

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Contempt Petition No.53 of 1994 in Dated: **24 JAN 1995**

APPLICATION NO: 403 of 1992.

APPLICANTS:- Smt.Magaratham and Six Others.,
v/s.

RESPONDENTS:- Sri.M.G.Kulkarni, Member(Services).Ministry of
Communications, New Delhi and three Others.,

To

1. Sri.B.Veerabhadra, Advocate,
No.126/2, Sixth Cross,
Kadirappa Road, Doddigunta,
Cox Town, Bangalore-560 005.
2. Sri.M.S.Padmarajaiah, Senior
Central Govt.Stng.Counsel,
High Court Bldg, 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) on 16th January, 1995.

*Issued on
24/01/95*

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for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

CONTEMPT PETITION (CIVIL) NO.53/92

IN

ORIGINAL APPLICATION NO.403/92

MONDAY, THE 16TH DAY OF JANUARY, 1994

SHRI V. RAMAKRISHNAN

...

MEMBER (A)

SHRI A.N. VUJJANARADHYA

...

MEMBER (J)

1. Smt. Maragatham,
D/o Singaram,
Aged about 43 years,
Working as Telephone Supervisor,
Customers Service Centre,
Central Outdoor,
Kids Kemp Buildings, K.G. Road,
Bangalore - 560 009.
2. Smt. Prabha S. Upadhyay,
D/o Upadhyay,
aged about 48 years,
working as Telephone Supervisor,
D/o Assistant Engineer, Intl. II,
Central Exchange Buildings,
Bangalore - 560 001.
3. Smt. V. Shamalamba,
D/o Late H. Venkatesiah,
Aged about 48 years,
Working as Telephone Supervisor,
D/o Assistant Engineer Intl. II,
Central Exchange Buildings,
Bangalore - 560 001.
4. Smt. J.A. Poongodi,
D/o J.C. Adimulam,
Aged about 50 years,
Working as Telephone Supervisor,
D/o Assistant Engineer Intl. II,
Central Exchange Buildings,
Bangalore - 560 001.
5. Smt. I. Shantha Kumari,
W/o Vasudeva Bhat,
Aged about 47 years,
Working as Telephone Supervisor,
D/o Assistant Engineer, Intl. II,
Central Exchange Buildings,
Bangalore - 560 001.

...2/-



6. Smt. Puspaha Ramachandran,
W/o Ramachandran,
Aged about 48 years,
Working as Telephone Supervisor,
O/o Assistant Engineer, Intl. II,
Central Exchange Buildings,
Bangalore - 560 001.

7. Smt. E.V. Lalitha,
W/o Hanumantha Rao,
Aged about 47 years,
Working as Telephone Supervisor,
O/o the Divisional Engineer,
Ulsoor Telephone Exchange,
Bangalore - 560 008.

... Complainants

(By Advocate Shri B. Veerabhadra)

Vs.

1. Shri M.G. Kulkarni,
Member (Services),
Ministry of Communications,
Sanchar Bhavan,
21, Ashoka Road,
New Delhi - 110 001.

2. Shri N. Vittal,
Chairman,
Telecom Commission,
Sanchar Bhavan,
21 Ashoka Road,
New Delhi - 110 001.

3. Shri N.S. Ramachandran,
Chief General Manager,
Telecommunications, Karnataka
Circle, 1, Old Madras Road,
Ulsoor, Bangalore - 560 008.

4. Shri J. Ramanujam,
General Manager,
Bangalore Telecom District,
FKCCI Buildings,
K.G. Road,
Bangalore - 560 009.

... Respondents

(By Senior Standing Counsel for Central
Government, Shri M.S. Padmarajaiah)

ORDER

Shri V. Ramakrishnan, Member (A)

The MA 369/94 for joint application is allowed.

...3/-

2. We have heard both sides. The complainants herein allege that the department had committed contempt of Court for the failure to extend the same benefit to them as available to Leelamma Jacob & others in OA 403/92. Shri B. Veerabhadra for the complainants argues that all the applicants are senior to those who had got promotion under the BCR scheme earlier even though they had not completed the requisite years of service as stipulated in the scheme and that the department ought to have implemented the directions of this Tribunal which inter alia states that the BCR scheme should be modified suitably to protect the interests of seniors and that in such cases the applicants should be given the benefit without insisting on completion of the minimum prescribed years of service. The department has taken the stand that there is no contempt involved in this case as the department had filed an SLP in the Supreme Court in Leelamma Jacob's case. The department further contend that as it had approached the Supreme Court by an SLP, they had implemented the directions only in respect of those people who had approached the Tribunal and got favourable orders.

3. From the order dated 18.3.94 as at Annexure C-4 issued for implementing the directions of this Tribunal in the case of Leelamma Jacob and others, we find that the department had laid down a condition that the benefit extended would be withdrawn and the officials are liable to refund the amount drawn on this order in case the decision of this Tribunal is reversed by a higher judicial authority.

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4. In the facts and circumstances of the case, we ^{direct} hold that the department will examine the case of complainants and in case their cases are similar to Leelamma Jacob and others, their case is to be dealt with in the same manner as in the case of Leelamma Jacob & others and the Department should extend the same benefit as per the directions of this Tribunal in OA 403/ 1992. It is open to the Department to take an undertaking from the complainants ^{first} and in case the Supreme Court finds in favour of the Department in the SLP, the benefit is liable to be withdrawn and that the applicant, are liable to refund the amount drawn. This exercise should be completed within three months from the date of receipt of a copy of this order.

5. With the above observations, this CP is disposed of.

Sd/-

(A.N. VUJJANARADHYA)
MEMBER (J)

Sd/-

(V. RAMAKRISHNAN)
MEMBER (A)

TCV

TRUE COPY

[Signature]
24/10/95
Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore



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

Cp 53/94 - 5 -
ORDER SHEET

Application No. 403 of 1992

Applicant

Smt. Naragatham & Ex. Chess

Advocate for Applicant

Respondent

*Member (Services)
M.P. Communications, Nellore*

Advocate for Respondent

Date	Office Notes	Orders of Tribunal
1.6.95		<p>VR (MA) 7.6.95.</p> <p><u>Orders on MA 261/95 in CP 53/94</u></p> <p>Heard Shri M.V. Rao on MA 261/95 as also Shri B. Veerbhadra Counsel for the applicants in CP 53/94. Shri Rao submits that as the decision in the case of Leelamma Jacob has been stayed by the Supreme Court, our orders may be modified to the extent that rights of the parties in CP 53/94 will be regulated in accordance with the directions of the Supreme Court in Leelamma Jacob's case.</p> <p>In view of the position brought out above and after hearing Shri Veerabhadra who has no objection, I direct that the rights of the parties will be regulated in</p>



Date

Office Notes

Orders of Tribunal

accordance with the decision of the Supreme Court in Leelamma Jacob's case referred to above. Our earlier directions to the department that our decision should be implemented within three months stands modified accordingly.

Sch-

7/6/96
Member (A)



TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore