by the applicant is only to approach the Supreme Court itself in such legal proceeding as one available to him. We cannot entertain this application under the Act and examine his grievances, even if they are well founded. We, therefore, reject this application at the admission stage without notice to the Respondents.

SAL
Vice-Chairman 3/2/87

SAL
Member (A)

TRUE COPY

bsv/Mrv.

PA. Court of Appeal (M.L.)
4/1/87
INDIAN NATIVE TRIBUNAL
BANGALORE