

( SEE RULE - 4 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

ORDER SHEET

Original Application No. :

Misc. Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

64/02 in o.A 224/02

Applicant(s): K. L. Naidu & Ors

- vs. -

Respondent(s): H. O. I. Toms

Advocate for the Applicant(s):

G.K. Bhattacharya, G.N. Das, B. Chaudhury

Advocate for the Respondent(s): Mr. A. Deb Roy

Notes of the Registry

Date

Order of the Tribunal

This Contempt petition has been filed by the Counsel for the petitioner praying for deliberate and wilful violation of the judgement and order dated 19th day of September 2001 passed by this Hon'ble Tribunal in o.A No. 224/2001.

Stand out. List again on 24.12.2002 for orders.

Vice-Chairman

Laid before the Hon'ble Court for further orders.

mb.

17.1.2003.

I.C.U. Shaha  
Member

Vice-Chairman

There is no hearing.  
The case is adjourned to 30/11/2003.

for Section Officer

affd

AKB

(2)

30.1.2003 Present : The Hon'ble Mr. Justice  
D.N. Chowdhury,  
Vice-Chairman.  
The Hon'ble Mr. S.K.  
Hajra, Administrative  
Member.

Put up the matter again  
on 3.3.2003 to enable the respondents  
to obtain necessary instructions  
on the matter.

SV  
Member

Vice-Chairman

mb

3.3. Court did not sit today. The case  
is adjourned to 18/3/2003.

Mo.  
AM.

18.3.2003 Put up again on 9.4.2003 enabling  
the respondents to obtain necessary  
instruction on the matter.

Vice-Chairman

bb

9.4.2003 Put up again on 21.4.2003 for  
further orders.

Vice-Chairman

mb

21.4. Court did not sit today. The  
case is adjourned to 29.4.2003.

Mo.  
AM.

29.4.2003

Mr.A.Deb Roy, learned Sr.C.G.S.C. appearing on behalf of the respondents stated ~~in~~ that in terms of the judgment and order passed by this Tribunal in O.A. 224/2001 dated 19.9.2001, the respondents took steps for implementation of the order and as a matter of fact, the Ration Allowance was already disbursed in respect of Shri K.S.L.Naidu on 25.4.2003. In respect of other applicants the matter is under process and the Ration Allowance will be disbursed shortly. In the Fax Message submitted by Mr.A.Deb Roy, it was informed that the delay in implementation of the order dated 19.9.2001 had occurred due to closure of AP Division and its re-allocation in various units along the Indo Nepal Border under different DDOs.

A copy of the Fax Message is placed on records. In view of the submissions made by Mr.A.Deb Roy, learned Sr.C.G.S.C. the Contempt Proceeding stands closed.

Received copy of order on behalf of respondents - no-3

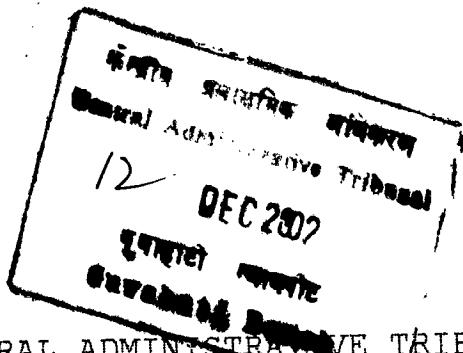
OMS  
30/4/03  
(V.H. BORAH)  
Accounts Officer  
SSS & SD, Tepur

29/3/04

Received copy  
for applicant  
DR  
6.5.05

bb

Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH: GUWAHATI

Si si K. S. 1. Naiden  
— — Petkovici  
Tunçalı — B. K. Bozok  
~~Bozok~~ — Bozok  
13 1111

(An application under section 19 of the  
Administrative Tribunal Act, 1981)

Contempt Petition No. 64 of 2002

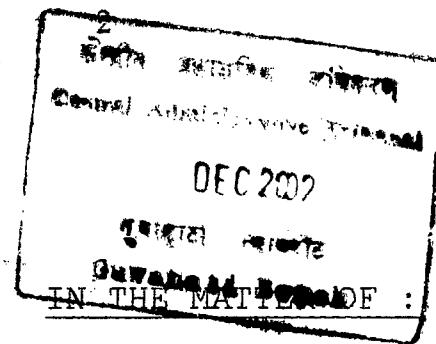
IN Q.A NO. 224 /2002

IN THE MATTER OF :

An application for drawing an appropriate contempt proceeding under section 12 of the contempt of Courts Act, 1971 for deliberate and willful violation of the judgement and order dated 19<sup>th</sup> day of September, 2001 passed by this Hon'ble Tribunal in O.A. No. 224/2001 directing the respondents to pay Ration Allowance including arrears amount within 90 days from the date of receipt of the order.

- AND -

K Srinivasan



O.A. No.224/2001

Sri K.L. Naidu and others.

...Applicants

-Versus-

Union of India and others.

...Respondents

IN THE MATTER OF :

- i. Sri K. Shivashankar L. Naidu  
S/O Late K.L. Rao Naidu,  
Junior Accountant, Office of  
the Area Organiser, S.S.B.  
Khonsa,  
District - Tirap (A.P).
- ii. Shri Gaurdas Haldar,  
S/O Sri D.D. Holdar,  
Assistant, Office of the  
Area Organiser, S.S.B.,  
Khonsa,  
District - Tirap (A.P).
- iii. Shri Prabin Bathakur,  
S/O Late R.K. Barthakur,  
U.D.C. Office of the Area

KSL Naidu

Organiser, S.S.B, Khonsa,  
District- Tirap (A.P) .

iv. Shri Dharma Kanta Baruah,  
S/O Late K.M. Baruah,  
U.D.C. Office of the Sub-  
Area Organiser, S.S.B, Miao,  
District- Changlang (A.P) .

v. Sri Kajol Mani Das,  
S/O/ Sri Gopendra Das,  
Steno-III, Office of the  
Sub-Area Organiser, S.S.B,  
Longding, District-Tirap  
(A.P) .

vi. Sri Mehar Singh,  
S/O Sri U\*mesh Singh,  
Driver, Office of the Sub-  
Area Organiser, S.S.B, Miao  
Dist- Changlang (A.P) .

vii. Sri Naglan Singpho,  
S/O Sri M. Singpho,  
Group Leader , Office of the  
Sub-Area organizer, S.S.B.,  
Changlang, Dist- Changlang  
(A.P) .

viii. Sri Nogdang Haisa,  
S/O Sri T.Haisa,  
Group Leader, Office of the

ksn Noidu

Circle Organiser, S.B.,  
 Changlang, Dist- Changlang  
 (A.P.).

ix. Sri Alok Rajkumar,  
 S/O Late Tosar Rajkumar,  
 Group Leader, Office of the  
 Sub-Area Organiser, S.S.B.,  
 Longding, Dist- Tirap  
 (A.P.).

x. Sri E.Tutsa,  
 S/O Sri Tutsa, Peon office  
 of the Circle Organizer  
 S.S.B.  
 Dist- Changlang, (A.P.).

xi. Sri Darbari Prasad,  
 S/O Late Chuni Ram,  
 Peon, Office of the Sub-Area  
 Organiser, S.S.B. Longding,  
 Dist - Tirap (A.P.).

xii. Sri Tek Chand,  
 S/O Sri M. Chand,  
 Peon, Office of the Circle  
 Organiser S.S.B. Lazu,  
 Dist- Tirap (A.P.).

xiii. Sri Bir Chand,  
 S/O Sri Phunchuk,  
 Peon, Office of the Area

KSL Nau'alu

Organiser S.S.B. Khonsa,  
Dist-Tirap (A.P).

xiv. Sri Puran Singh, m  
S/O Sri Hari Singh,  
Driver, office of the Area  
Organiser, S.S.B., Khonsa,  
Dist-Tirap (A.P).

.... Petitioners.

-Vs-

1. Sri Kamal Pandey,  
Secretary, Ministry of Home,  
New Delhi.
2. Sri V.K. Malik,  
Director General, S.S.B.,  
Block-V, (East), R.K. Puram,  
New- Delhi-110066.
3. Sri M.L. Choudhury,  
Divisional Organiser S.S.B.,  
Arunachal Pradesh, Khating  
Hills, Itanagar (A.P).

.... Respondents

The humble petition of the petitioners  
above named.

MOST RESPECTFULLY SHEWETH :

1. That the petitioners herein filed the above original applications against the illegal, arbitrary

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inaction on the part of the respondents denying the petitioners to grant of the benefit of Ration Allowance as per their locations from the date of actual posting in various categorized stations including the payment of arrears on the strength of the notifications No.-27011/4/86-EA-II dated 18.12.1987 and other subsequent orders.

2. That the case of the petitioners as set out in the original application in brief is that they are all employees of S.S.B (Special Service Bureau) and entitled Ration Allowance admissible at Itanagar, Khonsa, Miao, Changlang, longding in Arunachal Pradesh for the period they rendered service in those station as those stations were categorized as 'B' and 'C' stations for the purpose of various concessions granted to the employees. Earlier to those some of the employees also moved an application being O. A. No. 103/1990 which was disposed of and vide order dated 8.9.1999 this Hon'ble Tribunal directed the respondents to pay Ration Allowance and accordingly they have been paid. But, the petitioners have not been paid said allowance since they were not party to the proceeding before this Hon'ble Tribunal in O.A. No. 103/1999, OA 367/1999 and O.A. 47/2000 and similar other cases. Hence, the petitioners filed the above noted Original Application and this Hon'ble Tribunal was pleased to disposed of the said

1251/1999

application on 19<sup>th</sup> day of September 2001 with a direction to the respondents to pay Ration Allowance to the petitioners with effect from the date the allowance became admissible to Arunachal Pradesh on the strength of the order dated 8.11.1994 and subsequent orders extending payments of the allowance or from the date of their actual posting in Arunachal Pradesh, whichever is later. The respondents were also ordered to pay the arrear amount as admissible to each petitioner within 90 days from the date of receipt of the order.

The photocopy of the aforesaid Judgement and order date 19<sup>th</sup> Sep, 2001 is annexed herewith and marked as Annexure-I.

3. That, the petitioners furnished the certified copy of the aforesaid Tribunal's order dated 19<sup>th</sup> Sep, 2001 before the authority concerned which was received by the Divisional Organiser (Divisional Head Quarter, S.S.B, Arunachal Pradesh) in the months of October 2001 for onward submission. Accordingly, the said order was duly forwarded to the concerned authority for early compliance.

4. That, the contemners did not initiate any action to comply with the direction of this Hon'ble

KSL Naidu

Tribunal till date. Thereafter also the petitioner repeatedly approached the contemners and reminded them to carry out the direction passed by this Hon'ble Tribunal. However, the contemners showed total indifference and was reluctant to implement the order of this Hon'ble Tribunal.

5. That the petitioner's states that this Hon'ble Tribunal in its order dated 19<sup>th</sup> Sep 2001 stipulated the direction passed by it shall be implemented within 3 months from the date of the receipt of the order. Though, the contemners were furnished with the said judgement and order of this Hon'ble Tribunal as narrated above, they failed to implement the order passed by this Hon'ble Tribunal till date. Thus, the contemners by not complying with the direction of this Hon'ble Tribunal have shown total disregard to the sanctity attached to such direction and thereby lowered the dignity of this Hon'ble Tribunal.

6. That the petitioners respectfully state that the respondents have preferred an appeal against the aforesaid order dated 19.9.01 before the Hon'ble Gauhati High Court being numbered as W.P.(C). No. 1541/2002 with an interim prayer to stay the operation of the aforesaid order. But vide order dated 13.03.2002 the Hon'ble ~~Court~~ rejected the aforesaid prayer. The Petitioners also contested the appeal but pending for disposal. As such, the

K S Nanda

respondent authority is duty bound to comply with your Hon'ble Tribunal's order dated 19<sup>th</sup> September, 2001 passed in O.A. No. 224 of 2001.

Photo copy of the aforesaid Hon'ble Court's order dated 13.03.02 passed in W.P.C. Noi. 1541/2002 is annexed herewith and marked

ANNEXURE-2.

7. That the petitioners states that the contemnners are primarily responsible for implementing the direction contained in judgement and order dated 19.9.2001. But, they having to fail to carry out the same have rendered themselves liable for contempt of this Hon'ble Tribunal. Therefore, it is an appropriate case where this Hon'ble Tribunal shall draw up appropriate contempt proceeding against the contemnners and would penalised them for such contempt.

8. That this petition is filed bonafide and in the interest of justice.

In the premises aforesaid, it is, therefore, humbly prayed that Your Lordships may be pleased to consider what is stated above, issue notices to the contemnners to show cause as to why a contempt proceeding shall not be drawn up against them

K SL Naidu

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and after hearing the parties be pleased to draw up appropriate contempt proceeding against the contemners and/or to pass any other order/orders as Your Lordships may deem fit and proper.

And for this act of kindness, the petitioner, as in duty bound shall every pray.

N. Shiva Shankar  
L. Naidu

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A F F I D A V I T

I, Sri K.Shivashankar L.Naidu S/O Late K.L. Rao Naidu working as Junior Accountant in the office of the Area Organiser S.S.B, Khonsa, District- Tirap (A.P) do hereby solemnly affirmed and stated as follows:

1. That, I am one of the petitioners in this instant case and as such I am well acquainted with the facts and circumstances of the case and I am authorised by the co-petitioners to swear of this affidavit on behalf of all and as such I am competent to swear this affidavit.
2. That, the Statements made in paragraphs No. 1, 3, 4, 5, 7..... of the petition are true to the best of my knowledge; those made in paragraphs No. 2, 6..... being matters of record and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this 12<sup>th</sup> day of December, 2002 at Guwahati.

IDENTIFIED BY

B.K. Borah

ADVOCATE

Sri K. Shivashankar L. Naidu

DEPONENT

Solemnly affirmed and declared before me by the deponent who is identified by Sri B.K. Borah, Advocate on this 11<sup>th</sup> day of December, 2002 at Guwahati.

K. M. Mukherjee  
12/12/02

K. M. Mukherjee M.A., LL.B.  
ADVOCATE,  
GAUHATI HIGH COURT,

Annexure-I  
22  
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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWALIATI BENCH.

Original Application No. 224 of 2001.

Date of Order : This the 19th Day of September, 2001.

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

Shri K.Shivashankar L.Naidu and 13 others  
All the applicants are working in  
different capacities under the Area  
Organiser, S.S.B., Arunachal Pradesh. . . . Applicants.

By Advocate S/Sri G.K.Bhattacharyya, G.N.Das  
and B.Choudhury.

- Versus -

Union of India & Ors.

. . . Respondents.

By Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J. (V.C)

The applicants are 14 in number who are working in the Special Service Bureau (SSB for short) in Arunachal Pradesh and serving in category 'B' and 'C' stations.

The grievance raised in this application and the cause of action are similar nature and accordingly the applicants are allowed to pursue the O.A. jointly under the provision of Rule 4(5) (a) of the Central Administrative Tribunal (procedure) Rules 1987.

2. By order dated 8.11.1994 certain stations in Arunachal Pradesh were classified as Category 'B' and 'C' stations for the purpose of various concessions granted to the employees. The ration allowance is one of the benefits granted to such employees. In this application the applicants claim the benefit of Ration Allowance on the strength of numerous decisions of this Bench which were

contd..2

Certified to be true copy.

B.K. Basak

ADVOCAATE 12/12/02

rendered in cases like O.A.103/1999 disposed of on 8.9.99.

O.A.367/1999 disposed of on 12.1.2000 and O.A.47/2000

disposed of on 21.9.2000 and similar other cases.

3. Heard Mr B.Choudhury, learned counsel for the applicants and also Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents. Mr Deb Roy raised an objection to the effect that such concession was not admissible to the non executive personnel of the SSB. According to Mr Deb Roy the concession is admissible upto the rank of Field Officer and not above. The said objections were overruled in earlier decisions.

4. Upon hearing the learned counsel for the parties and considering the materials on record the respondents are directed to pay Ration Allowance to the applicants with effect from the date the allowance became admissible to Arunachal Pradesh on the strength of the order dated 8.11.1994 and subsequent orders extending payment of the allowance or from the date of their actual posting in Arunachal Pradesh, whichever is later. The ration allowance including the arrear allowance shall be paid to the applicant within 90 days from the date of receipt of this order.

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

sd/ VICE CHAIRMAN

TRUE COPY

sd/

26/10/2001

Section Officer (S)

Arunachal Pradesh State  
Central Administrative Tribunal  
Arunachal Pradesh  
461001 Bench, Gwahatii  
Assam, India, 781001

16/10/2001

M/K

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Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	1	13.03.2002	<p>B.E.F.O.R.E THE HON'BLE MR.JUSTICE JN SARMA THE HON'BLE MR.JUSTICE IA ANSARI</p> <p>Heard Mr.GP Bhomik, Learned Addl.C.G.S.C. for the petitioners.</p> <p>Call for the records.</p> <p>Let a Rule issue, calling upon the respondents to show cause as to why a writ should not be issued as prayed for; and/or why such further order or other orders shall not be passed as to this court may seem fit and proper.</p> <p>Steps shall be taken by registered post and/or by hand.</p> <p>The prayer for stay shall stand rejected. However, that shall be subject to the result of this writ petition meaning thereby that the Union of India shall be able to release it from their salary and other dues, if necessity arises.</p>

Sett I. A. Ansari      Sett J. N. Sarma  
 Judge

CERTIFIED TO BE TRUE COPY

Kishan Singh, Clerk  
Date 16/3/2002

Superintendent (Copying Section)

Gauhati High Court

Authorized U/S 76, Act I, 1872

Certified to be true Copy.

B. K. Baruah  
12/12/02  
ADVOCATE

16/3/2002

