

FORM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUJARATI BENCH

ORDER SHEET

42/2004

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

In O.A. 301/2003

Name of the Applicant(s) Sri Kali Ram Das & 13 Others

Name of the Respondent(s) Sri Ajay Prakash Singh & Others

Advocate for the Applicant Mr. Adil Ahmed

Counsel for the Railway/C.G.S.C.

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

31.08.2004

This Contempt  
petition has been filed  
by the applicant with  
a prayer for under Sec.  
14 of the C.A.T. Act, 1985  
for punishment & the  
contemners for non-  
compliance of judgment  
and order dated 17.2.04  
passed in OA 301/04.

Laid before Hon'ble  
Court for orders.

30/8/04  
Section Officer.

29.9.04.

Notice & order sent  
to D/Section for  
issuing to resp.  
Nos. 1 to 6, by regd.  
with A/D post.

7/9/04.

Heard Mr. A. Ahmed, learned counsel  
for the applicants.

Issue notice to the respondents  
to show cause as to why contempt proceed-  
ing, as prayed for, shall not be initi-  
ated against them, returnable by four  
weeks.

List on 29.9.2004.

1st Deputy  
Member (A)

Present: Hon'ble Mr. Justice R.K. Batta,  
Vice-Chairman.

Hon'ble Mr. K.V. Prahladan, Administra-  
tive Member.

Heard Mr. A. Ahmed learned counsel  
for the applicant and Mr. A. Deb Roy,  
Sr. C.G.S.C. for the Respondents.

The learned counsel for the  
Respondents has filed reply of Respon-  
dent No. 6. In the said reply it is  
stated that in compliance of the  
Judgment and Order dated 17.2.04  
one of the Respondents have been paying

contd/-

postal A/D card  
~~return~~ received  
from resp. No-2,  
3 and 4.

28/9/04.

28.9.04

A/D card not  
received from  
Respondent Nos. 1, 5 & 6.

lm

29.9.04. the SDA to the petitioners on the  
undertaking from them that the amount  
so paid will be refunded in full in case  
matter goes against the applicants in  
the Hon'ble Gauhati High Court, Along-  
with this reply order dated 13th Sept.,  
2004 <sup>has</sup> ~~have~~ also been filed with direc-  
tion to implement the judgment of this  
Tribunal. In view of this nothing further  
requires to be done in this matter. Accord-  
ingly, Contempt proceedings are dropped  
and closed. A

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

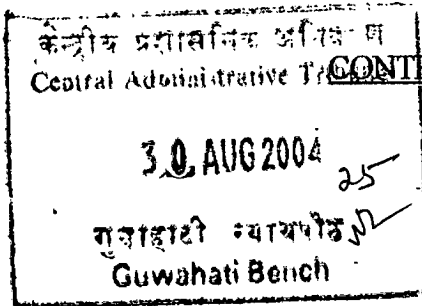
Receipt copy  
for Respondent  
*[Signature]*  
13/10

13.10.04

copy of the order  
has been sent to  
The D/Secy for  
issuing the fine  
to the L/A advocates  
for the parties.

*[Signature]*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI



CONTEMPT PETITION NO. 42 OF 2004.  
IN O.A.NO.301 OF 2003

Filed by  
Shri Kali Ram Das  
Petitioner 3  
through J.L.  
Chakrabarti  
Advocate

IN THE MATTER OF:

A Petition under Section 17 of the central Administrative Tribunal Act, 1985 praying for punishment of the Contemnners/ Respondents for non-compliance of judgment and order passed by the Hon'ble Tribunal in O.A.No.301 of 2003 on 17-02-2004.

-AND-

IN THE MATTER OF:

Shri Kali Ram Das & 13 Others  
... Applicants.

-VERSUS-

The Union of India & Others.  
... Respondents.

-AND-

IN THE MATTER OF

Shri Kali Ram Das,  
P.No.4910, Mukadam.  
Office of the Regional Manager (East),  
Canteen Stores Department, C.S.D.  
Narengi, P.O.-Satgaon, Guwahati-781027.

... Petitioner

KALI RAM DAS

-VERSUS-

1. Shri Ajay Bikram Singh,  
Secretary to the Government of India,  
Ministry of Defence, 101 South Block,  
New Delhi-110001.
2. Brig. Ashok Kumar,  
General Manager,  
Canteen Stores Department,  
Adelphi 119 Maharshi Karve Road,  
Mumbai-400020.
3. Shri S.C.Kapoor,  
Deputy General Manager (P&A),  
Canteen Stores Department,  
Adelphi 119 Maharshi Karve Road,  
Mumbai-400020.
- ~~5.~~  
4. Shri Kuk Reddy,  
Deputy General Manager (F&A),  
Canteen Stores Department,  
Adelphi 119 Maharshi Karve Road,  
Mumbai-400020.
- ~~6.~~  
5. Shri Vinod Kumar,  
Regional Manager (East),  
Canteen Stores Department,  
P.O.-Satgaon, Narengi,  
Guwahati-781027.
- ~~7.~~  
6. Shri S.K.Gupta,  
Manager,  
Canteen Stores Department,  
P.O.-Satgaon, Narengi,  
Guwahati-781027.

... Respondents/Contemners

PRADAS

The humble Petition of the above named  
Petitioner :

**MOST RESPECTFULLY SHEWETH:**

1) That your humble Petitioner along with 13 Others had filed the Original Application No.301 of 2003 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for payment of Special Duty Allowance in terms of the circular issued by the Cabinet Secretariat.

2) That the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati on 17.2.2004 heard the matter finally and the above said Original Application No.301 of 2003 was allowed by the Hon'ble Tribunal directing the Respondents to regulate the payment of SDA to the Applicants in terms of the Circular issued by the Cabinet Secretariat on SDA for Civilian employees of the Central Government in States of N.E.Region and Union Territories. The Respondents are directed to complete the above exercise within four weeks from the date of receipt of the order. But till today the Respondents/Contemnners did not implement the said Judgment and Order passed in OA No.301 of 2003 by the Hon'ble Tribunal. As such, your Petitioner is compelled to filed this Contempt Petition before this Hon'ble Tribunal to initiate Contempt proceeding under the Contempt of Court Act against the alleged Contemnners/Respondents.

Annexure-A is the photocopy of Judgment Order dated 17.2.2004 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in OA No.301 of 2003.

3) That your Petitioner begs to state that the Respondents/Contemnners have shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondents/Contemnners deliberately with a motive behind have not complied the Hon'ble Tribunal's Judgment and Order dated 17.2.2004 passed in O.A.No.301 of 2003. As such, the Respondents/Contemnners deserve punishment from this Hon'be Tribunal. It is a fit case where the Respondents/Contemnners

12/11/2004

b

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may be directed to appear before this Hon'ble Tribunal to explain as to why they have shown disrespect to this Hon'ble Tribunal.

- 4) That this Petition is filed bona fide to secure the ends of justice.

In the premises, it is, most humbly and respectfully prayed that your Lordships may be pleased to admit this petition and issued Contempt notice to the Respondents/Contemnners to show cause as to why they should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other order or orders as this Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 17-2-2004 passed in O.A.No.301 of 2003 the Respondents/Contemnners may be asked to appear in persons before this Hon'ble Tribunal to explain as to why they should not be punished under the contempt of Court proceeding.

And for this act of kindness your Petitioners as in duty bound shall ever pray.

...Draft Charge

12/11/2004

-DRAFT CHARGE-

The Petitioner aggrieved for non compliance of Judgment and Order dated 17-2-2004 passed by the Hon'ble Tribunal in O.A No.301 of 2003. The Contemnners/Respondents have willfully and deliberately violated the Judgment and Order dated 17-2-2004. Accordingly, the Respondents/Contemnners are liable for Contempt of Court proceedings and severe punishment thereof as provided to appear in persons and reply the charges leveled against them before this Hon'ble Tribunal.

IN FIDELITY

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**- AFFIDAVIT -**

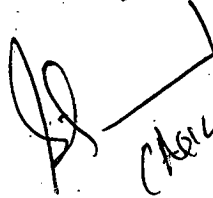
I, Shri Kali Ram Das, Son of Late Kanta Das, aged about 48 years P.No.4910, Mukadam. Office of the Regional Manager (East), Canteen Stores Department, C.S.D. Narengi, P.O.-Satgaon, Guwahati-781027 District - Kamrup (Urban), Assam by profession Service, by religion Hindu do hereby solemnly affirm and state as follows:

1) That I am one of the Applicant in O.A.No.301 of 2003 and also petitioner of the instant petition and as such I am fully acquainted with the facts and circumstances of the case and I am also authorized to swear this Affidavit on behalf of other petitioners.

2) That the statements made in paragraphs 1, 3 — of the Contempt Petition are true to my knowledge those made in paragraphs 2 — of the petition being matters of records are true to my information which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I put my hand hereunto this affidavit on this 30<sup>th</sup> day of August 2004 at Guwahati.

Identified by me:

  
(Adil Ahmed)

Advocate



Solemnly affirmed before me by  
the Deponent who is identified by  
Mr. Adil Ahmed, Advocate.

  
Alsha Das,  
Advocate



FORM No. 1  
(SER. RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Original Application No. - 301/03

Miss Petition No. -

Contempt Petition No. -

Review Application No. -

Name of the Applicant(s): K. R. Das & Son.

Name of the Respondent(s): W. S. S. S.

Advocate for the Applicant:- Mr. A. Ahmed

Advocate for the Respondent:- C. S. S. C.

Date of the Registry

date

Order of the Tribunal

17.2.2004

Present: Hon'ble Mr K.V. Prahladan,  
Administrative Member

By this application the applicants have claimed Special (Duty) Allowance---(SDA for short) on the strength of the Circular No.20-12-1999-BA-1-1789 dated 2.5.2003 of the Cabinet Secretariat.

Heard Mr. A. Ahmed, learned counsel for the applicants and also perused the application. On hearing the learned counsel for the applicants and on perusal of the application, I dispose of the application with the following direction:

The respondents may regulate the payment of SDA to the applicants in terms of the Circular dated 2.5.2003 of the Cabinet Secretariat on SDA for Civilian employees of the Central Government in the States of N.E. Region and Union Territories.

The respondents are directed to complete the above exercise within four weeks from the date of receipt of the order.

The O.A. is accordingly disposed of.

( K. V. PRAHLADAN )  
Administrative Member



Notified to be true Copy  
Date 20/2/04

Section Officer (J)  
C.A.T. GUWAHATI BENCH  
Guwahati-781005

20/2/04 nkm

Attended  
Sh. Bhowmik