

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

(J2)

D.A. 27/94. Dt. of Decision : 9-8-1994.

Mr. S.B. Ramesh

.. Applicant.

Vs

1. Ministry of Finance,
Govt. of India,
Represented by the Chairman,
Central Board of Direct Taxes,
Ministry of Finance,
Govt. of India, New Delhi.
2. Director of Income Tax
(Investigation) Aaykarbhavan,
Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. S.B. Ramesh,
(Party-in-person)

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

6. Now that the Disciplinary Authority himself held that the charge as against the applicant, that he violated Rule 21(2) of the CCS(Conduct) Rules, 1964, has not been established and that what is proved is, violation of Rule 3(1)(iii) of CCS(Conduct) Rules, on account of his conduct unbecoming of a Government servant in that, he was guilty of adulterous conduct since, he has been living with Smt K.R.Aruna and has begotten children ~~in her~~ during the subsistence of a valid marriage between him and Smt Anasuya, we have to see whether the challenge to the finding that he is guilty of this limb of the charge has any merit.

7. The applicant, who ~~was present~~ in person, that, argued ~~with~~ before going into the question, whether the allegations were true or not, it has to be first considered whether his conduct, as a private individual, outside office hours would render him liable for disciplinary action under CCS(Conduct) Rules. According to him, Rule 3(1)(iii) enjoins on a Government servant to always maintain absolute integrity and devotion to duty and not to behave ~~in~~ in a manner unbecoming of a Government servant, thereby meaning, that his actions as a Government servant, should be in conformity with his position as a Government servant. His private conduct and character is outside the purview of service rules and according to the applicant, it is not open for the department to initiate action for his private conduct which may seem to be at variance with the moral principles held by his superiors.

8. Shri V. Bhimanna, learned Central Government Standing Counsel, on the other hand contended that a Government servant is expected to maintain a fairly good standard of morality and if he conducts himself in the

finding and by his order dated 23.04.1992, held the applicant guilty of the second part of the charge. and imposed on him the punishment of compulsory retirement from service. Aggrieved by this, the applicant preferred an appeal on 04.06.1992 which was not disposed of by the Competent Authority. It was, under Appellate these circumstances, that the applicant has filed this application assailing the impugned punishment order dated 23.04.1992.

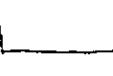
3. It has been alleged in the application that the charge has been foisted on him, as a measure of revenge at the behest of directly recruited officers as the earlier charges could not be established. The applicant assailed the impugned order mainly on the grounds that the Enquiry has not been held in conformity with the principles of natural justice, as much as he has not been given adequate opportunity to defend himself and that the findings of the Enquiry authority, which was accepted by the Disciplinary Authority, that the applicant exhibited a conduct, unbecoming of a Government servant is absolutely perverse and based on no evidence or on evidence which cannot be received on record, in accordance with law.

4. The respondents in their reply statement seek to justify the impugned order on the ground, that the penalty was imposed as the guilt of the applicant was established by co-gent and convincing evidence in the inquiry which was held affording reasonable opportunity to defend himself, though ^{the} ~~the~~ ^{applicant} did not make use of the opportunity.

5. We have, with meticulous care, gone through the pleading in the case and have also heard the arguments of the applicant, who was present ~~in~~ in person as also that of Shri V. Bhimanna, learned Central Government Standing Counsel for the respondents. We have also gone through the file relating to the proceedings of the inquiry, made available for our perusal by the learned Central Government Standing Counsel.

(5)

turned out of the post unless the post itself is abolished or unless he is guilty of misconduct ~~or~~ negligence or inefficiency or other disqualifications and appropriate proceedings are taken under the Service rules read with Article 311(2). However, that does not mean that the Government could have no right to control the conduct of its servants to a certain extent even in private life or ~~other~~ that Government servants could under no circumstances will be answerable to Government for an act not connected with their official duties unless it is punishable by law."

In Charansingh vs Union of India and others, the Tribunal held that Shri Charan Singh was rightly proceeded against, for the misconduct on the allegation that he exhibited conduct unbecoming of a Government servant by sending pseudonymous complaints against an unmarried girl young enough to be his daughter and of abusing the judicial machinery by getting fictitious complaints ~~leged~~ lodged against her in a criminal court. 

We are in respectful agreement with the view taken by the Kerala High Court in Natrajan's case as also with the view taken by the Principal Bench of the Central Administrative Tribunal that, if Government servant's conduct though not directly in connection with the discharge of his duties, involves moral turpitude thereby making the conduct unbecoming of a Government servant, disciplinary proceedings against such a Government servant can be taken. The Supreme Court in AIR 1967 SC 1274 Govinda Menon Vs Union of India, observed as follows:

"In our opinion, it is not necessary that a member of the service should have committed the alleged act or omission in the course of discharge of his duties as a servant of the Government in order that, it may ~~form~~ form the subject matter of disciplinary proceedings. In other words, if the act or omission ~~or~~ is such as to reflect on the reputation of the officer for his integrity or good faith or devotion to duty, there is no reason

society in a manner not conforming to the Standard of morality and which is expected of him, it is always open to the disciplinary authority to take action against him. On this point, Shri V. Bhimanna, invited our attention to a ruling of the Kerala High Court in Natrajan Vs Divisional Superintendent, Southern Railway and others reported in 1976 Lab. IC 363 and also a ruling of the Principal Bench of the Central Administrative Tribunal in Charan Singh Vs Union of India and others reported in ATR 1989(1) CAT 656. In Natrajan Vs Divisional Superintendent of Railways and others, it was observed as follows:

" What we have to consider here is, whether the provisions in Rule 3 of the Railway Services(Conduct) Rules, which says that every railway servant shall at all times maintain absolute integrity, maintain devotion to duty and do nothing which is unbecoming of a railway or Government servant is bad on the basis of the Calcutta decision. It might be stated here that it may not be correct to state that a Government servant is not answerable to Government for misconduct committed in his private life, as long as, he is a Government servant. The result ~~be-the~~ of such a contention being accepted would be that however responsible or abominable a Government servant's conduct in his private life may be the Government will be powerless to dispense with his services unless and until he commits a criminal offence or commits an act which is specifically prohibited by the conduct rules. It might clothe Government servants with an immunity which would ~~place~~ place the Government in a position worse than that of an ordinary employer. The power of the State to dispense with the services of any Government servant though hedged with safeguards contained in Article 311 and other constitutional provisions is a real one. No doubt as pointed in Dhingra's case (AIR 1958 SC 36) where a person is appointed substantively to a permanent post in Government service he normally acquires a right to hold the post until under the rules, he attains the age of superannuation or is compulsorily retired, and in the absence of a contract express or implied, or a service rule, he cannot be

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10. The learned counsel for the respondents on the other hand, argued that the ex-parte enquiry was held as the applicant did not choose to participate in the inquiry though he was given notice there of and that, the Enquiry Officer has relied on the statement of Smt KR Aruna recorded by the witness who was examined as SW-1 and on other documents collected during the course of investigation and that, therefore there is no basis for the contention that the finding of the Enquiry Authority is based on no legal evidence or that, it is perverse.

11. Ex-parte Enquiry was held on 18.6.1991. Details regarding the ex-parte enquiry are available in the departmental file No. Con/54/87/F0/89 which was made available for our perusal by Shri V. Bhimanna. Page 94 contains the deposition of Shri M. Sarvothama Reddy, Deputy Director, Income Tax (Vis.) Madras, who was examined as the only witness in support of the charge. It will be worthwhile to extract his deposition in its entirety which is very brief.

" I was working as Asst. Director of Inspection (Investigation), Madras, in August, 1986. I participated in a search operation under Section 132 of the Income Tax Act in the premises occupied by Smt K.R. Aruna in Flat No.1, 1st Floor, Ramakrishna Sharda Apartments, Phase-II, Hyderabad, as the authorised officer. The sworn statement marked as Ex.S-1 of Smt K.R. Aruna dated 4.8.1986 is shown to me and I affirm that the statement was recorded in my presence during the course of search operation on 4.8.1986. In the above statement Smt Aruna Voluntarily stated that she is the wife of Shri S.B. Ramesh, ITO. She also categorically stated that all her expenses towards the maintenance of the family were met by Shri S.B. Ramesh. In her statement she stated that her son was studying in

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why disciplinary proceedings should not be taken against him for that act or omission even though the act or omission relates to an activity in regard to which there is no actual master and servant relationship."

In the light of the above said legal position, reflected in the Judgements cited above, we are of the considered view that the arguments advanced by the applicant that for a conduct, which has no relation to the discharge of official duties, a Government servant cannot be proceeded against departmentally, ~~as~~ has no merit.

9. The applicant argued that the findings of the Enquiry Authority ~~has~~ which has been accepted by the Disciplinary authority that the applicant has been guilty of adulterous conduct and that, he has been living in continued cohabitation with Smt K.R. Aruna and had begotten children in her is absolutely perverse and is not based on any evidence which can be legally accepted. He further argued that the Enquiry authority as well as, the Disciplinary authority have based their findings on presumptions, suspicions and conjunctions drawn on the basis of the materials collected behind his back ~~xxxxxx~~ not in accordance with the due process of law and, therefore, the findings being not supported by legal evidence has to be struck down as perverse. He has also argued that the Enquiry Authority has gone wrong in not questioning him ~~in~~ after the evidence ~~in~~ support of the charge was taken and in relying on certain documents called for ~~him~~ for the purpose of his defence, without getting these documents marked in accordance with law, or, ascertaining his views as to whether he wanted any of these documents to be exhibited as evidence ~~on his side.~~ Hence, the applicant argues that the finding is totally perverse and is liable to be set aside.

has been lost sight of by the Enquiry authority. The learned counsel for the respondents argued that as the inquiry itself was held ex-parte as the applicant did not appear in response to ~~the~~ notice, it was not possible for the Enquiry authority to question the applicant. This argument has no force because, on 18.6.91 when the inquiry was held for recording the evidence in support of the charge, even if the Enquiry officer has set the applicant ex-parte and recorded the evidence, he should have adjourned the hearing to another date to enable the applicant to participate in the enquiry thereafter/or, even if the inquiry authority did not choose to give the applicant ~~an~~ an opportunity to cross-examine the witness examined in support of the charge, he should have given an opportunity to the applicant to appear and then proceeded to question him under sub-rule 18 of Rule 14 of CCS(CCA)Rules. The omission to do this is a serious error committed by the enquiry authority. Secondly, we notice that the enquiry authority has marked as many as 7 documents in support of the charge, while SN-1 has proved only one document of Smt K. R. Arora, namely, the statement/alleged to have been recorded in his presence. ← → How the other documents were received in evidence are not explained either in the report of the enquiry authority or in the proceedings. Even if the documents which were produced along with the charge sheet were all taken on record, unless and until the applicant had requested the enquiry officer to mark certain documents in evidence on his side, the enquiry authority had no justification in marking all those documents which he had called for for the purpose of defending himself on the side of the applicant while he has not requested for marking of these documents on his side. It is seen that some of these documents which is marked on the side of the defence not at the ~~x~~ instance of the applicant, has been made use of by the enquiry authority to reach a finding against the applicant.

St.Paul's Boys High School, Hyderabad and the daughter was studying in St.George Grammar School, Gunfoundry, Hyderabad at the time of search operation.

Cross examination: Nil as CO was not present."

The proceedings of inquiry on 18.6.1991 which is ~~available~~ available at Page 92 of the file reads as follows:

"New Delhi
18.6.1991

Present: Sh.B.Ramakotaiah - PO

The CO is not present, nor has any information been received despite the notice for the hearing having been sent to him well in advance by Registered post. Therefore, after waiting till 11 a.m. it was felt that no purpose would be served in waiting further and it was decided to hold the hearing ex-parte.

7 prosecution documents were marked as Ex.S.1 to Ex.S.7. 5 defence documents as requested by the CO and allowed were marked as Ex.D-1 to Ex.D.5. One prosecution witness was examined as SW-1 and the case of the prosecution was closed. There was no defence case as the proceedings were conducted ex-parte.

The PO should file his brief latest by 25.6.1991 and should send a copy to the CO by registered post. On receipt of this, the CO should file his brief with the IO latest by 5.7.91. This time table should be followed failing which the inquiry report will be finalised without considering the brief. Copy of the deposition given to the PC.

A copy of this order sheet and deposition should be sent to the CO for his information and compliance."

After these proceedings on 18.6.91, the Enquiry officer has only received the brief from the PO and then finalised the report. This shows that the Enquiry Officer has not attempted to question the applicant on the evidence appearing against him in the proceedings dated 18.6.91. Under Sub Rule 18 of ~~the~~ Rule 14 of the CCS(CCA)Rules, it is incumbent on Enquiry authority to question the officer facing the charge broadly on the evidence appearing against him in a case where the officer does not offer himself for examination as a witness. This mandatory provision of the CCS(CCA) Rule

12. The Disciplinary Authority has in paragraph 9 of his impugned order of punishment, stated as follows:

" The second marriage of Shri Ramesh with Smt K.R.Aruna and their relationship was sought to be proved with the help of the following documents introduced by the Presenting Officer:

- i) Statement of Smt KR Aruna recorded under oath during the search operations under Section 132 of Income Tax Act in August, 1986 wherein, she has stated that she was married to Shri Ramesh since 1980 and he is the father of her two children.
- ii) The birth certificates issued by the Municipal Corporation of Hyderabad in respect of Baby Mridula alias Aruna Kumari and Master Arun Kumar Babu wherein the name of father is mentioned as "S.B.Ramesh" and another's name is mentioned as "KR Aruna." These children were born in Seetharam Nursing Home, Hyderabad on 2.2.1983 and 25.8.1981 respectively and the counter-foil of the Nursing Home's records show the parents' name as SB Ramesh and KR Aruna. It may be pointed out here that the Inquiry Officer in his report on Page 4, has erroneously mentioned the dates of birth as 7.2.1983 and 4.9.1981 (instead of 2.2.1983 and 25.8.1981) - The dates mentioned by the Inquiry Officer are in fact the dates of registration of births in the Municipal record. Anyhow, the evidence that the parents' names, both in the Municipal records and the records of Nursing Home are mentioned as SB Ramesh and KR Aruna.
- iii) In the school/admission forms of the above mentioned two children, the name of the father is mentioned as "SBR Babu" which is nothing but an alias for SB Ramesh. To support this view, the presenting officer showed that the address and the telephone number mentioned in the admission forms are that of the charged officer, viz., Shri SB Ramesh. It was further showed that the signatures on the admission forms closely resemble the signatures of Shri SB Ramesh available on record and that the admission form was filled by Shri Ramesh in his own handwriting. The presenting officer has contended that the name "SBR Babu" mentioned in the admission forms closely resembles the name of the charged officer i.e. "SB Ramesh". It was also pointed out that the caste of both the children in the admission form is mentioned as "S.C." which is the same caste of the charged officer. Smt KR Aruna does not belong to "SC."
- iv) In the nomination form filed by Shri SB Ramesh for the purpose of Central Government Employees' Insurance Scheme, Shri Ramesh himself has listed both Smt Anasuya and Smt KRAruna as his "wife" and indicated that they are entitled to 50% share in the Insurance Scheme.
- v) The Presenting Officer has also sought support from the decision of the Hon'ble Supreme Court in AIR 1952 SC 231 wherein it was mentioned that continuous co-habitation as husband and wife may raise a presumption of marriage. Further, the Presenting Officer has cited the Judgement in AIR 1969 CAL 55 wherein it was held that when a man and woman are recognised by people as husband and wife, a marriage is presumed.

This has been accepted by the disciplinary authority also. We are of the considered view that this is absolutely irregular and has prejudiced the case of the applicant. These documents, which were not proved in accordance with law should not have been received in evidence and that, any inference drawn from these documents is misplaced and opposed to law. We further find that the enquiry authority as well as, the disciplinary authority have freely made use of the statement alleged to have been made by Smt KR Aruna in the presence of SW 1 and it was on that basis that they reached the conclusion that the applicant was living with Smt KR Aruna and that, he was the father of the two children of Smt KR Aruna. The SW1 in his deposition which is extracted above, has not spoken to the details contained in the statement of ~~feet~~ Smt KR Aruna which was marked as Ex.1. Further, it is settled law that any statement recorded behind the back of a person can be made use of ⁱⁿ ~~as~~ ~~inst him~~ in a proceeding unless the person who is said to have made that statement is made available for cross-examination, to prove his or her veracity. The disciplinary authority has not even chosen to include Smt KR Aruna in the list of witnesses for offering her for being cross examined for testing the veracity of the documents exhibited Ex.1 which is said to be her statement. Therefore, we have no hesitation in coming to the conclusion that the enquiry authority as well as, the disciplinary authority have gone wrong in placing reliance on Ex.1, which is the alleged statement of Smt KR Aruna without offering Smt KR Aruna as witness for cross-examination. The applicant's case is that the statement was recorded under ~~coercion~~ and duress and the finding based on this statement is absolutely unsustainable as the same is not based on legal evidence. The other documents relied on by the Enquiry authority, as well as by the disciplinary authority for reaching the conclusion that the applicant and Smt KR Aruna were living together and that, they have begotten two children have been not proved in the manner in which they are required

or for making proper defence. However, unless the servant Government wanted this document to be exhibited in evidence, it was not proper for the Enquiry Authority to exhibit it and to rely on it for reaching the conclusion against the applicant. Further, an inference that S.B.R Babu mentioned in the school records (admission registers and S.B.Ramesh mentioned in the ~~Municipal~~ Municipal Records was the applicant, on the basis of a comparison of the hand-writing or signature or telephone numbers: are only guess ~~work~~ work, which do not amount to proof even in a disciplinary proceedings. It is true that the degree of proof required in a departmental disciplinary proceeding, need not be of the same standard as the degree of proof required for establishing the guilt of an accused in a criminal case. However, the law is settled now that suspicion, however strong, cannot be substituted for proof even in a departmental disciplinary proceeding.
Viewed in this perspective, there is a total dearth of evidence to bring home the charge that the applicant has been living in a manner unbecoming of a Government servant or that, he has exhibited adulterous conduct by living with Smt KR Aruna and begetting children.

13. There is no case for the disciplinary authority that Smt KR Aruna is a woman married to somebody else. Under these circumstances, even if it is established that the applicant had lived ~~with~~ Smt KR Aruna, or even cohabited with her, it can not be said that the relationship is adulterous. To make such a relationship adulterous, a man should have had sexual relationship with another woman, who is legally wedded wife of another person. Therefore, there is no basis for the conclusion of the Enquiry authority and that of the Disciplinary authority that the applicant was guilty of adulterous conduct.

On the basis of the above cited grounds, the Enquiry Authority has in Paragraph 13 of the impugned order stated as follows:

" Coming to the second limb of the article of charge that Shri SB Ramesh has exhibited conduct unbecoming of a Government servant by living with Smt KR Aruna and having two children by her, the inquiry officer has given a finding that this part of the charge is proved. The finding of the enquiry officer is backed by strong evidence put forth by Presenting Officer which has already been discussed in paras 9(i) to 9(v) of this order. Shri SB Ramesh did not choose to either challenge this charge or rebut the evidence adduced in support of this charge. The evidence approved by the Inquiry Officer is sufficiently strong to conclusively ~~prove~~ prove adulterous conduct on the part of Shri SB Ramesh. I also agree with the Inquiry Officer that the conclusive evidence of adulterous conduct of Shri SB Ramesh would have provided sufficient grounds to his first wife, if she had so desired, for judicial separation or even divorce under the Hindu Marriage Act. However, that may be, even the conduct of Shri SB Ramesh, definitely amounts to moral turpitude and hence, I have to hold he has conducted himself in a manner unbecoming of a Government servant thereby attracting the provisions of Rule 3(i)(iii) of CCS (Conduct) Rules, 1964." (emphasis supplied)

We have extracted the fore-going portions from the order of the Disciplinary authority for the purpose of demonstrating that the Disciplinary authority ~~else~~ has placed reliance on a statement of Smt KR Aruna, without examining Smt Aruna as a witness in the inquiry and also on several documents collected from (somewhere, without establishing the authenticity thereof) to come < ----- to a finding that the applicant has conducted himself in a manner unbecoming of a Government servant. The nomination form alleged to have been filed by Sri Ramesh for the purpose of Central Government Employees' Insurance Scheme, was not a document which was attached to the memorandum of charges as one on which the Disciplinary Authority wanted to rely ~~for~~ ^{on} establishing the charge. This probably was one of the documents which the applicant called for, for the purpose of cross-examining the witness

of the considered view that, ~~that~~ alone will not justify a finding that the applicant is guilty of misconduct deserving departmental action and punishment. Further, even to bring home such an allegation, the disciplinary authority has only relied on materials which cannot be treated as legal evidence as discussed supra.

15. In the light of what is stated in the foregoing paragraphs, we are convinced that the finding of the disciplinary authority that the applicant is guilty ~~of~~ being based as no legal evidence is absolutely perverse and the impugned order is therefore liable to be set aside. In the result, the application is allowed and the impugned order of the 2nd respondent dated 23.4.1992 is quashed and set aside and the respondents are directed to reinstate the applicant in service forthwith and to pay him the full backwages for the period during which he was kept out of service within a period of two months from the date of communication of this order. There is no order as to costs.

Signature
(A.B. GONTHI)
Member (Adm.)

Signature
(A.V. HARIDASAN)
Member (Jud.)

Dated: 9 - 5 - 1994

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Signature
DEPUTY REGISTRAR (J)

Copy to

1. The Chairman, Ministry of Finance, Government of India, Central Board of Direct Taxes, New Delhi.
2. Director of Income Tax, (Investigation) Aayakar Bhavan, Hyderabad.
3. One copy to Mr. S.B. Ramesh, Party in Person, Income Tax Officer, Survey Unit 31, Income Tax Department, Aayakar Bhavan, Hyderabad.
4. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. Copy to Reporters as per standard list of CAT, Hyd. one spare copy.

14. As observed by us in the fore-going paragraphs, there is only a doubt entertained by the Disciplinary Authority on the basis of certain documents, that the applicant and Smt KR Aruna have been living together and that, they begot children. However, even for arguments sake if it is conceded that the applicant has been living with Smt KR Aruna and that documents show that the applicant had stated in records that he was the father of the children, can it be said that the applicant is guilty of any mis-conduct? We are of the considered view that it cannot. Only if the conduct of a Government servant is painted with moral turpitude, it could be said that he is guilty of a misconduct, if the conduct has nothing to do with the discharge of his official duties. But, what is moral turpitude? Can it be said that a man living with another woman in a house not being married is an act of sexual immorality? Though it would be ideal if a relationship is confined to legal wedlock, there is no law in our country which makes sexual relationship of two adult ~~adult~~ individuals of different sex, unlawful, unless, the relationship is adulterous or promiscuous. If a man and a woman are residing under the same roof and if there is no law prohibiting such a residence, what transpires between them is not a concern of their employer. Such a life, if accepted by the society at large, without any dis-pleasure or grudge, then it cannot be said that there is any moral turpitude involved in their living. In this case, there is no case that on account of the applicant living with Smt KR Aruna, his reputation among the general public has been lowered or that, the public has been locking down on his conduct as immoral one. Therefore, even if factually, the allegation that the applicant who is already married to another woman is living with Smt KR Aruna is proved to be true, we are

FOR ORDERS OF THE HON'BLE TRIBUNAL

R.A.SR. 2003/94

in

M.A.No. 346/94

in

O.A.No. 27/94

The above PA has been filed by the applicant
who is Party-in-Person in above mentioned OA, to review
dated 23-6-94 passed in MA 346/94 in OA 27/94
OA No. 27/94 reserved for ~~the main case~~ ~~on 2-7-94~~.

Therefore, office raised objection as to the
maintainability of this RA against the orders of the MA,
when the main case was reserved for the judgement.

The applicant requests that the matter may be
posted before the Bench.

Submitted for orders as to the maintainability of
this Review application.

Prakash
3/7/94
DEPUTY REGISTRAR (JUDL.)

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FOR ORDERS OF THE HON'BLE TRIBUNAL

CONTEMPT (CRIMINAL) REGD. No. 2962/94

in
O.A. 27/94

The above Criminal Contempt Petition has been filed by the applicant in OA. (party-in-person) to punish the respondents for wilfull offence committed under Criminal Contempt.

The OA was allowed on 9.8.94 with a direction to the respondents to reinstate the applicant in service forthwith and to pay him full back wages within a period of two months from the date of communication of this order.

Subsequently this Hon'ble Tribunal granted extension of time for a period of one month from 7-10-94 for implementing the orders of the Hon'ble Tribunal passed in OA.

Subsequently the Supreme Court has passed orders staying Contempt proceedings till 25-11-94 in the above OA.

The applicant has filed this Criminal Contempt on 9-11-94, Since there were Supreme Court stay orders against the Contempt proceedings in OA. 27/94 till 25-11-94, office raised objection as to the maintainability of this Criminal Contempt Petition, since the respondents have not flouted the orders of the Hon'ble Tribunal.

"The applicant replies as follows:- It is a clear offence u/s 2(c)(iii) of Contempt of Court Act 1971"

Section 2(c)(iii) of Contempt of Courts Act reads as follows:

"2(c) "Criminal Contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representations or otherwise of any matter or the doing of any other act whatsoever which.

(iii) interferes, or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner."

Submitted for orders as to the maintainability of the Criminal Contempt Petition.

Anubhav
17-12-94
DEPUTY REGISTRAR (JUDL.)

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