

FORM NO. 4

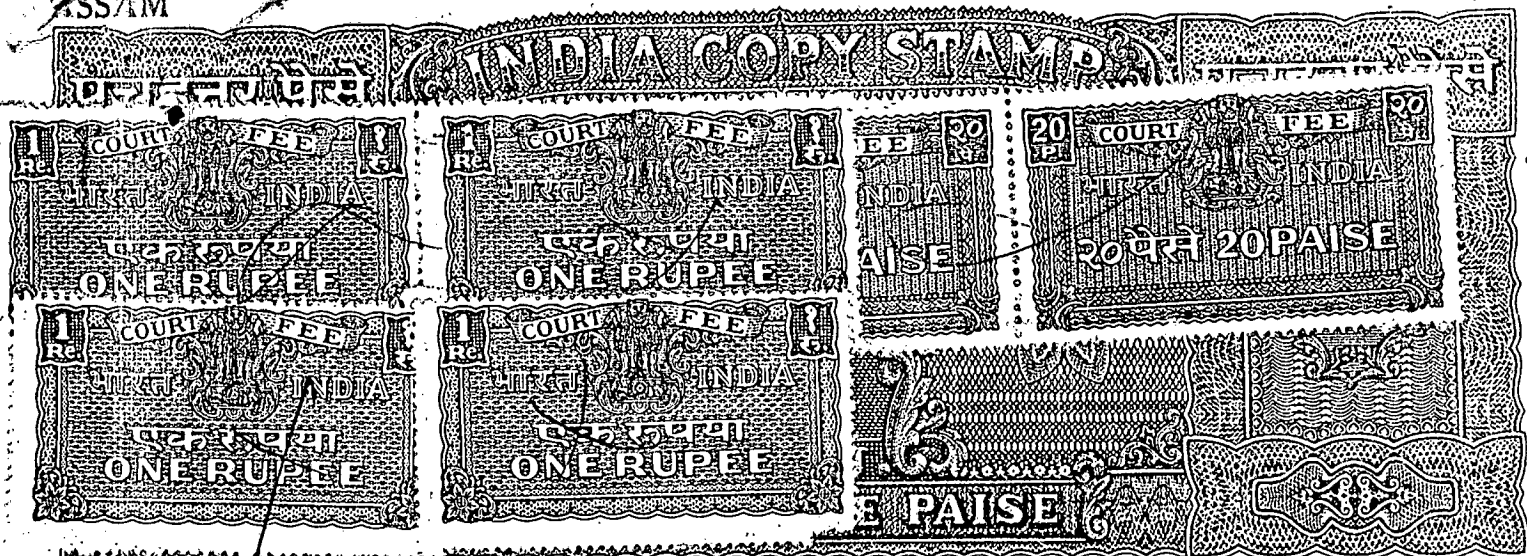
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH 2::: GUWAHATI.

ORDER SHEET

Contempt APPLICATION NO. 24 OF 2001.
(in OA 36/2001.)
APPLICANT (S) Dr. Madan Mohan Saikia.
RESPONDENT (S) Dr. R.D. Makhikon & An.
ADVOCATE FOR APPLICANT(S) Mr Adil Ahmed.
ADVOCATE FOR RESPONDENT(S)

| Notes of the Registry | dated | Order of the Tribunal |
|--|---|---|
| <p>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 and order passed by the Hon'ble Tribunal in OA. 36/2001 on 07.03.2001.</p> <p>Laid before Hon'ble Court for favour of order.</p> <p><u>NB</u> 17/7/2001 Section Officer(S)</p> <p>Notice forwarded and sent to D/S for issuing the Reshorment No 1 to 2 by Regd A/D. Vick 9/No.2707W-08 dtd 26/7/07</p> <p>20/7/07. 27-8-2001</p> <p>copy of the order has been sent to the office for issuing in case to the 2 Advocates for the parties & P</p> | <p>18.7.01</p> <p>bb</p> <p>17.8.01</p> <p>mb</p> | <p>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.</p> <p>List on 17-8-2001.</p> <p><u>K. C. Chakraborty</u> Member</p> <p><u>V. C. Chakraborty</u> Vice-Chairman</p> <p>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.</p> <p><u>K. C. Chakraborty</u> Member</p> <p><u>V. C. Chakraborty</u> Vice-Chairman</p> |



| प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy. | स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios. | अपेक्षित स्टाम्प और फोलियो 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: NAGLAND: 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 Rofi . 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::

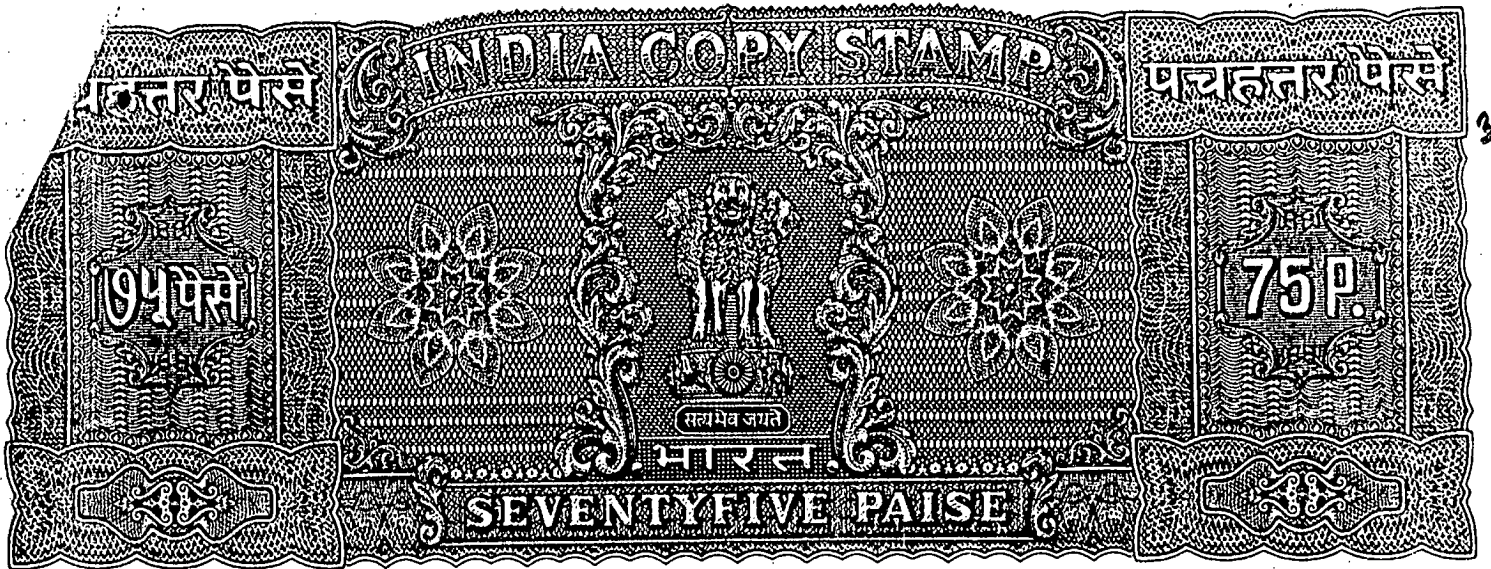
THE HON'BLE MR. JUSTICE JN SARMA.

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 फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios. | अपेक्षित स्टाम्प और फोलियो 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 |
| Photostate by/Type by..... | 14/8 |
| Read by..... | 14/8 |
| Compered by..... | 14/8 |

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

14/8/01

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17 JUL 2001

गुवाहाटी न्यायोपट
Guwahati Bench

Filed by
Dr. Madan Mohan Saikia
through his Applicant
CAO - AMV (RD)
Advocate

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

Dr. Madan Mohan Saikia

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)

M. S. Sandhu

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,

mm Sadhu

Guwahati Bench, Guwahati the Respondents/Contemners have not taken stapes 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. M. Saeed

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

M. S. D. S.

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 thereof 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.

Mon Sahar

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 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 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 Sarma
Advocate

ORIGINAL APPLICATION NO. 56/2001

Dr. Manoj Mohan Sankar, Applicant.

VERSUS

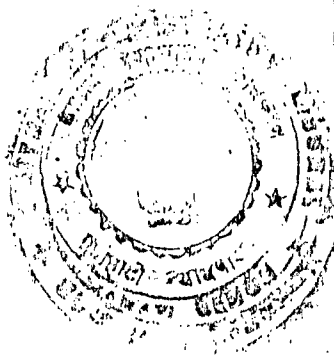
Union of India & Ors. Respondents.

For the Applicant(s) Mr. Ashish Ahmed

For the Respondent(s) C.G.S.C.

| Notes of the Registry | Date | Order of the Tribunal |
|---|---------------|--|
| <p>7.3.01</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 & PW(V) dated 14.7.1995. As per notification it was made applicable in the case of Central Government employees who retired or died 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 Venkatram Rajgopalani 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>contd/-</p> | <p>7.3.01</p> | <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 & PW(V) dated 14.7.1995. As per notification it was made applicable in the case of Central Government employees who retired or died 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 Venkatram Rajgopalani 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>contd/-</p> |

Ashish
Sd/-
Ashish

| Notes 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 OM No. 7/1/95-F & PW(F) dated 14.7.1995 Government of India, Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioners' Welfare) 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

Entitled to be true copy
 being issued

16/3/2001

Attested
 Direct

From

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

Dwaraka Nagar
Udayan Path
P.O. Khanapara
Guwahati--781022

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 7th 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. 11/95-F & Pw(F) Dated 14/11/95, 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 14/11/95 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

Attested
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