

FORM NO. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. _____

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants: _____

Beehu Ram Chanhon

Respondents: _____

M. O. I. Jais

Advocate of the Applicants: - Mr. G.K. Bhattacharyya
Mr. B. Choudhury

Advocate for the Respondents: - CASE

Notes of the Registry

Date

Order of the Tribunal

This Contempt
petition has been
filed by the Counsel
for the petitioner
u/s 17 of the C.A.T. Act,
1985 due to intentional
and willful disobedience
of the order dated 7.6.04.
passed by this Hon'ble
Tribunal in O.A. 138/2004.

29.9.04

Issue notice to respondents to show
cause as to why action for contempt
be not initiated against them.

The matter be listed alongwith
M.P.103/04 and O.A.138/04.

Stand over to 3.11.04.

K.V. Prahladan
Member

R.
Vice-Chairman

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

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

Mr. B. Choudhury, learned counsel
for the applicant is present. Shri
Ashok Sengupta, Divisional Personnel
Officer is present in pursuant to our
order dated 29.9.04. In view of the
reply filed by the Respondents his
presence is dispensed with. Stand
over to 9th November, 2004.

K.V. Prahladan
Member

R.
Vice-Chairman

Section officer


Steps taken on 19/10/04.

9.11.2004

Heard Mr.G.K.Bhattacharyya, learned Sr.Advocate for the applicant as also Mr.S.Sarma, learned Advocate for the respondents.

The contention of the applicant is that after receiving the order dated 7.6.2004 passed in O.A.138/04 by this Tribunal respondents authorities ~~xxxx~~ enhanced the recovery from Rs.1707/- to Rs.3000/- p.m. This fact is categorically denied by the respondents by filing written statement in M.P.No.103 of 2004. In Para 4 of the said written statement it is stated that from May, 2004 an amount of Rs. 3000/- is being deducted from the salary of the applicant as arrear penal (Damage rent) and the deduction as above is still continuing and after the order was passed by this Tribunal on 7.6.2004 there has been no enhancement of the amount of recovery.

In view of this, the contempt petition has no merits and is accordingly dismissed.


Member


Vice-Chairman

bb

Notice and order sent to D/section for issuing to resp. Nos. 1, 2 & 3, by regd. A/D post.

19/10/04

2.11.04

A/D cards not received back from the respondents.

8-11-04

No reply has been received.

27.11.04

Copy of the order has been sent to the D/Sec. for issuing the same to the A/Ds for the parties.

22 SEP 2004

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

GUWAHATI

C.P.No. 48 /2004

In O.A.No. 138 /2004

Sri Bechu Ram Chouhan.

...Petitioner

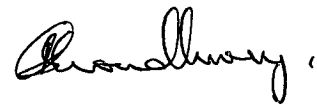
VS

Sri A.K. Malhotra and others.

...Respondents/Contemners.

<u>SL.NO</u>	<u>PARTICULARS</u>	<u>PAGE NO</u>
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Filed by



(Bikram Choudhury)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH: GUWAHATI

C.P.No of 2004

IN O.A NO. 138 of 2004

IN THE MATTER OF :

An application u/s 17 of the
Administrative Tribunals
Act, 1985.

-AND-

IN THE MATTER OF :

Intentional and willful
disobedience of the order
dated 07.06.2004 passed by
this Hon'ble Tribunal in
O.A. No.138 of 2004.

-AND-

IN THE MATTER OF :

An application under Rule 24
of the CAT (Procedure) Rules
1987 for non-implementation
of the order dated
07.06.2004 passed by this
Hon'ble Tribunal in O.A. 138
of 2004.

-AND-

4
Beechu Ram Choudhary
Filed by the petitioner
through Bikhram Choudhary
Advocate
27.3.04

IN THE MATTER OF :

Sri Bechu Ram Chowhan,
S/o late Garib Chowhan,
Technician Grade-I, (Coaching)
under Divisional Mechanical
Engineer (Carriage & Wagon),
Lumding, resident of Shankar
Sthan, Fish Market,
P.O. Lumding, Dist. Nagaon,
Assam.

.... **Petitioner**

-Versus-

1. Sri A.K. Malhotra,
Divisional Railway Manager,
N.F. Railway, Lumding,
Dist. Nagaon, Assam.
2. Sri K.P. Singh,
Divisional Railway Manager (P),
N.F. Railway, Lumding,
District- Nagaon.
3. Sri Omkar Singh,
Sr. Divisional Mechanical
Engineer, Lumding,
Dist. Nagaon, Assam.

.... **Contemners/
Respondents**

The petitioner above-named

MOST RESPECTFULLY BEGS TO STATE -

1. That the petitioner is presently serving as a Technician Grade-I (Coaching) under Divisional Mechanical Engineer (Carriage and Wagon) at Lumding.

2. That the petitioner begs to state that being aggrieved by the action of the authorities in canceling the quarter allotted to the petitioner on the allegation of sub-letting from a retrospective date and thereafter as per letter No.M/258/LM/14 (Loose) dated 4.2.2003 issued by the Sr. Divisional Mechanical Engineer, Lumding addressed to the Respondent No.2 started recovery damage/penal rent from the salary of the petitioner on installment basis even after vacating the quarter and thereafter rejecting the appeal preferred by the petitioner by order dated 23.3.04, the petitioner filed the above original application with the prayer to quash and set aside the orders dated 4.2.2003 and dated 23.3.2004 being in violation of the prescribed rules and procedure.

3. That, on 7.6.2004, the case was listed for admission. The Hon'ble Tribunal after hearing both sides issued notice on the respondents to show cause as to why the application shall not be admitted and in the meantime directed that the amount of recovery will not be enhanced.

A copy of the order dated 7.6.2004 is annexed herewith and marked as Annexure-I.

4. That the petitioner took a true copy of the order dated 7.6.2004 through his counsel on 9.6.2004 and furnished the same before the Respondent No.1, 2 and 3. Initially the authorities refused to accept the copy of the order dated 7.6.2004, for reasons best known but later on 2.7.04 it was received by the office.

It will be relevant to mention here that in the meantime the petitioner made enquiry in the office of the Central Administrative Tribunal, Guwahati and he came to know that the Respondent No.1 received the order of Central Administrative Tribunal on 29.6.2004 and Respondent No.2 and 3 received the same on 24.6.04.

A copy of the receipt by the various offices in the Letter Delivery Book is annexed herewith and marked as Annexure-II.

5. That the petitioner begs to state that after receiving the order dated 7.6.04 passed by this Hon'ble Tribunal, as stated in the order, it was the duty of the respondent authorities to ensure that the amount of recovery i.e. Rs.1707/- per month is not enhanced. But the respondent

authorities instead of following the order dated 7.6.2004 disobeyed the same and enhanced the amount of recovery to Rs.3000/- per month.

Copies of the pay-in-slip showing the previous amount of recovery and enhancement of recovery is annexed herewith and marked as Annexure-III.

6. That the petitioner begs to state that this Hon'ble Tribunal by order dated 7.6.2004 specifically directed the respondent authorities not to enhance the amount of recovery and from what is stated above it is evident that the authorities are in every step trying to willfully disobey the order passed by this Hon'ble Tribunal protecting the interest of the applicant.

7. That the petitioner states that the action of the respondents/ contemnors is contemptuous and amounts to willful and intentional disobedience of the order passed by this Hon'ble Tribunal and there can be no reasonable explanation for such act of contempt on the face of the record.

8. That, the petitioner states that the contemner is liable to be prosecuted and punished under the contempt of courts proceeding.

9. That this application is filed bonafide and for the ends of justice.

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It is, therefore, prayed that Your Lordships would be pleased to consider what is stated above, issue show cause notice to the respondents/ contemnors and take appropriate action for willful and deliberate violation of the order dated 07.06.2004 (Annexure-I) passed by this Hon'ble Tribunal in O.A. 138 of 2004 and after hearing the causes shown, if any, be pleased to draw a contempt proceeding against the respondents for imposition of appropriate punishment under the contempt of Court's Act and/or 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.

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A F F I D A V I T

I, Sri Bechu Ram Chowhan, S/o late Garib Chowhan, aged about 52 Years, Technician Grade-I, (Coaching) under Divisional Mechanical Engineer (Carriage & Wagon), Lumding, resident of Shankar Sthan, Fish Market, P.O. Lumding, Dist. Nagaon, Assam, do hereby, solemnly affirm and declare as follows:

1. That, I am the petitioner in this petition and as such I am well conversant with the facts and circumstances of the case and I swear this affidavit.

2. That, the Statements made in this affidavit and in paragraphs 1, 2, 6, 7, 8 and 9 of the petition are true to the best of my knowledge; those made in paragraphs No. 3, 4 and 5 being matters of record, are true my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this 23rd day of September' 2004 at Guwahati.

IDENTIFIED BY

Bikram Choudhury

ADVOCATE

Sri Bechu Ram Chowhan

DEPONENT

Solemnly affirmed and declared before me by the department who is identified by Sri Bikram Choudhury, Advocate, Guwahati on this 23rd day of September, 2004 at Guwahati.

Subhas Nath
Advocate

- 8 -

DRAFT CHARGE

Whereas the contemnners namely Sri A.K. Malhotra, Divisional Railway Manager, N.F. Railway, Lumding, Dist. Nagaon, Assam. Sri K.P. Singh, Divisional Railway Manager (P), N.F. Railway, Lumding, District- Nagaon. Sri Omkar Singh, Sr. Divisional Mechanical Engineer, Lumding, District-Nagaon, Assam are liable for contempt of Court's proceeding for their willful and deliberate violations of the order dated 07.06.2004 passed by the Central Administrative Tribunal, Guwahati, Bench in O.A. No. 138/04.

Sikram Choudhury
SIGNATURE

FORM NO. 4
(SEE RULE 12)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Org. App. / Misc Petn / Cont. Petn / Rev. Appl. 138/04

Name of the Applicant(s) .. In O.A.
B. R. Choudhary

Name of the Respondent(s)
W.O. & S.S.

Advocate for the Applicant ..
Mr. G.K. Bhattacharyya
Mr. B. Choudhary & D. Goswami

Counsel for the Railway/CGSC ..
B.R. Choudhary

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
	7.8.2004	



Heard Mr. G.K. Bhattacharyya, learned Sr. counsel for the applicant. Mr. S. Sarma, learned counsel for the Railways was present.

Issue notice on the respondents to show cause as to why the application shall not be admitted, returnable by three weeks.

List on 29.6.2004 for admission.

In the meanwhile, amount of recovery will not be enhanced.

RUE COM

Sd/MEMBER (ADM)

[Signature]
1/6/04
Joint Secretary
Central Administrative Tribunal
Guwahati Bench, Guwahati

Attested by
Siksum Choudhary
Adv.

To
DRM(P)/Lumding.
Copy to: DRM/LMG
OS/EM(B111)/LMG

Dated, 01-07-04

Subj:- Order of CAT/GHY in O.A.No.138/04 in
Bechu Ram Chowhan vs. UOI & Ors, in the
matter of recovery of damage rent for
alleged sub-letting of Rly. quarters.

Sir,

Against the order of Sr.DME/IC/Lumding for recovery of an amount of Rs.1707/- p.m. from the salary of the undersigned on the alleged and unestablished charge of sub-letting of my quarters No.H/13-D, type II at Harulongfar colony, Lumding, and also enhancement of the amount of recovery from this month, I had filed an application u/s 19 of A.T.Act, before the honourable CAT/Guwahati which has been registered as O.A.No.138/04. CAT/GHY vide its order dated 7.6.2004 has issued notices to the respondents, UOI & Ors., listed the case for 29.6.04 for admission and ordered in the meantime that the amount of recovery of damage rent will not be enhanced.

An attested copy of CAT/GHY's order dated 7.6.04 in O.A.No.138/04 is enclosed herewith for compliance please. You are accordingly requested that the amount of damage rent being recovered @ Rs.1707/- may kindly be not enhanced.


Thanking you,

Encl: A copy of CAT/GHY's
order dated 7.6.04.

Yours faithfully,

Bechu Ram Chowhan.

(Bechu Ram Chowhan)
Technician Gr.I
under SSE/C&W/Lumding.


Senior Section Engineer (C & W)
N. F. Rly. Lu. dng

Attested by
Likhnam Choudhary
Adv.

पत्र वस्तुपूर्वक-पत्र/ Letter Delivery Book

विभाग..... कार्यालय/अनुभाग..... स्टेशन.....
Department..... Office Section..... Station.....

दिनांक की प्रतिलिपि Date of issue	पत्र प्राप्त करने वाले का पता Particulars of addressee	पत्र/Letter		प्राप्त करने वाले का हस्ताक्षर Signature of recipient	पत्र की तिथि Date of delivery
		सं०/No.	तारीख Date		
4/7/04	order of CAT/AGP. No. 138/04 m. Dechuram Chowhan, V.B. 1004 008. m. matter of recovery of damage rent for alleged sub-letting of R/S quarters DA-1			<i>[Signature]</i> D.R.M. Puri 82/8	
2/7/04	— 200 —			<i>[Signature]</i> D.R.M. (P) L. m. 06/7/04	
2/7/04	— 200 —			<i>[Signature]</i> To. 05/EM/11/11/11 To. 05/EM/11/11/11	

U. S. Rly. Press—1/92/6982/148—2080—6982100 Lvs.

Attested by.
Bikram Chaudhary
Adv.

15

EDP CENTRE/LMG PAY IN SLIP JAN. 2004 AU/BU/STN/DEPT 41/439/LMG000/MECH 43
V/NOS: LXLO26C/LX406C 16 02 04 ALLOC:06 0211
BACHU R CHOWHAN PAY. * 3625.00 PF-SUBCRPTN. * 469.00 GROSS PAY**9784.00
D.A. * 3319.00 V.P.F. * 1000.00 DEDUCTN* *3550.00
N.D.ALL. * 505.00 CLUB/INST. * 4.00 NET PAY RS*6234.00
DESG:TECFT1 * 140.00 GROUP INS. * 30.00
PFNO: 01741160-HC * 120.00 SOCIETY DPST.* 65.00 CASH PAY* *6234.00
DUTY DAYS:31 L-DAYS: 0 SCA * 75.00 ARREAR/PAN RT* 1707.00 86
TRANSPORT ALL* 75.00 AP TAX * 125.00
FESTIVAL ADV * 150.00 6
SIGNATURE

EDP CENTRE/LMG PAY IN SLIP FEB. 2004 AU/BU/STN/DEPT 41/439/LMG000/MECH 43
V/NOS: LXLO26C/LX406C 16 03 04 ALLOC:06 0211
BACHU R CHOWHAN PAY. * 3625.00 PF-SUBCRPTN. * 469.00 GROSS PAY**9644.00
D.A. * 3319.00 V.P.F. * 1000.00 DEDUCTN* *6151.00
N.D.ALL. * 505.00 INCOME TAX * 2601.00 NET PAY RS*3493.00
DESG:TECFT1 * 140.00 CLUB/INST. * 4.00
PFNO: 01741160-HC * 120.00 GROUP INS. * 30.00 CASH PAY* *3493.00
DUTY DAYS:29 L-DAYS: 0 TRANSPORT ALL* 75.00 SOCIETY DPST.* 65.00
ARREAR/PAN RT* 1707.00 87
AP TAX * 125.00
FESTIVAL ADV * 150.00 5
SIGNATURE

EDP CENTRE/LMG PAY IN SLIP MAR. 2004 AU/BU/STN/DEPT 41/439/LMG000/MECH 43
V/NOS: LXLO26C/LX406C 06 04 04 ALLOC:06 0211
BACHU R CHOWHAN PAY. * 5625.00 PF-SUBCRPTN. * 469.00 GROSS PAY**10037.00
D.A. * 3431.00 V.P.F. * 1000.00 DEDUCTN* *3779.00
ARR. DA * 281.00 CLUB/INST. * 7.00 NET PAY RS*6258.00
DESG:TECFT1 * 505.00 GROUP INS. * 30.00
PFNO: 01741160-HC * 120.00 SOCIETY DPST.* 65.00 CASH PAY* *6258.00
DUTY DAYS:31 L-DAYS: 0 SCA * 75.00 ARREAR ELECT.* 226.00
TRANSPORT ALL* 75.00 ARREAR/PAN RT* 1707.00 19
AP TAX * 125.00
FESTIVAL ADV * 150.00 4
SIGNATURE

EDP CENTRE/LMG PAY IN SLIP MAY 2004 AU/BU/STN/DEPT 41/439/LMG000/MECH 45
V/NOS: LXLO26C/LX406C 14 06 04 ALLOC:06 0211
BACHU R CHOWHAN PAY. * 5625.00 PF-SUBCRPTN. * 703.00 GROSS PAY**9561.00
D.P.VCPC * 2813.00 V.P.F. * 1000.00 DEDUCTN* *5298.00
D.A. * 928.00 CLUB/INST. * 7.00 NET PAY RS*4263.00
DESG:TECFT1 * 120.00 GROUP INS. * 30.00
PFNO: 01741160-HC * 120.00 SOCIETY DPST.* 65.00 CASH PAY* *4263.00
DUTY DAYS:31 L-DAYS: 0 TRANSPORT ALL* 75.00 ARREAR/PAN RT* 3000.00 38
ARREAR ELECT.* 218.00 17
AP TAX * 125.00
FESTIVAL ADV * 150.00 2
SIGNATURE

EDP CENTRE/LMG PAY IN SLIP JUNE 2004 AU/BU/STN/DEPT 41/439/LMG000/MECH 46
V/NOS: LXLO26C/LX406C 15 07 04 ALLOC:06 0211
BACHU R CHOWHAN PAY. * 5625.00 PF-SUBCRPTN. * 703.00 GROSS PAY**9566.00
D.P.VCPC * 2813.00 CLUB/INST. * 2.00 DEDUCTN* *4293.00
D.A. * 928.00 GROUP INS. * 30.00 NET PAY RS*5773.00
DESG:TECFT1 * 505.00 SOCIETY DPST.* 65.00
PFNO: 01741160-HC * 120.00 ARREAR/PAN RT* 3000.00 34
DUTY DAYS:30 L-DAYS: 0 SCA * 75.00 ARREAR ELECT.* 218.00 16
TRANSPORT ALL* 75.00 AP TAX * 125.00
FESTIVAL ADV * 150.00 1
SIGNATURE

EDP CENTRE/LMG PAY IN SLIP JULY 2004 AU/BU/STN/DEPT 41/439/LMG000/MECH 45
V/NOS: LXLO26C/LX406C 16 08 04 ALLOC:06 0211
BACHU R CHOWHAN PAY. * 5900.00 PF-SUBCRPTN. * 754.00 GROSS PAY**11437.00
D.P.VCPC * 2950.00 CLUB/INST. * 2.00 DEDUCTN* *4359.00
D.A. * 974.00 GROUP INS. * 30.00 NET PAY RS*7078.00
DESG:SRTECH * 21.00 SOCIETY DPST.* 65.00
PFNO: 01741160-HC * 192.00 ARREAR/PAN RT* 3000.00 33
DUTY DAYS:31 L-DAYS: 0 ARREAR PAY. * 218.00 CASH PAY* *7078.00
N.D.ALL. * 505.00 ARREAR ELECT.* 218.00 15
FESTIVAL ADV * 150.00

Attested by
Bikram Choudhary
Adv.