

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Contempt Petition(Civil)No.9/94 in

Dated:- 29 APR 1994

APPLICATION NUMBER: 758 of 1993.

APPLICANTS:

Sri.B.V.Pillappa v/s. Sri.C.Nityanandam,Chief Supdt.CTO,  
To. Bangalore and Others.

RESPONDENTS:

1. Dr.M.S.Nagaraja, Advocate,  
No.11, Second Floor,  
1st Cross, Sujatha Complex,  
Gandhinagar, Bangalore-9.
2. Shri.Jitendra Mohan,  
General Manager, Telecommunications,  
Karnataka Circle, Uhsoor, Bangalore-8.
3. Sri.M.Vasudeva Rao, Addl.C.G.S.C.  
High Court Bldg, Bangalore-1.

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

Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above  
mentioned application(s) on 19th April, 1994.

Issued on  
29/4/94

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for

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

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CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

CONTEMPT PETITION (CIVIL) NO. 9 OF 1994

TUESDAY, THIS THE 19TH DAY OF APRIL, 1994.

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

Mr. V. Ramakrishnan, ... Member(A)

Shri B.V. Pillappa,  
S/o Shri Venkatappa,  
Aged about 47 years,  
No. 38, 2nd Cross, BMK Layout,  
Bangalore-560 026. .. Petitioner.

(By Advocate Dr. M.S. Nagaraja)

v.

1. Shri C. Nityanandam,  
Chief Superintendent,  
Central Telegraph Office,  
Raj Bhavan Road,  
Bangalore-560 001.

2. Sri Jitendra Mohan,  
General Manager,  
Telecommunications,  
Karnataka Circle, Ulsoor,  
Bangalore-560 008.

3. Sri N. Vittal,  
Secretary to Government,  
Ministry of Communication,  
New Delhi. .. Respondents.

(By Standing Counsel Shri M. Vasudeva Rao)

O R D E R

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

This contempt petition arises out of our order in O.A.No. 758 of 1993 which has a bearing on the connected review application viz., R.A.No. 7 of 1994 just now disposed off. The grievance herein is despite our directions regarding payment of retiral benefits, the petitioner had not been given the benefit of commutation of pension. But, there is a statutory hurdle in the way of the petitioner in getting the benefit of commutation of pension because Rule 4 of the Central Civil Services (Commutation of Pension) Rules debars commutation of pension by a



pensioner who is facing judicial proceedings. In this case, the admitted position is that the petitioner is facing a judicial proceeding which is still pending. So long as the judicial proceeding is pending, the petitioner would not be entitled for the benefit of commuted pension as such benefit is denied under Rule 4 supra. In the circumstances, there is no question of having committed contempt of the order of the Tribunal. Accordingly this application fails and is dismissed.

Sd/-

MEMBER(A)

Sd/-

VICE-CHAIRMAN

TRUE COPY

*Re Shankar*

SECTION OFFICER 29/4

CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

