

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

(R)

CONTEMPT PETITION NO.42 OF 1989

- in

O.A. No. 287 of 1989

Date of order: 21.9.90

Between

C.K.Ramanatha Chetty

... PETITIONER/
Applicant

A n d

Br. R.P.Singh

Director, Central Research Institute
for Dryland Agriculture (Indian
Council of Agricultural Research),
Santoshnagar, Hyderabad-500 659.

... RESPONDENT/
Respondent-1.

Appearance:

For the applicant : Mr. K.Lakshminarasimha, Advocate

For the Respondent : Mr. N.Bhaskara Rao, Addl.CGSC

CORAM:

The Hon'ble Mr. D.Surya Rao, Member (Judicial)

and

The Hon'ble Mr. R.Balasubramanian, Member (Admn.).

(ORDER OF THE BENCH DELIVERED BY THE HON'BLE
MR. D.SURYA RAO, MEMBER (JUDICIAL)).

The applicant herein has filed this Application
to punish the Respondent for contempt of court for non-
implementation of the order of this Tribunal dated 2-6-1989
passed in O.A.No.287/89.

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2. The applicant has filed O.A.No.287/89 claiming that in the absence of the Director, Central Research Institute for Dryland Agriculture, Hyderabad, he ought to have been placed in-charge of the Institute in terms of the instructions contained in Rule-2, Chapter-5 of the Instructions relating to postings and transfers, training, etc. of I.C.A.R. This Tribunal while disposing of the O.A. has held that the application was infructuous in that the period for which the applicant was seeking to be placed in-charge of the Institution was over. The Tribunal further held that in so far as the future action is concerned, the Director was liable to act strictly in accordance with Rule-2 of Chapter-5 of the ICAR Rules. With this observation, the O.A. was disposed of. The applicant alleged that inspite of receipt of this judgment, the Respondent^{has} once again gone abroad to Canada from 10-6-89 to 26-6-89 and during this period it was the duty of the Respondent to appoint the applicant as in-charge Director. Instead of doing so, the Respondent, with a reckless attitude, by order dated 9-6-89 once again appointed one Mr.B.V.Ramana Rao who is junior to the applicant, as in-charge of the Institute. The Respondent has done this in violation of the directions of the Tribunal. The applicant has also sent representation to the Director General, ICAR, New Delhi but no action has been taken. The Respondent has again proceeded abroad for U.S.A. from 14-10-89 to 22-10-89. On this occasion also he did not follow the order of the Tribunal and did not appoint the applicant as in-charge Director. It is finally stated that the Respondent has once again proceeded on tour from 22-10-89 till 29-10-89 but he has not chosen to appoint anyone as in-charge Director. He, therefore, filed the present Contempt Petition.

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To

- ✓ 1. Dr.R.P.Singh, Director, Central Research Institute for Dry land Agriculture (Indian Council fof Agricultural Research), Santoshnagar, Hyderabad-500659.
- ✓ 2. One copy to Mr.K.Lakshminarayanan, Advocate, 16-11-20/13, Saleemnaga r-2, Hyderabad-500036.
3. One copy to Mr.N.Bhaskara Rao, Addl.CGSC, CAT, Hyderabad.
- ✓ 4. One spare copy.

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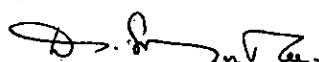
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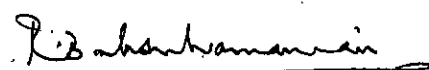
3. A counter has been filed on behalf of the Respondent denying that the applicant is the senior-most Principal Scientist in the Institution. It is further represented that if there are more than two principal scientists occupying similar positions, then it would be open to the Director to identify two of them and place one of them as in-charge of the post of Director and that this has been noted by the Tribunal while disposing of the O.A.No.287/89. The counter states that the Respondent has accordingly followed the instructions and appointed Sri B.V.Ramana Rao as in-charge when on deputation to Canada from 10-6-89 to 26-6-89. So far as the period from 23-10-89 to 29-10-89 is concerned, it is stated that this was the period of tour by the Director on official duty and hence the guidelines in Rule-2 of Chapter 5 of the ICAR Rules nor the observations of the Tribunal in O.A. 287/89 have any bearing. Other contentions were also raised in the counter.

4. The applicant filed a rejoinder/reply to the counter filed by the Respondent.

5. The applicant was represented by Sri K.Lakshminarasimha, Advocate and the Respondent by Sri N.Bhaskara Rao, Additional Standing Counsel for the Central Government.

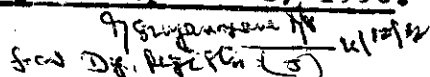
6. During the pendency of the application, it was brought to our notice that the Respondent has been relieved on superannuation retirement and he had handed over the charge of the post of the Director to the applicant herein. In these circumstances, it has become unnecessary for us to go into the rival contentions and determine whether any contempt has been committed. The Application is disposed of accordingly. No costs.


(D.Surya Rao)
Member (J)


(R.Balasubramanian)
Member (A)

Dated: 21st day of September, 1990.

mhb/


for Dy. Secy (C) (S)

CHECKED BY *MB*

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR. B.N. JAYASIMHA : V.C.~~

AND

THE HON'BLE MR. D. SURYA RAO : MEMBER (J)

AND

~~THE HON'BLE MR. J. NARASIMHA MURTY : M(J)~~

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

DATE: 21.9.90

ORDER/JUDGMENT:

~~M.A./R.A./C.A./No.~~ 42/90 in

~~P.A.No.~~

~~W.P.No.~~

O.A.No. 287/89.

Admitted and Interim directions issued.

Allowed.

Dismissed for Default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.

