

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. _____/

Misc Petition No. _____/

Contempt Petition No. 20 / 2002 in O.A. 329/2001

Review Application No. _____/

Applicants. Chaturshrip Rai Jons

-Vs-

Respondant(s) H.O.I. Jons

Advocate for the Appellant(s) M. Chanda, Mrs. N. D. Goswami
G. N. Chakraborty

Advocate for the Respondant(s) Case

Notes of the Registry	Date	Order of the Tribunal
This Contempt petition has been filed by the counsel for the applicant praying for initiation of a Contempt proceeding against the alleged Contempts for non compliance of his judgement and order dated 29.8.2001 in O.A. 329/2001 passed by this Honble Tribunal.	14.5.02	Heard Mr. M.Chanda, learned counsel for the Applicants. Issue notice to show cause as to why the Contempt proceeding shall not be initiated. List on 12.6.2002 for further orders.
Laid before the Honble court for further orders.	12.6.02	List on 25.6.02 for service report.
Section Officer	mb	Member
	lm	Vice-Chairman

Steps taken. Notice
prepared and sent
to MS for mis the
respondents No 1 & 2
by Regd. A.D.

16/5/02

S/N. 1706 to 1707

Dtd 7/6/02.

25.6.02

On the Prayer of Mr. B.C. Pathak, learned Addl. C.G.S.C. who appeared on behalf of respondent No.2 further four weeks time is allowed to the said respondent to submit its reply. Await service report as well as respondent No.1.

List again on 6.8.2002 for further orders.

K. I. Sharma
Member

Vice-Chairman

31. 7-02

mb

6.8.02

Alleged Contemner
Lt. Col. F.H. Saini has
been filed an affidavit
regarding implementation
the Judgement dated 29.8.01.

Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondent No.1 and Mr. B.C. Pathak, learned Addl. C.G.S.C. for the Respondent No.2.

In view of the order passed in M.P. No.98/2002 and considering the facts and circumstances of the case, the C.P. stands dropped.

K. I. Sharma
Member

Vice-Chairman

Order of 6/8/02
Communicated to the
parties concerned.

24/8/02

mb

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

Contempt Petition No. 20/2002

In O.A. No.329 of 2001

In the matter of :

Sri.Chaturbhuj Rai and Ors.

.....Petitioner

-Versus-

~~Union of India & others.~~

Lt. L.H. Saikia & others

.....Alleged Contemnners

-AND-

In the matter of :

An application under Section 17 of the
Administrative Tribunals Act, 1985 praying
for initiation of a Contempt Proceeding
against the alleged Contemnners for non
compliance of the judgment and order dated
29.8.2001 in O.A. No. 329/2001

-AND-

In the matter of :

1. Sri Moti Lal Rai
2. Sri Dilkeswar Singh
3. Sri Sarreshwar Barman
4. Sri Hari Nath Prasad Singh
5. Sri Surendra Rai
6. Sri Raghu Bansh Rai

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*Filed by the applicant
through advocate Sri
G.N. Chakravarty on
13-5-2002*

7. Sri Chaturbhuj Rai
8. Sri Bas Dco Rai
9. Sri Dil Maya Sona
10. Sri Ram Shankar Shah
11. Sri Deep Singh
12. Smti Padma Rai
13. Smti Sita Thapa
14. Smti Binati Devi
15. Smti Biro Devi
16. Smti Madina Khatoon
17. Smti Maya Devi
18. Smti Anita Hindu

.....Petitioners

-Versus-

1. Lt. L.H.Sailo
Station Staff Officer
Military Station
Umroi Cantonment
C/o 99 APO
2. Smti Ganga Purkutty
Controller of Defence Accounts
Narengi, Guwahati, Assam.

.....Alleged Contemners

The humble petitioners above named most humble and respectfully beg to state as under :

1. That your petitioners being highly aggrieved at the non consideration of payment of House Rent Allowance, (HRA) to them at the rate of B-2 Class Cities i.e. at the rate applicable at Shillong with effect from May, 1991, approached this Hon'ble Tribunal through O.A. No. 329/2001 praying for a direction upon the respondents/alleged contemnners to extend the benefit of HRA at the rate of B2 class cities to the petitioners as given to other similarly situated employees under the earlier judgment dated 16.06.2000 in O.A. No. 34/2000. The Hon'ble Tribunal, after adjudicating the matter, was pleased to dispose of the O.A. No. 329/2001 with the following directions to the respondents/alleged contemnners :

"This application thus is allowed, directing the respondents to pay the House Rent Allowance to the applicants in the light of the same decision which squarely covers this case also. The respondents are also ordered to pass the necessary order for payment of HRA at the rate of B2 class cities. The respondents are also ordered to pay the arrears of the HRA on adjustment of HRA, if any, paid earlier to the period to which they would be found entitled to or with effect from May 1991 which may be applicable to individual case calculating the House Rent Allowance at the rate of B2 class cities i.e. at the Shillong rate, within a period of three months from the date of Communication of this order.

The application is allowed. There shall, however, be no order as to costs."

It is evident from the above directions that HRA is to be paid to the petitioners at the rate of B2 class cities with arrears etc. within a period of three months.

Copy of the judgment and order dated 29.8.2001 passed in O.A. No. 329/2001 is annexed hereto ~~as~~ **Annexure-A.**

2. That your petitioners thereafter submitted one representation enclosing therewith a copy of the aforesaid judgment dated 29.8.01 to the respondents praying for payment of HRA to them in terms of the judgment dated 29.8.2001 with arrears etc. and approached the authorities time and again with the same prayer but with no response or initiative from the respondents whatsoever.

Copy of the representation is annexed hereto **Annexure-B.**

3. That it is understood from reliable sources that the matter is now resting with Lt. L.H. Sailo, Station Staff Officer, Umroi Cantonment and the Controller of Defence Accounts, Narengi who are the actual persons to implement the judgment and order aforesaid and they are taking no initiative to implement the judgment. As such, Lt. L.H. Sailo, S.S.O., who was not impleaded as a party earlier has not been impleaded as the party and the alleged contemner along with the Controller of Defence Accounts namely **Smti Ganga Purkuty.**
4. That more than seven months have elapsed since the aforesaid judgment was submitted to the respondents but the respondents/alleged Contemnners did not show the slightest initiative to pay the HRA till now and the aforesaid judgment has not been complied with for no reasons.
5. That it is stated that the Alleged Contemnners deliberately and wilfully did not take any initiative for implementation of the judgment and order dated 29.8.2001 of this Hon'ble Tribunal, thus showing utter disregard too the judgment. Therefore, the Hon'ble Tribunal be pleased to initiate a Contempt Proceeding against the alleged contemnners for wilful violation of the order of the Hon'ble Tribunal dated 29.8.2001 passed in O.A. No. 329/2001 and further be pleased to impose punishment upon the alleged contemnners in accordance with law for wilful disregard to the

judgment and order of the Hon^{ble} Tribunal dated 29.8.2001 in O.A. No. 329/2001. X

6. That it is a fit case for the Hon^{ble} Tribunal for initiation of Contempt proceeding for deliberate and wilful non-compliance of the judgment and order dated 29.8.01 passed in O.A. No. 329/2001.

7. That this application is made bona fide and for the ends of justice.

Under the facts and circumstances stated above, the Hon^{ble} Tribunal be pleased to initiate Contempt Proceeding against the alleged Contemners for wilful non-compliance of the order dated 29.8.2001 passed in O.A. No. 329/2001 and further be pleased to impose punishment in accordance with law.

And for this act of kindness Your Petitioner as in duty bound shall ever pray.

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D R A F T C H A R G E

Laid down before the Hon'ble Central Administrative Tribunal for wilful non-compliance of the judgement and order dated 29.8.2001 in O.A. No. 329/2001 passed by this Hon'ble Tribunal, by the alleged contemners and the Hon'ble Tribunal may further be pleased to impose punishment upon the alleged contemners for wilful violation of the order of the Hon'ble Tribunal referred to above.

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A F F I D A V I T

I, Sri I, Shri Chaturbhuj Rai, resident of Shillong, presently working in the Umroi cantonment, under Garrison Engineer, Umroi cantonment, Umroi one of the applicants in this Original Application do hereby solemnly declare as follows :-

1. That I am the petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in para 1-7 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing rejoinder to the show cause reply filed by the alleged contemner nos. 1 and 2 in this Contempt Petition in O.A. No. 167 of 2001.

And I sign this Affidavit on this the 13th day of May, 2002.

Identified by

[Signature]

Advocate's ~~clerk~~

[Signature] 22/5/2002

Solemnly affirmed and declared before me by the deponent who is identified by Mrs. N. D. Goswami Advocate on this 13th the day of May, 2002.

[Signature]
(G. N. Chakravarty)
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

Original APPLICATION NO. 329 / 2001

Applicant (s) Chaturbhuj Rai & Mrs.

Respondant(s) U.O.I. & CMO.

Advocate for the Applicant: M. Chanda, Ms. N.D. Goswami, G.N. Chakrabarty, H. Debo.

Advocate for the Respondant: G.C.S.E

Notes of the Registry	Date	Order of the Tribunal
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29.8.01

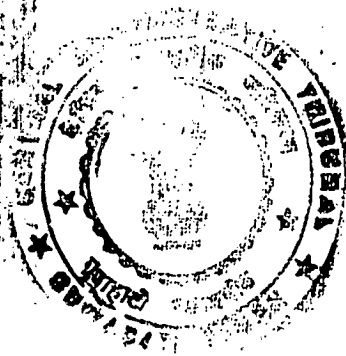
Present : Mr. Justice D.N. Chowdhury,
Vice-Chairman.

The controversy raised in this application relates to the payment of House Rent Allowance (HRA) payable at B-2 class cities, i.e. as applicable at Shillong with effect from May, 1991.

All the 18 applicants are working in the cadre of Group 'C' and 'D' under Station Commander, Umroi Cantonment, Shillong in different capacities and appointed on different dates.

The issue raised in this application has already been adjudicated upon in O.A. 34/2000 (Subhas Chandra Deb Vs U.O.I.) disposed on 16.6.2000.

This application thus is allowed, directing the respondents to pay the House Rent Allowance to the applicants in the light of the same decision which squarely covers this case also. The respondents are also ordered to pass the necessary order for payment of HRA at the rate of B-2 class cities. The respondents are also ordered to pay the arrears of the HRA on adjustment of HRA, if any, paid earlier to the period to which they would be found entitled to or with effect from May, 1991 which may be



*Shilpa
Advocate*

29.8.01

applicable to individuals case calculating the House Rent Allowance at the rate of B-2 class cities i.e. at the x Shillong rate, within a period of three months from the date of communication of this order.

The application is allowed. There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN

Certified to be true Copy

प्रमाणित प्रतिलिपि

Section Officer (J)

आयुक्त अधिकारी (न्यायिक शाखा)

Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण

Guwahati Bench, Guwahati-8

गुवाहाटी न्यायपीठ, गुवाहाटी-8

To,
The Station Commander
Military Station, Uniroi Cantt.
C/O. 99 A.P.O.

Subject : Payment of H.R.A. at B-2 class rate,
i.e. at the Shillong rate, in terms of
Judgment and order dtd. 29/08/01 passed
in O.A. NO.329/2001(Chaturbhuj Rai and
17 others -vs- Union of India and ors.)

Respected Sir,

Enclosed please find herewith a copy of the judgment and order dtd.29/08/2001 passed in
O.A. NO. 329/2001 by the Hon'ble CAT, Guwahati Bench, Guwahati, directing payment
of H.R.A. to the applicants at B-2 Class City rate within a period of three months from
the date of receipt of this order. You are, therefore, requested to arrange payment of our
arrear H.R.A. with effect from May 1991 till the current date along with current H.R.A.

This is for your information and kind necessary action.

Enclosed : Copy of the Order dtd.29.01.01
as stated above.

Yours faithfully

1. M L DILLI
2. 19/08/2001
3. SBARMAN
4. Harinath Prasad Singh
5. B. S. S.
6. LEGGILL
7. 20/2/2001
8. 14/8/2001
9. 14/8/2001 - 14/8/2001
10. 14/8/2001
11. 14/8/2001
12. 14/8/2001
13. 14/8/2001
14. 14/8/2001
15. 14/8/2001
16. 14/8/2001
17. 14/8/2001
18. Anita Hindu

Respected
Jm.
Advocate

No - 144/2001
TR. SUKH VIR SINGH
1405 LT Recd

8th HQ Uniroi

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

GUWAHATI BENCH :: GUWAHATI.

Filed by

26/7/02

(A. DEBROY)

Sr. C. O. S. C.

C. A. T., Guwahati Bench

C.P. NO. 20 OF 2002

In OA NO- 329 OF 2001

In the Matter of ::

Shri Chaturbhuj Rai and Others.

.... Petitioners:

- VS -

Union of India & Ors.

.... Alleged Contemner.

- AND -

In the Matter of ::

Shri Chaturbhuj Rai & Ors.

.... Petitioners.

- VS -

Lt. Col. L.H. Saile.

.... Alleged Contemner.

I Lt. Col. L.H. Saile, Station + Staff Officer, Military Station, Umrei Cantonment C/O. 99 APO, and alleged contemner in CP No. 20/2002(In OA. No- 329/2001) solemnly affirm and declare as follows :-

1. That a copy of the Judgment and order dated 29.8.2001 passed by the Hon'ble Tribunal in OA No- 329/2001 filed by Shri Chaturbhuj Rai and others was received on 7th Sept:2001 wherein the Hon'ble Tribunal directed the respondents for payment of HRA at the rate of B-2 class Cities i.e. at Shillong rate within a period of three months.

Contd...P/2

2. That as ordered by the Hon'ble Tribunal Claim of HRA at Shillong rate was included in regular pay Bill No- CIV/13/2001 dated 17th Sept:2001. But the claim was disallowed by the Area Accounts Officer, Shillong for want of payment authority by CDA, Guwahati vide their letter No. Pay/IV/17 Vol II dated 25.9.2001.

3. That the alleged contemner sent a letter to CDA, Narangi, Guwahati requesting to issue suitable instruction to Area Accounts Office, Shillong for payment of House Rent Allowance at Shillong rate vide this station Head Quarter letter No-785/4/Q dated 13.10.2001 and 785/6/Q dated 9th February:2002.

4. That CDA, Narangi, Guwahati intimated that they didnot receive any notice as respondent No- 2 in OA No-329/2001 ~~from~~ from Hon'ble Tribunal, Guwahati Bench and the CDA addressed to obtain implementation order for payment through Staff Channel vide CDA letter No-Pay/34/Confdl/OA-329/01 dated 5.11.2001.

5. That Area Accounts Office, Shillong also under No-Pay/N/17/Vol-II dated 21/11/2001 addressed to take up the case through staff channel.

6. That the alleged contemner begs to state that the matter could not be processed through Staff Channel since the respondents were directed by order ~~that~~ dated 29.8.2001 passed in O.A. No- 329/2001 to pay the House Rent Allowance(HRA) to the applicants in the light of the some decision dated 16.6.2000 passed in OA No-34/2000, which squarely covers this case (OA No- 329/2001) also and ~~this~~ their case(OA 34/2000) was not materialised since then and it has been advised to wait till receipt of implementation order of G.E. Unrei in respect of

Hon'ble Tribunal's order dtd. 16.6.2000 passed in OA No- 34/2000. The said order for implementation from the Engineer - in - Chief, Army HQ was received on 21.5.2002 and the matter of O.A. 329/2001 has been again taken up with authorities and some more time will be required to get sanction from the appropriate authority.

7. That the deponent respectfully stated that the deponent has highest reverence and regard for the Hon'ble Tribunal and its order and cannot even think of disobeying the order of the Hon'ble Tribunal. The deponent tenders unqualified apology for the delay in compliance of the directions contained in the Judgment and order dtd. 29.8.01 given in O.A. No- 329/2001. Serious efforts have been taken to implement the order urgently.

In view of the submission made herein above, I respectfully pray that the present contempt petition is liable to be dismissed by discharging the notice issued to the alleged contemner.

The statements made in paras 6 and 7 are true to my knowledge and those made in paras 1 to 5 are true to my information and rests are my humble submission. I have not suppressed any material fact.

And I sign this affidavit on this 26 day of July, 2002.

Indemnified by

Advocate.

Lt. Col. L. H. Saini
DEPONENT.

Solemnly affirmed by the deponent Lt. Col. L. H. Saini being indemnified by Smt. A. Deb Roy, Advocate before me on this day of 26th July, 2002.

Alok Verma
Advocate.