

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

CONTEMPT PETITION NO. 44/1993

TUESDAY THE TWENTY FIFTH DAY OF JANUARY, 1994

Present: Shri V.Ramakrishnan, Member (A)
Shri A.N.Vujjanaradhya, Member (J)

Sri R.Santhanam, Major,
Senior Accountant M.O.III,
Section, Office of the
Deputy Director of Accounts,
(Postal), Bangalore-560 001.

Sri V.K.Rao, Major,
S/o Sri M.K.Rao,
Senior Accountant,
Office of the Deputy Director
of Accounts, (Postal),
Bangalore.

...,Complainants

By Advocate Shri S.Ranganatha Jois.

Versus

1. Sri R.Rajagopal,
Accounts Officer (Admn),
O/o the Dy. Director of
Accounts (Postal)
G.P.O. Complex,
Bangalore-560 001.
2. Sri K.S.Venugopal,
The Deputy Director of Accounts,
(Postal), Karnataka Circle,
Bangalore-560 001.

...Respondents

By Advocate Shri M.Vasudeva Rao, C.G.S.C.

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O R D E R

Shri V.Ramakrishnan, Member (A)

12 The Contempt Petition, which is before us, alleges that the department has not implemented the directions of this Tribunal in OA 9/93 disposed off on 12th July, 1993. We have heard Shri S.Ranganatha Jois for the complainants after Shri M.V.Rao has taken notice for the respondents.

2. The direction in OA 9/93 to the department was that they should re-examine the seniority keeping in view all the relevant materials including the period of continuous officiation at the level of Senior Accountants and come to a proper finding and not reject the contention of the applicants solely on the ground~~s~~ that there was no specific direction from the Tribunal to the effect earlier on the point of seniority.

3. We find that the department has issued a detailed order dated 20.10.93 as at Annexure A2 where, after re-examining the matter, they had come to a certain finding. Shri Ranganatha Jois for the ~~a~~ complainants contends that this order is not in the nature of compliance with the direction of this Tribunal on the ground that it has not given the benefit of continuous officiation at the level of non-functional Senior Accountants. We are afraid, we cannot agree with this contention. There

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was no direction by this Tribunal that the applicants should automatically be given the benefit of continuous officiation in the non-functional selection grade for the purpose of seniority. All that the Tribunal had directed was that the department should take into account all the relevant materials including the period of continuous officiation and come to a proper decision. The department has taken a decision as reflected in the order dated 20.10.93 as at Annexure A2. If the applicants are not satisfied with the decision of the department, it is not open to them to challenge it on the ground that the department had committed contempt and not complied with the directions of this Tribunal, when they had clearly carried out the order dated 12th July, 93. We, therefore, hold that there is no merit in the Contempt Petition.

4. With this observation, the contempt petition is dismissed and the alleged contemnors are discharged.

No costs.

A.N. Vujjanaradhy
25/1/94
(A.N. VUJJANARADHYA)
MEMBER (J)

V. Ramakrishnan
25/1/94
(V. RAMAKRISHNAN)
MEMBER (A)

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