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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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R.A/C.P No. 07/04

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FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 241/02

Misc Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants. B. Jagga Rao

-Vs-

Respondant(s) H. O. I. Ponn

Advocate for the Applicant(s) Mr. S. Chakrabarti

Advocate for the Respondant(s) Adv. A. K. Choudhury

Notes of the Registry

Date

Order of the Tribunal

1.8.02

Heard learned counsel for the parties.

Application is admitted. Call for records. Returnable by four weeks. List on 6.9.02 for orders.

K. Ushar
Member

[Signature]
Vice-Chairman

1m

6.9.02

Service is yet to ^{be} completed. List on 10.9.02 for orders.

[Signature]
Vice-Chairman

1m

10-9-02

Prayer has been made by Mr. A. K. Choudhury, learned Addl. C.G.S.C. for filing of written statement. Prayer is allowed. List on 4.10.02 for orders.

[Signature]
Vice-Chairman

1m

76576524
25.7.02
He. N. S. 31/7/02
PAZ

Notices prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A/D.
Vide D.No. 2124 to 2128
Dtd - 8.8.02

[Signature]
7.8.02

(2)

O.A. 241 of 2002

No written statement
has been filed.

By
3.8.02.

4.10.2002

No written statement so far filed.
Mr.A.K.Chaudhuri, learned Addl.C.G.S.C.
wants further time for filing of written
statement. Mr.S.Chakraborty, learned
counsel for the applicant requested that
the matter may be placed for hearing and
the respondents may file written state-
ment in the meantime.

List the case for hearing on 22.11.
2002.

K. U. Sharma
Member

bb

22.11.02

Mr.A.K.Choudhury, learned Addl.
C.G.S.C. prays for two weeks time on the
ground that written statement is ready
and has been sent for signature. Mr.S.
Chakraborty learned counsel for the
applicant has no objection. Prayer is
allowed. List on 11.12.02 for hearing.

K. U. Sharma
Member

lm

11.12.02

Sri A.K. Choudhury, learned Addl.
C.G.S.C. for the respondents submits that
he has received instructions to file
reply and wants three weeks time to file
the same. Reluctantly, the respondents
are allowed three weeks time to file reply
as a last chance. List the matter for
hearing on 10.1.2003.

K. U. Sharma
Member

mb

10.1.2003

Heard counsel for the parties.
Judgment delivered in Open Court, kept
in separate sheets.

The application is allowed in terms
of the order. No order as to costs.

K. U. Sharma
Member

bb

Written statement filed
on behalf of respondent
No - 1 to 5.

By
9.1.03.

23.1.2003

Copy of the order
has been sent to
the office for
issuing the rule to
the applicant as
well as to the Addl.
C.G.S.C. for the
replies.
H

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. /~~XXXX~~ No. 241. . . . of 2002

DATE OF DECISION .10.1.2003.....

... . Sri. B. Joga Rao APPLICANT(S).

... . Mr. S. Chakraborty ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

... . U.O.I. & Others RESPONDENT(S).

... . Mr. A. K. Chaudhuri, Addl. C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. K. K. SHARMA, ADMINISTRATIVE MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Ho'ble Administrative Member.

K C Sharma

A

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.241 of 2002.

Date of Order : This the 10th Day of January, 2003.

THE HON'BLE MR.K. K. SHARMA, ADMINISTRATIVE MEMBER.

Sri B. Jogo Rao
S/o:- B.Joggaya
C/o:- G.E.Missamari
Dist:- Sonitpur, Assam. Applicant.

By Advocate Mr.S.Chakraborty

- Versus -

1. Garrison Engineer
MES Missamari
P.O:- Missamari
Dist:- Sonitpur, Assam.
2. Chief Works Engineer (CWE)
Solmara, P.O:- Solmara
Dist:- Sonitpur,(Assam).
3. Chief Engineer
Head Quarter Eastern Command
Fort William, Kolkata-21.
4. Accounts Officer
Area Accounts Office
Shillong.
5. Union of India
Represented by the Secretary to the
Ministry of Defence
New Delhi. Respondents.

By Mr.A.K.Chaudhri, Addl.C.G.S.C.

O R D E R

K.K.SHARMA, MEMBER (ADMN.) :

Heard Mr.S.Chakraborty, learned counsel for the applicant and also Mr.A.K.Chaudhri, learned Addl.C.G.S.C. for the respondents.

1. The application pertains to payment of Special Duty Allowance (SDA). The applicant was transferred to GE from Missamari/ESD Panagarh. The applicant is a low paid Govt. employee working as Gardener under the Garrison Engineer, Missamari, Assam. The SDA is granted to the Central Govt. Employee in the N.E.Region having All India Transfer Liability w.e.f. 14.12.83. The applicant claims for SDA since it became due which has not been allowed.

2. The respondents filed written statement. The respon-

1216 Sharma

dents have not disputed ~~that~~ the facts that the applicant is entitled to the amount. However, it is stated that the Audit has raised certain objections on the ground that it is time barred case for which special sanction is required from the competent authority.

Since the claim of the applicant is not disputed by the respondents, the respondents are directed to settle the claim of the applicant within a period of four months from the receipt of the order. It is also directed that the SDA for the next month should be paid to the applicant along with the salary if not paid.

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

K. K. Sharma
(K.K.SHARMA)
ADMINISTRATIVE MEMBER

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B. Jagga Rao

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI

O.A. NO. 241 / 2002

Sri B.Jagga Rao

-Vs-

Union of India & Ors.

I N D E X

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Filed by

Suman Chakraborty
Advocate

Filed by:-
Suman Chakraborty
Advocate
B. Jogga Rao

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI

O.A. No. 241 /2002

PARTICULARS OF THE APPLICANT :-

Sri B.Jogga Rao
Son of B.Jaggaya
C/o G.E.Missamari
P.O. Missamari,
District-Sonitpur, Assam.

PARTICULARS OF THE RESPONDENTS :-

1. Garrison Engineer,
MES Missamari, P.O. Missamari
Dist.-Sonitpur, Assam.
2. Chief Works Engineer (CWE)
Solmara, P.O. Solmara,
District-Sonitpur, (Assam)
3. Chief Engineer,
Head Quarter Eastern Command
Fort William, Kolkata-21.
4. Accounts Officer
Area Accounts Office
Shillong.

Contd...2

5. Union of India.

Represented by the Secretary to the
Ministry of Defence, New Delhi.

1. PARTICULARS FOR WHICH THIS APPLICATION IS MADE :-

Non payment of Special Duty Allowance (SDA) to
the applicant who has been transferred to G.E.
Missamari, Assam, from ESD Panagarh, West Bengal.

2. JURISDICTION OF THE TRIBUNAL :-

This application is within the Jurisdiction of
this Hon'ble Tribunal.

3. LIMITATION :-

This application is within the period of Limita-
-tion as prescribed under the provision of the
Administrative Tribunal Act.

4. FACTS OF THE CASE :-

- (i) That the applicant is a Civilian in
Military Engineering service (MES) under the
Ministry of Defence, Govt. of India. He is a
Citizen of India and at present posted as gardener
under the Garrison Engineer Missamari, Assam.
- (ii) That the applicant originally hails from
Andhra Pradesh . He was initially appointed and

B. Jogarao

posted as gardener at ESD P anagarh, West Bengal in the year 1973. Thereafter he was transferred to GE Missamari in the year 1976 vide order of Transfer/Posting dtd. 14.1.76. Since then he is rendering ~~at~~ his duties at GE Missamari honestly and diligently to the satisfaction of all concerned.

A copy of the order of Transfer/
Posting dtd. 14.1.76 is annexed
hereto as Annexure-A.

(iii) That on 14.12.83, the Govt. of India, Ministry of Finance, Department of Expenditure issued an order whereby Special Duty Allowances was granted to all central Govt. Employees working in the North Eastern region having all India Transfer liability. Subsequently the Govt. took a stand that the employees posted in North Eastern Region on being transferred from a place from outside the North Eastern Region would be entitled to the said allowances. The Hon'ble Supreme Court of India also held that the employees posted in North Eastern Zone on transfer from outside North East would be entitled to the Special Duty Allowances.

(iv) That the applicant states he is entitled to the Special Duty Allowances as he was recruited and transferred to North Eastern Region from outside the N.E. Region. As stated above he was transferred from ESD Panagarh, West Bengal to GE Missamari

Assam. Though he is entitled to get SDA, but the same has not been paid to him.

(v)

That the applicant is an illeterate person working as gardener and as such he was not aware of his due entitlements. On coming to know about his right to get SDA, he approached the GE Missamari on several occasion. He also preferred several representation before the Garrison Engineer Missamari for payment of SDA. But nothing was done to provide the applicant with the Special Duty Allowances though it was admitted by the Garrison Engineer that the applicant is entitled for the SDA as per rules. The Garrison Engineer Missamari issued a Certificate to the applicant certifying that he is entitled for SDA.

A copy of the certificate issued to the applicant by the GE Missamari is annexed as Annexure-B.

(vi)

That the applicant states that inaction on the part of GE Missamari Compelled him to approach the CWE, Solmara, Assam. A representation was submitted before him on 6.7.2001 narrating the facts of his appointment and posting to N.E.Region from outside the N.E.Region entitling him for the Special Duty Allowances as per rules in force. The CWE, Solmara has requested to take necessary steps

Contd...5

B. J. J. Rao

B. Joga Rao

for release of his special Duty Allowance, including arrear. But it also failed to evoke any response from the respondents.

A copy of the representation dtd. 6.7.01 is annexed hereto as Annexure-C.

(vii) That finding no other alternative the applicant served a pleader's notice to the GE Missamari on 28.9.01. By the said notice the GE Missamari was asked to pay the Special Duty Allowance to the applicant, along with arrear. In the event of his failure to take necessary steps, the applicant would approach the appropriate court of law for redressal of his grievance.

(viii) That the GE Missamari on receipt of the notice informed the concerned xi advocate vide letter dated 5.11.01 that the case of the applicant had been taken up to Area Accounts Officer, Shillong for payment of Special Duty Allowance.

A copy of the letter dtd. 5.11.01 issued by the GE Missamari is annexed as Annexure-D.

(ix) That the applicant, from the ^{letter} dtd. 5.11.01 of the GE Missamari, was under an impression that he would get his Special Duty Allowances, along with arrear, very soon. Considerable time have elapsed

but he is yet to receive the Special Duty Allowances not to speak of the arrear. The respondents are denying the applicant his due entitlement without any just cause or reason.

- (x) That the applicant has no other alternative, but to prefer this application. This is a fit case for this Hon'ble Tribunal to exercise its jurisdiction to pass appropriate direction to the respondents to pay the SDA to the applicant along with the arrears.

5. GROUND WITH LEGAL PROVISIONS :-

Being aggrieved by the action of the respondents the applicant prefers this application on the following grounds --

- (A) That the applicant is entitled to have Special Duty Allowances as he has been recruited and transferred from outside the North Eastern Region. This is an admitted position and as such there cannot be any reason to deny SDA to the applicant.
- (B) That the Hon'ble Supreme Court of India has held that persons recruited and transferred from outside the N.E. Region to the N.E. Region are entitled to SDA. In view of this legal position there is no justification to deprive the applicant from his due entitlement.
- (C) That the action of the respondents denying SDA

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B. J. G. Rao

to the applicant suffers from non application of mind. The applicant has been arbitrarily deprived of his due entitlement.

(D) That entitlement of SDA is guided by the office memorandum which states that any person posted to the North Eastern Region from outside this Region is entitled to special Duty Allowances. In view of this position the applicant is entitled to have that Special Duty Allowances. The action of the respondents denying SDA to the applicant is not at all tenable in law.

(E) That in any view of the matter the applicant is entitled to have Special Duty Allowances .

6. DETAILS OF REMEDY EXHAUSTED :

The applicant state that representations and pleader's notice were served upon the respondents, but till date nothing has been done to pay the Special Duty Allowances to the applicant.

7. MATTER NOT PENDING BEFORE ANY COURT/TRIBUNAL :-

The applicant declare that no application has been filed before any other court or Tribunal for adjudication of this case.

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B. Jogarao

8. RELIEF SOUGHT :-

The applicant, therefore, prays that this Hon'ble Tribunal may be pleased to -

1. Declare that the applicant is entitled to SDA.
2. Direct the respondents to pay Special Duty Allowances to the applicant along with the arrears.
3. Any further or other order/orders as this Hon'ble Tribunal may deem fit and proper.

9. INTERIM RELIEF PRAYED FOR :-

The applicant prays that this Hon'ble Tribunal may be pleased to direct the respondents to pay the current Special Duty Allowances during pendency of this application.

10. PARTICULARS OF I P O :-

I.P.O. Number	:	74 576524
Date of issue	:	25.7.02
To whom payable	:	Registrar CAT, Guwahati
Payable at	:	G.P.O

11. DOCUMENTS :-

Detailed particulars of the documents are indicated in the Index.

VERIFICATION

I, Sri B.Jogga Rao, son of B.Jaggaya, aged about 48 years, working at Garrison Engineer Missamari, P.O.- Missamari, District-Sonitpur, Assam, do hereby verify that the statements made in paragraphs 4 (i, iv, vii, ix, x) are true to my knowledge and belief and that made in paragraphs 4 (ii, iii, v, vi, vii) are true to my informations derived from records. Rest are my humble submissions before this Hon'ble Tribunal.

I sign this verification on this the 14 th day of July, ²⁰⁰² at Guwahati.

B. Jogga Rao

Annexure-A.

No. 499/EIC(1). ENGINEER TIPS DE
PANAGAR : TO AR
To BURDWAN
MES NIA. 14 Jan 1976 .
Sri B. Goga Rao, Gardener
Through

POSTINGS/STYLES TRANSFERS

1. You are hereby transferred on permanent duty to MISSAMARI interest of State .

Authority : Chief Engineer Eastern ~~Council~~ Command
Calcutta letter No.C-131500/3/88/
Engrs/EIC(2) dt 03 Jan 76

2. You will be relieved of your duties in this office on 31 Jan 76 (A/V) and will report for duty to your new duty station after availing usual opening time to take .

3. Advance of TA/ Pay may be had on application.

4. You will submit the following before leaving the station:-

a. Security/Installation Pass.

b. Clearance certificate from

i) Canteen (ii) co- operative stores
iii) Librarian (iv) I/c Sub divn regarding
handing/ taking over of quarter with furniture
and fittings (if in occupation of Govt. &c).

contd..

Attested by:-
S. Chakraborty
Advocate

2.

c) Departure report.

5. It may please be noted that your pay for the month of Feb 76 will be claimed by your new office only after you have reported arrived for duty there .

Sd/-Illegible,

Copy to : CE EC Calcutta

Officer

GE MISSAMARI.

1. Sri S. Joga Rao ~~And~~ been paid upto Jan 76 details of pay and allowances of the individual are given before

a. Pay 199/-

b. DA 89/- Addl. DA 66,

c. CEA

d.

DEDUCTIONS;

GP Fund A/c No.

PLI A/c No.

Recovery of rent etc.

Income Tax.

Group

Security society

2. He has availed CL for day for the year 1996.

He has availed no restricted holiday during this year.

3. His date of birth is.

4. He has been paid address as under pay TA.

ENGINEER MIL BOMBAY : 556

ENGINEER TYPES DEVT

TAMGAR : 10 : 10000-51

ENGINEER : 10 : 10000-51

No. 10000-51 / 10000-51

To

RES- HTA

Shri

(Through

B 10000-51

In Group

Gardener Ty

POSTINGS / TRANSFERS : SUPERINTENDENTS

- 1 You are hereby transferred on permanent duty to at 10000-51 in the interest of State/for compassionate grounds without T.
- (Authority :- Chief Engineer Eastern Command Calcutta letter No. C-131500/3/60/Engg/RIC(2) dated 24 Jan 76)
- 2 You will be relieved of your duties in this office on 1 Jan 76 (L/A) and will report for duty to your new duty station after availing usual joining time to take up the appointment of _____.
- 3 Advance of TA/Day may be had on application.
- 4 You will submit the following before leaving the station :-
 - (a) Security/Installation Pass
 - (b) Clearance certificate from
 - (i) Canteen (ii) Co-operative Stores (iii) Librarian.
 - (iv) I/C Sub Division regarding handing/taking over of quarter with furniture and fittings (if in occupation of Govt Qr)
 - (c) Departure report.
- 5 It may please be noted that your pay for the month of Jan 76 will be claimed by your new office only after you have reported arrival for duty there.

Copy to :-

CE CC Calcutta
CE MISSAMONI

CUSTOMER COMPLAINT

- 1 Shri B 10000-51 has been paid upto Jan 76 Details of pay and allowances of the individual are given below.
 - (a) Pay 4 199/-
 - (b) DA 2 34 10000-51
 - (c) CEA
 - (d)

Deductions :-

GP Fund / C No. _____
ILL / C No. _____
Recovery of rent etc
Income Tax.

DE Group . Main Gate
Security Staffs
RIC(3) : LRD, PTD Clerk

- 2 He has availed CL for _____ days for the year 1976. He has availed no Restricted Holiday during this year.
- 3 His date of birth is _____.
- 4 He has been paid advances as under
Pay TA

Annexure- B.

CERTIFICATE

It is certified that as per records
MES-265298 Shri B. Joga Rao, Gardener is initially
appointed outside the NER and posted to this office
from ESD Panagarh on permanent posting. Hence ~~xx~~ he
is entitled for the SDA as per rules.

<u>Place of</u> <u>initial apptt.</u>	<u>Posting to</u> <u>NER from</u>	<u>Remarks</u>
ESD Panagar Calcutta.	ESD Panagar, Calcutta-	Arrears will be claim.

Sd/-

BSO.

Messamari.

Countersigned

Garrison Engineer.

...

attested by
S. Chakrabarty
Advocate

Annexure- C.

To

The CW.E.Solmara,
P.O. Solmara, Tezpur,
Dist.Sonitpur, Assam.

Sub : For release of my due SDA which has not been
paid since 1976.

Respected Sir,

With due respect and humble submission I beg
to lay the following few lines for your kind perusal
and necessary action.

That Sir, in the year 1973, I was appointed as
Gardener and posted at ESD. Panagarh in the state of
West Bengal, Thereafter in the year 1976 I was transferred
and posted at GE , Missamari. Since then I have been
rendering my duties honestly and deligently to the
satisfaction of all concerned.

That Sir, as my place of appointment is out side
the North East region and I hail from Andhra Pradesh, so
I am entitled to get the special duty allowance (SDA)
as per the rules of the Government. But, unfortunately
I have not received any amount as special duty allowance
since the day of my posting at Missamari.

Therefore, I most fervently request your honour
kindly to take the steps for release of my due special
Duty allowance (including arear). In this connection

contd..

Annexure-C.

I have submitted several representation before G.E. Missamari but I have not received any SDA till date.

I shall remain ever grateful to you for that act of your kindness.

Your's faithfully,

Date : 6.7.2001,

265298 MES

Missamari.

B.Jogga Rao

Gardener

c/o GE Missamari

P.O. Missamari,

Dist.Sonitpur.

Copy to (for information and necessary action).

1.To

The Secretary Ministry of Defence, New Delhi.

2.To The CWD Solmar,P.O.Solmar, Tezpur,Dist.Sonitpur,Assam.

3.The Garrison Engineer, Missamari, P.O. Missamari,
Dist. Sonitpur,Assam.

Attested by
S. Chakraborty
Advocate

Annexure- D.

Tele :Mily 6417

REGISTERED POST
Garrison Engineer,
Missamari ,Assam.

C/1007/241 /EIC

05 NOV 2001.

Sri Manjil Kr.Saikia,
Advocate,Guwahati High Court.

SPECIAL DUTY ALLOWANCE IN RESPECT OF
MES-265298 Shri B.Joga Rao.

Sir,

1. Reference your notice dated 28. Sep 2001.
2. The subject case has been taken up to AAO Shillong to get payment of Special Duty Allowance to the above individual. You may please be advise your client accordingly.

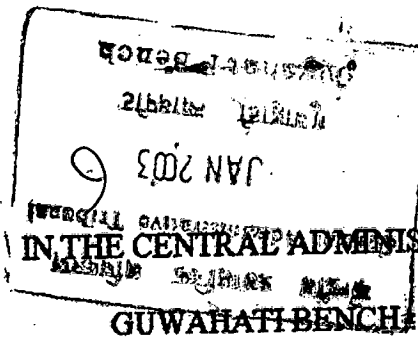
Yours faithfully,

Ajit Kumar
Major,
Garrison Engineer.

...

Attested by
S. Chakraborty
Advocate

✓



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Filed by
Union of India & ors
through
Anup Kumar Choudhary

23
9.1.03
Addl. Central Govt
Standing Counsel

In the matter of

O.A. No 241 of 2002

B. Jogga Rao

..... Applicant

- Vs -

Union of India & ors.

..... Respondents.

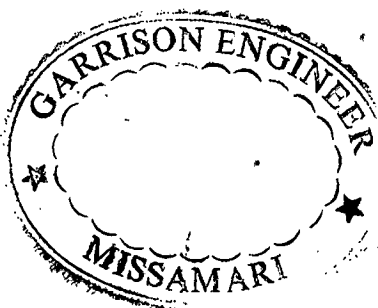
Written Statement for and on behalf on

Respondent Nos. 1, 2, 3, 4 and 5.

I, B.Srinivasa Rao, EE, Garrison Engineer, Missamari, District Sonitpur do
hereby solemnly affirm and say as follows :-

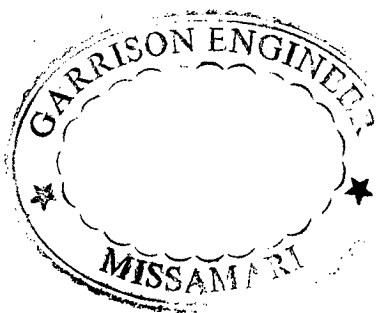
That I am the Garrison Engineer Missamari and Respondent No.1 in the above case
and as such fully acquainted with the facts and circumstances of the case. I have gone
through a copy of the application served on me and have understood the contents thereof.

Save and except whatever is specifically admitted in the written statements the other
contention and statements may be deemed to have been denied. I am competent and
authorised to file this written statements on behalf of all the respondents.



B. Srinivasa Rao
(B. Srinivasa Rao)
EE
Garrison Engineer
Missamari

2. That with regards to the statements made in paragraph-1 of of the application the respondents beg to state that the applicant was initially appointed as Gardner at ESD Panagarah on 14 May 1973. The individual later got posted to GE Missamari on 09 Feb 1976 and was taken on strength vide GE Missamari DO Part II Order No 08/7/76 dt 23 Feb 1976. Since then the individual is serving in GE Missamari.
3. That the respondent have no comments to the statements made in paragaph 2 and 3 of the application.
4. That, the respondents beg to state the statements made in paragraphs 4 (i) and (ii) are statements of facts and hence no comments.
5. That with regards to the statements made in paragraph 4(iii) of the application the respondents beg to state that it is a policy decision of the Govt of India, Ministry of Finance, department of expenditure.
6. That with regards to the statements made in paragraph 4(iv) of the application thr respondents beg to state that as per Government decision on payment of SDA the applicant is entitled to the said allowance. The paper work for admitting the allowance was started in the year 1999 based on verbal request from the applicant. The audit authorities returned the documents stating it to be a time barred case for which special sanction is required from competent authority. The case for obtaining the time barred sanction is under way. As and when the sanction is obtained the allownace with arrears will be paid to the applicant.



B. Srinivasa Rao
(B. Srinivasa Rao)
E E
Garrison Engineer
Missamari

18- 25

7. That with regards to the statements made in paragraph 4(v) of the application the respondents beg to state that the contents are not correct. On the applicants first verbal request for grant of SDA, necessary payment papers (with arrears) were prepared and forwarded to the pay releasing authority (AAO Shillong) vide GE Missamari letter No 1542/356/E1P dated 18 Mar 1999. The pay bill since then has been returned by audit authorities a number of times with various audit remarks, (presently case for time barred sanction has been taken up with the competent authority. All other issues presently have been resolved except the time barred sanction for which documents as per CPRO 811/53 and 55/69 have been prepared and fwd to higher HQs for sanction. The applicant's statement that nothing was done to give him his dues by the department is incorrect. On various occasions the Garrison Engineer had informed him verbally the progress and the reasons for the delay in the case.

8. That with regard to the statements made in paragraph 4(vi) of the application the respondents beg to state that as stated in para 7 above the respondents beg to state that the department has taken all necessary steps as are required by the existing rules and regulations in ensuring that the allowance due to the individual is paid soon. As soon as the time bar sanction is received from the competent authority documents will be submitted to the pay releasing authority and the allowance will then continue.



B. Srinivasa Rao
(B. Srinivasa Rao)
E E
Garrison Engineer
Missamari

9, That with regard to the statements made in paragraph 4 (vii) of the application the respondent beg to state that the Garrison Engineer did receive the applicants pleaders notice which was appropriately replied. The Garrison Engineer can make the payments to his employees only once the bills are scrutinised, verified and passed by the audit authorities (AAO Shillong). Since in the present situation the case was under correspondence and the time barred sanction is yet to be received from the competent authority the allowance remained unpassed by the audit authorities. Since the department was taking all steps to ensure that the individual gets his dues soon taking shelter of the Honourable Court without waiting for the outcome is considered too premature.

10. That, the respondents beg to state the statements made in paragraphs 4(viii) are statement of facts and hence no comments.

11. That with regards to the statement made in paragraph 4(ix) are not correct. The Garrison Engineer had interviewed the individual personally explaining to him the facts of the case and had informed himself since it is a time barred case and all formalities as per Government provision/rules and regulations have to be gone into before the audit authorities will release the payment, it is likely to take time but the payment with arrears will come through. At no point of time have the respondents denied the applicants due entitlement.



B. Srinivasa Rao
(B. Srinivasa Rao)
E E
Garrison Engineer
Missamari

12. That with regards to the statement made in paragraph 4(x) are not correct. The respondents have taken all steps to ensure that the allowance is paid to the applicants as is due to him. Being a time barred case right from the start, all procedural provisions as are required in Government departmental sanctions had to be gone into which no doubt is time consuming but just and effective. The respondents opine that as the allowance which is due to the applicant will eventually be paid to him as soon as the time barred sanction is obtained, which is just a matter of time, the case be discussed on merit.

13. That with regards to the statement made in paragraph 5(A) the applicant is entitled to special duty allowance by virtue of his appointment outside NER. The allowance of no point of time has been denied to the applicant. Being a time barred case once the Government procedural formalities are over the allowance with arrears will be paid to the applicant.

14. That with regards to the statement made in paragraph 5 (B) agreed and as stated above the allowance has not been denied but action is at hand to ensure payment of the dues to the applicant.

15. That with regards to the statement made in paragraph 5 (C) of the application the respondents beg to state that it is not correct. Time barred cases do take time to yield results as Government procedural formalities have to be gone into. Until and unless the audit authorities pass the bill the respondent No 1 can not pay the allowance. All actions have been taken to ensure that the allowance is paid to the applicant.



B. Srinivasa Rao
(B. Srinivasa Rao)
E E
Garrison Engineer
Missamari

16. That with regards to the statement made in paragraph 5 (D) of the application the respondents beg to state that Government provisions on the issue of SDA is very clear and as stated in above paras at no point of time the allowance has been denied to the applicant. All possible actions have been taken to ensure that the applicant gets his dues which is just a matter of time as soon as the time barred sanction is obtained from the competent authority.

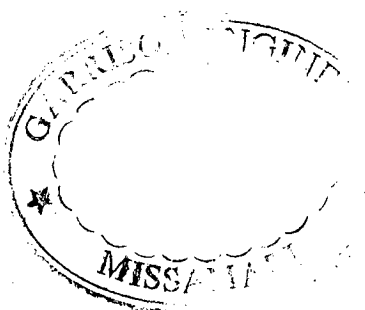
17. That with regards to the statement made in paragraph 5 (E) of the application the respondents beg to state that are correct.

18. That with regards to the statement made in paragraph 6 of the application the respondents beg to defer with the statement. All possible action have been taken by the respondents to ensure that the applicant gets his due allowance, which was started much before the applicant took shelter of the honourable court.

19. That the respondents have no comments to the statements made in paragraph 7 of the application.

20. That with regards to the statement made in paragraph 8 of the application the respondents

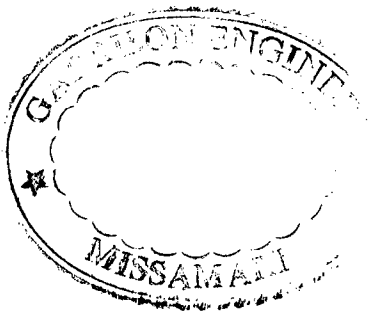
beg to state that submit that all actions required for release and further continuance of the allowance to the applicant have been taken by the respondents which very soon will yield results the case be dismissed on merit.



B. Srinivasa Rao
(B. Srinivasa Rao)
E E
Garrison Engineering College
Missamari

21. That with regards to the statement made in paragraph 9 of the application the respondents beg to state that it has been informed by the audit authorities that pending finalisation of the arrears case , Payment of current SDA dues to the applicant will be against Government provisions on the subject.

Verification



B. Srinivasa Rao
(B. Srinivasa Rao)
E E
Garrison Engineer
Missamari

23-

30

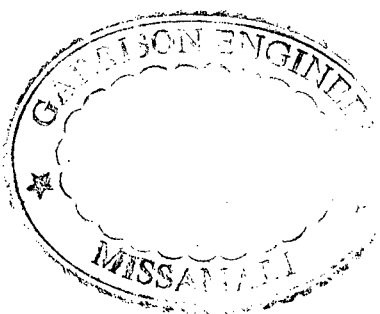
VERIFICATION

I, B Srinivasa Rao, EE, Garrison Engineer Missamari being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statement made in paragraphs 1 - 18 of the application are true to the best of my knowledge and belief, those made in the rest are humble submission before the Hon'ble Tribunal, I have not suppressed any material facts.

And I sign this verification on this the
Missamari.

15th day of November 2002, at

Deponent



B. Srinivasa Rao
(B. Srinivasa Rao)
E E
Garrison Engineer
Missamari

FORM NO. 4

(SEE RULE 12)

CENTRAL ADMINISTRATIVE TRIBUNAL
CHHATTISGARH BENCH.

ORDER SHEET

Orig. App./ Misc. Petn/ Cont. Petn/ Rev. Appl.

7/04

In O.A. 241/02

Name of the Applicant(s) B. Jozga Rao

Name of the Respondent(s) B. Steinirasa Rao

Advocate for the Applicant A Das-gupta, S. Chakraborty

Counsel for the Railway/ C.G.S.C. ~~A Das-gupta~~ Mr. M. C. Ahmed, Addl. C.G.S.C.

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

This Contempt petition 25.2.2004 has been filed by the counsel for the petitioner praying for Contempt proceeding against the contemner for willful disobedience of the order dated 10.1.2003 passed by this Hon'ble Tribunal in O.A. 241/02.

Kind before the Hon'ble Court for further orders.

Section officer

Notice & order dt. 25/2/04 sent to D/Section for issuing to the respondent.

9/3/04.

present: The Hon'ble Shri Shanker Raj
Judicial Member.

The Hon'ble Shri K.V. Prahlad
Administrative Member.

Despite directions passed in O. No. 241/2002 the matter of SDA is to be settled by the respondents. Month SDA is also not being paid. Prima facie contempt is found against the respondents.

Issue notice to the respondents. The contemners are exempted from personal appearance.

List on 26.3.2004 for orders

K. V. Prahlad
Member (A)

h
Member (J)

bb

26.3.2004 On the plea of counsel for the applicant list on 1.4.2004 for orders.

K.V. Prahlada
Member (A)

mb

31.3.2004 Present: The Hon'ble Shri Ruldip Singh Member (J).

The Hon'ble Shri K.V. Prahlada Member (A).

Mr. S. Chakraborty, learned counsel for the petitioner and Mr. A. K. Chaudhuri, learned Addl. C.G.S.C. for the alleged contemnors were present.

Mr. Chaudhuri, learned Addl. C.G.S.C. seeks time to file reply.

List the case on 29.4.2004.

No reply has been filed.

28.4.04

K.V. Prahlada
Member (A)

me
Member (J)

bb

29.4.2004 List on 10.5.2004 for orders before the Division Bench.

K.V. Prahlada
Member (A)

mb

10.5.2004 Present: The Hon'ble Shri Mukesh Kumar Gupta, Member (J).

The Hon'ble Shri K.V. Prahlada Member (A).

Heard counsel for both the parties. Order passed separately.

K.V. Prahlada
Member (A)

me
Member (J)

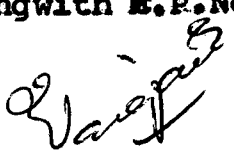


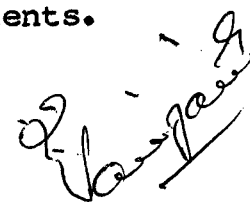
bb

Service Reports awaited

19.5.04

Copy of the order has been sent to the D/Sec. for Shri. The line to the applicant as well as to the Addl. C.G.S.C. on the 19.5.04

*Read copy
APR 21/5/04*

Office Notes	Date	Order of the Tribunal
	28.4.05.	Post the matter alongwith E.P.No. 76 of 2005 on 17.5.05.  Vice-Chairman
lm	17.5.2005	Post on 26.7.2005 alongwith M.P. 76/2005.  Member
mb	26.7.2005	Heard Mr. S. Chakrabarty, learned counsel for the applicant and Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents. Respondents have filed M.P. No. 126/2005 for seeking further time to comply with the order. We do not find any reason to extend further time to comply with the order. However, the case is adjourned to 29.8.2005. Unless the order is complied with the concerned respondent will be present on that day. Issue copy of this order to the counsel for the respondents.  Member
mb	30.8.05.	Post the matter on 3.10.05.  Vice-Chairman
lm		

27/7 (per. no. -)

3.10.05.

We are sorry to note that in spite of specific direction issued on 26.7.05 to the Respondents to be present in Court on 29.8.05, unless the direction issued on 17.5.05 in the present M.P. is complied with. The Respondents ^{have} ~~were~~ not chosen comply with the order and not ~~to be~~ present before the Tribunal, either on 30.8.05 or to-day. This is a fit case for pursuing Contempt petition No.7 of 2004 against the Respondents. However as a last chance we adjourn the case on 7.11.05. If the direction is not complied with the Respondents will be present before the Tribunal on that day.

Order dt. 3/10/05
sent to D/section
for issuing to
resp. by speed post
with A/D

24/10/05

[Signature]
Member

[Signature]
Vice-Chairman

lm

7.11.2005 Post ~~in~~ alongwith M.P. 76/2005 before Division Bench.

[Signature]
Vice-Chairman

mb

5-1-06

No Compliance
report filed.

10

6-3-06

No compliance report
filed.

my

No compliance report
has been filed.

7-8-06

No compliance report
has been filed.

8-8-06

5
C.P. 7/2004

09.08.2006

Post on 24.08.2006.



Member


Vice-Chairman

mb

24.08.2006 Present : Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Learned Counsel for the Applicant
sought time on personal ground. Post on
15.09.2006.


Vice-Chairman

/mb/

15.9.06.

Post the matter 17.11.06.


Vice-Chairman

1m

17.11.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

When the matter came up for
hearing, learned Counsel for the Applicant
was absent. Learned Counsel for the
Respondent in M.P. No. 126/2005
submitted that the case may be taken up
after two weeks. Post on 04.12.2006.


Vice-Chairman

/mb/


6.7.2007

The correct name of the alleged
contenmers has not been furnished as yet.
Post the matter on 19.7.2007.



Vice-Chairman

/bb/


No compliance report
has been filed.


23.8.06.

No compliance report
has been filed.


16.11.06.

Compliance report
not yet filed.


18.7.07

-6- CP.7/2004

8.5.2007 . . . In view of the orders passed in M.P. No.76/2005, the C.P. No.7/2004, which was earlier disposed of on 10.05.2004, is reopened and taken on file. Mr. M. U. Ahmed, learned Addl. C.G.S.C. is directed to obtain instruction as to whether the orders of this Tribunal has already been complied with or not. Mrs. U. Dutta, learned counsel for the petitioner is also directed to provide correct name and address of the contemner against whom contempt proceeding has to be initiated.

Post the case on 04.06.2007. It is made clear no further opportunity will be granted to either party for that purpose.

Vice-Chairman

/bb/

20.6.07. Ms. U. Dutta learned counsel for the applicant has submitted that the alleged condemner's person has changed and she wants to furnish the actual correct name and address of the alleged contemnners. Post the matter on 6.7.07.

Vice-Chairman

Lin

No compliance report
has been filed.

23
19.6.07.

No compliance
report filed.

23
5.7.07.

CP. 7/04

18.7.2007

Mr.M.U.Ahmed, learned Addl. C.G.S.C. is present. Post the matter on 9.8.2007 for compliance of the order dated 6.7.2007.

No Compliance report filed.

18.9.07.

Vice-Chairman

/bb/

19.9.2007

The learned counsel for the applicant prays for time to file impleadment application. Time allowed. List the matter on 01.10.07.

28-9-07
~~At~~ Impleadment
petition filed and
Registered on 10/10/07.

Vice-Chairman

nkm

01.10.2007

Call this matter on 05.10.2007.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

05.10.2007

Non-compliance of the order dated 10.01.2003 of this Tribunal, rendered in O.A. No.241/2002, is the subject matter of the present Contempt Proceeding filed under Section 17 of the Administrative Tribunals, Act, 1985. Since Special Duty Allowances were not being paid to the Applicant, he approached this Tribunal in the said O.A. No.241/2002 and vide order dated 10.1.2003, this Tribunal directed payment of Special Duty Allowances to the Applicant. The said order dated 10.01.2003 of this Tribunal rendered in O.A. No.241/2002 was subject matter of challenge before the Hon'ble Gauhati High Court in W.P.(C) No.2399/2004. It appears that the said Writ

Contd....

8
CP.7/2004 (OA 241/02)

Contd.
05.10.2007

Petition was dismissed on 06.12.2005, virtually, confirming the order dated 10.01.2003 of this Tribunal. Despite dismissal of the case of the Department in the Hon'ble Gauhati High Court, the Respondents have, it is alleged, not yet released Special Duty Allowances to the Applicant.


Issue notice to the Respondents of O.A. No.241/2002 (named in Annexure-3 at Page-13 of this Contempt Petition) requiring them to file their show cause in the present Contempt Proceeding.

Pendency of this Contempt Petition, shall, however, not stand on the way of the Respondents of the O.A. No.241/2002 to disburse Special Duty Allowances to the Applicant; if the same have not yet been paid to the Applicant - B. Jogga Rao.

Send copies of this order to the Applicant and to the Respondents of O.A. No.241/2002 along with notices to be issued in C.P. No.7/2004.

Copies of this order and the list of the Respondents in O.A. No.241/2002 be also supplied to Mr.G.Baishya, learned Sr. Standing Counsel for the Union of India; who should take immediate steps in the matter.

Call this matter on 23.11.2007.


(Khushiram)
Member (A)


(M.R.Mohanty)
Vice-Chairman

Notice & order sent to D/Section for issuing to R-1 to 5 by regd. A/D post.

Case D/No-1164 to 1168
23/10/07 DI- 6/11/07.

Perused
G.Baishya
22.11.07

Dt. 5.10.07.

Pl. send under copies to applicant & respondents
for notices

① Service report awaited.

/bb/

22.11.07

CP.7/04

23.11.2007

Reply to this Contempt Petition is undertaken to be filed during the course of the day after serving a copy thereof on the learned counsel for the Applicant.

Call this matter on 03.01.2008.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

03.01.2008

On the prayer of learned counsel for both the parties, call this matter on 28.02.2008.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

28.02.2008

Mr.M.U.Ahmed, learned Addl. Standing counsel for the Respondents submitted that orders of this Tribunal has been complied with. Mrs.U.Dutta, learned counsel for the Applicant, however, submitted that though current SDA is being paid arrears have not yet been paid.

Respondents are directed to file compliance report within two weeks after serving a copy on the learned counsel for the Applicant.

Call this matter on 18.03.2008.

(Khushiram)
Member (A)

/bb/

Notice duly served
on R-2,5,4.
12/07.

Abbidavit filed

21
2.1.08.

Abbidavit filed

27
27.2.08.

No compliance report
filed.

17
17.3.08.

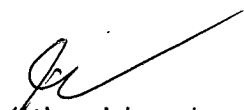
80-

C.P. 7/04

18.03.2008

Call this matter on 27th March

2008.



(Khushiram)
Member(A)



(M.R. Mohanaty)
Vice-Chairman

Im

GA C.P 7/04

27.03.2008

Mr.M.U.Ahmed, learned Addl. Standing Counsel appearing for the Respondents files memo with verification from the Respondents' side. Copy served.

Call this matter on 29th.04.2008.

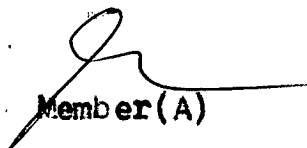


(M.R.Mohanty)
Vice-Chairman

10.4.2008

This case, which was posted to 29.4.08, is now postponed/rescheduled to be listed on 15.5.08.

Send copies of this order to both parties.



Member(A)



Vice-Chairman

15.05.2008

Mr. M. U. Ahmed, learned Addl. Standing Counsel appearing for the Respondents says that the part of the grievances is pending with the Ministry of Defence, Government of India.

In the said premises, the matter stands adjourned and to be taken up on 11.7.2008.

Copy of this order be handed over to Mr.M.U.Ahmed, learned Addl. Standing counsel appearing for the Respondents.



(Khushiram)
Member(A)



(M.R.Mohanty)
Vice-Chairman

lm

1.4.08

An affidavit filed by Repdt. No. 2, Cops served.



Order dt. 10/4/08 issuing to learned advocate's for both the parties.

21/4/08.

Affidavit filed.

14.5.08

Dt. 15.5.08

Copy of this order be handed over to Mr. M.U. Ahmed, Id. Addl. Case.



21/5/08
(Addl. C.G.S.E.)

12
C-8. 7/04 -12

O.AC.P.7 of 04

11.07.2008

Non compliance of the order dated 10.1.2003 of this Tribunal rendered in O.A.No. 241 of 2002, is the subject matter of the present Contempt proceeding filed under Section 17 of Administrative Tribunals Act, 1985.

2. Since the Special Duty Allowances were not being paid to the Applicant, he approached this Tribunal, in the aforesaid O.A. 241 of 2002 and by order dated 10.01.2003 this Tribunal directed the Respondents to make payment of SDA to Applicant.

3. The aforesaid order dated 10.1.2003 of this Tribunal rendered in O.A.No. 241 of 2002, was subject matter of challenge before the Gauhati High Court in WPC No. 2399 of 2004. It is reported by Mrs.U.Dutta, learned counsel appearing for the Applicant, that aforesaid Writ Petition was dismissed on 06.12.2005, virtually, confirming the order dated 10.1.2003 of this Tribunal.

4. Despite dismissal of the case of the department in the Hon'ble Gauhati High Court, in the year of 2005, the Respondents did not release the SDA to the Applicant.

5. In the aforesaid premises, the Applicant has filed present Contempt Petition No. 7 of 2004; in which notices were directed to be issued to the Respondents of the O.A.No.241 of 2002, requiring them to file their show cause in the present Contempt Petition.

6. While issuing notice to the Respondents of the O.A (in the matter of this C.P.), liberty was granted to the Respondent Department, to disburse the SDA to the Applicant- B.Jogga Rao.

PTO

- 13 -

13

C.P.7 of 04

Contd/-

11.07.2008

6. It appears the Respondents, during pendency of this C.P., are releasing current SDA to the Applicant and that they have not yet released the arrears in favour of the Applicant.

7. Mr.M.U.Ahmed, learned Addl. Standing Counsel appearing for the Respondent Department states that proposal to release of arrears are pending with the Ministry and therefore, there has been delay.

8. The aforesaid statement of Mr.M.U.Ahmed, learned Addl. Standing Counsel itself makes out a case of Contempt.

9. Mr.M.U.Ahmed, learned Addl. Standing counsel makes a prayer to grant ^a last opportunity to him/the Respondents of the O.A. No.241 of 2002 to make payment of arrears/implement the orders of this Tribunal.

10. In the aforesaid premises, call this matter on 31st October, 2008; by which date, the Respondents should furnish compliance report.

11. Failure to comply with the order of this Tribunal by the next date, the Respondents of O.A.No.241 of 2002 should appear in person to receive of Contempt proceedings ^{Charges}.

12. Send copies of this order to the Respondents of O.A.No.241 of 2002, in the address given in the O.A. and free copies of this order be handed over to the learned counsel appearing for both parties.



(M.R.Mohanty)
Vice-Chairman

31.11.7.'08

Pl. send copies of this order to the Respondents of OA No. 241/2002 via the add. given in the OA. Free copies of this order be handed over to the learned counsel appearing for both the parties.

hmt

Copies of order dt-11/7/08 send to D/Section for issuing to respondents of OA No-241/02 by post.

And free copies of this order handed over to learned Counsel appearing for both the parties.


Ces 17/7/08. D/No-3177-84
Dt-22/7/08.

Compliance report
not filed

By 30/10/08.

Lm

14
C.P. 7/04
31.10.2008 Call this matter on 05.11.2008 for orders.

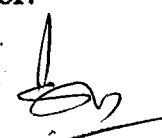

(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

pg

05.11.2008 Mr M.U.Ahmed, learned Addl. Standing counsel for the Respondents makes a statement that, in compliance of the order of this Tribunal, the present SDA was paid to the Applicant, and in the meantime, arrear SDA has also been released in favour of the Applicant. He undertakes to produce the supporting materials by 07.11.2008.

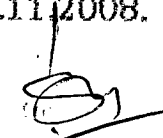
Call this matter on 10.11.2008 for order.



(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

pg

10.11.2008 On the prayer of the learned Counsel for the Parties, call this matter on 14.11.2008.


(S.N. Shukla)
Member (A)


(M.R. Mohanty)
Vice-Chairman

nkmm

15 15
C.P.7 of 04


14.11.08

Mrs.U.Dutta, learned counsel appearing for the Applicant and Mr. M. U. Ahmed, learned Addl. Standing Counsel, appearing for the alleged contemnors are present.

Mr. M. U. Ahmed, learned Addl. Standing Counsel for the Respondents files a compliance report showing the payment of all arrears of SDA to the Applicant.

In the aforesaid premises, the Contempt proceedings is dropped.

Send Copies to both parties.

Send
3/12
Adl. CG PC

S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

lm

3/12/08
Copy of the order
send to the office.
for issue the
same to the
applicant in reply
with a copy to the
Adl. for its appl.
el

10

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Contempt petition No.7 of 2004 (O.A.241/2002)

Date of Order : This, the 10th Day of May, 2004.

THE HON'BLE SHRI MUKESH KUMAR GUPTA, JUDICIAL MEMBER.

THE HON'BLE SHRI K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

Sri B. Jogga Roa
Son of B. Joggaya
C/o G.E.Missamari
P.O: Missamari
District: Sonitpur, Assam. Petitioner.

By Advocates Mr.A.Dasgupta & Mr.S.Chakraborty.

- Versus -

Sri B. Srinivasa Rao
Garrison Engineer, MES Missamari
P.O: Missamari, Dist: Sonitpur, Assam.
. Respondent/Contemner.

By Mr.A.K.Chaudhuri, Addl.C.G.S.C.

O R D E R (CRAL)

MUKESH KUMAR GUPTA, MEMBER (J) :

We have heard Mr.S.Chakraborty, learned counsel for the petitioner and also Mr.A.K.Chaudhuri, learned Addl. C.G.S.C. for the alleged contemner.

It is stated by Mr.A.K.Chaudhuri, learned Addl. C.G.S.C. for the contemner, that the order of this Tribunal dated 10.1.2003 passed in O.A.No.241 of 2002 against which this Contempt Petition has been filed, has been the subject matter before the Hon'ble Gauhati High Court in W.P.(C) No. 2399 of 2004, wherein vide order dated 2.4.2004 the said order dated 10.1.2003 passed by this Tribunal has been stayed. Mr.S.Chakraborty, learned counsel for the petitioner, states that the contemner/respondent must show the steps taken by them for compliance of the directions passed in O.A.241/2002 on 10.1.2003.

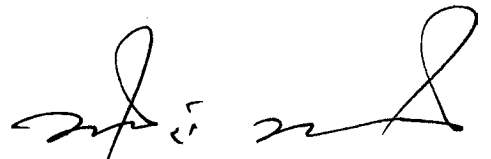
In view of the fact that the order of the Tribunal dated 10.1.2003 has been stayed by the Hon'ble Gauhati High

Court in the aforesaid W.P.(C), the petitioner's contention that the contemner must satisfy as to what steps ^{was} taken for compliance of the order of the Tribunal dated 10.1.2003 in O.A.241/2002, cannot be insisted upon. Once the order of the Tribunal has been stayed by the Hon'ble High Court, it cannot be said that there is wilfull disobedience of the order.

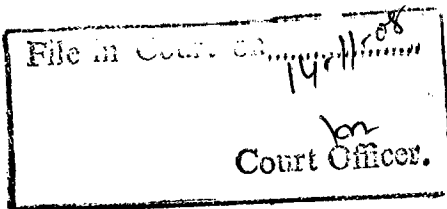
In that view of the matter, the present Contempt petition is liable to be disposed of with a order that in case, the Hon'ble Gauhati High Court dispose of the aforesaid W.P.(C) in favour of the petitioner herein, he would be at liberty to review the Contempt petition. The C.P. is disposed of accordingly.



(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER



(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

C.P.No.7/2004
Arising out of O.A.No.242/02

IN THE MATTER OF :

Sri B. Jogga Rao

.....Petitioner

-Vs-

Sri B. Srinivas Rao & Ors.

.....Respondents

-And-

IN THE MATTER OF :

An order dated 10.01.2003 passed
by this Hon'ble Tribunal in
O.A.No.241/02, the non compliance
of which was the subject matter of
C.P.7/2004.

The counsel for and on behalf of the aforesaid Respondent
most respectfully beg to submit as follows :

1. That the applicant who is working as Gardener in Garrison Engineer, Missamari (MES) approached this Hon'ble Tribunal vide O.A.No.241/02 seeking direction towards the Respondents for grant of SDA and Hon'ble Tribunal was pleased to pass the Order/judgment dated 10.01.2003 in favour of the applicant.
2. That due to non compliance of the aforesaid order, the Contempt Petition vide No.7/04 was filed against the Respondents.
3. That the arrear bill of SDA for the period from December 1983 to December 2007 was forwarded to Area Accounts officer at Shillong. The Area Accounts Officer has returned the bill duly verified

Received
14.11.08

18
Motin Ud-Din Ahmed
M.A., B.Sc., L.L.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)
14/11/08

and also asked to obtain speaking order in terms of MOD letter No.1574/203/D(CMC)/dated 7.4.2003.

However, pending receipt of the speaking order and charged expenditure sanction upto December/2007, has been admitted with effect from regular pay bill of January, 2008 and paid to the applicant and the documentary proof of the current payment of SDA already submitted on 29.4.2008 before the Hon'ble Tribunal.


4. Now, the Govt. of India, integrated HQ of Ministry of Defence (Army) has accorded for sanction for payment of arrears of SDA to the applicant vide letter No.PC-90237/8336/EIC (Legal-C)/88/CAT/E-in-C's Branch dated 29th September 2008 (copy enclosed as Annexure R-1) in compliance of order dated 10.01.2003 passed in O.A.241/02 and order dated 11th July 2008 in c.P.7/04.

5. The above sanction is accorded subject to the outcome of SLP being filed in Hon'ble Supreme Court by the Department which has already been registered.

6. The arrears of SDA has already been paid to the Applicant on 24th October 2008 & the cash receipt obtained from the above individual is enclosed herewith (as Annexure R-11) which is self explanatory.

Further, the aforesaid payment of SDA was made, subject to outcome of the SLP pending before the Hon'ble Apex Court and as such an undertaking/promise has been obtained from the applicant to refuse the money in the event of order passed in the SLP in favour of the Respondents.

The aforesaid undertaking dated 24.11.2008 is annexed herewith and marked as Annexure R-III.

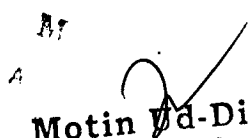

Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

7. That this petition is mad bona fide and for the ends of justice.

Under the above circumstances it is most respectfully prayed that your Lordships would be pleased to admit this petition and dropt the contempt proceeding against the Respondents and further be pleased to pass any order/s as your Lordship may deem fit and proper.

- And -


For this act of kindness, the petitioner as in duty bound shall ever pray.


Motin Md-Din Ahmed
M.A., B.Sc., LL.B. - d
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT) /sel

VERIFICATION

I, M.U. Ahmed, counsel appearing for the Respondents in Contempt Petition No.7/2004 duly authorized by the alleged contemnners and competent to sign this verification, do hereby solemnly affirm and verify that the statements made in Paras 1 to 7 are true to my knowledge, belief and information and those made in Para to being matters of record are true to my knowledge as per the legal advice and I have not suppressed any material facts.

And I sign this verification on this 12th day of November 2008 at Guwahati


Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

5

Annexure - R-1.

PC-90237/8336/EIC (Legal-C)/ 88 /CAT/E-in-C's Br.
 Govt of India
 Integrated HQ of Ministry of Defence (Army)
 Kashmir House, Rajaji Marg
 New Delhi -110 011 the, 29 September, 2008

To

Headquarters
 Chief Engineer
 Eastern Command
 Pin No. 900 285
 C/O 56 APO

Subject: IMPLEMENTATION OF HON'BLE CAT GUWAHATI BENCH ORDER DATED 10TH JAN 2003 IN OA NO.241/2002 AND CAT GUWAHATI ORDER DT. 11TH JULY 2008 IN CP NO. 07/2004 FILED BY SHRI B. JOGGA RAO

Sir,

In exercise of financial powers delegated to him vide Government of India, Ministry of Defence letter No. MOD/IC/1027/32/AS (J)/6864/2006 dt. 01 Sep 2006, sanction of the Engineer-In-Chief is hereby conveyed for payment of arrears of SDA for **Rs. 66,545.00 (Rupees sixty six thousand five hundred forty five only)** to Shri B. Jogga Rao, in compliance of Hon'ble CAT Guwahati Bench Order dt. 10th Jan 2003 in OA No. 241/2002 Order dated 11th July 2008 in CP No. 07/2004 Subject to outcome of SLP being filed in Supreme Court of India by Department.

2. The expenditure is debatable to Major Head 2076, Minor Head 104 civilian (Pay and allowances) Defence Service (Army) under Charges expenditure.
3. This issues with the concurrence of IFA (Army-Q) vide their UO No. 01/IFA-Q1/E-In-C/CJ/662/944 dated 22nd Sep'2008.

Yours faithfully,

(DK Tyagi)
 SE (SG)
 Director (Legal)
 IHQ, Min of Def (Army)
 Govt of India

Copy to: -

1. IFA (Army-Q), Room No. 712, "A" Wing, Sena Bhawan, New Delhi-11
2. E-5 (Budget)
3. CGDA West Block V, RK Puram, New Delhi - Ink signed copy
4. PCDA Eastern Command, Patna - Ink signed copy

LTC

T. K. Das

E E
 Garrison Engineer
 Missamari

Motin Ud-Din Ahmed
 M A. B Sc., LL.B.
 Addl. Central Govt. Standing Counsel
 Guwahati Bench (CAT)

6

Amendment - R-II

STATEMENT OF ACCT OF ARREARS OF SDA IN RESPECT OF MES/265298 B JOGGA RAO, GARDENER OF BSO MISAMARI C/O GE MISAMARI FOR THE PERIOD WEF DEC 1983 TO NOV 2007

Unit: BSO Misamari
Voucher No: 10/Cash: 87 BS dated 01 Oct 2008

C/O GE Misamari

Srl No	Month & Year	Total Month	Basic Pay	DP 50% of BP	Total (d)-(e)	% of SDA entitled	Total Amount Due	Total Aror Paid	Vr No & Date	Remarks
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
01	Dec 83 to Apr 85	17✓	226.00	0	226.00	12.50%	480.00	480.00		
02	May 85 to Apr 86	12✓	884.00	0	884.00	12.50%	1326.00	1326.00		
03	May 86 to Apr 87	12✓	898.00	0	898.00	12.50%	1347.00	1347.00		
04	May 87 to Apr 89	24✓	912.00	0	912.00	12.50%	2736.00	2736.00		
05	May 89 to Apr 91	24✓	940.00	0	940.00	12.50%	2820.00	2820.00		
06	May 91 to Apr 93	24✓	954.00	0	954.00	12.50%	2862.00	2862.00		
07	May 93 to Apr 95	24✓	968.00	0	968.00	12.50%	2904.00	2904.00	31 dt 05 Jun 92 176 dt 05 Feb 93 44 dt 07 Jun 93 230 dt 09 Mar 95 28 dt 12 Jun 95 113 dt 10 Aug 96	
08	May 95 to Aug 96	16✓	982.00	0	982.00	12.50%	1964.00	1964.00		
09	Sep 96 to Oct 97	14✓	982	0	982.00	12.50%	1719.00	-		
10	Nov 97 to Apr 99	18✓	3200.00	0	3200.00	12.50%	7200.00	-		
11	May 99 to Apr 01	24✓	3260.00	0	3260.00	12.50%	9780.00	-		
12	May 01 to Oct 01	06✓	3320.00	0	3320.00	12.50%	2490.00	-		
13	Nov 01 to May 03	19✓	3320.00	0	3320.00	12.50%	7885.00	-		
14	Jun 03 to Mar 04	10✓	3380.00	0	3380.00	12.50%	6076.00	4225		
15	Apr 04 to Oct 04	07✓	3380.00	1690.00	5070.00	12.50%	4438.00	4436		
16	Nov 04 to Jul 05	09✓	3825.00	1913.00	5738.00	12.50%	6453.00	6455		
17	Aug 05 to Jul 06	12✓	3900.00	1950.00	5850.00	12.50%	8772.00	8775		
18	Aug 06 to Aug 07	13✓	3975.00	1988.00	5963.00	12.50%	9685.00	9690		
19	Sep 07 to Nov 07	03✓	4025.00	2013.00	6113.00	12.50%	2292.00	2264		
Total		290			6035		82229.00	16439.00		



Net Payable Amount

Motin Ud Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

81358
CITC
T. K. Das
E E
Garrison Engineer

(Manjit Singh)
N.B. Sub
Offg BSO Misamari

R 64919
6-500

(7)

Amara - R-III 24

UNDERTAKING CERTIFICATE

I, No 265298 Shri B Jogga Rao, Gardner of Garrison Engineer, Misamari bond to refund the arrears of SDA paid to me till date, if the SLP being filed by the department ordered against me.

B. Jogga Rao

MES/265298 Shri B Jogga Rao
Gardener

Date: 24 Oct 2008

Countersigned of Officer

Subject: EIC out of SLP being filed by Garrison Engineer, Misamari. Ref: MES/265298/611/EIC dated 23 Oct 2008. In the light of the above, the undersigned hereby undertakes to refund the arrears of SDA paid to me till date, if the SLP being filed by the department ordered against me.

(V. K. Das)

Subject: EIC out of SLP being filed by Garrison Engineer, Misamari. Ref: MES/265298/611/EIC dated 23 Oct 2008. In the light of the above, the undersigned hereby undertakes to refund the arrears of SDA paid to me till date, if the SLP being filed by the department ordered against me.

RECEIPT

Received Garrison Engineer, Misamari letter No MES/265298/611/EIC dated 23 Oct 2008 on 24 Oct 2008.

B. Jogga Rao

MES/265298 Shri B Jogga Rao
Gardener

Date: 24 Oct 2008

Motin Uddin Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

CP 7704
REGULAR PAYBILL FOR THE MONTH OF MAR 2008 IN R/O NON-INDUSTRIAL STAFF OF BSO MISAMARI

File in Court on 15/3/08
 Court Officer [Signature]

Sl No	MIS NO, NAME AND SIGNATURE	ENTITLEMENT								DEDUCTION								NET PAYABLE (R-U)	SIGNATURE
		BASIC PAY	D.P. (50% OF B.P.)	DA 41%	SCA	SDA 12.50% of B.P.+ D.P.	HRA 5% of B.P.+ D.P.	TA	VVA	TOTAL (c+d)	GPF	GPF Rec	CGEGIS	FA	RENT	MISC	TOTAL (o+t)		
1	MIS-265268 Shri B Joga Rao, Gardaner DOB: 01-01-1960	4025	2013	2476	120	755	0	75	30	9484	2075	0	15	0	80	0	3170	5324	[Stamp]
2	MIS-265795 Shri Gopal Kumar, Chow (G) DOB: 29-08-1961	3700	1855	2331	120	0	0	75	30	8241	1000	0	15	150	80	0	1245	6996	[Stamp]
3	MIS-265029 Shri SC Shuyen, Chow (G) DOB: 31-08-1964	3500	1750	2202	120	0	0	75	30	7707	4200	0	15	150	82	0	1147	5350	[Stamp]
4	MIS-234702 Shri Dipyoti Bania, Chow (G) DOB:	3140	1570	1931	80	0	0	75	30	6826	1000	500	15	150	80	0	1745	5081	[Stamp]
5	MIS-1489321 Shri Dulal Ch Das, Chow (G) DOB:	3140	1570	1931	80	0	236	75	30	7062	1000	0	15	150	0	0	1105	5957	[Stamp]
		17676	8838	10871	520	755	236	375	150	39420	7275	500	75	600	322	0	8772	39648	
		7775																	

Remarks :

Sl No 1, 2, 3 and 4 : Rent and allied charges recovered as per AAO BSO Misamari LF bill No AAO/BSO/MISRB-05 dt 01 Jan 2008.

* Sl No 1 : SDA has been claimed for the indi as the rate of 12.50% (B.P.+ D.P) admissible for compliance of court orders passed by Honourable Court Dipyoti Bania Admistrative Tribunal (CAT), Guwahati 01 Jan 2003 in OA 241 / 2002 and Honourable High Court, Guwahati dt 05 Dec 2005 (Photo Copies of both orders att).
 for Dulal Ch. Das
 D Bania
 MIS-234702
 Chow


[Signature]
 (SD Sharma)
 Sub Supv/BS
 Offg BSO

CP 7/04

File in Court on 15/5/08
Court Officer.

REGULAR PAY BILL FOR THE MONTH OF APR 2008 IN R/O NON-INDUSTRIAL STAFF OF BSO MISAMARI

Vr: 10/C/ 05 /BS
Dated: 10 Apr 2008

Vr: 10/C/ 03 /BS										Dated : /0 Apr 2008																			
ENTITLEMENT											DEDUCTION																		
SL NO	MES NO, NAME AND DESIGNATION	BASIC PAY	D.P. (50% OF B.P.)	DA 47%	SCA	SDA 12.50% of B.P + DP)	HRA(5% of B.P + DP)	TA	WA	TOTAL (c+l)	GPF	GPF Rec	CGEGIS	FA	RENT	MISC	TOTAL (o+t)	NET PAYABLE (n-u)	SIGNATURE										
(a)	(b)	(c)	(d)	(f)	(g)	(i)	(k)	(l)	(n)	(o)	(p)	(q)	(r)	(s)	(t)	(u)	(v)	(w)											
1	MES-265298 Shri B Joga Rao, Gardener DOB :01-01-1950	4025	2013	2838	120	755	0	75	30	9856	3075	0	15	0	376	0	3466	6390	for B. Joga Rao Kasthi										
2	MES-265795 Shri Gopal Kurmi, Chow (GI) DOB : 29-06-1961	3790	1895	2672	120	0	0	75	30	8582	1000	0	15	150	330	0	1495	7087	(2)										
3	MES-265929 Shri SC Bhuyan, Chow (GI) DOB : 31-08-1964	3580	1790	2524	120	0	0	75	30	8119	1200	0	15	150	343	0	1708	6411	(3) →										
4	MES-234702 Shri Dipjyoti Bania, Chow (GI) DOB :	3140	1570	2214	80	0	0	75	30	7109	1000	500	15	150	367	0	2032	5077	(4) 										
5	MES-6469321 Shri Dulal Ch Das, Chow (GI) DOB :	3140	1570	2214	80	0	236	75	30	7345	1000	0	15	150	0	0	1165	6180											
		17675	8832	12462	520	755	236	375	150	41011	7275	500	75	600	1416	0	9866	31145											
											7775																		

Remarks:

Sl No 1,2,3 and 4 : Rent and allied charges recovered as per AAO BSO Misamari LF bill No AAO/BSO/MSI/RB-06 dt 06 Apr 2008.

(SD Sharma)
Sub Supvr/BS
Offg BSO

तारीख Date of application for the copy.	संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	देने की तारीख Date of delivery of the requisite stamps and folios.	प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	जाचदक का प्रस्तावित दण का तारीख Date of making over the copy to the applicant.
20/12/2005	20/12/2005	20/12/2005	21/12/2005	21/12/2005

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM; NAGALAND; MEGHALAYA; MANIPUR;
TRIPURA; MIZORAM AND ARUNACHAL PRADESH)

WRIT PETITION (C) NO. 2399 OF 2004

Union of India,
Represented by the Garrison Engineer, MES,
Missamari, P.O. - Missamari,
Dist. Sonitpur, Assam.

.....PETITIONER

-VERSUS-

1. Shri B. Jaggo Rao,
Son of B. Joggaya,
C/O. G.E. Missamari,
Dist. Sonitpur, Assam.

2. Central Administrative Tribunal,
Gauhati Bench,
Guwahati.

.....RESPONDENTS

P R E S E N T
HON'BLE THE CHIEF JUSTICE MR. B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE D. BISWAS

For the petitioner

None appears

For the respondents

None appears.

Date of hearing &
Judgment

6.12.2005

JUDGMENT & ORDER (ORAL)

B. Sudershan Reddy, CJ.

The Union of India invokes the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India with prayer to quash the order dated 10.1.2003 passed in Original Application No. 241/02 by the Central Administrative Tribunal, Gauhati Bench.

2. The respondent No.1 herein made an application before the Central Administrative Tribunal, Gauhati Bench seeking appropriate direction as against the writ petitioner Union of India to pay the Special Duty Allowance (SDA). The respondent/applicant was transferred to the office of the Garrison Engineer, Missamari from ESD Panagarh. Admittedly, he is a lowly paid employee working as Gardener under the Garrison Engineer. The claim set up by him before the Central Administrative Tribunal was that when SDA is granted to all the Central Government employees in the north eastern region having all India transfer liability with effect from 14.12.83, the SDA became due and payable to him but the same has not been paid without any reason or justification.

3. The Union of India filed its written statement in the Central Administrative Tribunal in which no dispute was raised as to the entitlement of the respondent/applicant to the payment of SDA. It was, however, contended that the Audit has raised objections on the ground that it is time barred case for which special sanction is required from the competent authority.

4. The Central Administrative Tribunal having heard the parties and having regard to the fact that the entitlement of the respondent/application to draw SDA is not in dispute, directed the authorities to pay the SDA if the same has not been paid.

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5. We fail to appreciate as to why the Union of India has moved this Court by way of the instant writ petition. The order passed by the Central Administrative Tribunal is not vitiated for any reason whatsoever. It does not suffer from any error apparent on the face of record requiring this Court's interference in exercise of its extraordinary jurisdiction.

6. If any further special permission is required to be granted and the objection raised by the Audit is required to be complied with, the authorities concerned shall pass appropriate orders accordingly and pay the SDA to the respondent/applicant within three months from the date of receipt of a copy of this order.

7. The writ petition fails and shall accordingly stand dismissed without any order as to costs.

sd/- D. Baisnab

Judge

sd/- B. S. Reddy

Chief Justice

P. NO. 45203

dt. 20/12/05

CERTIFIED TO BE TRUE COPY
 Atk on Bar Petition No. 45203
 Date 21/12/05
 Superintendent (Copy & Section)
 Gauhati High Court
 Authorised U/S 76, Act I, 1872

21/12/05

To

The G.E. Missamari
Missamari, Sonitpur
Assam

Sub- Copy of the Judgment dated 06-12-05 passed by the hon'ble Guwahati high Court.

Sir,

Please find herewith a copy of the judgment dated 06-12-05 passed by the hon'ble Guwahati High Court in W.P.(c) No. 2399 of 2004.

It is for your information and necessary action.

Dated : 26-12-05

Yours faithfully

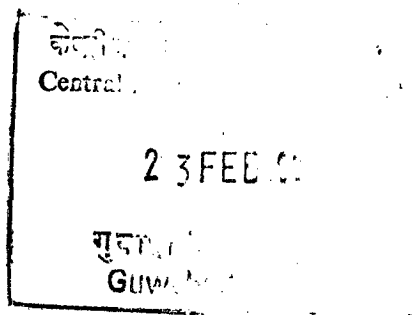
B. Jogga Rao

B. Jogga Rao

Gardener

C/o G.E. Missamari

Received
26/12/05



Filed by:-
Sunar Chakraborty
Advocate.

B. Jogga Rao

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Contempt Application No. 7/2004

IN THE MATTER OF :

An application under Section 17 of
Administrative Tribunal Act, 1985
for initiation of a Contempt proceeding
against the Contemners for wilfull
disobedience of an order passed by this
Hon'ble Tribunal on 10.1.2003 in OA
No. 241/02.

-And-

IN THE MATTER OF :

Sri B.Jogga Roa
Son of B.Jaggaya
C/o G.E.Missamari
P.O. Missamari,
District-Sonitpur, Assam.

... Petitioner

-Versus-

Sri.B.Srinivasa Rao
Garrison Engineer, MES Missamari
P.O. Missamari, Dist.Sonitpur, Assam.

... Respondent/Contemner

Contd...2

The humble petition of the petitioner
above-named.

MOST RESPECTFULLY SHEWETH :

1. That the applicant is a Civilian in Military Engineering Services (MES) under the Ministry of Defence, Govt. of India. He is a Citizen of India and at present posted as gardener under the Garrison Engineer Missamari, Assam.

2. That the applicant originally hails from Andhra Pradesh. He was initially appointed and posted as gardener at ESD Panagrah, West Bengal in the year 1973. Thereafter he was transferred to GE Missamari in the year 1976 vide order of Transfer/Posting dtd. 14.1.76. Since then he is rendering his duties at (GE Missamari honestly and diligently to the satisfaction of all concerned.

A copy of the order of Transfer/Posting
dtd. 14.1.76 is annexed hereto as

Annexure-A.

3. That on 14.12.83, the Govt. of India, Ministry of Finance, Department of Expenditure issued an order whereby Special Duty Allowances was granted to all Central Govt. Employees working in the North Eastern Region having all India Transfer liability. Subsequently the Govt. took

Contd...3

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B. Jogalekar

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Jogendrao

a stand that the employees posted in North Eastern Region on being transferred from a place from outside the North Eastern Region would be entitled to the said allowances. The Hon'ble Supreme Court of India also held that the employees posted in North Eastern Zone on transfer from outside North East would be entitled to the Special Duty Allowances.

4. That the applicant states he is entitled to the Special Duty Allowances as he was recruited and transferred to North Eastern Region from outside the N.E. Region. As stated above he was transferred from ESD Panagarh, West Bengal to GE Missamari Assam. Though he is entitled to get SDA, but the same has not been paid to him.

5. That the applicant is an illeterate person working as gardener and as such he was not aware of his due entitlements. On coming to know about his right to get SDA, he approached the GE Missamari on several occasion. He also preferred several representation before the Garrison Engineer Missamari for payment of SDA. But nothing was done to provide the applicant with the Special Duty Allowances though it was admitted by the Garrison Engineer that the applicant is entitled for the SDA as per rules. The Garrison Engineer Missamari issued a Certificate to

Contd...4

34
B. Jogarao

the applicant certifying that he is entitled for SDA.

A copy of the certificate issued to the applicant by the GE Missamari is annexed as Annexure-B.

6. That the applicant states that ~~XXXX~~ inaction on the part of GE Missamari Compelled him to approach the CWE, Solmara, Assam. A representation was submitted before him on 6.7.2001 narrating the facts of his appointment and posting to N.E.Region from outside the N.E.Region entitling him for the Special Duty Allowances as per rules in force. The CWE, Solmara was requested to take necessary steps for release of his special Duty Allowance, including arrear. But it also failed to evoke any response from the respondents.

7. That finding no other alternative the applicant served a pleader's notice to the GE Missamari on 28.9.01. By the said notice the GE Missamari was asked to pay the Special Duty Allowance to the applicant, along with arrear. In the event of his failure to take necessary steps, the applicant would approach the appropriate court of law for redressal of his grievance.

8. That the GE Missamari on receipt of the notice informed the concerned advocate vide letter dated 5.11.01

Contd...5

35
B. To g a R a o

that the case of the applicant had been taken up to Area Accounts Officer, Shillong for payment of Special Duty Allowance.

9. That the petitioner states that due to inaction on the part of the concerned authority, he approached this Hon'ble Tribunal for grant of SDA. A Case being OA No. 241/02 was registered. This Hon'ble Tribunal was pleased to allow the application vide order dtd. 10.1.03 whereby the respondents were directed to settle the claim of the applicant within a period of four months from the receipt of the order. It was further directed that the SDA for the next month should be paid to the petition along with his salary.

A copy of the order dated 10.1.03 is annexed as Annexure-C

10. That a copy of the order was communicated to all the respondents from this Hon'ble Tribunal. The petitioner also personally ^rseved a copy of the order to the G.E.Missamari. But to his utter surprise nothing has been done till date and he is yet to receive the arrear SDA from the respondents. Even the SDA to be paid to him monthly in terms of the order dtd. 10.1.03 is not been paid to him.

Contd...6

11. That the petitioner states that a long time have elapsed but nothing has been done to comply with the order of this Hon'ble Tribunal and as such the respondents/contemners have wilfully disregarded the order of this Hon'ble Tribunal and the action of respondents amounts to Contempt of Court.

12. That the petitioner submits that this is a fit case for this Hon'ble Tribunal to exercise the powers conferred under Sec. 17 of the Administrative Tribunal Act, 1985 for initiation of a Contempt proceeding against the Contemners and punish them for wilfull disobedience of the directions given by this Hon'ble Tribunal vide order dtd. 10.1.03 in OA 241/02.

13. That ~~the~~ petitioner has no other alternative efficacious remedy for implementation of the order dtd. 10.1.03.

14. That this petition is made bonafide and for the interest of justice.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to initiate a Contempt proceeding against the contemners and punish them for wilfull disobedience

Contd...7

of the order dtd. 10.1.03 passed in
O.A. No.241/03 by this Hon'ble Tribunal
And/or pass any such further or other
order/orders as this Tribunal may deem
fit and proper.

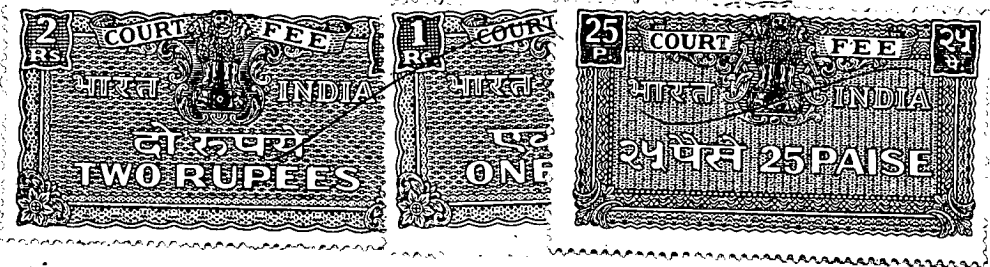
And for this act, your petitioner as in duty
bound, shall ever pray.

37
B. Jogarao

DRAFT CHARGE

Laid down before this Hon'ble Tribunal for wilful non-compliance of the order dated 10.1.03 passed in OA No.-241/02. Therefore the Hon'ble Tribunal would be pleased to impose penalty upon the alleged contemner for non compliance of the order dated 10.1.03 in O.A. No.241/02 and further be pleased to pass any other order/orders as deem fit and proper.

38
B. J. G. Rao



A F F I D A V I T

I, Sri B.Jogga Rao, son of B.Jaggaya, aged about 49 years, working in the office of Garrison Engineer MES Missamari, P.O. Missamari, District- Sonitpur, Assam, do hereby solemnly affirm and declare as follows :-

1. That I am the petitioner of ~~the~~ this case and as such well acquainted with the facts and circumstances of this case.

2. That the statements made in this affidavit and paragraphs 1, 3, 4, 5, 6, 7, 8 are true to my knowledge and that made in paragraphs 2, 9, 10 are true to my information derived from records which I believe to be true and rest are my humble submissions before this Hon'ble Tribunal.

And I sign this affidavit on this the 10th day of February, 2004 at Guwahati.

Identified by -

S. Chakraborty
Advocate.

B. Jogga Rao

DEPONENT

Solemnly affirmed and declared before me by the Deponent who is identified by Sri *Suman Chakraborty* Advocate, on this the 10th day of Feb. 04 at Guwahati.



MAGISTRATE : GUWAHATI

10/2/04
RECEIVED
10/2/04

Annexure-A

No. 499/EIC(1). ENGINEERSTORES DEPOT
PANAGAR : TO AR
BURDWAN
To, 14 Jan 1976.
MES NIA.
Sri B.Joga Rao, Gardener
Through.

POSTINGS/TRANSFERS : SUBORDINATES

1. You are hereby transferred on permanent duty to MISSAMARI interest of State.

Authority : Chief Engineer Eastern Command

Calcutta letter No.C-131500/3/88/

Engrs/BIG(2) Dt. 03 Jan.76

2. You will be relieved of your duties in this office on 31 Jan 76(A/N) and will report for duty to your new duty station after availing usual joining time to take.
3. Advance of TA/pay may be had / on application.
4. You will submit the following before leaving the station :-
 - a. Security/Installation Pass.
 - b. Clearance certificate from
 - i) Canteen (ii) Co-operative stores
 - iii) Librarian (iv) I/c Sub-Divn regarding handing/taking over of quarter with furniture and fittings (if in occupation of Govt.Qr.)

Contd...11

Attested by
Advocate.

c) Departure report.

5. It may please be noted that your pay for the month of Feb. 76 will be claimed by your new office only after you have reported arrived for duty there.

Sd/- Illegible.

Copy to :- CE EC Calcutta

Officer

GE MISSAMARI.

1. Sri S.Jogga Rao has been paid upto Jan.76 details of pay and allowances of the individual are given before.

a. Pay 199/-

b. DA 89/- Addl. DA 66.

c. CEA

d.

DEDUCTIONS.

GP FUND A/c No.

PLI A/c No.

Recovery of rend etc.

Income Tax.

GROUP

Security social

2. He was availed CL for day for the year 1976.

He has availed no restricted holiday during this year.

3. His date of birth is.

4. He has been paid address as under pay TA.

....

Annexure-B.

CERTIFICATE

It is certified that as per records MES-265298
Shri B. Goga Roa, Gardener is initially appointed outside
the NER and posted to this office from ESD Panagarh on
permanent posting. Hence he is entitled for the SDA as
per rules.

<u>Place of</u> <u>initial apptt.</u>	<u>Posting to</u> <u>NER from</u>	<u>Remarks</u>
ESD Panager Calcutta.	ESD Panagar, Calcutta-	Arrears will be claim Separately
Sd/-		
BSO.		Countersigned
Messamari.		Garrison Engineer.

....

Attested by
SC
Advocate.

Annexure- C

CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

Original Application No.241 of 2002.

Date of Order : This the 10th Day of January, 2003.✓

THE HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER.

Sri B.Jogga Rao

S/o B.Joggaya

C/o G.E.Missamari

District-Sonitpur, Assam. Applicant

By Advocate Mr.S.Chakraborty

-Versus-

1. Garrison Engineer
MES Missamari
P.O. Missamari
District-Sonitpur, Assam.
2. Chief Works Engineer (CWE)
Solmara, P.O. Solmara
Dist. Sonitpur, (Assam.).
3. Chief Engineer,
Head Quarter Eastern Command
Fort William ,Kolkata-21.
4. Accounts Officer
Area Accounts Office
Shillong.
5. Union of India,
Represented by the Secretary to the
Ministry of Defence, New Delhi.

By Mr.A.K.Choudhuri, Addl. C.G.S.C. ... Respondents.

Contd...2

Attested by
Sec.
Advocate.

-2-

O R D E RK.K.SHARMA, MEMBER (ADMN.) :

Heard Mr.S.Chakraborty, learned counsel for the applicant and also Mr.A.K.Cheudhuri, learned Addl.C.G.S.C. for the respondents.

1. The application pertains to payment of Special Duty Allowance (SDA). The applicant was transferred to GE Missamari from ESD Panagarh. The applicant is a low paid Govt. employee working as Gardener under the Garrison Engineer, Missamari, Assam. The SDA is granted to the Central Govt. Employee in the N.E. Region having All India Transfer Liability w.e.f. 14.12.83. The applicant claims for SDA since it became due which has not been allowed.

2. The respondents filed written statement. The respondents have not disputed that the facts that the applicant is entitled to the amount. However, it is stated that the Audit has raised certain objections on the ground that it is time barred case for which special sanction is required from the competent authority.

Since the claim of the applicant is not disputed by the respondents, the respondents are directed to settle the claim of the applicant within a period of four months from the receipt of the order. It is also directed that the SDA for the next month should be paid to the applicant along with the salary if not paid. ✓

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

Sd/- MEMBER (ADMN.)

26 NOV 2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

Contempt Petition No. 7/2004

In O.A.No.241/02

IN THE MATTER OF :-

Sri B. Jogga Rao

..Petitioner

-Versus-

Sri B. Srinivasa Rao

..Alleged Contemner/

Respondent No.1

IN THE MATTER OF :-

An affidavit for and on behalf of the

Respondent No..1

I, Sri T.K.Das. Executive Engineer, GE Missamari.
do hereby solemnly affirm and state as follows :-

1. That I am Representing the Respondent No.2 in the instant contempt petition and have gone through the aforesaid contempt petition filed by the petitioner and have understood the contents thereof and I am well acquainted with the facts and circumstances of the case based on records. Practically I am no way connected with the case, Since in the relevent time I was posted in different places.

2. The Respondent No.2 has not willfully flouted any order passed by this Hon'ble Tribunal.

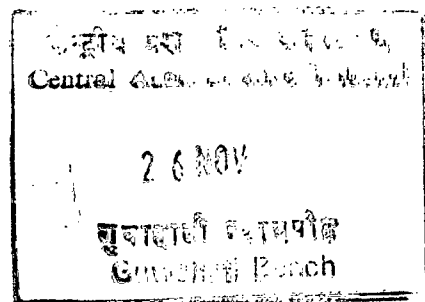
contd...2p/-

Motin Ud-Din Ahmed

M.A., B.Sc., LL.B.
Addl. Central Govt./Standing Counsel
Guwahati Bench (CAT)

Received
23/11/07

/2/



3. At the outset I submit that I have the Highest regard for this Hon'ble Tribunal and there is no question of any willful disobedience of any order passed by the Hon'ble Tribunal.

However, I tender unqualified and unconditional apology for any delay or lapse in the compliance/settlement of the Order dated 10-01-03 in O.A.No.241/02 pronounced by this Tribunal.

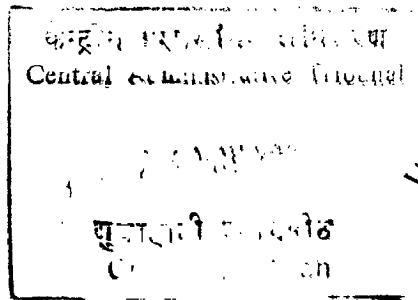
4. That there is no any willful or deliberate and reckless disobedience of the aforesaid order by the respondents and due to the compelling circumstances, the respondent could not implement/settle the order in time, which can be termed as honest and innocent mistake without any male fide and/or hidden vested interest and such type ourable mistake may not be termed as willful disobedience of the aforesaid order.

5. That the submission made in the following paragraphs amply clarify that the that the respondents have shown due regard to the orders of this Hon'ble Tribunal and as such there is no question of showing any contempt to the orders of this Hon'ble Tribunal.

6. That the respondent No. 2 begs to state that the delay in the implementation/settlement of Hon'ble Central Administrative Tribunal, Guwahati Bench order is of administrative nature and not the willful delay.

contd...3p/-

Motin Ud-Din Ahmed
Advocate, LL.B.
Addl. Counsel, Standing Counsel
Guwahati Bench (CAT)



/3/

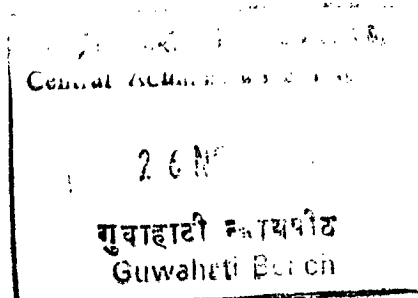
7. It is pertinent to mention her that the subject matter SDA that arise in a number of Writ Petition Viz 1008/01, 7250/01, 8245/01, 759/05, 7027/04, 7422/02, 7421/02/1815/03, 1816/03, 1817/03 and WP(C) 852/02 for consideration in a batch before the Hon'ble High Court Guwahati is squarely covered by the decision of the Hon'ble High Court pronounced in WP(C) No. 5087/99 dated 04 Jan 2006 and accordingly the batch of writ petition was disposed in terms of judgment order dated 04 Jan 2006, An extract of operational portion of Judgment order dated 04 Jan 2006 in WP(C) 5087/99 is reproduced ~~in~~ as follows.

' We hold that Officers and employees, who belong to the Region other than the NE Region, will be entitled to SDA. The persons belonging to other parts of the country other than the NE Region, if initially appointed and posted to NE Region shall not be entitled to such allowances. The postal employees belonging to NE Region but posted in the said Region from outside the region on their promotion on the basis of All India Common Seniority list shall also be entitled to SDA from the date of such posting. The employees and officers other than the employees and officers mentioned above, shall not be entitled to SDA and authorities shall be entitled to recover the SDA paid to them after 05 Oct 2001*.

contd...4p/-

Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

/4/



8. Now as the post held by the applicant at the time of his posting to NE Region is not covered by the eligibility criteria of All Aindia Common Seniority list nor he was posted on promotion on the basis of All India Common Seniority & list, the case of the individual is covered by the judgment and order dated 04 Jan 2006 rendered by the High Court Guwahati in WP(C) 5087/99.

9. It is submitted that the respondent has made every efforts & approached the Concerned authority, but the said authority while settling the matter is unable to make payment since it is not possible to act contrary to the policy of Govt. India as well as settled law by the Hon'ble courts.

10. That this petition/Affidavit is made bonafide & for the ends of justice & equity.

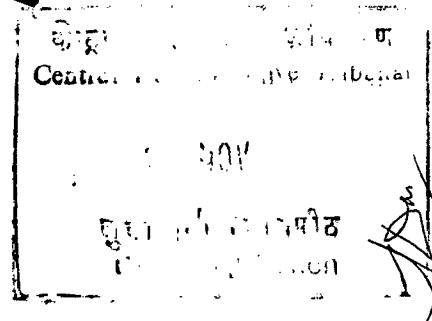
Under the above circumstances, your Lordships would be pleased to admit this petition, and exempt/drop the contempt proceeding against the respondent for the interest of justice & policy of the Govt. of India and/or to pass other/s order/s as your Lordship may deem fit and proper.

- A N D -

For this act of kindness, your petitioner shall ever pray.

contd.....5p/-

Motin Ud-Din Ahmed
M. A. B. Sc. LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)



A F F I D A V I T


I, Tarit Kumar Das Son of Late Gouranga Chandra Das
..... .. aged about 48 years do hereby solemnly
affirm and state as follows :-

That I am the Respondent No. 2 in the above case
and I am fully acquainted with the facts and circumstances of
case.

That, the statements made in para ..!...to...7.....
of the affidavit are true to my knowledge, belief and information
based on the record and nothing has been suppressed thereof.

And I sign this affidavit/report on this 23 day
of November/2007 at Guwahati.....

Identified by me


Deponent


Advocate, Guwahati,

✓
Motin Ud-Din Ahmed
MA, B.L., LL.B.
Addl. Central Govt Standing Counsel
Guwahati Bench (CAT)

Solemnly affirm and declared before
me by the deponent who is identified by
M. U. Ahmed Advocate at Guwahati on
this 23 day of Nov.....2007 at
Guwahati.

✓

File in Court on 27/3/08
Court Officer.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(V. K. Das)
EE

Garrison Engineer
Missamari

Contempt Petition. No.7/2004
In O.A. No. 241/2002
Misc.Petition No.102/07

IN THE MATTER OF :

B. Jogga Rao

.....Petitioner

- Versus -

Union of India & Ors.

.....Alleged Contemner/
Respondents

AND -

IN THE MATTER OF :

An affidavit for and on behalf of the

Respondent No. 2.

I, Sri Tanu Kumar, B.L.R.L. & Co. do

hereby solemnly affirm and state as follows :-

1. That I am the Respondent No. 2 in the instant Contempt Petition and have gone through the aforesaid Contempt Petition filed by the petitioner and have understood the contents thereof and I am well acquainted with the facts and circumstances of the case based on records.
2. The Respondent No. 2 has not willfully flouted any order passed by this Hon'ble Tribunal.
3. At the outset I submit that I have the highest regard for this Hon'ble Tribunal and there is no question of any willful disobedience of any Order passed by the Hon'ble Tribunal. However, I tender unqualified and unconditional apology for any delay or lapse in the compliance of the

Received
on 24/03/08
Mulla

Indu - Mulla - 27/3

File in Court on.....
Court Officer.

Order dated 10.01.03 in O.A.241/02 pronounced by this Tribunal which was re-confirmed by the Hon'ble High Court in W.P.(C) No.2399/04.

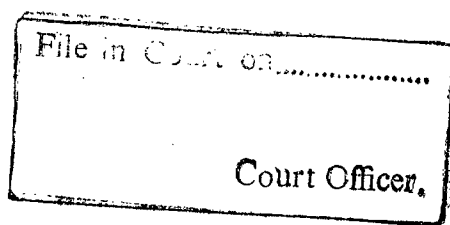
4. That there is no any willful or deliberate and reckless disobedience of the aforesaid order by the respondents and due to the compelling circumstances, the respondent could not implement the order in time which can be termed as honest and innocent mistake without any mala fide and/or hidden vested interest and such type curable mistake may not be termed as willful disobedience of the aforesaid order.

5. That the submission made in the following paragraphs amply clarify that the respondents have shown due regard to the orders of this Hon'ble Tribunal and as such, there is no question of showing any contempt to the orders of this Hon'ble Tribunal.

6. That the respondent No. begs to state that the delay in the implementation of Hon'ble Central Administrative Tribunal, Guwahati Bench order is of administrative nature and not the willful delay.

7. It is pertinent to mention here that the answering respondent has made every efforts and approached the concerned authority to expedite the case on priority and accordingly the answering Respondent prepared the SDA bill for the current month and arrear in respect of MES 265298 Sri Jogga Rao, Gardener and forwarded to the concerned Area Accounts office, River Road, Shillong vide letter No.MES/265298/378/EIC dated 7th January,2008.

It is pertinent to mention here that the relevant operative portion of the order passed in O.A.241/02 as in W.P.(C) No.2399/2004 were also highlighted in order to make the matter as "Top Priority" and get it done.



52

AT: X: Das
EE

Garrison Engineer
Missamari

The aforesaid letter is annexed herewith and marked as Annexure R-1, which is self explanatory.

8. That the case for payment of SDA in respect of the petitioner has already been forwarded to Director General (Personnel) EIC (Legal-C), Engineer-in-Chief's Branch, integrated H.Q of MOD (Army), New Delhi vide Chief Engineer HQ Eastern Command letter No.131900/OA-241/2002/JR/177/Engrs/EI(Legal) dated 29th January 2008 and the same was submitted to Ministry of Defence on 31st January 2008 for their examination and decision.

9. That the arrears Bill of SDA for the period from December 1983 to 31st December 2007 was forwarded to Area Accounts Office at Shillong. The Area Accounts Office has returned the Bill duly verified and also asked to obtain speaking order in terms of Ministry of Defence letter No.1574/203/D(CMC) dated 7.4.2003.

The copy of AAO Shillong letter No. Pay/1/304/P1/XVIII dated 18th January 2008 and the standing order of speaking order.....
.....Annexure R-IIA RIIB.

However, pending receipt of the speaking order and charged expenditure sanction upto December 2007, SDA has been admitted with effect from regular pay Bill of January 2008 and paid to the applicant.

The regular pay bill for the month of January 2008 and the receipt of the SDA are annexed herewith and marked as Annexure R-III series.

That it is stated that the Repondents have the highest respect for the orders of this Bench and Respondents therefore pray that in the aforesaid compelling circumstances of the case as mentioned above, your Lordship may be pleased to exempt the Respondent from the instant contempt proceeding for the ends of justice.

File in Court on.....

Court Officer.

AFFIDAVIT

I, Tarit Kumar Das, s/o Late Gouranga Ch. Das
 aged about 48 years do hereby solemnly affirm and state as
 follows:-

That I am the Respondent No. 2 in the above case and
 I am fully acquainted with the facts and circumstances of the case.

That the statements made in para 1 to 2 of the
 affidavit are true to my knowledge, belief and information based on the
 record and nothing has been suppressed thereof.

And I sign this affidavit/report on this 26th day of
 March, 2008 at Guwahati

Identified byNaraj Kumar Das

ADVOCATE

T. K. Das
 Deponent
 E E

Garrison Engineer,
 Missamari

Solemnly affirm and declare before
 me by the deponent who is identified
 by M. M. Ahmed Cu
 Advocate at _____ on this
26th day of March/2008 at
 Guwahati

Tele Mil : 6422

Annexure R-I.

Garfison Engineer
Missamari (Assam)

MES/265298/ 378 /EIC

07 Jan 2008

Area Accounts Office
Biyar Road
Shillong - 01

File in Court on.....
Court Officer.

**CP NO 7 OF 2004 IN OA NO 241/2002 FILED BY SHRI
JOGGA RAO VS SHRI B SRINIVASA RAO, GE AND
UOI REGARDING PAYMENT OF SDA**

1. Ref this office letter No MES/265298/371/ EIC dated 04 Jan 2008.
2. As per direction, given by Hon'ble CAT Guwahati on 10 Jan 2003, which was confirmed by the Hon'ble High Court on 06 Dec 2005 and as desired by the Hon'ble CAT Guwahati, while I was personally present in the court on the date of CP hearing held on 03 Jan 2008 and also the legal opinion dt 03 Jan 2008 given by CGSC. I again request you to pass the bills of SDA in respect of Shri Jogga Rao in compliance with the following directions of the Hon'ble CAT and High Court. The operative portion of the Court Order are appended below for your perusal and necessary action on Top priority so as to avoid Contempt of Court Order:-

(a) Order Passed in OA No 241 of 2002

"Since the claim of the applicant is not disputed by the respondents, the respondents are directed to settle the claim of the applicant within a period of four months from the receipt of the order. It is also directed that the SDA for the next month should be paid to the applicant along-with the salary if not paid.

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

(b) Order passed in WPC 2399 of 2004

(i) "We fail to appreciate as to why the Union of India has moved this Court by way of the instant writ petition. The order passed by the Central Administrative Tribunal is not vitiated for any reason whatsoever. It does not suffer from any error apparent on the face of record requiring this Court's interference in exercise of its extraordinary jurisdiction".

(ii) "If any further special permission is required to be granted and the objection raised by the Audit is required to be complied with, the authorities concerned shall pass appropriate orders accordingly and pay the SDA to the respondent/applicant within three months from the date of receipt of a copy of this order.

3. However, photocopies of each Court Orders and Legal Opinion as mentioned in para 2 above are also enclosed herewith.

Motin Ud-Din Ahmed

M.A., B.Sc., LL.B.

Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

Contd ... P-2/-

File in Court on.....

Court Officer

4. In view of the above, the following SDA bills in respect of M.E.S. 265298 Shri Jogga Rao, Gardener of this division are forwarded herewith each in triplicate for your audit and early return to this office so that payment can be made in time before the next date of compliance of the Order as fixed on 28 Feb 2008 and as desired by the Hon'ble, CAT Guwahati :-

(a) Sy bill bearing Vr No 10/Cash/151/BS dt 05 Jan 08 for Rs. 755/- for the month of Dec 2007.

(b) Regular pay bill bearing Vr No 10/Cash/152/BS dt 05 Jan 08 for Rs. 6824/-for the month of Jan 2008.

(c) Regular pay bill Vr No Vr No 10/Cash/153/BS dt 05 Jan 08 for Rs. 6904/- for the month of Feb 2007

(d) Sy. arrear bill bearing Vr No 10/Cash/154/BS dt 05 Jan 08 for Rs. 70646/- for the pd wef Dec 1983 to Nov 2007.

5. Please accord Top priority and your co-operation in the matter is highly solicited to avoid Contempt of Court Order.

(T K Das)

EE

Garrison Engineer

Encls : (34 Sheets)

Chief Engineer
HQ Eastern Command
Fort William, Kolkata -21

HQ Chief Engineer
Shillong Zone, SE Falls
Shillong- 793001

CWE
Tezpur

CDA
Udayan Vihar, Narangi
Guwahati - 781 171

1. Ref this office letter No M.E.S/265298/371/
EIC dated 04 Jan 2008

2. For info and necessary action please wrt
above with a request to issue necessary direction
to AAO Shillong to pass aforesaid SDA bills
at the earliest to avoid Contempt of Court Order.

Mr. Motin Ud-din Ahmed,
MA. B.Sc. LLB
Addl. Central Govt Standing Counsel
Central Administrative Tribunal
Guwahati High Court
Guwahati - ASSAM

for information as desired
by Hon'ble CAT Guwahati
please.

Motin Ud-din Ahmed

Addl. Central Govt Standing Counsel
Guwahati Bench (CAT)

Annexure - R-IP(A) (410)

File in Court on.....

Court Officer.

SPEED POST
No. Pay/1/304/P&A/VIII
Area Accounts Office
Shillong-1
Dated: 18/01/2008

To

The GE Missamari
Missamari
Dist.: Sonitpur
(ASSAM)

Subject : CP NO. 7 of 2004 in OA No. 241/2002 filed by Shri Jogga Rao Vs Shri B. Srinivasa Rao, GE and UOI regarding payment of SDA.

Reference: Your letter no. MES/205298/378/EIC dated 07.01.08 and CDA Guwahati letter No. Pay/34/Confdl/OA 241/2002 dated 10.01.08 addressed to your office with a copy to this office and letter no. of even dated 14.01.08 addressed to this office with a copy to you.

--X--

Regular/ Sy bills alongwith connected papers received under your above cited reference are returned herewith un-passed with the following remarks :-

(i) Sy bill bearing Vr. No. 10/cash/151/BS dated 05.01.08 for Rs. 755.00

The bill is returned herewith duly verified.

(ii) Regular bill bearing Vr. No. 10/cash/152/BS dated 05.01.08 for Rs. 6824.00

The bill pertaining to the pay and allowances for 01/08 has been retained for audit and payment.

(iii) Regular bill bearing Vr. No. 10/cash/153/BS dated 05.01.08 for Rs. 6904.00

The bill is returned as the same pertains to the pay and allowances for February 2008 which may be re-submitted separately.

(iv) Sy. bill bearing Vr. No. 10/cash/154/BS dated 05.01.08 for Rs. 70646.00

Due/Drawn Statement for the period 12/83 to 11/07, on account of difference of SDA is returned herewith duly verified for Rs. 65790 only.

In this connection, please also refer to CDA Guwahati letters dated 10.01.08 and 14.01.08 (Copies enclosed) cited under reference and timely action may be taken to obtain the speaking order in terms of MOD no. 1574/203/D(CMC) dated 07.04.03 and allotment of fund under "Charged Expenditure" to meet the expenses in satisfaction of the court order.

However, pending receipt of speaking order and charged expenditure sanction upto 12/07, SDA will be admitted wef regular pay bill of January 2008.

The bills may then be re-submitted immediately for our timely payments so as to avoid the contempt of the court.

Add. CDA has seen.

[Signature]
(N.KANA)
Sr. AO

Copy to.
The CDA
Udayan Vihar, Narangi
Guwahati-781171

For information wrt above.

[Signature]
Motin Ud-Din Ahmed
Addl. Central Govt. Counsel
Guwahati Bench (CAT)

(N.KANA)
Sr. AO

22
22/08

File in Court of

Court Officer.

MINISTRY OF DEFENCEInstruction on Implementation of Court Orders

Instances have come to the notice of the MOD that speaking orders on the directions of the Hon'ble courts/ tribunals are being issued without getting them vetted from the Ministry; more so in cases where Defence Secretary is a respondent. It is necessary to scrutinize the cases at the Ministry level and a considered view and approval taken in all such cases where Defence Secretary is a respondent. In some cases, speaking orders passed at the lower formation level have required modifications at the Ministry level.

2. Lower formations may, therefore, be instructed to invariably apprise the Ministry and get speaking orders or draft affidavits vetted whenever Defence Secretary is cited as respondent in any Court Case.

1065/D/W/2874
28/4/03
AG/Army HQrs
COP/Naval HQrs
AOA/AOP/Air HQrs

Director (C-MIS)
(B.B. 1 aknt)

5498/10
29/3
MOD ID No.1574/2003/D(CMU) dated 7 April 2003

Copy to: All sections in MOD
CGDA, New Delhi
CCDA(P), Allahabad

Copy for information to: Defence Secretary

Secretary(DP&S)

AS(S), AS(T)

All Joint Secretaries/Directors/

Deputy Secretaries

Mob/D(works)

IMMEDI

E.M. Sec. Par. may kindly see the above instructions and ensure compliance while dealing with Court cases where Defence Secretary is cited as respondent.

AG/Army (Per), E-M-S-Bw.

MOD ID No. 1574/2003/D(works) dt. 29/04/2003

(NITIN KUMAR)
(S. 10/04/03)

Mot. V. med

Addl. Secy. (C-MIS)
Guwahati, Assam

Amt. R. 111 Seming

- 9 -

REGULAR PAY BILL FOR THE MONTH OF JAN 2008
IN RESPECT OF MES-265206 SHRI B JOGA RAO, GARDENER
(NON INDUSTRIAL STAFF) OF
BSO MISAMARI, C/O GE MISAMARI

Unit : BSO Misamari

File in Court on.....

C/O GE Misamari

Vr No : 10/Cash/ 152 /BS

Court Office : 05 Jan 2008

Last Vr No.10/Cash/ 135 /BS

Dt : 07 Dec 2007

ESTABLISHMENT

CATEGORY

Gardener

AUTHORISED

01

01

HELD

01

01

C.B. Rs 6,824.00
 CGEGIS Rs. 15.00
 GPF Rs. 2,575.00
 Rent Rs. 80.00
 F/Adv Rs. NIL

Misc Rs. —

Grand Total Rs. 9,494.00

Ch to : 1/490/00

Certified that the individual for whom TA has been claimed in this bill are residing 1km far from their place of duty and they are not provided with transport free or subsided rates.

HRA has been claimed for individual who are not occupation of Govt Qtrs as per ordinary rate admissible as per Govt of India, Min of Def letter No.2/2602/56 dated 25 Sep'1996.

SDA has been claimed for the individual as per the rate of 12.50% of (Basic + DP) admissible for compliance of court Orders Passed by Honourable Central Administrative Tribunal (CAT), Guwahati dt 10 Jan 2003 in OA 241 / 2002 and Honourable High Court, Guwahati dt 06 Dec 2005 in WP(C) 2399 of 2004.

Cheque may please be issued in favour of SBI Misamari Cantt for crediting the amount into the Public Fund Account of GE Misamari.

*Passed for Rs. 6824/- vide AAO Shillong
 Cheque No. 790457 dt 25/1/08.*

(SD Sharma)
 Sub Supr/BS
 Offg BSO Misamari.

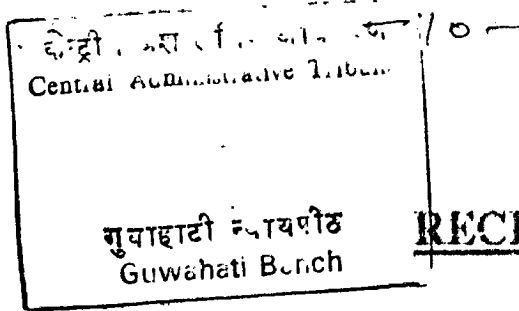
COUNTERSIGNED

Motin Ud-Din Ahmed
 M.A., B.Sc., LL.B.
 Addl. Central Govt. Standing Counsel
 Guwahati Bench (CAT)

(T K Das)

E E

Garrison Engineer



Received a sum of Rs 755/- (Rupees Seven hundred fifty five only) from GE Misamari on account of SDA alongwith pay and allces for the month of Jan 2008 in respect of MES-265298 Shri B Joga Rao, Gardener.

B. Joga Rao
MES. 265298
(MES-265298 B Joga Rao, Gardener)

Dated : 09 Feb 2008

Motin Ud-Din Ahmed
MA B Sc LL B
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

REGULAR PAY BILL FOR THE MONTH OF JAN 2008 IN R/O MES-265298 SHRI B JOGA RAO, GARDENER (NON-INDUSTRIAL STAFF) OF BSO MISAMARI

Vr No : 10/C/152/BS
Dated : 05 Jan 2008

SL NO	MES NO, NAME AND DESIGNATION	ENTITLEMENT									DEDUCTION							NET PAYABLE (n-u)	SIGNATURE
		BASIC PAY	D.P. (50% OF B.P.)	DA 41%	SCA	SDA 12.50% of B.P + DP)	HRA(5% of B.P + DP)	TA	WA	TOTAL (c+h)	GPF	GPF Rec	CGEGIS	FA	RENT	MISC	TOTAL (o+t)		
(a)	(b)	(c)	(d)	(f)	(g)	(i)	(k)	(l)	(n)	(o)	(p)	(q)	(r)	(s)	(t)	(u)	(v)	(w)	(X)
1	MES-265298 Shri B Joga Rao, Gardener DOB : 01-01-1950	4025	2013	2476	120	755	0	75	30	9494	2575	0	15	0	80	.0	2670	6824	
		4025	2013	2476	120	755	0	75	30	8494	2575	0	15	0	80	0	2670	6824	
											2575								

Remarks: (a) Rent and allied charges recovered as per AAO BSO Misamari LF bill No AAO/BSO/MSI/RB-05 dt 01 Jan 2008.

*(b) SDA has been claimed for the indi as the rate of 12.50% (B.P+ DP) admissable for compliance of court orders passed by Honourable Court Administrative Tribunal (CAT), Guwahati 01 Jan 2003 in OA 241 / 2002 and Honourable High Court, Guwahati dt 06 Dec 2005 in WP (C) 2389 of 2004.

(Signature)
(SD Sharma)
Sub Supvr/BS
Offg BSO

Motin Ud-Din Ahmed
M A B Sc, LL B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

For B. Joga Rao
K. S. Sethi
Chw. Secy
K. S. Sethi
MES/265911