

FORM NO. 4

( See Rule 42 )

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :::: GUWAHATI.

ORDER SHEET

Contempt APPLICATION NO. 26/2001 OF 2001.

APPLICANT (s) (in OA 36/2001.)  
Dr. Madan Mohan Saikia.

RESPONDENT (s) Dr. R.D. Moshelkon & Am.  
ADVOCATE FOR APPLICANT(s) Mr. Adil Ahmed.

ADVOCATE FOR RESPONDENT(s)

Notes of the Registry	dated	Order of the Tribunal
-----------------------	-------	-----------------------

This contempt petition has been filed by the applicant's advocate u/s 17 of the C.A.T. Act, 1985 with praying for punishment of the contemner/respondent for non-compliance of judgment or order passed by the Hon'ble Tribunal in OA. 36/2001 on 07.03.2001.

Decd before Hon'ble Court for favor of orders.

26/7/2001  
Sectm offc(s)

18.7.01

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 contemner. List on 17-8-2001.

IC (Chairman)  
Member

Vice-Chairman

bb  
17.8.01

It has been stated by Shri A. Deb Roy, learned Sr.C.G.S.C. for the respondents that the application is pending before High Court under article 2 of the Constitution. In W.P. No. 5479/2001 and the High Court by order dated 13.8.01 stated that the operation of judgement and order dated 7.3.01 in O.A. No. 36/2001 shall suspended. In that view of the matter, the Contempt Petition stands dropped.

IC (Chairman)  
Member

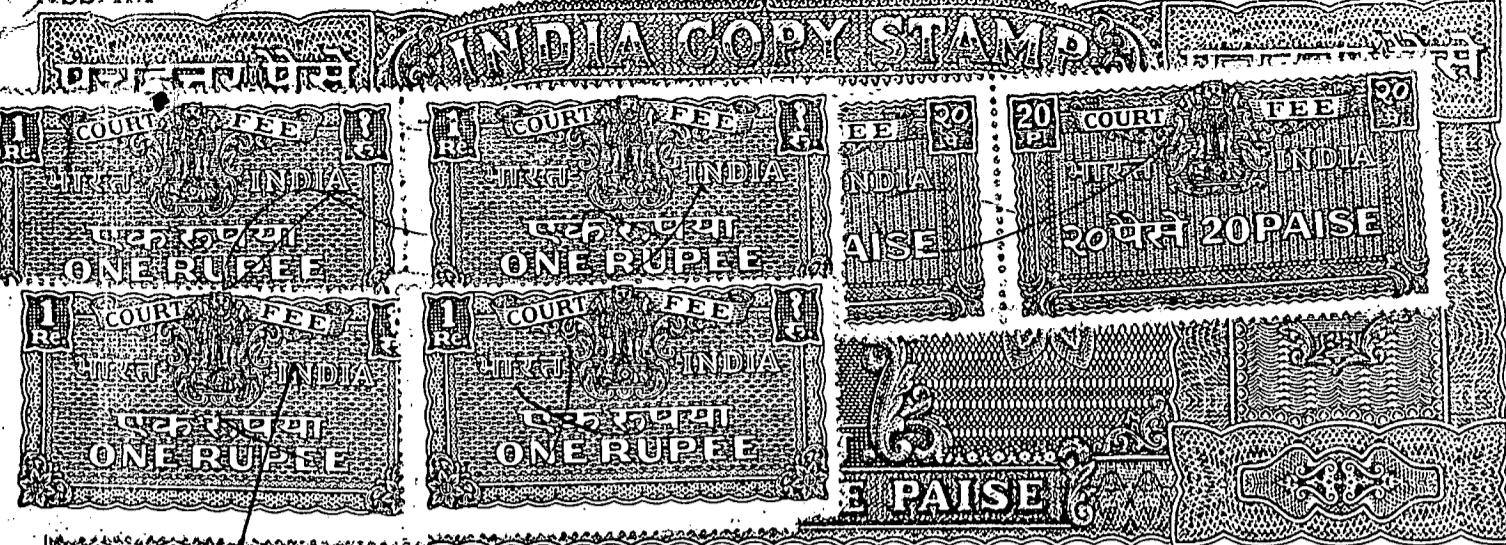
Vice-Chairman

mb

Notice fixed and sent to D/S for issuing the despatch No 1 to 2 by Regd A.D. Vice D/No 2707W08 dtg 26/7/01

20/7/01  
27-8-2001

copy of the order has been sent to the D/S for issuing in case to the Advocates for the parties & P



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
13.8.2001	14.8.2001	14.8.2001	14.8.2001	14.8.2001

IN THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR: TRIPURA:  
MIZORAM AND ARUNACHAL PRADESH )

W.P.C. NO. 5479/2001.

1. The Union of India, represented by the secretary to the Govt of India, Ministry of Science and Technology, New Delhi.
2. The Director General of council of Scientific and Industrial Research, Rofl Marg, New Delhi.
3. The Director, Regional Research Laboratory, Jorhat Assam. ....Petitioners.

-Vs-

1. Dr. Madan Mohan Saikia, son of Late Jibeswar Saikia, Retired Deputy Director Regional Research Laboratory, Jorhat Resident of Dwaraka Nagar Udayan Path, P.O. Khanapara Ghy-22. .... Respondents.

::PRESENT::

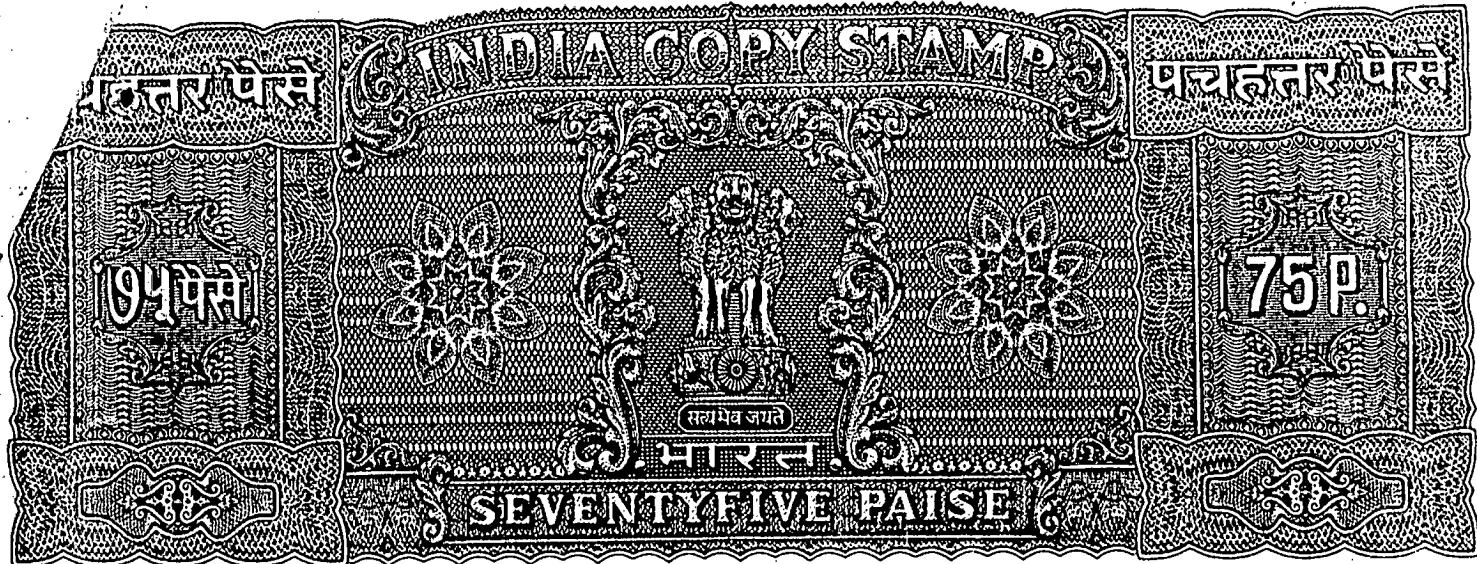
THE HON'BLE MR. JUSTICE JN SARMA.

THE HON'BLE MR. JUSTICE P.G. AGARWAL.

For the petitioner :- Mr. KK Mahanta, Sr. CGSC.

For the respondent:-

Contd...2



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

-2-

Date :- 13.8.2001.

## O R D E R

Issue rule calling upon the respondents to show cause as to why a writ should not be issued as prayed for ; and/ or why such further or other orders should not be passed as to this court may seem fit and proper.

Steps be taken by registered post.

Pending disposal of this petition and/ or until further order the judgment dated 7.3.2001 passed by the learned Tribunal ie CAT, Gauhati Bench in original application No. 36/2001 shall stand suspended.

Sd/-P.G. AGARWAL,

Sd/-JN SARMA,

JUDGE.

JUDGE.

Registered No. of Petition..... 13.85.1  
Photostatic by T.p. by .....  
Read by .....  
Compared by 14/8

CERTIFIED TO BE TRUE CCP  
Date ..... 14/8/01  
Superintendent (Copying Section)  
Gauhati High Court  
Authorised U/S 76, Act I, 1872

Chkd  
14/8/2001

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

17 JUL 2001

गुवाहाटी न्यायपीट  
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 24 OF 2001.  
IN O. A. 36 OF 2001.

IN THE MATTER OF:

A petition under Section 17  
of the Central Administrative  
Tribunal Act, 1985 praying  
for punishment of the Contem-  
ner/Respondent for non-com-  
pliance of judgment and order  
passed by the Hon'ble Tribu-  
nal in O.A. No. 36 of 2001 on  
07-03-2001.

-AND-

IN THE MATTER OF

Dr. Madan Mohan Saikia,  
-Applicant.

-Versus-

The Union of India & Ors.  
-Respondents.

-AND-

IN THE MATTER OF

Dr. Madan Mohan Saikia,  
S/o Late Jibeswar Saikia

Madan Mohan Saikia

1  
Filed by  
Dr. Madan Mohan Saikia  
Applicant  
through  
Adv. A. H. B.  
Advocate

Retired Deputy Director,  
 Regional Research Laboratory,  
 Jorhat, Resident of Dwaraka  
 Nagar, Udayan Path,  
 P.O.- Khanapara, Guwahati-22.  
 -Applicant.

-Versus-

1) Dr. R A Mashelkar,  
 Director General of Council  
 of Scientific & Industrial  
 Research, Anusandhan Bhavan,  
 Rafi Marg, New Delhi-110001.

2) Dr. J S Sandhu,  
 Director, Regional Research  
 Laboratory, Jorhat,  
 P.O.- Regional Research  
 Laboratory, Jorhat,  
 PIN- 785006.

-Respondents/  
 Contemners.

The Humble Petition of the  
 above named Petitioner:

MOST RESPECTFULLY SHEWETH:

1) That your humble petitioner had filed  
 the Original Application No. 36 of 2001 before  
 the Hon'ble Central Administrative Tribunal,  
 Guwahati Bench, Guwahati against non-raising  
 the maximum gratuity amount Rs. 1,00,000/- to  
 Rs. 2,50,000/- in case of the petitioner as  
 per Office Memorandum No. 7/1/95-P&PW (F)

*Minaladee*

dated 14-07-1995 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Pension & Pensioners' Welfare).

2) That the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati on 07-03-2001 heard the matter finally and the above said Original Application No. 36 of 2001 was allowed by the Hon'ble Tribunal. The Hon'ble Tribunal was pleased to direct the Respondents/Contemners to pay enhanced Gratuity Amount within a period of three month from the date of receipt of a copy of order.

Annexure-A is the photocopy of the Judgment and Order dated 07-03-2001 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in O.A. No. 36 of 2001.

3) That the Respondents/Contemners got the said copy of the judgment from the applicant vide his letter dated 12-03-2001 and also from the Hon'ble Tribunal's Registry. But till today the Respondents/Contemners do not implemented the said judgment and no steps have been taken by the Respondents/Contemners for early payment of enhanced Gratuity Amount to the applicant. As such, your petitioner is compelled to filed this Contempt Petition before this Tribunal for seeking justice.

ANNEXURE-B is the photocopy of letter dated 12.3.2001

4) That your petitioner begs to state that in spite of clear cut order passed by the Hon'ble Central Administrative Tribunal,

*Mim Sardar*

Guwahati Bench, Guwahati the Respondents/Contemners have not taken steps for early implementation of the above said order dated 07-03-2001 passed in O.A. No. 36 of 2001. It appears that the Respondents/Contemners have shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondents/Contemners deliberately with a motive behind have not complied the Hon'ble Tribunal's Judgment and Order dated 07-03-2001 passed in O.A. No. 36 of 2001. As such, the Respondents/Contemners deserves punishment from this Hon'ble Tribunal. It is a fit case where the Respondents/Contemners may be directed to appear before this Hon'ble Tribunal to explain as to why they have shown disrespect to this Hon'ble Tribunal.

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

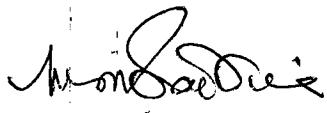
In the premises, it is, most humbly prayed that your Lordship would be pleased to admit this petition and issue Contempt notice to the Respondents/contemners to show cause as to why he should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other order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

*M. S. S. Deo*

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. No. 36 of 2001 the Respondents/Contemners may be asked to appear in persons 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



## 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. 36 of 2001. The Contemners/Respondents have willfully and deliberately violated the Judgment and Order dated 07-03-2001. Accordingly, the Respondents/Contemners are liable for contempt of court proceedings and severe punishment thereaf as provided under the law. They may also be directed to appear in persons and reply the charges leveled against them before this Hon'ble Tribunal.

A handwritten signature in black ink, appearing to read "Mon Sardar".

## Affidavit

I, Dr. Madan Mohan Saikia, son of Late Jibeswar Saikia, Retired Deputy Director, Regional Research Laboratory, Jorhat, Resident of Dwaraka Nagar, Udayan Path, P.O.-Khanapara, Guwahati-22 do hereby solemnly affirm and say as follows:

- 1) That I am the applicant in O.A. No. 36 of 2001 and also the petitioner of the instant petition and as such I am acquainted with the facts and circumstances of the case.
- 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, 5 are being matters of records derived there from I belief 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 17th day of July 2001 at Guwahati.

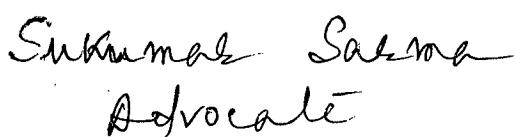
Identified by me:

Advocate

(Adil Ahmed)

  
Deponent.

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

  
Sukumar Saikia  
Advocate

Dr. Malyam, Malyam Sankha .. .Applicant.

VENUE:

Union of India & Others .. . . . . Respondents.

for the Applicant(s) Mr. Atilal Ahmed

for the Respondents C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
7.3.01		<p>Present: Hon'ble Mr. Justice D.N. Choudhury, Vice-Chairman.</p> <p>Whether a Government servant continues to be born on the establishment as contemplated in Rule 83(1) of the Central Civil Services(Pension) Rules 1972?</p> <p>The applicant was working as Scientist Regional Research Laboratory, Jorhat for a constituent Establishment of CSIR. He attained the age of superannuation as Deputy Director Regional Research Laboratory with effect from 31.3.95 as sum of Rs. 1,00,000/- (Rupees one lakh) only was sanctioned to the applicant as retirement gratuity, on the basis of the Central Pay Commission the Government of India enhanced rate maximum 1,00 lakh to Rs. 2.50 lakhs in the office Memorandum No. 7/1/95-P &amp; PW(V) dated 14.7.1995. As per notification it was made applicable in the case of Central Government employees who retired or die on or after 1st April 1995. The applicant had retired on 31.3.1993. Accordingly, the applicant claimed before the authority for giving him the retiral benefit at the enhanced rate.</p> <p>Whether a Government servant completing the age of superannuation on 31.3.1995 and relinquishing charge of his office in the afternoon of that day is deemed to have retired from service on superannuation with effect from 31.3.1995 itself?</p> <p>Whether a Government servant is entitled to the benefit of the Notification dated 14.7.95 is involved in this proceeding. The Full of the C.A.T. Mumbai Bench in C.A. 459/97 and 460/97 Venkutram RajGopalam and another vs. Union of India and Others disposed on 15.10.1999. The Full Bench Mumbai accordingly answered the question in the</p> <p style="text-align: right;">contd/-</p>

Attested  
S. J.   
H. T.

Entries of the Registry	Date	Order of the Tribunal
	12.3.01	<p>following words :-</p> <p>"A Government servant completing the age of superannuation on 31-3-1995 and relinquishing charge of his office in the afternoon of that day is deemed to have effectively retired from service with effect from 01-04-1995."</p> <p>Since the applicant is similarly situated and relinquished his charge of the office in the afternoon of the 31st of the March 1995, is deemed to have effectively retired from service on superannuation with effect from 1.4.1995. The respondents are accordingly directed to provide the benefit of the O.M. No. 7/1/95-F &amp; PW(F) dated 14.7.1995 Government of India, Ministry of Personnel, Public Grievances &amp; Pensions (Department of Pension &amp; Pensioners) to the applicant also within a period of three months from the date of receipt of a copy of this order. In the circumstances of the case, there shall be no order as to costs.</p> <p>The application thus stands allowed.</p>

Sd/VICE CHAIRMAN

Certified to be true copy  
by [Signature]

11/1/2001

Sd/ *Attest*  
Sd/ *Print*

From

Dr. M.M. Saikia  
Scientist 'F'(Retired)  
Regional Research Lab  
Jorhat, Assam

Dwaraka Nagar  
Udayan Path  
P.O. Khanapara  
Guwahati-785022

12/3/2001

To Director General  
Council Of Scientific & Industrial Research  
Anusandhan Bhavan, Rafi Marg  
New Delhi -110001

Ref: OA No.36/2001  
Dr Madan Mohan Saikia  
VS  
Union of India and Others

Sub: Implementation of Hon'ble Central Administrative Tribunal  
Guwahati Judgement and Order passed in above reference OA on 7<sup>th</sup> March  
2001.

Respected Sir,

With reference to above subject, I beg to state that I have filed an original application No. 36/2001 before the CAT Guwahati Bench for enhancement of Gratuity amount from 1 lakh to 2.5 lakh as per Government of India OA No. //196-I & Pw(I) Dated 14 // 95, Govt of India, Ministry of Personnel, Public Grievances & Pension (Department of Pension & Pensioners Welfare).

That the Hon'ble Tribunal issued notice to the respondent including you and the matter was heard on 7/3/2002.

The Hon'ble Tribunal allowed my case and directed you to give me the benefit of above reference OM dated 14/1/95 within three months from the date of receipt of copy of this order. This is for your kind information and early necessary action.

With regards,  
Truly Yours,

( M.M. Saikia )

Encl: Certified copy of the judgement and Order passed in OA No. 36/2001 on 7/3/2001 by the CAT.

Copy to Director RRL Jorhat, Assam

*S. M. Saikia*  
Affd  
Anubita