

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 19 MAR 1989

APPLICATION NO (S) 116 /89(F)

W.P. NO (S) _____

Applicant (s)

Shri Nazir Ahmed Khan

To

v/s

The Divisional Commercial Supdt., Southern Railway,
Bangalore & 3 'Ora

1. Shri Nazir Ahmed Khan
6/2, 9th Main Road
Rajamahal Guttehalli
Bangalore - 560 003

5. The Chief Personnel Officer
Southern Railway
Park Town
Madras - 600 003

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

6. The Chairman
Railway Board
Rail Bhawan
New Delhi - 110 001

3. The Divisional Commercial Superintendent
Southern Railway
Bangalore Division
Divisional Office
Bangalore - 560 023

7. Shri M. Sreerangaiah
Railway Advocate
No. 3, S.P. Building
10th Cross, Cubbonpet Main Road
Bangalore - 560 002

4. The Divisional Railway Manager
Southern Railway
Bangalore Division
Bangalore - 560 023

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STAY ORDER/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 7-3-89.

Received
K.N.M
15.3.89

ofc B.A. [Signature]
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE SEVENTH DAY OF MARCH, 1989

Present : Hon'ble Sri P.Srinivasan Member (A)

APPLICATION No. 116/89(F)

Nazir Ahmed Khan
6/2, 9th Main Road,
Rajamahal Guttahalli,
Bangalore - 3. ... Applicant

(Sri S.K.Srinivasan ... Advocate)

vs.

1. Divisional Commercial Supdt.,
Bangalore Division,
Southern Railway, Divisional
Office, Bangalore.

2. Divisional Railway Manager,
Bangalore Division,
Southern Railway,
Bangalore.

3. Chief Personnel Officer,
Southern Railway,
Park Town,
Madras.

4. The Chairman,
Railway Board,
Rail Bhavan,
New Delhi. ... Respondents

(Sri M.Sreerangaiah ... Advocate)

This application having come up before the
Tribunal today, Hon'ble Member made the following :

O R D E R

This application has been listed for today
in cases "not ready for hearing". Shri S.K.Srinivasan,
learned counsel for the applicant and Shri M.Sree-
rangaiah, learned counsel for the respondents present.
Shri Sreerangaiah prays for 2 weeks time to file

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reply to the application. However, on going through the application, I find that there is no justification for giving further time to file the reply and that the matter could be disposed of at this stage itself. Shri Srinivasan and Shri Sreerangaiah have accordingly been heard on the merits of the application.

2. Originally there were two prayers in this application seeking two separate reliefs. Since two reliefs cannot be sought in one application, Shri Srinivasan who appeared before me on 2.2.1989 fairly restricted himself to the first prayers in the application and deleted the second prayer. Thus the only prayer that remains to be considered relates to the applicant's claim of "Over Time Allowance (OTA) for the period from 10.11.1985 to 13.8.1988. The applicant, who was working as Chief Commercial Clerk in the Southern Railway at Tumkur, has retired from service with effect from 30.9.1988. He made representation initially on 1.9.1987 to the Divisional Railway Manager, Southern Railway, Bangalore drawing attention to his claim of O.T.A. which had been pending and requesting that the same may be paid to him early. He followed this up with several reminders on 6.10.1987, 12.11.1987, 9.12.87 and 16.1.1988 to all of which he got no response. He addressed thereafter what he called "an appeal" dated 8.8.1988 to the Chief Personnel Officer, Southern Railway, Bangalore, which also met with the same fate. Finally on 2.11.1988, he addressed the Chairman, Railway Board on the same subject, but again in vain. His claim for O.T.A. was recommended by the Chief Commercial Inspector (CCI), Southern

Railway, Bangalore on 20.1.1987 and this recommendation was addressed to the Divisional Commercial Superintendent, Bangalore. Thus it will be seen that the authorities have not so far deigned to give the applicant any reply, let alone consider his claim for O.T.A. on merits. Since the applicant has by now also retired from service, the respondents should have shown more consideration to the applicant as an employee than what appears from the correspondence attached to the application. In fact on 8.7.1988 ^M Assistant Superintendent of the Southern Railway, Bangalore also noticed that the applicant's claim of O.T.A. had been pending for long.

3. In the circumstances stated above, the respondents are hereby directed to take up the applicant's representation for O.T.A. for consideration immediately and to dispose of it on merits. This should be done as expeditiously as possible, but in any case not later than two months from the date of receipt of this order.

4. The application is disposed of on the above terms leaving the parties to bear their own costs.

Sd/-

TRUE COPY.

MEMBER (A)

an.

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

By post
6/4
S/ (1) P
6/4
GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF TRANSPORT (PARIVAHAN MANTRALAYA)
DEPARTMENT OF RAILWAYS (RAIL VIBHAG)
(RAILWAY BOARD)

No. E(G) 89 -LL3-6 (34)
To,

New Delhi, dated

1989

The Registrar, Central Administrative Tribunal,

Bangalore

Sub: No. 116/89(F)

Sir, Nazir Ahmed Khan DCS, S.Rly

I am directed to refer to your summons/orders dated 2-3-89, on the subject mentioned above and to state that the General Manager Railway is the competent authority to deal with this matter. The summons/orders in question have, therefore, been sent to that authority for further necessary action.

Yours faithfully,

DA: Nil.

No. E(G) 89 -LL3-6 (34)

New Delhi, dated 29/3 1989

Copy together with the summons/orders received from the Tribunal Court are forwarded in original to the General Manager South

Railway for further necessary action.

The next date of hearing is

DA/As above.

Desk Officer, Establishment
Railway Board

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 29 JUN 1989

CONTEMPT

PETITION (CIVIL) APPLICATION NO. (S) 48 / 89
IN APPLICATION NO. 116/89(F)
W.P. NO. (S) /

Applicant (s)

Shri Nazir Ahmed Khan

V/s

The Divisional Commercial Superintendent,
Southern Railway, Bangalore & 3 Ors

To

1. Shri Nazir Ahmed Khan
No. 6/2, 9th Main Road
Rajamahal Guttahalli
Bangalore - 560 003

5. The Chief Personnel Officer
Southern Railway
Park Town
Madras - 600 003

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

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

3. The Divisional Commercial Superintendent
Southern Railway
Bangalore Division
Bangalore - 560 023

7. Shri M. Sreerangaiah
Railway Advocate
Hotel Mayura Building (2nd Floor)
No. 2, Kumargundi Road
(Silver Jubilee Park Road Cross -
Near Town Hall)
Bangalore - 560 002

4. The Divisional Railway Manager
Southern Railway
Bangalore Division
Bangalore - 560 023

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 27-6-89.

A. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 27TH DAY OF JUNE, 1989.

PRESENT:

Hon'ble Mr. Justice K.S.Puttaswamy, .. Vice-Chairman.

And:

Hon'ble Mr. L.H.A.Rego, .. Member(A)

CONTEMPT OF COURT APPLICATION NO.48 OF 1989.

in

APPLICATION NUMBER 116 OF 1989

Nazir Ahmed Khan,
No.6/2, 9th Main Road,
Rajamahal Guttahalli,
BANGALORE 560 003.

.. Petitioner.

(By Sri S.K.Srinivasan, Advocate)

v.

1. B.Sriram,
Divisional Commercial Superintendent,
Bangalore Division,
Southern Railway, Bangalore.
2. R.Sundresan,
Divisional Railway Manager,
Bangalore Division,
Southern Railway, Bangalore.
3. C.Ramakrishnan,
Chief Personnel Officer,
Southern Railway, Park Town,
Madras.
4. R.K.Jain,
Chairman, Railway Road,
Rail Bhavan, New Delhi-1. .. Respondents.

(By Sri M.Sreerangaiah, Advocate).

This application having come up for hearing, Hon'ble Vice-Chairman made the following:

O R D E R

Petitioner by Sri S.K.Srinivasan. Respondents by Sri M.Sreerangaiah. Reply of the respondents filed. Copy furnished to Sri Srinivasan.

2. In this petition made under Section 17 of the Administrative Tribunals Act of 1985 and the Contempt of Court Act of 1971, the petitioner has moved this Tribunal to punish the respondents for not implementing an order made in his favour on 7-3-1989 in Application No.116 of 1989.



3. In Application No.116 of 1989, this Tribunal directed thus:

"In the circumstances stated above, the respondents are hereby directed to take up the applicant's representation for O.T.A. for consideration immediately and to dispose of it on merits. This should be done as expeditiously as possible, but in any case not later than two months from the date of receipt of this order.

The application is disposed of on the above terms leaving the parties to bear their own costs."

In pursuance of this order, the competent officer has made an order on 23-6-1989, a copy of which is annexed to this application.

4. In terms of the order made by this Tribunal, the competent officer had considered the representations made by the petitioner and has disposed the same. With this the order made by the Tribunal stands complied.

5. In Contempt of Court proceedings, we cannot examine the validity of the order made by the competent authority on 23-6-1989. If the petitioner aggrieved by the same, it is open to him to challenge the same in a separate legal proceeding on all such grounds as are available to him. When that is so done, the order made by us on this application will not stand in the way of the petitioner.

6. In the light of our above discussion we hold that 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/-

VICE-CHAIRMAN.

27/6/89

Sd/-

MEMBER (A) 27.6.89

TRUE COPY

Dr. Venkatesh
DEPUTY REGISTRAR (JUL 29/6)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE