

FORM No. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

C.P. APPLICATION NO. 52/2001 (of 353/2000)

Applicant (S)

Surya Ahmed & Others

Respondant (S)

Col K.R. Nayan.

Advocate for the Applicant:

Mr. Adil Ahmed.

Advocate for the Respondant:

Notes of the Registry

Date

Order of the Tribunal

12.10.01

This Contempt Petition
has been filed u/s
17 of the C.A.T. Act,
1985 praying for
punishment of the Contem-
nor/Respondent for

non-compliance of
judgment & order dated
07.03.2001 passed in
OA No. 353/2000.

2 ad before Hon'ble
Court for orders

Pl. compl.

W3
11/10/2001
SOP(S)

W3
15/10/01

Issue notice on the respondents
to show cause as to why the contempt
proceeding as prayed for shall not be
drawn up against the alleged contem-
nor, returnable by four weeks.

List the case on 22.11.2001 before
the Division Bench.

K. C. Chatterjee
Member

bb

22.11.01

Await service report. List the
case on 11.12.2001 after receipt of
service report.

K. C. Chatterjee
Member

bb

Vice-Chairman

Notice prepared and sent
to DPs for whom the
Petition No. 1. by

DINo 4047
Dtd 5/11/07

Service report are
still awaited.

No. Reply has been
biled.

By
21.11.07

No. Reply has been
biled.

By
11.12.07

No. reply has been
biled.

By
20.1.02

No. reply has been
biled.

By
26.4.02

Slats not later

by
29/4/02

11.12.01

Mr. B.C. Pathak, learned
Addl. C.G.S.C. states that he is
the counsel for the contemptner and he
has filed the Vokatnama.

The respondents may file reply with-
in four weeks from today.

List on 18.1.02 for order.

Member

mb
8.1.02

Await service report. List on
31.1.2002 for order.

Member

Vice-Chairman

mb

31.1.02

List on 18.2.2002 enabling Mr. A. Deb
Roy, Sr. C.G.S.C. to take necessary instru-
ction on the matter.

Member

Vice-Chairman

bb

18.2.02

List on 21.3.02 to enabling the
respondents to take necessary instruc-
tion.

Member

Vice-Chairman

lm

21.3.02

List on 29.4.2002 to enable the
Respondents to file reply.

Member

Vice-Chairman

mb

29.4.02

List on 23/5/2002 to enable the
Respondents or the applicant to take
necessary steps.

Member

Vice-Chairman

mb

C.P. 52/2001

Notes of the Registry

Date

Order of the Tribunal

23.5.02

Heard Mr. A.Ahmed, learned counsel for the applicant and also Mr. B.C.Pathak, learned Addl. C.G.S.C. for the respondent No.1.

Mr. Pathak, learned Addl. C.G.S.C. brought attention to communication addressed to him by the concern authority dated 2.4.2002 as well as memo No.B/72501/CC/SAPDGMS-3(B) dated 16.4.2002 intimating the steps taken for implementation of the order. In the circumstances, the C.P. stands ^{dropped} closed.

Vice-Chairman

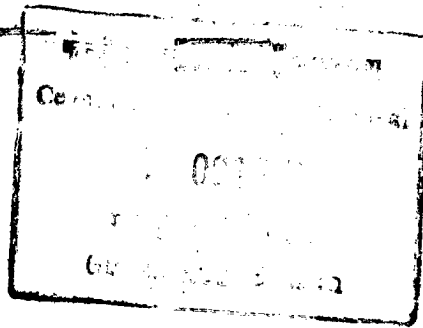
mb

Order dtd 23/5/02
Communicated to
the parties comm.
do
28/5.

for
for applicant

R-2
28/5

Notes of the Registry | Date | Order of the Tribunal



Filed by
Suraj Ahmed
through
petitioners
for
Asst. Attorney
General

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 52 OF 2001.
IN O. A. No. 353 OF 2000.

IN THE MATTER OF:

A petition under Section 17 of the Central Administrative Tribunal Act, 1985 praying for punishment of the Contemner/Respondent for non-compliance of judgment and order passed by the Hon'ble Tribunal in O.A. No. 353 of 2000 on 07-03-2001.

-AND-

IN THE MATTER OF.

Sri Suraj Ahmed & 7 others.

-Applicants-

-Versus-

The Union of India & Ors.

-Respondents.

-AND-

IN THE MATTER OF

S. Ahmed

Sri Suraj Ahmed,
P No. 6827445, Civilian Cook,
Office of the Commanding
Officer, 165 Military
Hospital, C/o 99 APO.

-Applicant.

-Versus-

11 Col. K R Nayar,
Commanding Officer,
165 Military Hospital,
C/o 99 A.P.O.

-Respondent/

Contemner.

The Humble Petition of the
above named Petitioner:

MOST RESPECTFULLY SHEWETH:

11 That your humble petitioner along
with 7 others had filed the Original
Application No. 353 of 2000 before the Hon'ble
Central Administrative Tribunal, Guwahati
Bench, Guwahati for payment of House Rent
Allowance.

21 That the Hon'ble Central Administra-
tive Tribunal, Guwahati Bench, Guwahati on 07-
03-2001 heard the matter finally and the above
said Original Application No. 353 of 2000 was
allowed by the Hon'ble Tribunal. The Hon'ble
Tribunal was pleased to direct the Respon-

S Ahmed

dent/Contemner to pay House Rent Allowance to the Applicants within a period of 3 months from the date of receipt of this order.

Annexure-A is the photocopy of the Judgment Order dated 07-03-2001 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in O.A. No. 353 of 2000.

3] That your applicant begs to state that till today the Respondent/Contemner has not taken any step for payment of House Rent Allowance in spite of judgement and order passed in both O.A. No. 353 of 2000. As such, your petitioner is compelled to file this Contempt Petition before this Tribunal for seeking justice.

4] That your petitioner begs to state that in spite of clear cut order passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati the Respondent/Contemner has not taken steps for early implementation of the above said order dated 07-03-2001 passed in O.A. No. 353 of 2000. It may be also stated that similarly situated persons in the office of the Respondent/Contemner are enjoying the House Rent Allowance as per earlier judgement and order passed by the Hon'ble Tribunal. As such, it appears that the Respondent/Contemner has shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondent/

S. Ahmed

Contemner deliberately with a motive behind has not complied the Hon'ble Tribunal's Judgment and Order dated 07-03-2001 passed in O.A. No. 353 of 2000. The Respondent/Contemner is unnecessarily dragging this matter in spite of the judgement passed by the Hon'ble Supreme Court of India in similar matters. As such, the Respondent/Contemner deserves punishment from this Hon'ble Tribunal. It is a fit case where the Respondent/Contemner may be directed to appear before this Hon'ble Tribunal to explain as to why he has shown disrespect to this Hon'ble Tribunal.

5] That this petition is filed bona fide to secure the ends of justice.

In the premises, it is, most humbly and respectfully prayed that your Lordship would be pleased to admit this petition and issue Contempt notice to the Respondent/contemner to show cause as to why he should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other order or orders as this Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 07-03-2001 passed in O.A.

S. Ahmed

No. 353 of 2000 the Respondent/
Contemner may be asked to appear
in person before this Hon'ble
Tribunal to explain as to why he
should not be punished under the
contempt to court proceedings.

And for this act of kindness your petitioner
as in duty bound shall ever pray.

.. Affidavit

S. Ahmed

DRAFT CHARGE

The petitioner aggrieved for non-compliance of Judgment and order dated 07-03-2001 passed by this Hon'ble Tribunal in O.A. No. 353 of 2000. The Contemner/Respondent have willfully and deliberately violated the Judgment and Order dated 07-03-2001. Accordingly, the Respondent/Contemner is liable for contempt of court proceedings and severe punishment thereof as provided under the law. He may also be directed to appear in person and reply the charges leveled against him before this Hon'ble Tribunal.

2 Ahmed

Affidavit

I, Sri Suraj Ahmed, P No. 6827445, Civilian Cook, Office of the Commanding Officer, 165 Military Hospital, C/o 99 A.P.O. do hereby solemnly affirm and say as follows:

1) That I am the applicant No. 1 in O.A. No. 353 of 2000 and also the petitioner of the instant petition and as such I am acquainted with the facts and circumstances of the case and I am authorised to swear this affidavit on behalf of the other applicants.

2) That the contents of this affidavit and The statements made in paragraphs 1, 3,

4 - of the above petition are true to my knowledge and those made in paragraphs 2 — are being matters of records derived there from I believe to be true and those made in the rests are my humble submissions before this Hon'ble Tribunal.

I sign this affidavit on this the 11th day of Oct 2001 at Guwahati.

Identified by me:

Advocate

(Adil Ahmed)

S. Ahmed

Deponent

Solemnly affirmed before me by the Deponent who is identified by Mr. Adil Ahmed, Advocate.

(H.K. Nair)
Advocate.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Annexure-A 12

Original Application No. 353 of 2000.

Date of order : This the 7th day of March, 2001.

Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.

Shri Suraj Ahmed
P. No. 6827445 C/Cook
Office of the Commanding Officer,
165 Military Hospital,
C/o 99 APO. & 7 Ors.

..Applicants

By Advocate Mr. A. Ahmed.

-versus-

1. Union of India,
represented by the Secretary to the
Government of India, Ministry of
Defence, New Delhi.
2. The Commanding Officer,
165 Military Hospital,
C/o 99 A.P.O.
3. The Area Accounts Officer,
Ministry of Defence,
Bivar Road, Shillong,
Meghalaya

...Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R (ORAL)

CHOWDHURY J.(V.C.).

This is an application seeking direction for implementation of the scheme of House Rent Allowance as per the Office Memorandum No. 11013/2/86-EII (B) dated 23.9.1986 and also for non implementation of the like judgement rendered by the Tribunal in O.A. Nos. 226 of 1996 and 212 of 1999.

2. The applicants are of Central Government employee belonging to Group D and they are serving under the Ministry of Defence. It has been stated in the Bar that the case is squarely covered by the number of judgements rendered by this Tribunal in the line of the judgement rendered by the Apex Court.

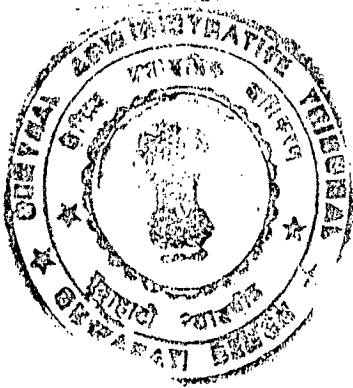
Attended by
Advocate

13 - 9 -

2. Considering all the aspects of the matter I am of the view that the applicants are entitled House Rent Allowance at the rate applicable to the Central Government employees of 'B' class cities and towns for the period from 1.10.86 or from the actual date of posting in Nagaland if the posting is subsequent to the said date, as the case may be, upto 28.2.1991 and at the rate as may be applicable from time to time from 1.3.1991 onwards and continue to pay the same till the said Notification is force. Accordingly the respondents are directed to pay the applicants House Rent Allowance as above and this must be done as early as possible preferably within a period of three months from the date of receipt of a ceritifified copy of this order.

3. Tha application is accordingly allowed to the extent indicated above. There shall, however be no order as to costs.

Sd/VICE CHAIRMAN



Certified to be true Copy
प्रमाणित प्रतिलिपि

11/10/2001

Section Officer to,

आचार्य अधिकारी (न्यायिक माला)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-8
गुवाहाटी न्यायपीठ, गुवाहाटी-8

Advent