

B690

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

CONTEMPT PETITION (CIVIL) NO. 22/95

IN

ORIGINAL APPLICATION NO. 762/ 1993

TUESDAY, THE 7TH DAY OF MARCH, 1995

SHRI V. RAMAKRISHNAN ... MEMBER (A)

SHRI A.N. VUJJANARADHYA ... MEMBER (J)

Shri C.S.V. Jois, age 50 years,
S/o late Shri Shamanna Jois,
Retired Asst. Post Master,
Settihalli Road,
Tumkur - 2. ... Petitioner

(By Advocate Shri S.K. Mohiyuddin)

Vs.

1. Shri Mahale, S.,
Department of Posts, Dak Bhavan,
New Delhi-1.

2. Smt. Hilda Abraham,
Director of Postal Services,
S.K. Region, Bangalore-1.

3. Shri K.S. Susheelendra,
Superintendent of Post Offices,
Tumkur-2. ... Respondents

(By Addl. Central Govt. Standing Counsel,
Shri M.V. Rao)

ORDER

Shri A.N. Vujjanaradhy, Member (J)

Shri M.V. Rao submits that the enquiry initiated against the contempt petitioner was dropped and he has been paid the pensionary benefits. Shri S.K. Mohiyuddin submits that because of the delay in

payment of pensionary benefits, the contempt petitioner is entitled to get interest. But, however, he further submits that he would pursue his remedy separately, which he is at liberty to do. In view of the compliance reported by the learned standing counsel, this contempt petition does not survive and therefore it is closed. The alleged contemners are discharged.

Sd/-

(A.N. VUJJARADHYA)
MEMBER (J)

Sd/-

(V. RAMAKRISHNAN)
MEMBER (A)

TCV

TRUE COPY

Shyam
14/3/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 030.

Dated: 15 MAR 1995

Miscellaneous appln.No.74 of 95 in
APPLICATION NO. 762 of 1993.

APPLICANTS: Sri.C.S.V.Jois,

v/s.

RESPONDENTS: Secretary, D/o. Posts, New Delhi and others.

To

1. Sh.S.K.Mohiyuddin, Advocate, No.11, Jeevan Bldgs,
Kumara Park East, Bangalore-560 001.

2. Sri.M.Vasudeva Rao, Addl.CGSC,
High Court Bldg, Bangalore-1.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

---xxx---

Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 01-03-1995.

Issued on

15/3/95

SK

9/

15/3/95
AR DEPUTY REGISTRAR
JUDICIAL BRANCHES.

OA 762/93

Date	Office Notes	Orders of Tribunal
		<p><u>PKS (VC)/TVR (MA)</u></p> <p>1.3.1995</p> <p>2000/11/11</p> <p><u>ORDERS ON M.A. NO. 74/95 FOR EXTENSION OF TIME</u></p> <p>Standing Counsel who has asked for extension of time, now says that he does not need any such extension. We, therefore, treat this M.A. seeking an extension of time as not pressed and dismiss the same as such.</p> <p>Sd/- Sd/-</p> <p>MEMBER (A) VICE CHAIRMAN</p> <p>The seal of the Central Administrative Tribunal, Bangalore Bench. It is circular with the text "CENTRAL ADMINISTRATIVE TRIBUNAL" at the top and "BANGALORE" at the bottom. In the center is a stylized emblem.</p> <p>TRUE COPY</p> <p> Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 24 FEB 1994

APPLICATION NO(s) 762 of 1993.

APPLICANTS: C.S.V.Jois v/s. RESPONDENTS: Secretary, Deptt. of Posts,
New Delhi and Others.

TO.

1. Sri.S.K.Mohiyuddin, Advocate,
No.11, Jeevanbuildings,
Kumarapark East, Bangalore-2.
2. The Director of Postal Services,
South Karnataka Region, Bangalore-1.
3. The Superintendent of Post Offices,
Tumkur-2.
4. Sri.M.Vasudeva Rao, Central Govt.
Standing Counsel, High Court Bldg,
Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-XXX-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 14-02-1994.

Issued
25/2/94

of

Re: *Se Se*
24/2
F.D.V. DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 762 OF 1993

MONDAY THIS THE 14TH DAY OF FEBRUARY, 1994.

Mr. Justice P.K. Shyamsundar, ... Vice-Chairman.

Mr. T.V. Ramanan, ... Member(A)

C.S.V. Jois,

Aged 60 years,
S/o late Sri Shamanna Jois,
Retired Assistant Post Master,
Settinalli Road, Tumkur-2.

.. Applicant.

(By Advocate Shri S.K. Mohiyuddin)

v.

1. Union of India
through Secretary,
Department of Posts,
New Delhi-1.
2. The Director of Postal Services,
S.K. Region, Bangalore-1.
3. The Superintendent of Post
Offices, Tumkur-2. ... Respondents.

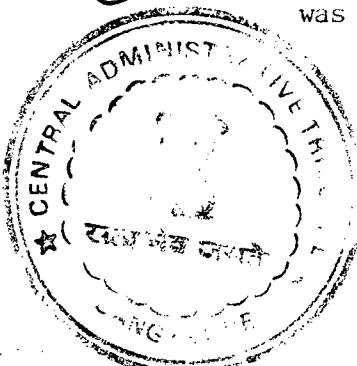
(By Standing Counsel Shri M. Vasudeva Rao)

O R D E R

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

Heard. Admit.

This application is against an order directing the continuance of a pending inquiry even after the applicant's retirement and further directing payment of provisional pension minus the D.C.R.G due to him which has already been withheld pending inquiry. It is common ground that the inquiry is almost over and the report of the Inquiry Officer having been made, a copy was posted to the applicant whereon comments are said to be



now before the Disciplinary Authority. With the result, the Disciplinary Authority will now have to apply his mind to the report, apropos the comments of the applicant and thereafter record a finding whether the applicant is or is not guilty of the charges levelled against him. But, the position however is even if the applicant is held to have committed some misconduct, no punishment can be imposed on him under the Rules. A punishment of dismissal or removal cannot be imposed on the retired employee. But, Government is at liberty to forfeit either fully or in part the pension payable to the applicant as also the D.C.R.G. amount. The disciplinary rules require that even after retirement the D.C.R.G. amount due to the retiring officer could be withheld if the charge is established. The action taken to withhold the D.C.R.G. amount, as in this case, is in conformity with the Rules and little exception can thus be taken to the administrative action. Mr. S.K.mohiyuddin, learned counsel for the applicant tells us that his client has been put to great hardship and sufferings because the D.C.R.G.amount ~~being~~ ^{As a result} held up ~~due to which~~ he could not perform his daughter's marriage. He makes a suggestion to direct the department to release atleast Rs.10,000=00 out of the D.C.R.G.amount so that with that small mercy he can go ahead and perform the marriage of his daughter. While we are deeply moved by the submissions of Mr. Mohiyuddin who tells that for want of money the applicant could not perform his daughter's marriage, at the same time we are unable to do anything and certainly not accede to his request directing the Government to release part of the gratuity amount. What is claimed from him is Rs.85,000/- whereas the D.C.R.G.amount due to him is Rs.30,000/- and odd. In those circumstances partial release will result in loss of revenue to Government and when action taken to withhold D.C.R.G. being in conformity with the Rules,

it would be certainly not open to us to aid the applicant by transgressing that Rule. In the circumstances all that we can do is to direct the Disciplinary Authority to dispose of the inquiry expeditiously and pass final orders thereon within 4 weeks from the date of receipt of a copy of this order. Let a copy of this order be sent to the Disciplinary Authority for information, compliance and necessary action. With these observations this application stands disposed off. No costs.

Sd-
MEMBER(A)

Sd-
V VICE-CHAIRMAN.

TRUE COPY

De Souza
SECTION OFFICER 24/2
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 21 APR 1994

Miscellaneous APPLICATION NO(s) 147 of 1994 in O.A.No.762/1993

APPLICANTS: C.S.V.Jois Vs. RESPONDENTS: Secretary, Deptt. of Posts,
N.Delhi and Others.

TO.

1. Shri S.K.Mohiyuddin, Advocate,
No.11, Jeevan Buildings,
Kumarapark East, Bangalore - 2.
2. The Director of Postal Services,
South Karnataka Region, Bangalore-1.
3. The Superintendent of Post Offices,
Tumkur-2.
4. Shri M.Vasudeva Rao, Addl.Central Govt.
Standing Counsel, High Court Buildings,
Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-XXX-

Please find enclosed herewith a copy of the
ORDER/~~XXXXXX ORDER / XXXXXXXX ORDER~~, Passed by this Tribunal
in the above mentioned application(s) on 16.03.1994.
Corrigendum in pursuance thereof is enclosed. Corrected
copy of the order in O.A.762/93 dated 14.02.94 is also
enclosed.

Office Copy filed
Issued on 22/4/94
gm* C.R.H.

P.S. Shrivastava
for DEPUTY REGISTRAR 2/14/94
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

II Floor,
Commercial Complex(BDA),
Indiranagar,
Bangalore-560 038.

Dated 21st April, 1994

File of O.A.No.762/93

C O R R I G E N D U M

The Hon'ble Tribunal on O.A.No.147/94
(in O.A.No.762/93) filed by respondents, has ordered
on 16.03.'94 that the following corrections be made
in the Tribunal's order passed on 14.02.'94 in
Application No.762/93:-

For the words '4 weeks' appearing at
page No.3, line 4 & 5 of the Order dated 14.02.'94
in Application No.762/93, the words '4 months' be
substituted.

Corrigendum is hereby issued accordingly

By Order of the Court.

21/4/94
(N.RAMAMURTHY)
DEPUTY REGISTRAR (J).

Corrected copy of the order
dated 14.02.'94 in O.A.762/93
is attached.

21/4/94

S. Rao
SECTION OFFICER 21/4
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

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

Application No.... **762**.....of 199 3

C.S.V.Jois

ORDER SHEET (contd)

45

Secy. Deptt of Posts New Delhi & Offces

Date	Office Notes	Orders of Tribunal
		<p><u>PKS(VC)/TVR(MA)</u></p> <p>16.3.1994</p> <p><u>M.A. 147/1994 in O.A. 762/1993</u></p> <p>Heard the learned Standing Counsel. We direct the following correction be made in our order passed on 14.2.1994 in Application No.762/1993 which says "In the circumstances all that we can do is to direct the Disciplinary Authority to dispose of the inquiry expeditiously and pass final orders thereon within 4 weeks from the date of receipt of a copy of this order". It is therefore clear that <u>4 weeks</u> referred to therein is a mistake. What we really meant and did order was that within 4 months from the date of receipt of a copy of ^{the} this order this/inquiry should be concluded. We rectify the error by substituting the figures '4 weeks' by '4 months'.</p> <p>Let a Corrigendum be issued and copies be served on both sides.</p>

MEMBER(A)

Sci -

MEMBER(A) VICE CHAIRMAN
TRUE COPY

S. Shambur
S. S. 31 OFFICER 214
AL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
PRESIDENTEE

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 762 OF 1993

MONDAY THIS THE 14TH DAY OF FEBRUARY, 1994.

Mr. Justice P.K. Shyamsundar, ... Vice-Chairman.

Mr. T.V. Ramanan, ... Member (A)

C.S.V. Jois,

Aged 60 years,
S/o late Sri Shamanna Jois,

Retired Assistant Post Master,
Settihalli Road, Tumkur-2.

.. Applicant.

(By Advocate Shri S.K. Mohiyuddin)

v.

1. Union of India
through Secretary,
Department of Posts,
New Delhi-1.

2. The Director of Postal Services,
S.K. Region, Bangalore-1.

3. The Superintendent of Post
Offices, Tumkur-2.

.. Respondents.

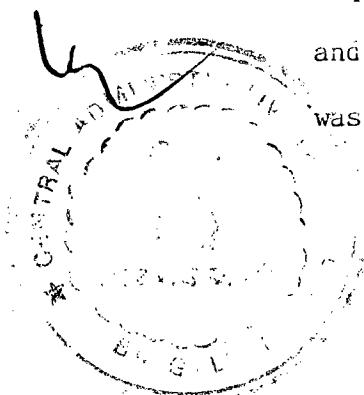
(By Standing Counsel Shri H. Vasudeva Rao)

O R D E R

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

Heard. Admit.

This application is against an order directing the continuance of a pending inquiry even after the applicant's retirement and further directing payment of provisional pension minus the D.C.R.G due to him which has already been withheld pending inquiry. It is common ground that the inquiry is almost over and the report of the Inquiry Officer having been made, a copy was posted to the applicant whereon comments are said to be



now before the Disciplinary Authority. With the result, the Disciplinary Authority will now have to apply his mind to the report, apropos the comments of the applicant and thereafter record a finding whether the applicant is or is not guilty of the charges levelled against him. But, the position however is even if the applicant is held to have committed some misconduct, no punishment can be imposed on him under the Rules. A punishment of dismissal or removal cannot be imposed on the retired employee. But, Government is at liberty to forfeit either fully or in part the pension payable to the applicant as also the D.C.R.G. amount. The disciplinary rules require that even after retirement the D.C.R.G. amount due to the retiring officer could be withheld if the charge is established. The action taken to withhold the D.C.R.G. amount, as in this case, is in conformity with the Rules and little exception can thus be taken to the administrative action. Mr. S.K. Mohiyuddin, learned counsel for the applicant tells us that his client has been put to great harassments and sufferings because the D.C.R.G. amount ~~being held up~~ ^{as a result} to which he could not perform his daughter's marriage. He makes a suggestion to direct the department to release at least Rs.10,000=00 out of the D.C.R.G. amount so that with that small mercy he can go ahead and perform the marriage of his daughter. While we are deeply moved by the submissions of Mr. Mohiyuddin who tells that for want of money the applicant could not perform his daughter's marriage, at the same time we are unable to do anything and certainly not accede to his request directing the Government to release part of the gratuity amount. What is claimed from him is Rs.85,000/- whereas the D.C.R.G. amount due to him is Rs.30,000/- and odd. In those circumstances partial release will result in loss of revenue to Government and when action taken to withhold D.C.R.G. being in conformity with the Rules,

it would be certainly not open to us to aid the applicant by transgressing that Rule. In the circumstances all that we can do is to direct the Disciplinary Authority to dispose of the inquiry expeditiously and pass final orders thereon within 4* weeks from the date of receipt of a copy of this order. Let a copy of this order be sent to the Disciplinary Authority for information, compliance and necessary action. With these observations this application stands disposed off. No costs.

Sd/-

MEMBER(A)

Sd/-

Vice-Chairman.

*Correction

Replaced figure

'4 Weeks' by '4 months'
as per order of the
Bench dated 16.03.94
in M.A.147/94 in O.A.762/93

21/4/94
DEPUTY REGISTRAR(J).

TRUE COPY

S. S. Naik 21/4
SENIOR OFFICER
SUPREME COURT OF INDIA
ADDITIONAL ATTORNEY GENERAL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 4 OCT 1994

Miscellaneous APPLICATION NO: 410 & 411/94 in OA.No.762/1993.

APPLICANTS: Sri.C.S.V.Jois,
V/S.

RESPONDENTS:- Secretary,Dept.t of Posts,NDelhi & Others.

To

1. Sri.S.K.Mohiyuddin, Advocate, No.11, Jeevan Buildings, Kumarapark East, Bangalore-560 002.
2. Sri.M.Vasudeva Rao, Additional Central Government Standing Counsel, High Court Building, Bangalore-1.

Subject:- Forwarding of copies of the Order passed by the Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above mentioned application(s) 28th September, 1994.

Issued on

4/10/94 P.S.

9/10/94 DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

Sri. P. S. V. Joshi, 1/1² Secy. Deptt of Posts, N Delhi & Ors.

Date

Office Notes

Orders of Tribunal

MAN. 410 and 411/94
in OA 762/93.

PKS/VRM/

28.9.94

Heard

As a last chance
time to comply the directions
of this Tribunal extended
by two months from this
day to further adjourn-
ment.

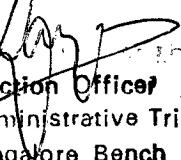


Sd/-
Rita

Sd/-

VC

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Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore