

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Contempt Petition No.83 of 1994 in

Dated: 3 FEB 1995

APPLICATION NO: 1579 of 1994

APPLICANTS:- Sri.A.G.Venkateshwar, Bangalore.

V/S.

RESPONDENTS:- Sri.R.Basu, IAS, Director General, Doordarshan,  
New Delhi and two others.,

To

1. Sri.P.A.Kulkarni, Advocate,  
No.47, Second Floor, 57th-A-Cross,  
Fourth Block, Rajajinagar,  
Bangalore-560 080.
2. Sri.M.Vasudeva Rao,  
Addl.C.G.S.C.High  
Court Bldg, Bangalore-1.

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

Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above  
mentioned application(s) on 20-01-1995.

Issued on  
3/2/95

9c

  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

C.P.(CIVIL) NO.83/1994

in

O.A.No.1579/1994

FRIDAY, THE TWENTIETH DAY OF JANUARY, 1995

SHRI V.RAMAMKRISHNAN

...MEMBER (A)

SHRI A.N.VUJJANARADHYA

...MEMBER (J)

1. Sri.Venkateshwar, A.G.  
S/o late A.P.Govindaswamy,  
aged about 44 years,  
Occn: Doordarshan Kendra,  
J.C.Nagar,  
BANGALORE - 560 006.

...Applicant

By Advocate Shri.PA.Kulkarni

Versus

1. Sri.R.Basu, I.A.S.  
Director General, Doordarshan,  
Mandi House,  
Koparnikas Marg,  
NEW DELHI - 110 001.
2. K.M.Anees-Ul-Haq, I.B.P.S.  
Dy.Director General,  
C/o Director General,  
Mandi house,  
Koparnikas Marg,  
NEW DELHI-110 001.
3. Sri.N.G.Srinivas,  
Director,  
Doordarshan Kendra,  
J.C.Nagar,  
BANGALORE-560 006.

...Respondents

By Advocate Shri.M.V.Rao

ORDER

Shri V.Ramakrishnan, Member (A)

We have heard both sides. Shri.M.V.Rao representing the alleged contemnors has filed a reply and also encloses the orders of Doordarshan Kendra, New Delhi dated 6-1-95 cancelling



the transfer of the complainant from Bangalore to Ahmedabad, as also the office memo issued by the Doordarshan Kendra, Bangalore stating that the relieving order issued by them vide memo dated 24-9-94 stands withdrawn from 7-1-95. This office memo dated 7-1-95 further goes on to say that the period of absence from 25-9-94 to 6-1-95 will be treated as joining time which will count for all purposes.

2. Our directions in OA 1579/94 were that the respondents should take a decision in respect of the request of the complainant both for voluntary retirement under rule 48A of CCS (Pension) Rules and also his transfer to Ahmedabad and the same should be done within one month from the date of receipt of the order. There was a further direction that pending such a decision the applicant shall be permitted to continue in Bangalore. The department now states that while they have taken a decision on the request of the complainant not to transfer him to Ahmedabad and has cancelled the transfer order, they are still to take a decision on the request of voluntary retirement and that they want some more time to comply with the direction, so far as his request under rule 48A of the CCS (Pension) Rules is concerned. In view of this Shri. Rao for the department submits that the department had not <sup>cancelled</sup> any contempt. 1572

3. Shri. Kulkarni for the complainant submits that the office memo dated 7th January, 95 states that the period from 25-9-94 to 6-1-95 is sought to be treated as joining time, which will be counted for all purposes. He states that the complainant's apprehension is that such an order may be held to be beyond the powers of the Director, Doordharshan Kendra.

Bangalore and the applicant may be put to hardship later for example by being asked to refund the money. We hold that such an apprehension is <sup>hypothetical</sup> ~~hypothetical~~ at this stage. *sd*

In any case, the department had complied with the directions except the complainant's request for voluntary retirement, for which they want some more time. <sup>sd</sup> ~~In any case~~, The direction to dispose of the request for retirement under Rule 48A was made in the context of the complainant's difficulty in moving out of Bangalore. He has now been asked by the Department to continue in Bangalore. As regards the apprehension of the complainant brought out by Shri.Kulkarni, he may submit a representation to the department bringing out his point, of view so as to get a response from the department within a reasonable time.

4. As there has been substantial compliance with the directions of this Tribunal, the present CP is liable to be dismissed. We accordingly do not propose to proceed with the contempt proceedings and the alleged contemners are discharged.

*Sd-*  
(A.N.VUJJNARADHYA)  
MEMBER (J)

*Sd-*  
(V.RAMAKRISHNAN)  
MEMBER (A)



**TRUE COPY**

*[Signature]*  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore