

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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

Centraupt Petition No. 30. of 1994

Dated:- 24 JUN 1994

IN

APPLICATION NUMBER:

764 of 1993

APPLICANTS: Sri. S.M. Pattanayak ^V RESPONDENTS: Sri. J.C. Lynn, IAS,
IAS, Chief Secy, Govt of Karnataka
To.

① Sri. Rajeeva Hegde, Advocate,
C/o. Sri. N. Venkatesh, Advocate,
No. 247, Indiranagar First Stage,
BANGALORE-560038.

② Sri. D.R. Rajashekharappa,
Advocate, Advocate's General's Office,
KAT Unit, ODA Complex, Indiranagar,
BANGALORE-560038.

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 14-06-94

Se Shambu
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

*By
Served
Gm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

C.P.(CIV.) APPLICATION NO.30/1994
IN O.A. NO.764/1993

DATED THIS THE FOURTEENTH DAY OF JUNE, 1994.

Mr. Justice P.K. Shyamsundar, Vice Chairman

Mr. T.V. Ramanan, Member (A)

Shri S.M. pattanaik, IAS
S/o. Late Shri Laxmidhar patnaik
residing at 1-D, HVS paradiss
21, Andree Road, Santhi nagar,
Bangalore-560 027. Applicant

(By Shri Rajeev Hegde, Advocate)

vs.

Shri J.C. Lynn, IAS
Chief Secretary to
Government of Karnataka
Vidhana Soudha
Bangalore-560 001. Respondent.

(By Shri D.R. Rajashekharappa, Advocate)

O R D E R

(Mr. Justice P.K. Shyamsundar,
Vice Chairman)

Heard both sides. This application seeks for action being taken against the Government of Karnataka for not complying with the directions of this Tribunal made while dismissing the original Application No.764/1993 disposed off on 16th/17th March, 1994. The applicant herein is Mr. pattanaik, who was also the applicant in the original application in which he complained that he had been unjustly kept under suspension by virtue of an order of suspension impugned therein. After elaborately hearing both sides, we dismissed the O.A. and

in the context affirmed the order of suspension. However, we did give a direction to the Government of Karnataka that in case the enquiry into the affairs of Shri pattanaiak, that was under way having been undertaken by the Karnataka Government was not over by the 30th April, 1994, the State Government will reinstate the officer into service but at the same time be at liberty to carry on the investigation further. In terms of that order, the investigation having been not completed by the date referred to supra, thereafter instead of reinstating the applicant, the State Government came up with a review application seeking for some directions telling us that the investigation had reached a critical stage and therefore at such a crucial moment they should not have been asked to revoke the order of suspension leading thus to undoing the work done by the investigating agency. We disposed off that review application by an order made on 10.6.1994. All this was done in the present of the learned Advocate General who then took time till today to join us with the C.P. which is now on the anvil. Learned Advocate General today produced before us 2 copies of the Government Order no.DPAR 194 SAS 93 dated 31.3.1993 which reads as follows:

" ORDER NO:DPAR 616 SAS 93, Bangalore,
Dated 10.6.1994.

Whereas Shri S.M. pattanaiak, IAS, (KTK 67) was placed under suspension under sub-rule 3 of A.I.S. (D&A) Rules, 1969, vide G.O. No. DPAR 194 SAS 93, dtd. 31.3.1993 pending investigation by the Karnataka Lokayukta in the case No.8/93 registered against him under section 13(1) (e) read with section 13(2) of P.C. Act 1988.

Whereas, Shri S.M. pattanaiak, filed an application No.764/93 before the C.A.T. Bangalore, challenging the order of suspension.

Whereas the Hon'ble C.A.T., Bangalore, by its order dated 16/17-3-1994, dismissed the said application with directions to the Lokayukta Police to conclude the investigation on or before 30.4.1994 and in case the investigation remains inconclusive by that date directed the

Government to take steps to revoke the order of suspension and reinstate the officer in service forthwith.

Whereas, it may take some more time to the investigating agency to submit the final report.

Now, therefore, in compliance with the orders of the Hon'ble C.A.T., Bangalore, and in exercise of the powers conferred under rule 3(7)(c) of the AIS (D&A) Rules, 1969, the Government of Karnataka hereby revokes the order of suspension of Shri S.M. Pattanaik, IAS, and reinstates him pending the investigation by the Karnataka Lokayukta.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF KARNATAKA

sd/-

(N. PRABHAKAR)

Under Secretary to Government, I/c.
DPAR(Services-I)

The above makes it clear that the investigation into the affairs of the officer being still incomplete, Government had taken action to continue the investigation but at the same time revoked the order of suspension that operated against the officer and had reinstated him pending continuance of further investigation.

2. However, Shri Rajiv Hegde, counsel for the applicant feels that this order is not in compliance of our direction at all and it is clear indication of Government's vindictiveness that had become more and more obvious. He points out that we had directed the Government to reinstate the officer. But inspite of that direction after taking 40 days over and above the time granted to the Government, they had come forward with an order reinstating the applicant but not giving a posting. This according to him is not compliance of our directions. We take a contrary view and take this opportunity to point out that in the course of the order, we had



not told Government to give him a posting and all that we had directed was to revoke his suspension and to reinstate him if all investigation was not over by 30th of April, 1994. Under the circumstances, the Government order which is now on record complies fully with the directions but of course the Government had taken more time than what was allowed under the order. But then we do not take any serious notice of such remissness

On the way
now that our order has been complied with we should be dispensed to take any action for contempt. For the reasons mentioned above, this Contempt Application stands rejected. No order as to costs.



Sd/-
recd
(T.V. RAMANAN)
MEMBER(A)

Sd/-
(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY

MR.

Se Banerjee
SECTION OFFICER 2ee/b
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE