

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No.....

R.A/C.P No.....24/2005

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SECTION OFFICER (Judl.)

FORM NO. 4.
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. _____

Misc. Petition No. _____

Contempt Petition No. 24 / 05 (OA 36/05)

Review Application No. _____

S.R. Choudhury

Applicant(S): _____

Respondant(S): S.L.D. Choudhury & ORS.

Advocate for the Applicant(S):- P. Chakraborty, G. Deka and M. Deka

Advocate for the Respondant(S):- Ms. P. Chakraborty, Addl. C.G.S.C.
A.K. Choudhury
for Respdt. No. 1

Notes of the Registry	Date	Order of the Tribunal
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This c.p. was filed by the applicant under the facts and circumstances prayed that to admit this petition, call for records and issue a notice to the Contemnors to show cause as to why appropriate proceedings u/s 12 of the Contempt of Courts Act shall not be initiated against them for deliberate and wilful violation of the direction of this Hon'ble Tribunal passed on 16.2.2005 in OA NO. 36/05.

Laid before Hon'ble Court for orders.

sd/-

Section Officer

Notice & order sent to D/Section for issuing to resp. Nos. 1 & 2 by regd. A/D post.

26/8 D/NO = 1289, 1290
Dt. 29/8/05.
Notice duly served on R-2

23.8.05.

Heard Ms. P. Chakraborty learned counsel for the applicant.

Issue notice to the Respondents to show cause as to why the Contempt proceedings shall not be initiated against the alleged contemnors. The Respondents are directed to file affidavit in the matter on or before 26.9.05.

Post the matter on 27.9.05. Personal appearance of the Respondents are dispensed with for the time being.

Vaigant
Vice-Chairman

27.9.05

Heard Ms. P. Chakraborty learned counsel for the applicant and Mr. A.K. Choudhury learned Addl. C.G.S.C. for the Respondents. The Standing counsel seeks two weeks time to file affidavit of the Respondents.

Post the matter on 17.11.05.

Vaigant
Vice-Chairman

17.11.2005

Ms.G.Deka, learned counsel for the petitioner is present. Mr.M.U. Ahmed on behalf of Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. submits that this is a Division Bench matter and further written statement has to be filed. Post on 21.12.2005.

① Notice duly served
ON R.No-2.

20
26.9.05

16.11.05
no affidavit filed.
lm

Vice-Chairman

bb

20-12-05

21.12.05.

Ms.P.Chakraborty learned counsel for the applicant is present. Mr.A.K. Choudhury, learned Addl.C.G.S.C. seeks for some more time to file written statement. Post the matter on 24.1.06. Personal appearance is dispensed with for the time being.

No. written statement
has been filed.

20
20.12.05

Vice-Chairman

23-1-06

24.1.2 006

Post the matter before the next available Division Bench. In the meantime respondents are directed to file their affidavit.

No. Wls has been
filed.

Vice-Chairman

bb

1-8-06

No. Affidavit has
been filed.

03.08.2006 Present: Hon'ble Sri K.V.Sachidanandan,
Vice-Chairman.

Hon'ble Sri Gautam Ray,
Administrative Member.

When the matter came up for hearing it is found that late A.K.Chaudhuri, learned counsel appeared on behalf of the respondents, but unfortunately, he is no more. Mr G. Baishya, learned Sr. C.G.S.C. sought time for getting power to appear on behalf of the respondents.

Post on 24.08.2006

No affidavit has
been filed.

20
23.8.06

Member

Vice-Chairman

56
C.P. 24 of 2005

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

Mr G. Baishya, learned Sr. Central Government Standing Counsel submitted that one more chance may be given to file reply affidavit. Accordingly, three weeks time is granted. It is made clear that if the order has not complied with as directed by this Tribunal, contempt notice will be issued to the alleged contemnners.

Post on 14.09.2006.

✓
Vice-Chairman

/mb/

14.09.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Ms. U. Das, learned Addl. C.G.S.C. for the Contemnners submitted that she has filed a detailed affidavit. However, when the matter came up for hearing, Ms. G. Deka, learned Counsel for the Applicant submitted that the order of this Tribunal has already been complied with and therefore, she does not want to pursue the Contempt Petition.

The C.P. accordingly stands dismissed at not pressed.

L
Vice-Chairman

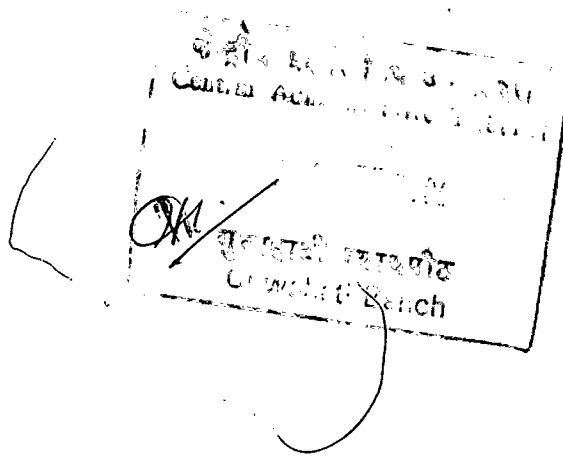
/mb/

Received
C.G.S.C.
30-8-06

No affidavit has
been filed.

13906

Received
Loka Don
Addl C.G.C.
15/9/06.



Disposed
on 14.9.06
AO

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

CP NO. 24/2005

IN OA NO. 36/2005

SHRI S. ROY CHOUDHURY

.....PETITIONER

-VERSUS-

- 1) S L D CHOUDHURY
- 2) K. VAIPHEI

.....RESPONDENTS

Filed by

Swapan Lal Das Choudhury,

A. E. D. CHOUDHURY

Accounts Officer,

Area Accounts Office,

Bivar Road, Shillong.

Myongda Das
Addl Chsc
14/9/06

IN THE MATTER OF

Affidavit filed by the respondent the respondent No.

1) I, Swapan Lal Das Choudhury aged about 57 years, at present working as Accounts Officer, who is arrayed as respondent No 1 in the above mentioned contempt petition. I am well acquainted with the facts and circumstances of the case and do hereby solemnly affirm and state as follows.

2) That the deponent begs to state that the judgment and order passed by the Hon'ble Tribunal has been complied with and accordingly order has already been passed on 30.3.2006 and communicated the same to the petitioner as per direction of the Hon'ble Tribunal. The arrears of SDA, in respect of Shri S. Roy Choudhury have been paid w.e.f. 01.01.2001 to 31.12.2005 for Rs. 1,07,211 (Rupees One Lakh Seven Thousand Two Hundred Eleven Only) vide VR No. CV/30/148/WE dated 17.03.2006 of HQ 137 WE, C/O 99 APO and Cheque No. 337473 dated 30.3.2006.

A copy of the order-dated 30.3.2006 is annexed herewith and marked as Annexure-R1.

- 3) That the deponent begs to state that the Hon'ble Tribunal while disposing of the OA directed the respondents to take final decision on the representations filed by the applicant (to the OA) and pass a speaking and reasoned order within a period of three months from the date of receipt of the order. Due to mandatory administrative procedures and formalities the respondents could not comply with the order within the time frame of three months as given by the Hon'ble Tribunal hence the deponent begs apology for the delay in complying the order passed by the Hon'ble Tribunal. The delay caused in the process of compliance was not intentional and willful hence the Hon'ble Tribunal may be pleased to consider and condon the same and be pleased to pass appropriate order closing the Contempt Petition.
- 4) That the deponent begs to submit that the judgment and order passed by the Hon'ble Tribunal has been complied with and accordingly order has been passed on 30.3.2006 hence the Hon'ble Tribunal may be pleased to close the contempt petition and/or be pleased to pass any other appropriate order/orders as Your Lordships deem fit and proper.
- 5) That the statements made in paragraphs 1, 3, 6 are matter of knowledge and those in paragraphs 2 is matter of records.
- 6) That this affidavit has been filed bonafide and to secure ends of justice.

DEPONENT

Shrapan Lal Das Choudhury.

S. L. D. CHAUDHURY

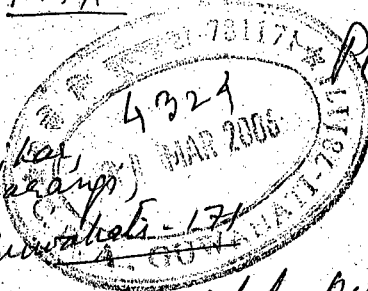
Accounts Officer,
A & A Accounts Office,
Bihar Road, Sahibganj.

To Pay

FAX

- 3 -

Amma - R1



PH/1/308/P+A - VII

A.A.O. Shikhar

Dt. 30/3/06. 238

A. Aryan Vikas
Naranga,
Guwahati - 781

Sub: OA NO 36/2005 filed by Shri S. Roy
Choudhury, E.E. vs UOI + others et al
CAT Guwahati.

Ref: Your letter no Pay/34/CONFDL/OA 36/2005
dt. 21/3/06

5/1
G/A
M. Naranga
Case

cited above, with reference to the subject
above, it is intimated that
Bureaus of SDA. in go above Officer
has been passed wif 01 jan 2001
to 31-12-2005 for Rs. 107211/- (Rupees
one lac seven thousand two hundred
eleven only) vide VNO CU/30/148/WE
dt 17/3/06. dt HO 137 to 138 C/S 99 A & O
vide cheque NO 337473 dt 30/3/06

981
06/04/06.

J. K. Palk
लेखा अधिकारी
J. K.
Accounts Officer

Am
A O

SYNOPSIS

15 AUG 2005
 गुवाहाटी न्यायाधीश
 Guwahati Bench

Contempt Petition No. 24 of 2005

Sri S. Roy ChoudhuryPetitioner

-Vs -

S.L.D. Choudhury & Ors Respondents/Contemnners

Pr.1 P-2	16.2.05	Order not complied with passed in O.A. 36/2005.
Pr. 2 P-2		As regards claim of S.D.A since January 2001 till date on his transfer to the N.E. Region from Central Command – P serving as D.C.W.A. under 99 APO.
Pr-3 P-3	29.5.2002 14.12.1983 20.4.1987 1.12.1988 12.1.1996	Office Memo referring Govt. policy and referring various other O.M. as regards payment of S.D.A. to the employees of Central Govt. on their transfer to the N.E. Region from outside the region if the post carried All India Transfer Liability. No discrimination with those who hail from N.E. Region with those who are not residents of N.E. Region.
Pr.4 P-3	4.6.2003	O.M. issued by Headquarters New Delhi reiterating the principle regarding payment of S.D.A. annexed as annexure-2 to the O.A.
Pr-5 P-3	27.12.2000	Transfer from Talbekal G.P. to N.E. Region. P. Grade A employee entitled to S.D.A. under the present Govt. policy since his transfer to N.E. Region.
Pr-6 P-3	30.1.2004 (Annexure-3 to the O.A)	H.Q. Shillong specifying the Govt. policy in this regard that no restriction in payment of S.D.A. is made to the residents of N.E.Region if they are transferred from outside the Region and fulfill All India Transfer Liability
Pr-7 P-4	7.10.2003 (Annexure-4 to the O.A)	Head Office New Delhi clarifying there is no scope of any ambiguity referring office Memo 4.6.02 being sent to R.1 and 2 for their necessary action.
Pr-8 P-4	31.08.2004 (Annexure-5 to the O.A.)	Documents required by C.D.A. furnished by H.Q. 137 Works Engineering 99 APO alongwith O.M. dated 30.1.04 issued by the H.Q.

<u>Pr-9</u> <u>P-5</u>	_____	Several communications by the P. as well as H.Q. – matter is not sorted out by Res/Contemners – S.D.A. still remain outstanding.
<u>Pr-10</u> <u>P-5</u>	_____	Grievance of P - He is an Officer under Group A. The post carries All India Transfer liability - he is entitled to the S.D.A. on his transfer from Central Region to N.E. Region since 27.12.2000.
<u>Pr-11</u> <u>P-5</u>	16.2.2005 (Annx-1) (Annx-2)	Order passed by this Tribunal – not complied with – delay intimated by the P – A/D cards received.
<u>Pr-12</u> <u>P-6</u>	_____	Res./Contemners sitting tight over the matter – claim of P not settled.
<u>Pr-13</u> <u>P-6</u>	_____	Wilful and deliberate violation of the Order of this Hon'ble Court liable to be punished Contempt of Court's Act.

Filed by
the petitioner
through
Gurmani Deka
Advocate

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

CONTEMPT PETITION No. 24.....2004

IN

O.A. NO. 36 OF 2005

IN THE MATTER OF :

A Contempt Petition under Section 12 of
the Contempt of Court's Act read with
Article 215 of the Constitution of India.

-AND-

IN THE MATTER OF :

Willful and deliberate violation of Order
dated 16.2.2005 passed in O.A. No. 36
of 2005 by this Hon'ble Administrative
Tribunal, Guwahati Bench.

-AND-

IN THE MATTER OF :

Shri S. Roy Choudhury
Son of Late Prof. S.K. Roy Choudhury,
Working as D.C.W.E. ,
B/R HQ 137 W.K.S. Engineers,
C/o 99 APO

VERSUS

.....PETITIONER

1. S.L.D. Choudhury
Area Accounts Officer,
Shillong, 793 001.

65
Filed by
the petitioner
Shepherd

2. K. Vaiphei

The Controller of Defence
Accounts, Udayan Vihar,
Narengi, Guwahati – 781 071

.....RESPONDENTS
CONTEMNERS

The humble petition of the petitioner abovenamed –

MOST RESPECTFULLY SHEWETH :

(1) That this contempt petition arises out of Order dated 16.2.2005 passed by this Hon'ble Administrative Tribunal in O.A. No. 36 of 2005 directing and commanding the Respondents/Contemnners to dispose of the representation of the petitioner pending before them with a speaking order regarding his entitlement/payment of Special Duty Allowance (hereinafter referred as the SDA) for the period from 27.12.2000 till date within a period of three months from the date of receipt of the Order of this Hon'ble Tribunal.

(2) That the Original Application was moved by the petitioner before this Hon'ble Tribunal against the arbitrary withholding of the SDA payable to the petitioner on his transfer to the North Eastern Region from outside the North Eastern Region. That the petitioner is serving as Deputy Commander Works Engineer (in brief referred as DCWE) and is at present working under 137 Works Engineerss, C/o 99 APO. He was initially appointed as Superintendent Buildings/Roads (B/R Gr-I) in the year 1970 in the Military Engineering Service. The post carried all India transfer liability. Since his joining till 1982 he was serving in North Eastern Region and thereafter was posted outside the region and again posted to the N.E. region in October 1986 and remain there till May 1996. Thereafter he was again transferred out of the N.E region and was serving in Central Command during January 2001. He was again transferred to N.E. region from Central Region where he works till date.

(3) The brief facts which necessitated filing of the connected O.A. No. 36/05 as well as this instant contempt petition was already

Shreechandra

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recited in the Original Application is set forth below for the convenience of Your Lordships.

That under the policy adopted by the Govt. of India the officers under Central Government in Group A & B are entitled to SDA on their transfer to N.E. region from outside the region as the incentive provided the post carries with it all India transfer liability. The policy as aforesaid was adopted by Govt. of India during the year 1986-87 and in this connection no restriction whatsoever is made between those employees who do not hail from the N.E. Region and is transferred from outside the region to the N.E. Region with those who are the residents of N.E. region. Office memo dated 29.5.2002 clarifying position as aforesaid regarding payment of SDA was enclosed as Annexure-1 to the Original Application by the petitioner. The Office Memo so referred had also indicated the various other office memos dated 14.12.83, 20.4.87, 1.12.88, 12.1.96 in the same line.

(4) That admittedly there is no restriction regarding payment of SDA to the residents of the N.E. when they fulfill the criteria of all India transfer liability and are in fact transferred from outside the region to the N.E. region. Office memo dated 4.6.2003 issued by the Headquarters Engineering Service, New Delhi reiterating the same was enclosed by the applicant/petitioner alongwith Original Application as Annexure-2.

(5) That the petitioner who initially joined service as Grade-B Officer is promoted and is an officer under Group 'A' at present. Therefore he is entitled to the SDA for all those period when he was transferred from outside region to the N.E. region and more specifically from 27.12.2000 till date on his transfer from Talbehat, Uttar Pradesh to Shillong from Central Command to North Eastern region.

(6) That in order to avoid any sort of ambiguity or confusion with regard to payment of SDA to the officers, the office of the Chief Engineer Headquarters, Shillong had also notified the Govt. policy as aforesaid to all its Units by Office memo dated 30.1.2004 annexed as

Ananexure-3 with the Original Application with a specific direction to allow the SDA to the eligible officers having all India transfer liability and posted to NE region from outside the region specifically mentioning that no restriction to the payment of SDA shall be made to those who are residents of NE Region and transferred from outside the region to NE region.

(7) That in spite of the petitioner/applicant being entitled to the SDA the same was not paid to him by the respondents for quite a since long time inspite of his repeated requests and thus the matter was taken up with the Head office at New Delhi and the Head office in turn had categorically pointed out that there is hardly any scope for ambiguity or confusion regarding payment of SDA to Group-A & B Officers and referred to office memo dated 4.6.2002 (Annexure-2 to the OA 36/05). A copy of the same was forwarded to the Eastern Command at Kolkata and CDA, Guwahati, Respondent /contemner No.1 as, the AAO, Shillong and Respondent/ contemner No.2, C.D.A Guwahati for their information. A copy of the said letter dated 7.10.2003 by the Headquarter New Delhi was enclosed as Annexure-4 to Original Application.

(8) That the Headquarters 137 Works Engineers 99 APO where the petitioner/applicant is working at present had taken up the matter with the Area Accounts Officer, Shillong (hereinafter referred as AAO) and Controller of Defence Accounts at Guwahati (hereinafter referred as CDA). The CDA Guwahati in turn had asked for the office memo dated 30.1.04 issued by the Headquarters for examination of the claim of the applicant. The required document was immediately furnished to the CDA Guwahati on 31.8.2004 with all other details enabling him to settle the claim of the applicant/petitioner i.e. to say the clarification in this regard by the Cabinet Secretariat was also furnished to office of the CDA. A copy of the letter dated 30.1.2004 furnishing the details was enclosed as Annexure-5 to the Original Application.

(9) That after exchange of all these formalities as aforesaid the CDA Guwahati had referred the matter to AAO Shillong again and since

✓ Shaycherechun

then the Headquarters 137 Work Engineers 99 APO had made several communications seeking release of SDA to the petitioner/applicant. The relevant communications were enclosed as Annexures-7 & 8 respectively alongwith the Original Application. The applicant/petitioner also had made his representation seeking release of his due as SDA but nothing has resulted and hence the Original Application before this Hon'ble Tribunal.

(10) That the grievance of the applicant/petitioner being that - No.i - as per the Govt. of India circular/notification he fulfills the criteria of all India transfer liability and being an officer under Group-A is entitled to SDA on his transfer on 27.12.2000 from Uttar Pradesh (Central Command) to the N.E. region ; (No.ii) - the allowance was paid to the other similarly situated persons and withholding his SDA is therefore violation of Article 14 and 16 of the Constitution of India ; (No.iii) - there is no dispute regarding his entitlement as per the various office memos and guidelines referred to by him in the Original Application issued by the Govt. of India, the Headquarters, New Delhi, Headquarters, North Eastern Region and therefore withholding his claim in the absence of any justifiable reason is highly illegal and requiring intervention of the Hon'ble Tribunal.

(11) That the Hon'ble Tribunal on 16.2.2005 after hearing the parties had directed the respondents to settle the claim of the applicant/petitioner with regard to payment of SDA from 27.12.2000 till date and to take final action on his pending representation before them with a speaking order within a period of 3 (three) months from the date of receipt of the Order. The petitioner/applicant had immediately informed the respondents the orders so passed by this Hon'ble Tribunal alongwith his representation accompanying a copy of the Original Application filed before this Hon'ble Tribunal for their consideration and final decision in this regard as per the direction of this Hon'ble Tribunal,

A copy of the Order dated 16.2.2005 alongwith the postal receipt of the communication made by the petitioner/applicant are enclosed

59
Shreechandra

shepherd

herewith and marked as Annexure-1 & Annexure-2

(12) That in spite of the specific direction by this Hon'ble Tribunal and communication made by the petitioner the respondents/contemners are sitting tight over the matter and has not bothered to comply with the direction of this Hon'ble Tribunal and take any decision as regards the pending representation of the petitioner or to settle his claim regarding payment of SDA therefore they are liable to be punished under Section 12 of the Contempt of Court's Act, 1971 for their wilful and deliberate violation of this Hon'ble Tribunal's direction dated 16.2.2005 passed in O.A. No. 36 of 2005.

(13) That all the respondents, namely, respondent No.1, the AAO, Shillong and respondent No.2 the CDA, Guwahati with their full and complete knowledge of the Order passed by this Hon'ble Tribunal has deliberately and wilfully flouted the Order passed by this Hon'ble Tribunal. And in that view of the matter it is a fit case where this Tribunal will interfere and initiate appropriate proceedings against the contemner/respondents under Article 215 of the Constitution of India.

(14) That the petitioner/applicant submits that he is highly convinced that nothing fruitful will result if he persist to take up the matter with the respondent/contemners further seeking compliance of the Order passed by this Hon'ble Tribunal. Hence has come before the Tribunal again with this instant contempt petition ensuring compliance of the order passed by this Tribunal and redressing his grievance by payment of his outstanding dues payable as SDA since 27.12.2000 by taking appropriate action against the contemner/respondents as contemplated under Section 12 of the Contempt of Court's Act read with Article 215 of the Constitution of India.

(15) That this petition is made bonafide and for the ends of justice.

Under the facts and circumstances as aforesaid it is therefore prayed that the Hon'ble Tribunal may be pleased to admit this petition, call for the records and issue a Notice to the contemnors to show cause as to why appropriate proceedings under Section 12 of the Contempt of Court's Act shall not be initialed against them for deliberate and wilful violation of the direction of this Hon'ble Tribunal passed on 16.2.2005 in O.A. No. 36 of 2005 for non-compliance Order dated 16.2.2005 to settle the claim of the applicant/petitioner as regards payment of SDA and to dispose of his pending representation with a speaking order within a period of three months from the date of receipt of the Order and on cause or causes being shown punish the respondent/contemnors under Section 12 of the Contempt of Court's Act and/or may pass any other further order or orders as Your lordships may deem fit and proper under the facts and circumstances of the case.

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

sheepchase

AFFIDAVIT

I Sri S. Roy Choudhury , aged about 59 years, son of late Professor S.K. Roy Choudhury , working as Deputy Commander Works Engineer (DCW), HQ 137 Works Engineer, C/O 99 APO, do hereby solemnly affirm and say as follows :

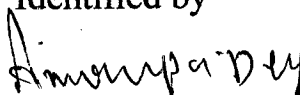
1. That I am the petitioner of this instant case and as such acquainted with the facts and circumstances of the case and am competent to swear this affidavit.

2. That the statements made in this affidavit and in paragraphs 1, 2, 12 and 13 of the accompanying petition are true to my knowledge, and those statements made in paragraphs 3 to 11 are true to the records of the case which I believe to be true and the rest are my humble submissions before this Hon'ble Court. The annexures annexed to this petition are supplied by me to the counsel as copied from the original.

And I sign this affidavit on this the day of August , 2005
at Guwahati.


DEPONENT

Identified by


Advocate 17-8-05

Solemnly affirmed and
declared before me by the
deponent who is identified
by Pardee Gogoi, ^{Notary} Guwahati.
on this 9th day of August, 2005

DRAFT CHARGE

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati for initiating a contempt proceeding against the contemnors for wilful disobedience and deliberate non compliance of order of the Hon'ble Tribunal dated 16.2.2005 passed in O.A. No. 36 of 2005 and to impose punishment upon the alleged contemnors for wilful disobedience and deliberate non compliance of order dated 16.2.2005 of the Hon'ble Tribunal.

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. 36/05

OF 199

Applicant(s)

S. Roy Choudhury

Respondent(s)

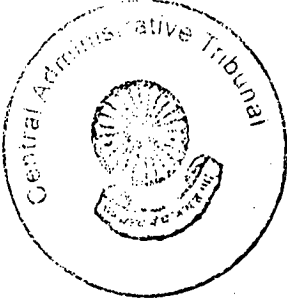
U.O.I & OR.

Advocate for Applicant(s)

Papia Chakraborty, G. Deha, Mallika Deb

Advocate for Respondent(s)

G.G.S.C

Notes of the Registry	Date	Order of the Tribunal
	16.2.2005	<p>Present : The Hon'ble Mr. M.K. Gupta Judicial Member.</p> <p>The Hon'ble Mr. K.V. Prahladan, Administrative Member.</p> <p>Heard learned counsel for the applicant in detail. The claim of the applicant for SDA can be bifurcated in the two parts, namely dated 13.10.1986 to May 1996 and since 27.12.2000 till date, when he was reposted to the N.E. Region from Central India Region. It is the contention of the learned counsel for the applicant that despite various representation made to the concerned authority, no final decision has been taken. The Respondent No. 2 & 3 are instead of taking any final action, are avoiding to take final decision though under the O.M. issued on the said subject, he is entitled to the said allowance.</p>

Certified to be true Copy

G. Umami Deha
Advocate

20/05

Notes of the Registry	Date	Order of the Tribunal
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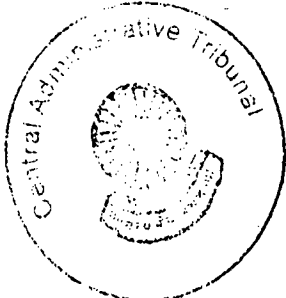
Contd.

16.2.2005

As far as the claim of the applicant for the period from 13.10.1986 to May 1996 is concerned, we are of the view that Section 21 of the Administrative Tribunals Act comes into play and the said claim is barred by limitation. As far as the claim of the applicant for the period from 27.12.2000 till date onwards is concerned, since the applicant's representation on the said subject remain pending with the respondent Nos. 2 and 3 and as no final decision has been taken, we deem it fit to dispose of the present O.A. by issuing direction to the respondents to take final decision thereon and pass a speaking and reasoned order within a period of three months from the date of receipt of this order. Accordingly, we direct the respondents to take final decision on the subject as directed hereinabove.

Accordingly, the O.A. is disposed of under Section 19(3) of the Administrative Tribunals Act 1985.

Sd/MEMBER (J)
Sd/MEMBER (A)



Received in the Office of the
Section Officer (J)

25-2-05
Section Officer (J)
C.A.T. GUWAHATI BENCH
Guwahati-781005

25/2/05

-12-

ANNEXURE -2 *xb*

490		SPEED		 EE85620295 5 IN	
RECEIPT					
No.		DATE 27/03/05		TIME 11:18 Hrs	
To		Sender <i>S. Ray Chaudhary</i> <i>118 B 137 W K S</i>			
<i>Area MC Officer</i> <i>MC Office</i> <i>Bihar Bel</i> <i>Shillong</i>		Speed Post Charges <i>100</i> Rs 30 Ps 00			
					

बीमा नहीं NOT INSURED	
Amount of Stamps affixed <i>22</i>	1318
Received a Registered	<i>C.D.A. Chaurahate</i>
Addressed to	<i>Chaurahate</i>
Date Stamp <i>28/3/05</i>	
Signature of Receiving Office	

Certified to be true Copy
Bitumani Deha
 Advocate