

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

ORDER SHEET

Contempt Petn. (Civil) Application No. 32 & 33 of 1989

Applicant

G.K. Shenava, IFS & anr,

in
A. Nos. 970 & 971/87(F)

Respondent

Secty., D/o Environment & Forests,
N. Delhi & anr.

Advocate for Applicant

Advocate for Respondent

Party in person

Date	Office Notes	Orders of Tribunal
17.2.89	<p>These applications filed u/s 17 of the Act in A. No. 970 & 971/87(F) pray to proceed against the accused for having not complied with the Orders of the Tribunal dated 26.8.88 passed in the aforesaid applications by a Bench presided over by Hon'ble V.C. & Hon'ble AM(LHAR).</p> <p>The applications are in order, it may be registered and posted before Court on 23.2.89 (dt. specified by the Reg.) for prl. hg. & admn.</p> <p><i>Submitted pl</i></p> <p><i>21/2</i></p> <p><i>21/2/89</i></p> <p><i>Reported</i></p> <p><i>PL</i></p> <p><i>21/2</i></p> <p><i>23.2.89</i></p> <p><i>Before</i></p> <p><i>The Hon'ble Shri K.S.P.(V)</i></p> <p><i>And</i></p> <p><i>The Hon'ble Shri D.H.R. M(R)</i></p> <p><i>Sh. G.K. Shenava, party in -</i></p> <p><i>- person. Sh. M.S.P. for R.</i></p> <p><i>Sh. Arguments Concluded.</i></p> <p><i>Order Dictated. Application</i></p> <p><i>All dismissed</i></p>	<p><u>KSPVC/LHARM</u> 23.2.1989</p> <p><u>ORDER</u></p> <p>In these petitions made under Section 17 of the Administrative Tribunals Act, 1985 and the Contempt of Courts Act, 1971. Sriyuths G.K. Shenava and S.Sampangi applicants in A No. 970 to 981/88 have moved us to punish the respondents for not implementing the order made in favour on 26.8.1988.</p> <p>2. In A No. 970 to 981/88, 715, 716, 788 991 to 997/88 we have this day extended time till 30.4.1989 for implementing our order in respect of those matters that are not covered by the interim order dated 19.1.1989 of the Supreme Court.</p> <p>3. Even otherwise when the whole matter is seized by the Supreme Court and the hearing of the cases is fixed before the Supreme Court on 5.4.1989, we will not be justified in proceeding against the respondents under the Contempt of Courts Act.</p> <p>4. 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 this should not be understood as this Tribunal adjudicating the merits of the matter or the</p>

Date	Office Notes	Orders of Tribunal
		<p>rights of the petitioners to re-agitate the matters if an occasion arises after the disposal of the cases by the Supreme Court.</p> <p><i>K.S. Puttaswamy</i> 23.2.1989 (L.H.A. Rego) 23.2.1989 Vice - Chairman Member (A) 23.2.1989 23.2.1989</p>
23.2.89	<p>Order dictated 23.2.89 issued to the applicants, 4555 Central <u>Court</u> Side Counsel & <u>State</u> Govt advocate only & O/c filed.</p> <p><i>R. M. J. M.</i></p>	

17-2-89
Presented by
applicant no. 1
Examiner
Case posted
on 23.2.89
P.C.
17/2/89

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL BENCH
BANGALORE BENCH

APPLICATION NO.970/87(F)

CONTEMPT OF TRIBUNAL APPLICATION

No. 32 & 33/89

Between:

- 1) Sri G.K.SHENAVA,I.F.S.,
Conservator of Forests,
Forest Conservation
"ARANYA BHAVAN",
BANGALORE-3.
- 2) Sri N.SAMPANGI,I.F.S.,
Conservator of Forests and
Technical Assistant to
Chief Conservator of Forests(Dev.,)
"ARANYA BHAVAN",
BANGALORE-3.

And

- 1) The Secretary,
Department of Environment & Forests,
Paryavaran Bhavan,
CGO Complex,Lodhi Road,
NEW DELHI-110 003.
- 2) The Chief Secretary,
Government of Karnataka,
Vidhana Soudha,
BANGALORE-560 001.

CENTRAL ADMINISTRATIVE
TRIBUNAL

17 FEB 1989

I. Particulars of the Applicant/Complainant;

1. Name	:	G.K.SHENAVA
2. Age	:	50 Years
3. Occupation	:	Conservator of Forests, (Forest Conservation)
4. Address	:	As indicated above
1. Name	:	N.SAMPANGI
2. Age	:	54 years
3. Occupation	:	Conservator of Forests and Technical Assistant.
4. Address	:	As indicated above.

....2

Dy. No. 112/89 J-3

d-14-2-89

II. Particulars of Contemnor/Accused:

1. Name	1) The Secretary, Department of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, NEW DELHI-110 003.
2. Age	
3. Occupation	
4. Address	2) The Chief Secretary, Government of Karnataka, Vidhana Soudha, BANGALORE-560 001.

III. GROUND FOR SEEKING ACTION FOR CONTEMPT:

On the applicant's Application No.970/87(F) regarding fixation of his seniority above the name of Sri Jagajit Lamba, who was recruited to I.F.S. under Sub-Rule (2)(aa) of Rule 4 of IFS (Recruitment) Rules, 1966, the Hon'ble Tribunal was pleased to pass an order on 26.8.1988 directing the Government of India (Respondent No.1) to assign fresh years of allotment to Sriyuths Jagajit Lamba and M.L.Ramprakash in accordance with Rule 3(2)(a) of the I.F.S. (Seniority) Rules, with all such expediency as is possible under the circumstances of the cases and in any event, within a period of four months from the date of receipt of this order and regulate seniority. The Hon'ble Tribunal has also struck down Rule 3 Sub-Rule (2) Clause (d) of I.F.S. (Regulation of Seniority) Rules, 1968.

After the receipt of this order, the applicants represented to the State Government on 1.9.1988 to move Government of India to comply with the orders of the Hon'ble Central Administrative Tribunal, immediately.

On an Appeal filed for Special Leave to appeal by Government of India and Sri Jagajit Lamba, I.F.S. in No.15218-31 of 1988, the Supreme Court of India in their wisdom have not granted stay of the judgement dated 26.8.1988 of the Hon'ble Central Administrative Tribunal, Bangalore, but directed to S.L.P. to be heard on 5th April, 1989, subject to over-night part heard for final disposal.

Again the applicant has represented to the State Government on 27.1.1989 to finalise the case expeditiously and assign fresh year of allotment to Sriyuths Jagajit Lamba and M.L.Ramprakash, I.F.S. (EC/SSCS) and refix their seniority in proper places. But Government of India have not taken any decision on this till to-day, even after a lapse of 5 months. The time granted by the Hon'ble Tribunal has expired on 26.12.1988.

There are chances of vacancies occurring in the post of Additional Chief Conservator of Forests/Chief Conservator of Forests cadre in the State shortly and if these posts are filled without regulating the Seniority vis-a-vis Sri Jagjit Lamba and Sri Ramprakash it will be an injustice to the applicant and others.

The failure to comply with the order dated 26.8.1988 constitutes a clear dis-obedience of the orders passed by the Hon'ble Central Administrative Tribunal.

IV. Applicants submits that no petition has been filed previously for taking action against the respondents.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

C.T.A.NO.

IN APPLICATION NO.970/87(F)

Between:

G.K.SHENAVA, I.F.S.,
Conservator of Forests,
Forest Conservation
"ARANYA BHAVAN",
BANGALORE-3.

... Applicant

And

The Secretary,
Department of Environment
and Forests, Paryavaran Bhavan,
CGO Complex, Lodhi Road,
NEW DELHI-110 003.

... Contemnors

And others

VERIFYING AFFIDAVIT

I, G.K.Shenava, Son of K.T.K.Shenava aged about 50 years Conservator of Forests(Forest Conservation), Bangalore, do hereby state on oath as follows:

2. I am the applicant and I fully conversant with the facts of the case. Hence competent to swear to this affidavit.

3. The averments made in Paras 1 to 6 of the accompanying petition are true to the best of my knowledge and belief are believed to be true on legal advice.

Annexure 'A' and 'B' are the certified copies of the originals.

Identified by me:

ADVOCATE

Bangalore,
Dated:

No. of corrections: *Nil*

G. Shenava 17/2
DEFONENT

SWORN TO BEFORE ME

M.P.D *one gone* 17/2
Deputy Registrar
Karnataka Administrative Tribunal,
Bangalore-38.

ANNEXURE A

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 26-8-88

APPLICATION NOS. 970 to 981/87(F), 715 & 716, 991 to 993/88(T)

W.P.NO.

10958 to 10960/83

Applicants

Shri G.K. Shenava & 16 Ors

v/s

The Secretary, M/o Home Affairs, Dept of
Personnel & Adminn Reforms, New Delhi & 9 Ors

Respondents

To

1. Shri G.K. Shenava, I.F.S.
Conservator of Forests
(Forest Conservation)
Aranya Bhavan
Bangalore - 560 003
2. Shri N. Sampangi, I.F.S.
Technical Assistant to Chief
Conservator of Forests (Development)
Aranya Bhavan
Bangalore - 560 003
3. Shri P.K. Devaiah
General Manager
Karnataka Cashew Development Corporation
Limited
Mangalore (Dakshina Kannada Dist)
4. Shri B.R. Bhaskar, I.F.S.
Principal
State Forest Service College
Coimbatore (Tamil Nadu)
5. Shri A.S. Kumar, I.F.S.
Conservator of Forests
Bellary Circle
Bellary
6. Shri A.N. Yellappa Reddy
Conservator of Forests
Kanara Circle
Dharwad
7. Shri A.S. Sadashivaiah, I.F.S.
Conservator of Forests
Mysore Circle
Mysore
8. Shri Erappa, I.F.S.
Conservator of Forests
Hassan Circle
Hassan
9. Shri A.C. Lakshman, I.F.S.
Conservator of Forests
Shimoga Circle
Shimoga
10. Shri B.N. Patil, I.F.S.
Conservator of Forests
Dry Lan Development Board
Belgaum
11. Shri B. Shantaram Adappa, I.F.S.
Conservator of Forests
Mysore Paper Mills Limited
Mysore
12. Shri K. G. Maharudrappa, I.F.S.
Conservator of Forests
Dry Land Development Board
Gulbarga
13. Shri K.A. Kushalappa, I.F.S.
Conservator of Forests (Research)
Aranya Bhavan, Malleswaram
Bangalore - 560 003

14. Shri Ram Mohan Ray, I.F.S.
Conservator of Forests &
General Manager
Karnataka Forest Development Corporation
Crescent Road
Bangalore - 560 001

15. Dr S. Krishna Murthy, I.P.S.
Deputy Commissioner of Police, CAR
Mysore Road
Bangalore - 560 018

16. Shri K. Srinivasa Alva, I.P.S.
Deputy Commissioner of Police (L & O)
No. 1, Infantry Road
Bangalore - 560 001

17. Shri Y.S. Rao, I.P.S.
Superintendent of Police
Belgaum District
Belgaum

18. Shri K.R.D. Karanth
Advocate
32, Mangalnagar
Sankey Road Cross
Bangalore - 560 052

19. Shri N.B. Bhat
Advocate
545, 16-A Main
III Block, Koramangala
Bangalore - 560 034

20. The Secretary
Department of Environment & Forests
Parivaran Bhavan
CGO Complex, Lodi Road
New Delhi - 110 003

21. The Secretary
Ministry of Home Affairs
Department of Personnel &
Administrative Reforms
North Block
New Delhi - 110 001

22. The Chief Secretary
Govt. of Karnataka
Vidhana Soudha
Bangalore - 560 001

23. The Secretary
Union Public Service Commission
Dholpur House
Shahjahan Road
New Delhi - 110 011

24. Shri Jagjit Lamba, I.F.S.
Conservator of Forests
Dryland Development Board
Office of the Divisional Commissioner
Visveswaraiah Tower
Dr B.R. Ambedkar Road
Bangalore - 560 001

25. Shri M.L. Ram Prakash, I.F.S.
Conservator of Forests (HQ)
Office of the Chief Conservator
of Forests (General)
Aranya Bhavan, Malleswaram
Bangalore - 560 003

26. Shri K.U. Shetty, I.P.S.
Director of Youth Services -
State Youth Centre
Nrupathunga Road
Bangalore - 560 001

27. Shri Jaiprakash, I.P.S.
Deputy Inspector General of Police
Central Range
No. 5, Miller's Road
Bangalore - 560 052

28. Shri T. Madiyal, I.P.S.
Superintendent of Police
District Police Office
Mysore

29. Shri S.N. Borker, I.P.S.
Superintendent of Police
District Police Officer
Hassan

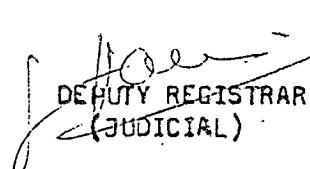
30. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

31. Shri S.V. Narasimhan
State Govt. Advocate
Office of the Advocates General (KAT Unit)
BDA Commercial Complex
Indiranagar
Bangalore - 560 038
32. Shri Mohandas N. Hegde
Advocate
Kurubara Hostel Building
2nd Main Road, Gandhinagar
Bangalore - 560 009
33. Shri H.B. Datar
Advocate

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal in
the above said applications on 26-8-88.

Encl : As above


DEPUTY REGISTRAR
(JUDICIAL)