

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 036.

Contempt Petition No.14 of 1995 in

Dated: **24 APR 1995**

APPLICATION NO. 1051 of 1994.

APPLICANTS: Sri.Subhodya Kudlu,

V/S.

RESPONDENTS: Sri.R.S.Nanda, IRS., Collector of Central Excise,  
Bangalore and another.

To

1. Ms.Kousalya Rani for Sri.B.P.Jayakar, Advocates,  
No.203, 'B' Wing, Second Floor, Mittal Towers,  
Mahathma Gandhi Road, Bangalore-560 001.
2. Sri.M.S.P admarajaiah, Senior Central Govt.  
Stng.Counsel, High Court Building,  
Bangalore-560001.

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

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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 Tenth April, 1995.

Issued on  
24/04/95

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

CONTEMPT PETITION NO. 14/1995  
IN  
ORIGINAL APPLICATION NO.1051/94

MONDAY, THE TENTH DAY OF APRIL, 1995

SHRI V.RAMAKRISHNAN, MEMBER (A)

Subhodya Kudlu,  
Supreintendent of  
Central Excise,  
I.D.O.,  
Davanagere. ....Complainant.

Advocate by Shri B.P.Jayakar.

Versus

1. Shri R.S.Nanda, I.R.S.,  
Collector of Central Excise,  
Queen's Road,  
Bangalore-560 001.
2. Shri V.K.Asthana, I.R.S.,  
Collector of Central Excise,  
Takke Building,  
Club Road,  
Belgaum-590 001. ....Respondents

By Shri M.S.Padmarajaiah, S.C.G.S.C.

O R D E R

Shri V.Ramakrishnan, Member (A)

1. I have heard Ms. Kousalya Rani for the complainant and Shri M.S.Padmarajaiah for the respondents and perused the reply statement filed by the Collector of Central Excise, Bangalore and Collector of Central Excise, Belgaum.

The complainant herein is aggrieved by the stand



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of the department in not transferring him back to Mangalore or to any nearby areas and alleges that the department had flouted the directions of this Tribunal in OA 974/93 disposed of on 17.3.94 and 1051/94 disposed of on 12.7.94. In OA 974/93, the applicant had moved this Tribunal praying for a direction that he should be posted in Mangalore. It appears that on his promotion, he was transferred from Mangalore to Gulbarga. The Tribunal had directed that his request for re-transfer may be considered by the department and appropriate order may be issued regarding his retransfer to Mangalore or nearby places. The applicant again approached this Tribunal in OA 1051/94 which was disposed of by this Tribunal on 12.7.94 with a direction to the department to dispose of the representation of the applicant dated 26.4.94 (where the applicant had set out his problem and requested for a transfer to Mangalore or any nearby place and for being shifted from Gulbarga) by an appropriate order.

3. I now find that the department had issued an order transferring the complainant from Gulobarga to Davanagere which, according to Shri Padmarajaiah is half way between Gulbarga and Mangalore as per the order dated 10.10.94. The learned standing counsel further draws my attention to the order of the department dated 8.11.94 as at Annexure C3 and contends that in view of the position, the department had considered the

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representation of the complainant and passed order and as such had complied with the directions of this Tribunal and there is no contempt. Ms. Kousalya Rani, however, does not agree and argues that the direction of this Tribunal was that the complainant should be posted either at Mangalore or some nearby place. She further submits that some others, on their promotion have been posted either to Mangalore or to Udupi and the complainant could have been considered for such posting instead of being sent to Davanagere.

4. The direction of this Tribunal was that the department should consider the request for re-transfer and issue appropriate order regarding re-transfer to Mangalore or any nearby place. The department had since considered the representation and issued orders, which according to them is appropriate in the circumstances of the case. As such I do not find that the department had committed any contempt or flouted the directions of this Tribunal. If the complainant is still aggrieved with the orders of the department on his representation, the same cannot be agitated by means of a contempt petition.

5. In the circumstances, I find no merit in the contempt petition and the same is dropped and the alleged contemners are discharged.



**TRUE COPY**

*[Signature]*  
24/4/95  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore

*Sd/-*  
19/4/95  
(V. RAMAKRISHNAN)

MEMBER (A)