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CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 033.

Misc.Appln.No.481 of 1995 in

Dated: **27 NOV 1995**

APPLICATION NO. 1337 of 1994 and 1364 to 1375 of 1994.

APPLICANTS: **Sri.B.N.Kadapatti and twelve others.,**

V/S.

RESPONDENTS: **The Secretary, Ministry of Defence,  
New Delhi and another.,**

To

1. **Sri.N.G.Phadke, Advocate, No.502/40,  
'Kausalya', 54th cross, 3rd Block,  
Rajajinagar, Bangalore-560 010.**
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 20-11-1995.

Issued copy  
27/11/95  
gm\*

for **DEPUTY REGISTRAR  
JUDICIAL BRANCHES.**

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K

# In the Central Administrative Tribunal

## Bangalore Bench

Bangalore

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Application No. M. 1337/94 & 1364 of 1995 375/94

ORDER SHEET (Contd.)

Sm. B.N. Kadapatti & 12 vs

The Secy. M/o Defence, New Delhi & Amr

Date

Office Notes

Orders of Tribunal

PKS(VC)/TVR(MA)

20.11.1995

ORDERS ON M.A. No. 481/1995

Having heard the Standing Counsel, we think it inappropriate to further extend the time already allotted for compliance with the directions of this Tribunal in O.A. 1337 & 1364 of 1995/375/94 disposed of on 31.3.1995. 3 months time was granted at that time for compliance with the directions. Thereafter, there were 2 more extensions, one for 3 months and another for one month. Even today, the department is in a stand still position.

2. The Standing Counsel tells us that the Department is yet to file an SLP challenging our order referred to supra and that is why further extension of time is necessary. We do not think that to be a sufficient ground for extension of time. We do not know whether the Department has already filed an SLP and if that is in the offing at what stage it is. Even so, it is not a proper ground for extending the



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the time further. However, we direct that in case an SLP is filed and the department meets with any success therein, the directions given in the O.A. supra will certainly stand modified or regulated to the extent of the success in the SLP.

3. With these directions, this M.A. for extension if time is rejected. We direct the department to implement the directions forthwith.

Sd-

Sd-

MEMBER (A)

VICE CHAIRMAN



TRUE COPY

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

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CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 033.

Misc.Appln.No.435 of 1995 in

Dated: **27 OCT 1995**

APPLICATION NO. 1337 and 1364 to 1375 of 1994.

APPLICANTS: Sri.B.N.Kadapatti and twelve others.,

V/S.

RESPONDENTS: The Secretary, Ministry of Defence,  
New Delhi and another.

To

1. Sri.N.G.Phadke, Advocate,  
No.502/40, 'KAUSALYA'  
Fiftyfourth Cross, III-Block,  
Rajajinagar, Bangalore-10.
2. Sri.M.Vasudeva Rao, Additional  
Central Govt.Standing Counsel,  
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 20-10-1995.

Issued on

27/10/95

Amr  
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for

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

of  
1c

gm\*

Bangalore Bench

Bangalore

Application No. 1337 of 199 A

ORDER SHEET (Contd.)

Sri. B.N. Kadapatti &amp; 12 ors v. The Secy. H/O. Defence, New Delhi &amp; Anrs.

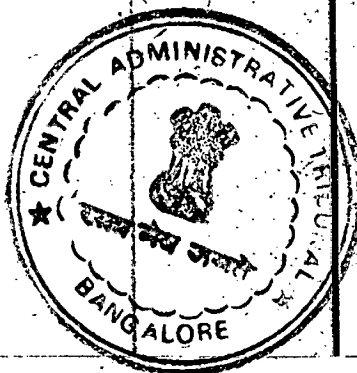
Date	Office Notes	Orders of Tribunal
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VR(RA)

20-10-1995

MA 435/95 in OAs 1364/94 to 1375/94

Heard Shri.M.V.Rao on M.A.435/95 for extension of time by 6 months. The learned Counsel for the applicant Shri.Phadke opposes grant of any more extension stating sufficient time has already been given to the Department to comply with the directions of the Tribunal. Apart from a statement, the Department is consulting the Ministry of Finance for taking further steps, there is no indication as to what <sup>Concrete</sup> considered action has been taken by the Department so far. I see no justification for grant of 6 months time. The Department is directed to comply with the directions of the Tribunal within one month from today. MA is disposed of on the above line.



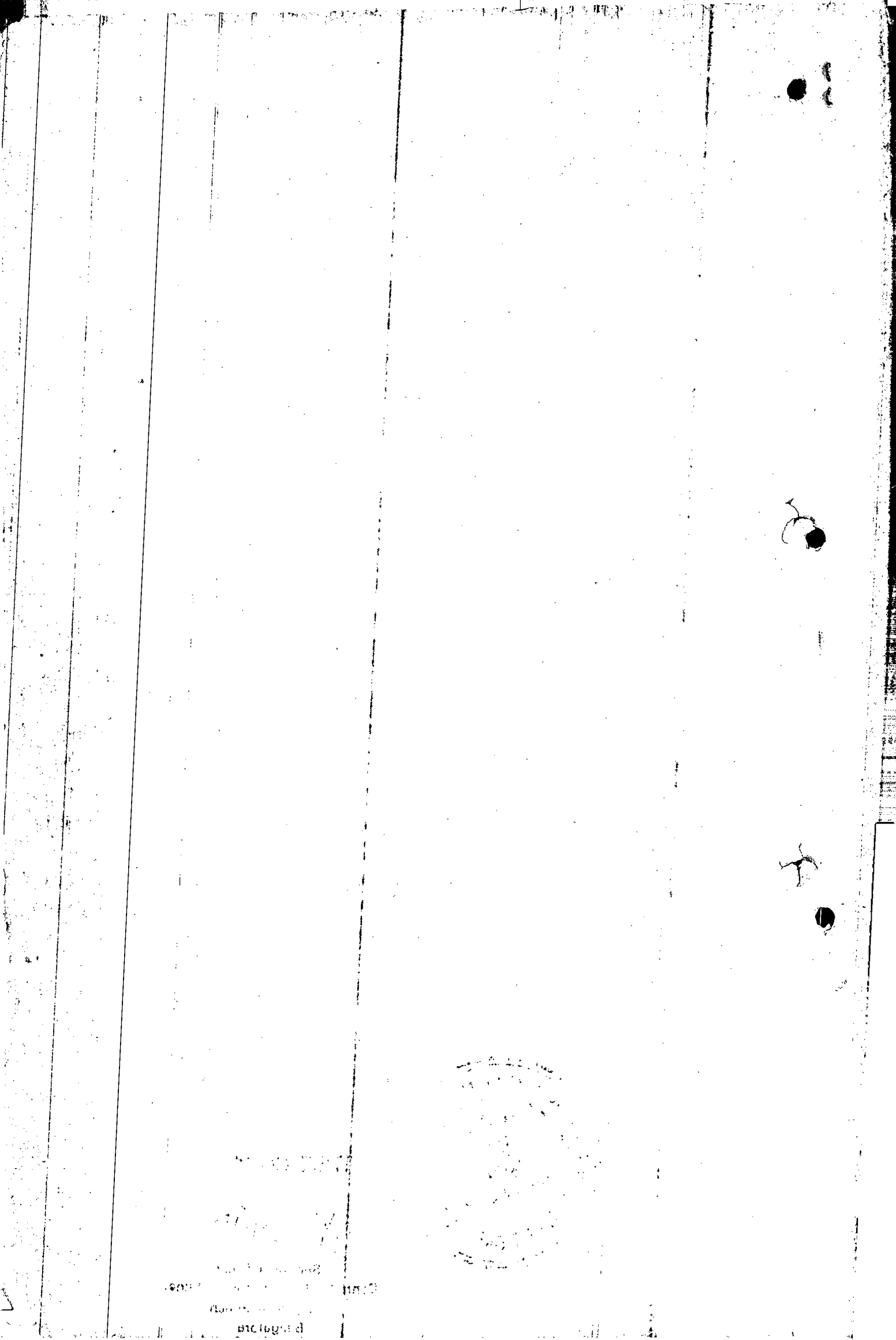
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Section Officer

Central Administrative Tribunal

Bangalore Bench

Bangalore



CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 033.

Misc.Appln.No.304 of 1995 in

Dated: **18 JUL 1995**

APPLICATION NO. 1337, 1364 to 1375 of 1994.

APPLICANTS: Sri.B.N.Kadapatti and 12 Others.,

V/S.

RESPONDENTS: The Secretary, Ministry of Defence,  
New Delhi and another.,

To

1. Sri.N.G. Phadke, Advocate,  
No.502/ 40, KAUSALYA,  
54th Cross, Third Block,  
Rajajinagar, Bangalore-10.
2. Sri.M.Vasudeva Rao, Addl C.G.S.C.  
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 12-07-1995.

Issued on  
18/07/95

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

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CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

R.A. No.30 to 42/95

FRIDAY THIS THE TWENTY FIFTH DAY OF AUGUST 1995

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri V. Ramakrishnan ... Member [A]

1. Union of India represented by its Secretary,  
Ministry of Defence,  
New Delhi.

2. The Engineer-in-chief,  
Kashmira House,  
Army Hqrs, DHQ Post Office,  
New Delhi-110 011.

...Review  
Applicants

[By Advocate Shri M. Vasudeva Rao...  
Addl. Standing Counsel for Central Govt.]

v.

1. Shri B.N. Kadapatti,  
S/o Ningayya Kadapatti,  
Aged about 54 years,  
C/o AGE [I] AF, Samba,  
Belgaum.

2. Shri P.R. Malkari,  
S/o Ramachandra Malkari,  
Aged about 54 years,  
C/o AGE [I] AF, Samba,  
Belgaum.

3. Shri M.M. Shirur,  
S/o Mahadevappa Shirur,  
Aged about 48 years,  
C/o GE, Camp,  
Belgaum.

Shri V.I. Chavan,  
S/o Laxman Chavan,  
Aged 41 years,  
C/o GE, Camp,  
Belgaum.

5. Shri S.I. Dubbanmardi,  
S/o Lingaraj Y Dubbanmardi,  
Aged about 35 years,  
C/o AGE [I] AF, Samba,  
Belgaum.





6. Shri S.N. Muchanmdi,  
S/o S/o Narayana Muchandi,  
Aged about 32 years,  
C/o GE, Camp,  
Belgaum.
7. Narayan Tarikhalkar,  
W/o Ram Tarikhalkar,  
Aged about 32 years,  
C/o GE, Camp,  
Belgaum.
8. A.J. Jolly,  
S/o Joseph,  
Aged about 30 years,  
C/o GE, Panaji, Goa.
9. Shri Anilkumar, P.K.,  
S/o P.V. Krishnan,  
Aged about 29 years,  
C/o GE, Camp,  
Belgaum.
10. s.B. Iaad,  
S/o Babu Rao I Iaad,  
Aged about 33 years,  
C/o GE, Camp,  
Belgaum.
11. Shri S.R. Hosurkar,  
S/o R.K. Hosurkar,  
Aged about 32 years,  
C/o AGE [I] AF, Sambra,  
Belgaum.
12. Shri V.B. Padmanabhan,  
S/o Shri V. Krishnan Gurukkas,  
Aged about 33 years,  
C/o AGE [I] AF, Sambra,  
Belgaum.
13. Shri Mathew Baby,  
S/o Shri P. Mathi,  
Aged about 52 years,  
C/o GE, Camp,  
Belgaum.

... Respondents

ORDER

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

1. We have heard Shri M. Vasudeva Rao, Standing

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Counsel in this Review Application. We do not see any reason to take a second look at the judgment rendered by this Tribunal while disposing of Original Applications out of which this RA arise. The question herein is all about equal pay for equal work and we have held that the applicants are entitled to pay apropos others similarly situate. Whether A is equal to B is a pure question of factum and this court having held in favour of the officers, the department's remedy is to prefer an appeal, if aggrieved, and not take recourse to Review. Shri Rao cites a number of decisions wherein the Supreme Court had emphasised that in the matter of pay, pay structure, reorganization of the department, etc. the courts should not interfere with and those considerations should be left to the specialised entities like Pay Commission, etc. This very argument has been dealt with and found to be not relevant in the factual context of the case as noticed in para 16 of the order passed while dealing and disposing of the OAs as follows:

"16. Having regard to our earlier discussion, the respondents cannot get much support from the decision in STATE OF UTTAR PRADESH V. CHOURASIA [1989] 1 SCC 121 which deals with the case having factors justifying differentiation depending on the evaluation of duties and responsibilities. In the case on hand the posts of Gr.II Supdt. and JEs in CPWD have always been treated on par and there is no question of evaluation of duties that is required to be gone into by expert body. The difference between Gr. II Supdts. and JEs in CPWD sought to be made out by the respondents is without any distinction in view of the parity in pay scales maintained since prior to 3rd PC as also the observations in the report of 4th PC."



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The above is the view of the Tribunal based on the judgment of the Supreme Court in CHOURASIA's case and the Court has noted that the case of Chourasia can be distinguished. Shri Rao has now relied on a few other decisions of the Supreme Court but if Chourasia can be distinguished and has been distinguished in the O.A. it needs little to comprehend that the later decisions of the Supreme court can also be distinguished on the same lines and, therefore, hold to be not attracted in the facts of this case. Thus the learned Standing Counsel does not improve his position by relying on the decisions of the Supreme Court. This being the only point for consideration this RA therefore fails and the same is rejected.



Sd/-

MEMBER [A]

Sd/-

VICE-CHAIRMAN

TRUE COPY

*[Signature]* 2.9.95  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

✓  
A 1337/94

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

Contempt Petition No.97 of 1995 in

Dated 2 MAY 1996

APPLICATION NO. 1337 and 1364 to 1375 of 1994.

APPLICANT(S) : Sri.B.N.Kadapatti and others.,

V/s.,

RESPONDENTS : Sri.Nambiar, Secretary, Ministry of Defence,  
New Delhi and another.

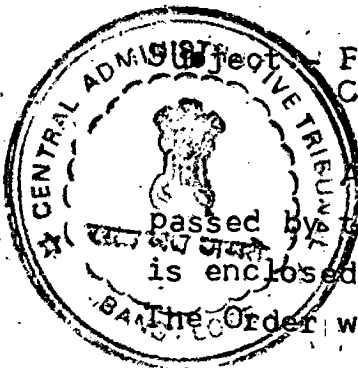
To.

1.

Sri.N.G.Phadke, Advocate,  
'Kausalya', No.502/40,  
54th Cross, Third Block,  
Rajajinagar, Bangalore-10.

2.

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



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

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A copy of the Order/Stay Order/Interim Order,  
passed by this Tribunal in the above stated applicatio(s)  
is enclosed for information and further necessary action.

The Order was pronounced on 30th April, 1996.

*[Signature]*  
Deputy Registrar  
Judicial Branches.

In the Central Administrative Tribunal  
Bangalore Bench  
Bangalore

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Application No. C.P.97/95.....of 199

ORDER SHEET (Contd.)

Date	Office Notes	Orders of Tribunal
		<p>DPH VC/VR MA</p> <p>30th April 1996</p> <p><u>ORDER</u></p> <p>We are not satisfied with the grounds made out in the affidavit filed by the 2nd respondent. We find that the time granted by this Tribunal to obey and comply with the directions made is as far back as in the month of March 1995 in the O.A.s disposed of. As rightly pointed out by the petitioner's counsel, after this Tribunal granted time to the respondents in the month of July 1995 no progress has been made and the respondents were concerned only in filing Review Application, SLP, as the case may be but at the same time no order of stay having been granted by the Supreme Court at any point of time though only the contempt proceedings</p>



-10328 Cp. 97/95

Date

Office Notes (Central Administrative Tribunal) Orders of Tribunal

Administrative Tribunal

Administrative Tribunal

were stayed by the Supreme Court for two months. These events did not come in the way of the respondents to work out the modalities to comply with the directions given by this Tribunal.

Though the respondents sought for six months time on earlier occasions, in the affidavit filed by the 2nd respondent they have prayed for 10 months now to comply with the directions of this Tribunal. This only reflects <sup>on</sup> the manner and attitude of the respondents towards the order passed by this Tribunal and <sup>though</sup> we are reluctant to grant any further time, the respondents' counsel assures that if further reasonable time is granted, the respondents without seeking further time or indulgence of this Tribunal, will comply with the directions. With this assurance held out, as the respondents' counsel states, in view of the number of officers involved, at least 6 months time would be reasonable, we grant six months time finally with

# In the Central Administrative Tribunal

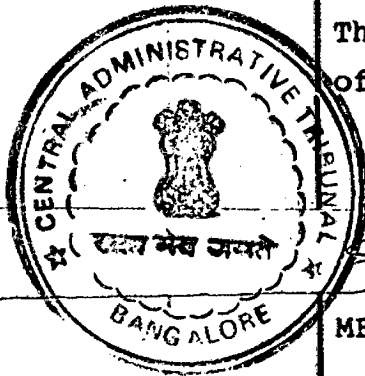
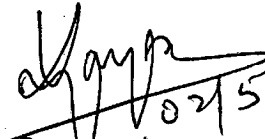
Bangalore Bench

Bangalore-11-

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Application No. CP 97/95 of 199

ORDER SHEET (Contd.)

Date	Office Notes	Orders of Tribunal
		<p>a specific understanding that in the event of the order not being complied with the concerned respondents will have to face the consequences.</p> <p>If they do not comply with as directed, the question of saddling interest may be considered along with the penal consequences that may follow for contempt. The petition is disposed of with this direction.</p>
		<p>sd- sd-</p> <p>30/4/96</p> <p>MEMBER [A] VICE-CHAIRMAN</p> <p>TRUE COPY</p> <p> 02/5/96</p> <p>Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>

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

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Application No. 1337/94 & 1364 of 199  
to 1375/94

**ORDER SHEET (Contd.)**

Date	Office Notes	Orders of Tribunal
		<p>VR(MA)/GRR(MJ) ----- Dt. 15-11-1996 M.A.NO.429/1996</p> <p>The case has come up before us today for dealing with M.A.No.429/1996 which seeks extenstion of time by three months to comply with the direction of the Tribunal in O.A. Nos. 1337/94 &amp; 1364 to 1375/94. This MA is dated 29th October, 1996. Subsequently an affidavit has been filed dated 6-11-1996 which affirms that the department had fully complied with the directions in the OAs referred to supra. In view of this subsequent affidavit, the MA No.429/96 has become infructuous and is dismissed accordingly.</p> <p style="text-align: right;">...2/-</p>





Date	Office Notes	Orders of Tribunal
		<div data-bbox="731 103 885 264">392</div> <div data-bbox="1101 206 1208 252">- 2 -</div> <div data-bbox="823 332 1501 1113"> <p>2. Smt.Meera Bai, Counsel for the applicant submits that the respondents have not fully and effectively complied with the directions of the Tribunal and the original applicants are aggrieved with the manner of the implementation of the directions of the Tribunal. If it is so the original applicants are at liberty to take appropriate action as per law.</p> </div> <div data-bbox="477 860 839 1251"> </div> <div data-bbox="777 1216 1524 1331"> <div>Sd/-</div> <div>Sd/-</div> </div> <div data-bbox="962 1331 1054 1389">M(J)</div> <div data-bbox="1339 1331 1439 1389">M(A)</div> <div data-bbox="954 1435 1185 1503">TRUE COPY</div> <div data-bbox="839 1503 1247 1802"> <div> Section Officer  Central Administrative Tribunal  Bangalore Bench  Bangalore </div> </div>