

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 27 JAN 1989

APPLICATION NO (S) 1112 / 88(F)

W.P. NO (S)

Applicant (s)

Respondent (s)

Shri B.R. Sampath

V/s

The Secretary, M/o Urban Development, New Delhi &
4 Ors

To

1. Shri B.R. Sampath
846, I Block
HAL III Stage
B.D.A. Layout
Bangalore - 560 075
2. Shri S.K. Srinivasan
Advocate
No. 10, 7th Temple Road
15th Cross, Malleswaram
Bangalore - 560 003
3. The Secretary
Ministry of Urban Development
Nirman Bhavan
New Delhi - 110 011
4. The Director General (Works)
Central Public Works Department
Nirman Bhavan
New Delhi - 110 011
5. The Chief Engineer (Valuation)
Income-Tax Department
Chordia Bhavan
623, Mount Road
Madras - 600 006
6. The Secretary
Ministry of Personnel, Public Grievances
& Pensions
6th Floor, Nirvachan Sadan
Ashoka Road
New Delhi - 110 001
7. The Accountant General
Karnataka
Bangalore - 560 001
8. 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 a copy of ORDER/~~STAY~~/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 23-1-89.

Issued
K. Narayan
30-1-89

92

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE TWENTY THIRD DAY OF JANUARY, 1989

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

APPLICATION NO. 1112/88(F)

B.R. Sampath,
846, I Block,
HAL III Stage,
B.D.A. Layout,
Bangalore-560 075.

... Applicant

(Shri S.K. Srinivasan ... Advocate)

v.

Union of India by
the Secretary,
Ministry of Urban Development,
Nirman Bhavan, New Delhi-110 011

The Director General (Works),
Central Public Works Department,
Nirman Bhavan, New Delhi-110 011.

The Chief Engineer (Valuation),
Income-Tax Department,
Chordia Bhavan,
623, Mount Road,
Madras-600 006.

The Secretary,
Ministry of Personnel, Public
Grievances and Pensions,
6th Floor, Nirvachan Sadan,
Ashoka Road, New Delhi-110 001.

The Accountant General
(Karnataka), Bangalore-560 001.

... Respondents

(Shri M. Vasudeva Rao ... Advocate)

This application came up for hearing before this Tribunal
today. Hon'ble Vice-Chairman, made the following:

O R D E R

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

2. Shri B.R. Sampath, the applicant before us who commenced
his career in 1951 as an Assistant Engineer (AE) in the Central



Public Works Department of Government of India (CPWD), was promoted as Chief Engineer (CE) some time in 1981 in which capacity he retired from service on 31.3.1982.

3. When the applicant was in service the validity of a Seniority List drawn up by Government on 14.8.1975 in respect of his cadre of Executive Engineers (EES) was in dispute. In W.P. Nos.157 to 162/76 filed under Article 32 of the Constitution in P.S. MAHAL AND OTHERS who were promotees to the cadre of AEs, challenged the said Seniority List before the Supreme Court on diverse grounds. On 23.5.1984 the Supreme Court disposed of them, and its decision is since reported in AIR 1984 SC 1291 = 1984(2) AISLJ page 197. The Supreme Court gave the following directions in that case:

"38. We would therefore allow the writ petition and quash and set aside the Memorandum and the seniority list dated 14th August 1975 and the Rules of 1976. We would direct the Government to prepare a new seniority list of Executive Engineers in the light of the observations contained in this judgment. The Government will prepare such seniority list within a period of two months from today. When the seniority in the grade of Executive Engineers is rearranged in accordance with the directions given in the judgment, the cases of Assistant Engineers who would have been due for consideration for promotion as Superintending Engineers and thereafter as Chief Engineers on the basis of their revised seniority, will be considered by a duly constituted Departmental Promotion Committee as on the dates on which they would have been due for such consideration if the correct seniority had been given to them and if on the basis of their performance and record as on those dates they would have been selected for promotion, they must be given promotion with retrospective effect

from such dates and if necessary, supernumerary posts in the grades of Superintending Engineers and Chief Engineers shall be created for the purpose of accommodating them and all arrears of salary and allowances shall be paid to them on the basis of such retrospective promotions. We may make it clear that those Assistant Executive Engineers who have been promoted as Superintending Engineers or Chief Engineers upto the date of this judgment shall not, on account of revised seniority in the grade of Executive Engineers, be disturbed from the positions which they are occupying at present but their seniority in such higher grades will have to be rearranged on the basis of the directions given in the judgment."

4. In compliance with these directions, Government in its Memorandum No.23/4/74-EC.I(Vol) dated 23.7.1984 drew up a fresh Seniority List in the cadre of EEs and circulated the same to all concerned, calling for their representations and/or objections, if any. In the said Seniority List, while the applicant was assigned rank No.87, Shri Mahal was assigned rank No.146. On the said ranking assigned to him, the applicant has no grievance. But for various reasons the narration of which is not necessary for our purpose, this List which is only a "Provisional Seniority List" (PSL for short) and will be referred to as such hereafter has not so far been finalised by Government.

4. In their reply, the respondents have asserted that the PSL has not so far been finalised as Civil Miscellaneous Petitions Nos.30913 to 30918 filed by Shri P.S. Mahal and others are pending before the Supreme Court. But, Shri S.K. Srinivasan, learned counsel for the applicant has filed a




Memo annexing an authenticated copy of the order made by the Supreme Court in the said CMP's on 4.11.1988 which shows that they are no longer pending before the Supreme Court.

5. Shri S.K. Srinivasan, learned counsel for the applicant contends that on his client having been assigned higher seniority in the cadre of EE, Superintending Engineer (SE) and SE, Selection Grade and of CE, he was entitled to earlier promotions respectively to these cadres as compared to the belated from those actually granted to him, with all financial benefits as directed by the Supreme Court and that they should be made available to him with expedition.

6. Shri M. Vasudeva Rao, learned Additional Standing Counsel, appearing for respondents contends that the PSL has not so far been finalised, until which the claim of the applicant, even assuming that the same is well founded is premature and, therefore, cannot be allowed.

7. In his application, the applicant has relied on the Seniority List published by Government on 23.7.1984. We have carefully perused the terms and conditions specified therein. We have no doubt that the said Seniority List is only a PSL and is not a final list drawn up in terms of the orders made by the Supreme Court.



8. In order to comply with the directions of Supreme Court, Government have drawn up the PSL and called for representations and/or objections thereon, if any, as stated earlier. In all likelihood, though not the applicant, many others would have filed their representations and/or objections thereon and the same might not have been finalised by Government as CMPs filed by Shri Mahal and others were pending before the Supreme Court which stood disposed of on 4.11.1988. With the disposal of CMPs on 4.11.1988, the impediment if any, for finalisation of the PSL no longer exists. Government is, therefore, bound to finalise the PSL now with reasonable expedition. Even otherwise, as the applicant had retired from service as early as on 31.3.1982 Government is bound to finalise the PSL without further loss of time and only thereafter examine his other claims.

9. Before Government does so, we cannot examine the merits of his claim and issue any directions thereon. In any event these are all matters to be examined and decided by Government in the first instance. We, therefore, leave this question open.

10. We, however, consider it proper to issue directions to Respondents 1 and 2 to finalise the PSL with reasonable expedition. Shri Rao prays for at least six months' time for this purpose. Shri Srinivasan opposes grant of six months' time and instead pleads for a period not exceeding three months.



5

11. We have examined this question. With due regard to all the facts and circumstances, we are of the view that it is reasonable to grant at least four months' time for the same.

12. When the applicant was in service there was also an order made by Government in his favour giving him retrospective promotion to the cadre of SE from 1.10.1966 instead of from 10.12.1975 on which date he was actually promoted to that cadre. On the basis of the orders made in his favour on 11.3.1981 (Annexure A-1) the applicant has been paid in March 1987 the consequential difference of arrears of salary and allowances and granted other benefits due to him. Yet dissatisfied, the applicant has now sought for a direction for payment of interest at the rate of 21% per annum on the belated settlement of his claim.

13. Shri Srinivasan contends that the claim of the applicant for interest which is reasonable cannot be denied on principle and authority and, therefore, we should direct the respondents to make payment of the same from the date those amounts actually became due to him till they were finally paid.

14. Shri Rao contends that the claim made by the applicant for interest is clearly barred by time and even otherwise is wholly unjust.

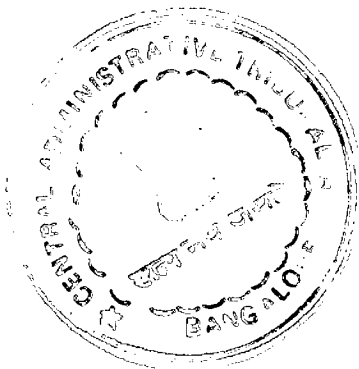
15. We have earlier noticed that the difference of arrears had been paid to the applicant in March 1987.

16. Whatever be the effect of the orders made on that matter, it cannot be denied that limitation in regard to payment of interest had commenced in March 1987. If so this application made on 13.6.1988 for that claim is clearly barred by time and calls for rejection on that ground itself. Even otherwise, we are of the view that the claim for interest is wholly unjust. We see no merit in this claim of the applicant and, therefore, reject the same.

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

(i) We dismiss this application in so far as it claims interest on arrears of amounts paid to the applicant in March 1987.

(ii) We allow this application in part and direct respondents 1 and 2 to finalise the Provisional Seniority List drawn up according to Memorandum No.23/4/74-EC I (Vol) dated 23.7.1984 with all such expedition as is possible in the circumstances of the case and in any event within a period of four months from the date of receipt of this order and thereafter examine all other claims of the applicant and extend all benefits to which he was entitled in terms of the directions of the Supreme Court in Mahal's case.



TRUE COPY

18. Application is disposed of in the above terms, but in the circumstances of the case, we direct the parties to bear their own costs.

[Signature]
DEPUTY REGISTRAR (JULY 1989)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

[Signature]
SD/-
VICE CHAIRMAN

[Signature]
SD/-
MEMBER (A)



TRUE COPY

GOVERNMENT OF KARNATAKA
BANGALORE
OFFICE OF THE SECRETARY
DEPARTMENT OF REVENUE
11.12.1960

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 6 JUN 1989

IA I IN APPLICATION NO (S) 1112 /88(F)
W.P. NO (S) _____

Applicant (s)

Respondent (s)

Shri B.R. Sampath
To

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

1. Shri B.R. Sampath
846, I Block
HAL III Stage
B.D.A. Layout
Bangalore - 560 075
2. Shri S.K. Srinivasan
Advocate
No. 10, 7th Temple Road
15th Cross, Malleswaram
Bangalore - 560 003
3. The Secretary
Ministry of Urban Development
Nirman Bhavan
New Delhi - 110 011
4. The Director General (Works)
Central Public Works Department
Nirman Bhavan
New Delhi - 110 011

5. The Chief Engineer (Valuation)
Income-Tax Department
Chordia Bhavan
623, Mount Road
Madras - 600 006
6. The Secretary
Ministry of Personnel, Public Grievances
and Pension
6th Floor, Nirvachan Sadan
Ashoka Road
New Delhi - 110 001
7. The Accountant General
Karnataka
Bangalore - 560 001
8. 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 a copy of ORDER/~~STAY~~/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 31-5-89.

gkrued
K.M.
6-6-89

o/c
RA Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

B.R. Sempath

V/s The Secy, M/o Urban Development, New Delhi & 4 Ors

S. V. Srinivasan

A. No. 1112/88
M. Vasudeva Rao

Date

Office Notes

Orders of Tribunal

30-1-89

30 5/89

31.5.1989



TRUE COPY

[Signature]
DEPUTY REGISTRAR (JDL) 6/5
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

KSPVC/LHARM

Orders on IA No.I - application for extension of time: In this IA the respondents have sought for extension of time on the facts and circumstances stated in the IA. IA No.I is opposed by the applicant. We consider it proper to grant the extension of time till 31.7.1989. We, therefore, allow IA No.I and extend time upto 31.7.1989 for implementing our order.

Sd/-
VC

Sd/-
M(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex, (BDA)
Indiranagar
Bangalore - 560 038

Dated : 9 MAR 1990

CONTEMPT
PETITION (CIVIL)

~~APPLICATION~~ NO (8) 66 / 89
IN APPLICATION NO. 1112/88(F)
W.P. NO (S) _____

Applicant (%)

Shri B.R. Sempath
To

V/s

Respondent (s)

The Secretary, M/o' Urban Development,
New Delhi & anr

1. Shri B.R. Sempath
No. 846, 1st Block
HAL III Stage
B.D.A. Layout
Bangalore - 560 075

2. Shri S.K. Srinivasan
Advocate
No. 10, 7th Temple Road
15th Cross, Malleswaram
Bangalore - 560 003

3. The Secretary
Ministry of Urban Development
Nirman Bhavan
New Delhi - 110 011


4. The Director General (Works)
Central Public Works Department
Nirman Bhavan
New Delhi - 110 011

5. Shri M. Vasudeva Rao
Central Govt. Stg Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY/INTERIM ORDER~~
C.P. (Civil)
passed by this Tribunal in the above said ~~application~~ (s) on 1-3-90.

Encl : As above


DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 1ST DAY OF MARCH, 1990

PRESENT: Hon'ble Shri P. Srinivasan, Member(A)
Hon'ble Shri N.R. Chandran, Member(J)

CONTEMPT OF COURT PETITION NO.66/1989

B.R.Sampath,
No.846, I Block,
HAL III Stage,
B.D.A. Layout,
Bangalore-560 075.

... Applicant.

(Shri S.K.Srinivasan, Advocate)

Vs.

1. Sri SivaramaKrishnan,
Secretary, Ministry of
Urban Development,
Nirman Bhavan,
New Delhi-110 001.

2. Sri Harischandra,
Director General (Works)
Central Public Works Department,
Nirman Bhavan,
New Delhi-110 11.

... Respondents

(Shri M.Vasudeva Rao, Advocate)

This application having come up for hearing before
this Tribunal today, Hon'ble Shri P. Srinivasan, Member(A)
made the following:

O R D E R

This petition, by mistake, has not been listed for
hearing today, because of a typographical error in our
order dated 24-1-1990.

2. Counsel for both the parties inform us that this
petition was actually ordered to be posted for hearing

P. Srinivasan

today and not on 7-3-1990. Therefore, with the consent of both the parties, we have taken up this petition for hearing today.

3. By this petition, the applicant in Application No.1112 of 1988 complains that the respondents therein have committed contempt of this Tribunal by not implementing its judgement dated 23-1-1989 by which the application was disposed of. In its aforesaid judgement, this Tribunal directed the respondents to finalise the provisional seniority list drawn up by them within a period of four months from the date of receipt of the said order and to examine and extend to the applicant all consequential benefits in terms of the direction of the Supreme Court in P.S.Mahal's case reported in AIR 1984 SC 1291. M

4. Sri M.Vasudeva Rao, learned counsel for the respondents, submits that the respondents had filed a Civil Miscellaneous Petition (CMP 8465/88) before the Supreme Court seeking a modification of the Court's order in P.S.Mahal's case and that CMP was dismissed on 12-2-1990. Since that CMP had a bearing on the determination of seniority of officials like the applicant, and their promotion to higher posts, the respondents could not consider the question of consequential benefits after revising the seniority list till the Supreme Court disposed of the CMP. They had no intention of disobeying the order of this Tribunal. He therefore prays that now that the matter has become final, the respondents be given time to hold review DFCs in respect of hundreds of officers like the applicant who are involved and to give consequential benefits. Since the

P. J. V. Rao

work involved is considerable, he submits that at least six months are required to complete the same.

5. Shri S.K.Srinivasan, learned counsel for the contempt-petitioner, ^{or} ~~very~~ vehemently opposed the request of Shri Rao. Since there was no stay order by this Tribunal or by the Supreme Court after this Tribunal delivered judgement on 23-1-1989, the respondents should have implemented the said order of this Tribunal, by now. In any case, he submits that they are not justified in asking for six month's time to do needful.

6. After considering the submissions made before us and bearing in mind that implementation of the judgement dated 23-1-1989 would involve reconsideration of promotion of a large number of persons in the department, we deem it appropriate to allow the respondents time till 30th June 1990 to implement the judgement of this Tribunal dated 23-1-1989.

7. The notice of contempt issued to the respondents is discharged and the petition is dismissed leaving the parties to bear their own costs.



Sd-
MEMBER(J)

Sd-
MEMBER(A)

TRUE COPY

vr.

P. S. 9/3/90
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 5600 038.

Dated: 21 AUG 1990

IA .II IN APPLICATION NO(x) 1112 /88(F)

W.P. NO(S)

Applicant(s)

Respondent(s)

Shri B.R. Sampath

V/s

The Secretary, M/o Urban Development,
New Delhi & 4 Ors

To

1. Shri B.R. Sampath
846, I Block
HAL III Stage
B.D.A. Layout
Bangalore - 560 075
2. The Secretary
Ministry of Urban Development
Nirman Bhavan
New Delhi - 110 011
3. The Director General (Works)
Central Public Works Department
Nirman Bhavan
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Ministry of Personnel, Public Grievances
and Pension
6th Floor, Nirvachan Sadan
Ashoka Road
New Delhi - 110 001
6. The Accountant General
Karnataka
Bangalore - 560 001
7. 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 a copy of ORDER/~~STAY~~/~~INTERIM ORDER~~

passed by this Tribunal in the above said application(x) on 16-8-90.

Encl: As above.

B.V. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

Received
N. R. R.
21/8/90

ofc

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
TRIBUTAL ADDITIONAL BENCH,
BANGALORE

ORDER SHEET

Application No 1112 of 1988(F)

Applicant

Respondent

B.R. Sampath

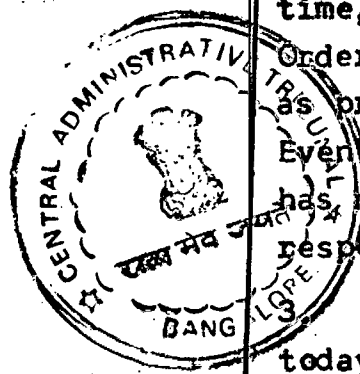
V/s

The Secretary, M/s Urban Development,
New Delhi & 4 Ors
Advocate for Respondent

Advocate for Applicant

M. Vasudeva Rao

| Date | Office Notes | Orders of Tribunal |
|------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <p><u>LHARM(A)/NRCM(J)</u> 16.8.1990</p> <p><u>ORDERS ON I.A. NO.II</u></p> <p>The applicant appears in person. Shri M. Vasudeva Rao, learned counsel appears for the respondents. The matter has come up today for consideration of I.A.No.II filed by the respondents on 29.6.1990.</p> <p>2. The Order passed by this Tribunal in this case on 23.1.1989, ought to have been complied with by 23.5.1989. More than a year has since been elapsed and yet this Order has not been complied with by the respondents. On an I.A. filed by the respondent earlier, in Contempt Petition No.66/1989 relating to this case, extension of time, for compliance with that Order was granted upto 30.6.1990 as prayed for by the respondents. Even then the Order of this Tribunal has not been complied with by the respondents.</p> <p>The applicant has filed today a Memo opposing I.A.No.II</p> |

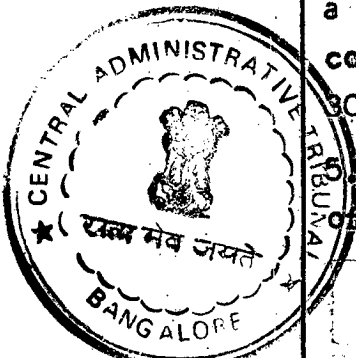


**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

A.N. 1112/88(F)

Order Sheet (contd)

| Date | Office Notes | Orders of Tribunal |
|------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <p>for grant of extension of time, on the score, that the respondents have inordinately delayed compliance with our Order, for no valid reason. He has further prayed therein, that in case the respondents do not pay the dues to him within the period extended as above, they should be required to pay suitable interest thereon to him.</p> <p>4. Manifestly, the lapse of time is inordinate and the reasons stated by the respondents, therefore, <u>inter alia</u>, namely, non-availability of C.R. dossiers do not impress us. However, taking all aspects into account, we give a final opportunity to them to comply with our Order latest by 30.9.1990.</p> <p>I.A. No.II is disposed of accordingly.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>sd-</p> <p>MEMBER (A)</p> </div> <div style="text-align: center;"> <p>sd-</p> <p>MEMBER (J)</p> </div> </div> <div style="text-align: center; margin-top: 20px;"> <p>TRUE COPY</p> </div> <div style="text-align: center; margin-top: 40px;"> <p><i>[Signature]</i> DEPUTY REGISTRAR (JDL) CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE</p> </div> |



CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 12 FEB 1991

MISCELLANEOUS
PETITION NO.
2/91 IN

APPLICATION NO (S) 1112 /88(F)
W.P. NO (S) /

Applicant(s)

Shri B.R. Sampath
To

V/s

Respondent (s)

The Secretary, M/o Urban Development,
New Delhi & 4 Ors


1. Shri B.R. Sampath
846, 1st Main
1st Block, HAL III Stage
B.D.A. Layout
Bangalore - 560 075
2. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
3. The Secretary
Ministry of Urban Development
Nirman Bhavan
New Delhi - 110 011
4. The Director General (Works)
Central Public Works Department
Nirman Bhavan
New Delhi - 110 011
5. The Chief Engineer (Valuation)
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Ashoka Road
New Delhi - 110 001
7. The Accountant General
Karnataka
Bangalore - 560 001
8. 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 a copy of the ORDER ~~XXXX~~

~~INTERIM ORDER~~ passed by this Tribunal in the above said M.P.

~~XXXXXXXXXXXX~~ on 8-2-91.


DEPUTY REGISTRAR
(JUDICIAL)

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

M.P. No. 2/91 in O.A. No. 1112/88(F)

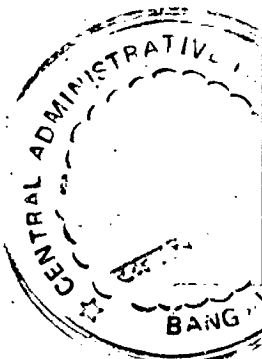
B.R. Sampath

V/s The Secy, M/o Urban Development,
New Delhi & 4 Ors

Dr M.S. Nagareja

M. Vasudeva Rao

| Date | Office Notes | Orders of Tribunal |
|----------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.2.1991 | | <p><u>SFRM/SGMA</u></p> <p>Learned counsel appearing for the petitioner and the respondents are present. We have heard them. Shri V.Rao appearing for the petitioners in this M.P. brought to our notice the difficulties that are being faced by the Department in carrying out the directions given by this Tribunal which have been spelt out in para 5 of the petition filed by him and requested that the Tribunal may grant six months more time to comply with the directions passed in the application. Learned counsel appearing for the original applicant ie., B.R.Sampath submitted that the directions was given by this Tribunal as early as in the month of January 1989 and now nearly two years have elapsed and as such there is no justification for the respondents in the main application to seek for further time.</p> <p>Considering the grounds on which extension of time is sought and having regard to the facts and circumstances of the case we think it is not possible to grant a further time of three months at the most would be justified and we accordingly give extension of time by 3 months from today to comply with the directions given by this Tribunal in OA No.1112/88. The respondents should carry out the directions of this Tribunal within that time and no further time should be asked for on this score. With these observations we dispose of the M.P.</p> |



TRUE COPY

M(J)

M(A)

12/2/91
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 12 FEB 1993

CONTEMPT
PETITION(CIVIL) NO. ~~APPROXIMATION~~ NO (X) 102 / 90
W.P. NO (S) IN APPLICATION NO. 1112/88

Applicant (s)

Shri B.R. Sampath

To

Respondent (s)

V/s

Shri Sivaramakrishnan, Secretary,
M/o Urban Development, New Delhi & anr

1. Shri B.R. Sampath
No. 846, 1st Main, 1st Block
HAL III Stage
BDA Layout
Bangalore - 560 075
2. Dr M.S. Nagaraja
Advocate
No. 11, II Floor
'Sujatha Complex'
1st Cross, Gandhinagar
Bangalore - 560 009
3. Shri Sivaramakrishnan
Secretary
Ministry of Urban Development
Nirman Bhavan
New Delhi - 110 011

4. Shri A.C. Panchdhari
Director General (Works)
Central Public Works Department
Nirman Bhavan
New Delhi - 110 011
5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : FORWARDING COPIES OF THE ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of the ORDER/~~STAY~~/
~~INTERIM ORDER~~ passed by this Tribunal in the above said Contempt petition
~~application~~ on 29-1-93.

For 
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE.

DATED THIS THE 29TH DAY OF JANUARY, 1993.

PRESENT:

Hon'ble Mr. Syed Fazlulla Razvi, .. Member(J)

And

Hon'ble Mr. S.Gurusankaran, .. Member(A)

CONTEMPT PETITION NUMBER 102 OF 1990

B.R.Sampath,

S/o late Sri B.S.Ramaswamy Iyengar,
Aged 66 years,
No.846, I Main, I Block, H.A.L.,
III Stage, B.D.A.Lay-out,
BANGALORE-560 075.

.. Petitioner.

(By Dr.M.S.Nagaraja, Advocate)

v.

1. Sri Sivaramakrishnan,
Secretary to Government of India,
Ministry of Urban Development,
Nirman Bhavan, New Delhi-110 011.
2. Sri A.C.Panchdhari,
Director General (Works),
Central P.W.D., Government of India,
Nirman Bhavan, New Delhi-110 011.

.. Respondents.

(By Sri M.Vasudeva Rao, Standing Counsel)

This petition having come up for orders to-day, Hon'ble Mr.S.Gurusankaran, Member(A) made the following:-

O R D E R

This contempt petition has been filed by the petitioner, who was the applicant in the original application, alleging that the respondents herein, who, were also the respondents in the O.A., have failed to comply with the orders of this Tribunal dated 23-1-1989 under which O.A.No.1112 of 1988 was disposed of by a Bench of this Tribunal. He has also pointed out that in spite of giving two extensions till 30-9-1990, the respondents



have not complied with the orders and he has also prayed for directing the respondents to implement the order of this Tribunal forthwith.

2. On the filing of the contempt petition, notices were issued to the respondents, the alleged contemnors, in response to which the respondents have put in their appearance and filed their reply. In their reply, the respondents have pointed out that since the cases of large number of officers for retrospective promotions are to be considered, some of them have retired from service and their service records are not available as those have been destroyed after having ^{been} retained for the prescribed period, the respondents could not comply with the order fully inspite of their best efforts. They had also prayed for further extension of time upto 30-6-1991 for preparing the revised panels, since number of discussions were held with the Union Public Service Commission and all the relevant materials required by the UPSC had to be supplied to them. The petitioner filed M.P.No.418 of 1992 stating that the respondents had finalised the seniority list only in 1992 during the pendency of this contempt petition and the arrears due to the petitioner were paid to him in two instalments on 25-6-1992 and 13-7-1992. He has further alleged that the respondents have not paid increased Special Pay of Rs.300/- per month from 18-6-1970 to February, 1973 for which period he has now been deemed to have been promoted to the post of Superintending Engineer (Valuation) instead of Executive Engineer (Valuation). He has also prayed for directing the respondents to pay interest on the delay payments made to him.

X

3. We have heard Dr.M.S.Nagaraja for the petitioner and Sri M.Vasudeva Rao for the respondents. At the time of hearing, Dr.Nagaraja restricted his arguments only to two issues namely non-payment of increased special pay of Rs.300/- instead of Rs.200/- earlier paid to him for the period from 18-6-1970 to February,1973 and payment of interest for the delayed payment of arrears.

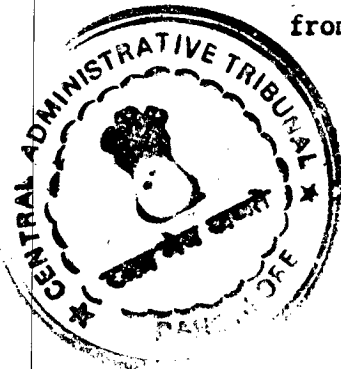
4. The respondents have produced before us the calculation sheet based on which they have calculated the arrears due and payable to the petitioner. From this it is clear that as contended by the petitioner, the respondents have not increased the special pay of Rs.200/- to Rs.300/- consequent to his retrospective promotion as Superintending Engineer from Executive Engineer for the period from 18-6-1970 to February,1973 and the petitioner is, therefore, entitled to the same. As far as the payment of interest on the delayed payment of arrears is concerned, we find that in the order dated 23-1-1989 the Tribunal had rejected the claim of the petitioner for payment of interest on arrears of amounts paid to the petitioner in March,1987. The Tribunal had further ordered to grant all consequential benefits to the petitioner within a period of four months from the date of receipt of the order. This period was over by the end of May,1989 and inspite of various extensions of time granted from time to time to the respondents, they have finally paid the arrears in two instalments in June and July,1992 only. It is true that after revising the seniority list, the review DPC had to be convened for deciding the subsequent promotions due to the petitioner as well as similarly situated and



this evidently took a long time. However, the fact remains that the payment of arrears has been delayed very much. In circumstances of the case we are of the view that the petitioner is entitled to payment of interest for the delayed payment of arrears. However, we find that the delay has not been due to any deliberate or wilful act of the respondents and hence they are not liable to be taken up for contempt.

5. In the result, we dismiss this contempt petition and discharge the respondents, the alleged contemnors with the following directions:-

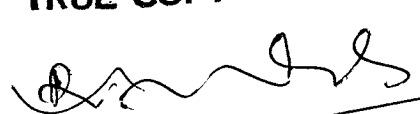
- (i) The respondents should pay increased amount of special pay of Rs.300/- instead of Rs.200/- paid to him for the period from 18-6-1970 to February, 1973.
- (ii) In the peculiar facts and circumstances of the case, we also direct the respondents to pay simple interest at the rate of 10 per cent per annum from 1-6-1989 to the date of actual payment of amounts namely on 25-6-1992 and 13-7-1992, positively within 8 weeks from the date of receipt of this order.



sd/-
MEMBER(A)

sd/-
MEMBER(J)

TRUE COPY


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
12/2/93