

FROM No. 4  
(SEE RULE 42 )

GENERAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No. /

Mise Petition No. /

Contempt Petition No. 20/12/02 in O.A.329/2001

Review Application No. /

Applicants. Chaturshriji Rai Sons

-Vs-

Respondent(s) N.C.O. P. T. Sons

Advocate for the Appellant(s) M. Chanda, Mr. N. D. Goswami  
G. N. Chakrabarty

Advocate for the Respondent(s) Cafe

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 Contemptuous for non compliance of the judgement and order dated 29.8.2001 in O.A. 329/2001 passed by this Hon'ble 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.
		<u>I C U Shaha</u> Member
		<u>Vice-Chairman</u>
Laid before the Hon'ble Court for further orders.	12.6.02	List on 25.6.02 for service report.
		<u>I C U Shaha</u> Member
		<u>Vice-Chairman</u>

Section 87(2)(a)

Section 87(2)(a)

6/6/02  
N  
Seks dekha. Notice  
prepared and sent  
to DLS for my the  
respondent No 1 & 2  
by Regd. A.D.

25.6.02

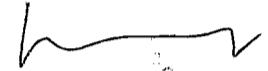
On the Prayer of Mr. B.C.

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 C Sharma

Member



Vice-Chairman

31.7.02

mb

6.8.02

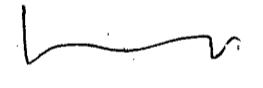
Alleged Confermee  
Rt. Col. L. H. Saini has  
been filed an affidavit  
regarding implementation  
the Judgement as dated 29.8.01

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 Respond-  
ent 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 C Sharma

Member



Vice-Chairman

Order dated 6/6/02  
Communicated to the  
Parties Comm.

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

*L. H. Saheb & others*

.....Alleged Contemners

-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 Contemners 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

3  
Filed before the applicant  
through advocate Sri  
G. C. Chakraborty 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 contemners 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 contemners :

"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 **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 now been impleaded as the party and the alleged contemner along with the Controller of Defence Accounts namely **Smti Ganga Purkutty**.
4. That more than seven months have elapsed since the aforesaid judgment was submitted to the respondents but the respondents/alleged Contemners 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 Contemners 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 to the judgment. Therefore, the Hon'ble Tribunal be pleased to initiate a Contempt Proceeding against the alleged contemners 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 contemners 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

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. 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 contemnors and the Hon'ble Tribunal may further be pleased to impose punishment upon the alleged contemnors for wilful violation of the order of the Hon'ble Tribunal referred to above.

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

*Sri*

Advocate's clerk

*13/5/2002*

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.

*Chaturbhuj Rai  
(S. N. Chaturbhuj Rai)  
Rodrocali.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI.ORDERS SHEETOriginal APPLICATION NO. 329/2001

Applicant (s) Chatterjee Rai &amp; ors.

Respondent(s) U.O.I. &amp; Ors.

Advocate for the Applicant: M. Chanda, Ms. N.D. Goswami, G.N. Chatterjee,  
H. Deka.

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

Notes of the Registry	Date	Order of the Tribunal
	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 cities 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

*Resigned  
Adv. CSE*



29.8.01

applicable to individuals case calculating  
the House Rent Allowance at the rate of 8-2  
class cities i.e. at the ~~x~~ Shillong rate,  
within a period of three months from the  
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**

প্রমাণিত প্রতিলিপি

Section Officer (S)

সামুদায় অধিকারী (ন্যায়িক আধাৰ)  
Central Administrative Tribunal  
কেন্দ্ৰীয় প্ৰশাসনিক অধিকৰণ  
Guwahati Bench, Guwahati-8  
গুৱাহাটী ন্যায়বৰ্ধ, গুৱাহাটী-৮

3/9/2001

3/9/2001

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 Biju
2. Biju Biju
3. SBARMAN
4. Hemanta Badal Saha
5. Biju
6. Legi
7. 22357.212
8. C/14669/2
9. Biju Biju
10. Biju Biju
11. Biju Biju
12. UGHI
13. Sita
14. Biju Biju
15. Biju Biju
16. Biju Biju
17. Biju Biju
18. Amita Hindu

*Respected  
Sir  
Advocate*

No - 1442620

Dr. Sukhbir Singh

1905 LT Regt

*Desai*  
Stn HQ Drs

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

GUWAHATI BENCH :: GUWAHATI.

Filed By

26/7/02  
(A. DEBROY)  
Sr. C. C. 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 Q/0. 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 claimant 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 did not 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/Confld/0A-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 claimant begs to state that the matter could not be processed through Staff Channel since the respondents were directed by order ~~not~~ 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 ~~not~~ their case(OA 34/2000) was not materialised since then and it has been advised to wait till receipt of implementation order of G.R. Umroi 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.

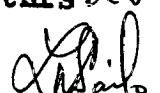
In view of the submission made herein above, I respectfully pray that the present contempt petition is liable to be dismissed by discharging the notice issued to the alleged contemner.

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

By 26/7/02  
Advocate.

  
DEPONENT.

Solemnly affirmed by the deponent Lt. Col. L.H. Saille being indemnified by Sari A. Deb Roy, Advocate before me on this day of 26<sup>th</sup> July 2002.

  
Advocate.