

FORM NO. 4  
(SEE RULE 42)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

original Application No.

Misc. Petition No. 48/04 in O.A. 138/04

Contempt Petition No.

Review Application No.

Applicants:

Beechu Ram Chankhan

H. O. I. Gorak

Respondents:

Advocate of the Applicants:- Mr. G.K. Bhattacharjee

Mr. B. Choudhury

Advocate for the Respondents:- C.A.S.

Notes of the Registry Date Order of the Tribunal

This Contempt petition has been

filed by the Counsel for the petitioner  
be not initiated against them.

29.9.04

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

Stand over to 3.11.04.

u/s 17 of the C.A.T. Act

R.K. Batta  
Member

R.  
Vice-Chairman

1985 due to intentional  
and willful disobedience

pg

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

Vice-Chairman.

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

of the order dated 7.6.04.  
passed by this Hon'ble 3.11.04.  
Tribunal in O.A. 138/2004.

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.

Laid before the  
Hon'ble Court for further  
order.

Section officer

R.K. Batta  
Member

R.  
Vice-Chairman

Stamps taken on 19/10/04.

19/10/04

9.

9.11.2004

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

*(L.M.)*  
19/10/04

2.11.04

A/D cards not  
received back  
from the Respondents.

*L.S.*

8.11.04

No reply has been filed.

*2*

29.11.04

Copy of the order  
has been sent to the  
D/sec. for issuing the  
same to the D/Secs.  
for the parties.

*L.S.*

bb

*K. P. D. D.*  
Member

*R*  
Vice-Chairman

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.

22 SEP 2004

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PABO  
CENTRAL ADMINISTRATIVE TRIBUNAL  
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/Contemnners.

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

*Choudhury*  
(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-

Becker Law Firm  
Filed by the petitioner  
Theresa Bilkham, Attorney  
P.O. 14 - Advocacy

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.

.... **Contemnners/  
 Respondents**

The petitioner above-named

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**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.

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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

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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/ contemners 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/ contemners 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.

DB

-7-

A F F I D A V I T

I, Sri Bechu Ram Chowhan, S/o late Garib Chowhan, aged about 59 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 23<sup>rd</sup> day of September 2004 at Guwahati.

IDENTIFIED BY

*Bikram Choudhury*

ADVOCATE

*Bechu Ram Chowhan*

DEPONENT

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

*Subrata Nath*  
Advocate

DRAFT CHARGE

Whereas the contemners 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.

*Siknam Choudhury*  
SIGNATURE

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

ORDER SHEET

138/04.....

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

In O.....

Name of the Applicant(s) .. B. R. Choudhury.....

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

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

Counsel for the Railway/CGSC..... B.L. Sarmah.....

ORDER OF THE TRIBUNAL

OFFICE NOTE

DATE

7.8.2004

Heard Mr. G.K. Bhattacharyya, learned  
Sr. counsel for the applicant. Mr. S. Sarmah,  
learned counsel for the Railways was pre-  
sent.

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.



TRUE COPY

Sd/MEMBER(ADM)

Original signed by  
Central Administrative Tribunal  
Guwahati Bench  
Guwahati, Assam  
Date: 7/8/2004

Attested by  
Bikram Choudhury  
Adv.

To  
DRM(P)/Lumding,  
Copy to: DRM/LMG  
OS/EM(Bill)/LMG

Dated, 01-07-04

Sub:- 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 Marulengfar 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.

SC

Senior Section Engineer (C & W)  
J. to staff  
N. F. Rly. Lumding

Attested by  
Lokman Chowdhury  
Adv.

## लेटर डिलीवरी बुक / Letter Delivery Book

विभाग/Office Section/कार्यालय/अधिकारी/स्टेशन/Station  
Department/Office Section/Station

दिनांक Date of issue	गोपीनाथ का पता Particulars of addressee	पत्र/Letter		प्राप्तकर्ता का इकाई/Signature of recipient	दिनांक Date of delivery
		सं. No.	दिनांक Date		
4/7/04	order of CAT/G.P. no A. No. 138/04 Mr. Dechu Ram Chowhan, V3, 40014 003.				
	Letter of Recovery of damage Rent for alleged sub-letting of R.R. quarters				
	DA-1				
21/7/04	— 200 —				
21/7/04	— 200 —				

S. P. Rly. Prece-1/92/6003/148-2000-6002100 L. 73.

Attested by:  
Bikram Chaudhary  
J.D.

EDP CENTRE/LMG PAY IN SLIP JAN. 2004 AU/BU/STN/DEPT 41/439/LMG000/MECH 43  
 V/NOS: LXL026C/LX406C 16 02 04 ALLOC:06 0211  
 BACHU R CHOWHAN PAY. \* 5625.00 PF-SUBCRPTN. \* 469.00 GROSS PAY\*\*9784.00  
 D.A. \* 3319.00 V.P.F. \* 1000.00 DEDUCTN\* \*3550.00  
 DESG:TECFT1 N.D.ALL. \* 505.00 CLUB/INST. \* 4.00 NET PAY RS\*6234.00  
 PFNO: 01741160-NC N.HLDAY ALL \* 140.00 GROUP INS. \* 30.00  
 DUTY DAYS:31 L-DAYS: 0 SCA \* 120.00 SOCIETY DPST.\* 65.00 CASH PAY\* #6234.00  
 TRANSPORT ALL\* 75.00 ARREAR/PAN RT\* 1707.00 86  
 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: LXL026C/LX406C 16 03 04 ALLOC:06 0211  
 BACHU R CHOWHAN PAY. \* 5625.00 PF-SUBCRPTN. \* 469.00 GROSS PAY\*\*9644.00  
 D.A. \* 3319.00 V.P.F. \* 1000.00 DEDUCTN\* \*6151.00  
 DESG:TECFT1 N.D.ALL. \* 505.00 INCOME TAX \* 2601.00 NET PAY RS\*3493.00  
 PFNO: 01741160-NC SCA \* 120.00 CLUB/INST. \* 4.00  
 DUTY DAYS:29 L-DAYS: 0 TRANSPORT ALL\* 75.00 GROUP INS. \* 30.00 CASH PAY\* #3493.00  
 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: LXL026C/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  
 DESG:TECFT1 ARR. DA \* 261.00 CLUB/INST. \* 7.00 NET PAY RS\*6258.00  
 PFNO: 01741160-NC N.D.ALL. \* 505.00 GROUP INS. \* 30.00  
 DUTY DAYS:31 L-DAYS: 0 SCA \* 120.00 SOCIETY DPST.\* 65.00 CASH PAY\* #6258.00  
 TRANSPORT ALL\* 75.00 ARREAR ELECT.\* 226.00  
 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: LXL026C/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  
 DESG:TECFT1 D.A. \* 928.00 CLUB/INST. \* 7.00 NET PAY RS\*4263.00  
 PFNO: 01741160-NC SCA \* 120.00 GROUP INS. \* 30.00  
 DUTY DAYS:31 L-DAYS: 0 TRANSPORT ALL\* 75.00 SOCIETY DPST.\* 65.00 CASH PAY\* #4263.00  
 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: LXL026C/LX406C 15 07 04 ALLOC:06 0211  
 BACHU R CHOWHAN PAY. \* 5625.00 PF-SUBCRPTN. \* 703.00 GROSS PAY\*10066.00  
 D.P.VCPC \* 2813.00 CLUB/INST. \* 2.00 DEDUCTN\* \*4293.00  
 DESG:TECFT1 D.A. \* 928.00 GROUP INS. \* 30.00 NET PAY RS\*5773.00  
 PFNO: 01741160-NC N.D.ALL. \* 505.00 SOCIETY DPST.\* 65.00  
 DUTY DAYS:30 L-DAYS: 0 SCA \* 120.00 ARREAR/PAN RT\* 3000.00 34 CASH PAY\* #5773.00  
 TRANSPORT ALL\* 75.00 ARREAR ELECT.\* 218.00 16  
 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: LXL026C/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  
 DESG:SRTECH D.A. \* 974.00 GROUP INS. \* 30.00 NET PAY RS\*7078.00  
 PFNO: 01741160-NC ARR. DA \* 21.00 SOCIETY DPST.\* 65.00  
 DUTY DAYS:31 L-DAYS: 0 ARREAR PAY. \* 192.00 ARREAR/PAN RT\* 3000.00 33 CASH PAY\* #7078.00  
 N.D.ALL. \* 505.00 ARREAR ELECT.\* 218.00 15  
 AP TAX \* 125.00

Attested by  
 Bishwan Chowdhury  
 Adw.