

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD
HYDERABAD BENCH

Contempt Petition No. 119 of 1996

in

M.A.No.464 of 1996

in

O.A.No.201/92

Between

S.Venkatesam,
s/o.Sri S.Rama Krishna,
aged about 45 years,
working as SDOP(S) Musheerabad,
% General Manager, Telecom
Hyderabad.

.. Applicant.

and

1. Union of India rep. by its
Secretary, Ministry of Communi-
cations, Depart., of Telecom
Govt. of India, New Delhi.

2. Sri A.V.Gokak,
Chairman,
Telecom Commission,
Ministry of Commissions Dept.,
Telecommunications, Sanchar Bhavan,
New Delhi.

3. Sri P.S.Saran,
Director General Manager,
Telecommunications,
A.P., Hyderabad.

.. Respondents.

4. Sri.M.V.Bhaskar Rao, Chief General Manager,
Telecommunications, A.P. Hyderabad.

A F F I D A V I T

I, S.Venkatesam, son of Sri S.Rama Krishna, aged
about 45 years, working as SDOP(S) Musheerabad,
% General Manager Telecom., Hyderabad, do hereby solemnly
affirm and state as follows:-

1. I am the petitioner herein and I am well acquainted
with the facts of the case.

2. The brief facts leading to file this contempt
petition is as under:-

3. The applicant is presently working in the respondents office. He is filed O.A.No.201/92 which was allowed by this court on 12.3.92 directing the respondents to extend the benefit of the judgment delivered by the CAT on 7.6.91 in OA.1599/87 and batch to the applicants herein also. The applicant shall be deemed to have been promoted with effect from the date prior to the date of promotion of any person who passed departmental examination subsequent to the applicants and their seniority to be revised in TES Group B cadre. The applicants shall also be entitled to refixation of the pay with effect from the said date. This order shall be implemented within six months from the date of receipt of the order.

On similar lines a batch of O.As were allowed by this court. Further the above judgment was given in terms of batch of OAs filed in the Principal Bench of Delhi. The respondents are filed SLP. before the Supreme Court of India it was dismissed. Despite the applicant filed MA.No.464/96 ~~in~~ which was allowed on 1.8.96 by Hon'ble R.Rangarajan, Admn.Member directing the respondents to implement the judgment before 31.8.96. Further in another identical C.P. No.18 to 21/93 and batch this Hon'ble Court consisting of Hon'ble Mr.Justice V.Neeladri Rao, Vice Chairman and Hon'ble Mr.A.B.Gorthi, Member (Admn.) as once again directed the government to pay arrears etc., in terms of the Supreme Court judgment before 31.4.96. Since that was also not implemented another C.P.50/96

was filed in this court, wherein Hon'ble Justice M.G.Choudhary Vich Chairman and Hon'ble Sri H.Rajendra Prasad, Admn. Member directed the respondents to pay arrears etc., within 2 months, vide order dated 29.8.96 . That period expired on 7.11.96. In the meanwhile the department was filed SLP. against the judgment and order dated 5.1.96 before the Supreme Court of India which was dismissed by the Supreme Court on 23.10.96. Now the respondents have issued Memo dated 6.11.96 implementing the judgment of this court in so far as applicants therein were concerned. The department is implementing only such of those cases wherein C.P. are filed. This case is also an identical case but yet we are not paid the arrears etc., as per the judgment of this court. This is a gross and wilful contempt committed by the respondents, they have got no respect for the orders of this court.

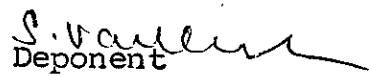
Therefore the contempt petition is within limitation.


For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to punish the respondents for non compliance of the orders of this court in M.A.464/96 in OA.No.201/92 dated 1.8.96 rendered by Sri.R.Rangarajan, Member (Admn) under Section 17 of the Administrative Tribunals Act, 1985 and read with Section 10 to 12 of Contempt of Courts Act, 1971 and pass such other order or orders as deem fit and proper.

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Pending disposal of the C.P. the petitioners humbly pray that this Hon'ble Court may be pleased to direct the respondents to immediately pay the arrears of the salary etc., to the petitioners and promote the applicant with retrospective as Asst. Engineer with all consequential benefits including further promotions etc., from the date prior to the date of promotion of persons who have passed the qualifying examination TES. Group B and to pass appropriate orders.

Solemnly affirmed and signed
on this the 12 day of November, 1996
at Hyderabad.


Deponent

Before me

Advocate, Hyd.

Filed under Section 17 of A.T.Act 1985 read with Central Administrative Tribunal (Contempt of court) Rules.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: AT HYDERABAD

HYDERABAD BENCH

Contempt Petition No.

of 1996

in

M.A.No.464 of 1996

in

O.A.No.201 of 1992

Between

S.Venkatesam,
s/o.Sri S.Rama Krishna,
aged about 45 years,
working as SDOP(S) Musheerabad,
% General Manager, Telecom
Hyderabad.

.. Petitioner

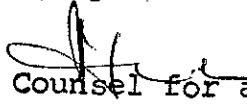
and

1. Sri.
~~Union of India rep. by its~~
~~Secretary, Ministry of Communi-~~
~~cations, Dept., of Telecom~~
~~Govt. of India, New Delhi.~~
2. Sri A.V.Gokak,
Chairman,
Telecom Commission,
Ministry of Commissions Dept.,
Telecommunications, Sanchar Bhavan,
New Delhi.
3. Sri P.S.Sarna,
Director General Manager,
Telecommunications,
A.P., Hyderabad.
4. M.V.Bhaskar Rao,
Chief General Manager,
Telecommunications,
A.P., Hyderabad.

.. Respondents.

The address for services of notices etc., of the applicants is that of their counsel M/s.K.Lakshminarasimha, LL.M. and P.Lakshmana Rao, Advocates H.No.16-11-20/13, Saleem Nagar-3, Hyderabad-36.

For the reasons stated in the accompanying affidavit the applicants humbly pray that this Hon'ble Court may be pleased to initiate contempt proceedings against the respondents for non compliance of the orders of this court in MA.464/96 in OA.201/92 dated 1.8.96 rendered by Hon'ble Sri.R.Rangarajan, Member Admn., and punish the respondents under Section 17 of the Administrative Tribunals Act, 1985 read with Sec. 10 to 12 of the Contempt of Courts Act, 1971 and pass such other order or orders as deem fit and proper and consequently pending disposal of the C.P. the applicant humbly prays that this Hon'ble Court may be pleased to direct the respondents to pay the arrears etc., as per the judgments rendered in O.A.No.201/92 dated 12.3.92 and further ordered vide MA.464/96 in OA.201/92 dated 1.8.96 rendered by Hon'ble Sri.R.Rangarajan, and promote the applicant with retrospective as Asst. Engineer with all consequential benefits including further promotions etc., from the date prior to the date of promotion of persons who have passed the qualifying examination, TES Group B and pass such other order or orders as deem fit and proper.


Counsel for applicant.

Hyderabad.

12.11.96.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

M.A.No.464/96 in

O.A.No.201/92

Date of Order.1.8.96

Between

S.Venkatesam

.. Applicant

and

1. Union of India rep. by its Secretary, Ministry of Communications, Dept., of Telecom Govt. of India, New Delhi.
 2. Chairman, Telecom Commission, Ministry of Communications Dept., Telecom. Sanchar Bhavan, New Delhi-110 001.
 3. Director General, Telecom. New Delhi-110001.
 4. Chief General Manager, Telecom, A.P., Hyderabad.
- .. Respondents.

Counsel for the Applicant: Mr.K.Lakshmi Narasimha
Counsel for the respondents : Mr.N.R.Devraj.

CORAM

HON'BLE SHRI R.RANGARAJAN: MEMBER (ADMN).

O R D E R

(Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn))

Heard Mr.K.Lakshmi Narasimha, learned counsel for the applicant and Mr.Satyanarayana for Mr.N.R.Devraj, learned standing counsel for the respondents.

The applicant in this OA. has filed this MA for implementation of the judgment in the OA. dated 12.3.92.



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Notice was issued on 1.7.96 and it is posted today for further hearing. Even today the learned standing counsel was not able to get any information. Hence the MA is ordered as follows:-

3. The judgment should be implemented on or before 31.8.96. MA is ordered accordingly.

sd/-
Court Master.

//true copy //

A handwritten signature in black ink, consisting of a stylized 'A' or 'H' shape followed by a horizontal line.

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to give the benefit of Judgement in OA.603 and 605 of C.A.T. Ernakulam Bench and OA.1599/87 and batch of Principal Bench of the C.A.T. dated 7.6.1991 to the applicants herein also with a direction that they shall be deemed to have been promoted with effect from the date prior to the date of promotion of any person who passed departmental examination subsequent to the applicants and their seniority be revised in TES Group 'B' cadre by refixing their pay with effect from the respective dates with all consequential benefits and to pass such other order or orders as are deemed fit and proper in the circumstances of the case.

2. OA.Nos.1599/87, 1125/88, 1673/87, 2141, 2139/88, 1597 & 1671/87 had been filed before the C.A.T., Principal Bench, New Delhi by the applicants who are similarly placed in all respects. The applicants in their present OA for the very same reliefs the applicants have prayed for in the present OA. The Principal Bench as per the Judgement dated 7.6.91 had allowed all the said OAs by giving appropriate directions. As against the said Judgements the department (Respondents herein) carried the matter in appeal by filing Special Leave Petitions to the Supreme Court. The Supreme Court as per its orders dated 6.1.1992 dismissed the S.L.Ps after observing as follows:-

"These Special Leave Petitions are directed against the judgement of the Central Administrative Tribunal, Principal Bench, Delhi dated June, 7, 1991. The Principal Bench has followed the Judgement of the Allahabad High Court in Writ Petitions 2739 and 3652 of 1981 decided on February, 20, 1985. SLP (C) Nos.3384-86/86 against the Judgement of the Allahabad High Court have already been dismissed by this Court on April 8, 1986. We see

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.201/92

Date of Order: 12-3-1992.

BETWEEN:

1. R.Balakrishna Rao
2. S.Venkatesam
3. P.Purnachandra Rao
4. M.Ramachandraiah
5. M.Chamundaiah
6. T.Subba Rao.

.. Applicants.

A N D

1. Union of India,
rep. by its Secretary,
Ministry of Communications,
Dept. of Telecommunications,
Govt. of India,
New Delhi - 110 001.
2. Chairman, Telecom Commission,
Ministry of Communications Dept.,
Telecommunications, Samachar Bhavan,
New Delhi -110 001.
3. Director-General,
Telecommunications,
New Delhi - 110 001.
4. Chief General Manager,
Telecommunications,
A.P., Hyderabad.

.. Respondents.

Counsel for the Applicants

.. Mr.G.Bikshapathy

Counsel for the Respondents

.. Mr.M.Jaganmohan Reddy, Jd
Case

CORAM:

HON'BLE SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Division Bench delivered by

Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)).

contd...2

So, in view of the undertaking given by the respondents herein in the said Contempt Petitions before the C.A.T., We are of the opinion that the interests of the Justice would be met by deciding this OA by giving the very same directions that were given by C.A.T., Principal Bench in the Judgement dated 7.6.1991 in OA.1599/87 and batch.

4. In the result we direct the respondents to extend the benefit of the Judgement delivered by the C.A.T. on 7.6.1991 in OA.1599/87 and batch to the applicants herein also. The applicants shall be deemed to have been promoted with effect from the date prior to the date of promotion of any person who passed departmental examination subsequent to the applicants and their seniority to be revised in TEE Group 'B' cadre. The applicants shall also be entitled to refixation of the pay with effect from the said date. This order shall be implemented within six months from the date of receipt of the order. The application is thus disposed of at the admission stage itself with no order as to costs.

CERTIFIED TO BE TRUE COPY

Date.....27/12/92

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

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Date	27/12/92
Date	12/13/92
Date	31/12/92

sd (U)

To

1. The Secretary, Union of India, Ministry of Communications, Dept. of Telecommunications, Govt. of India, New Delhi.
2. The Chairman, Telecom Commission, Ministry of Communications Dept., Telecommunications, Samachar Bhavan, New Delhi-1.
3. The Director-General, Telecommunications, New Delhi-1.
4. The Chief General Manager, Telecommunications, A.P. Hyderabad.
5. One copy to Mr. G. Bikshapathy, Advocate, CAT, Hyd.
6. One copy to Mr. M. Jagannathan Reddy Addl. CGSC, CAT, Hyd.
7. One spare copy.

pvm.