

FORM NO. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. _____

Misc. Petition No. _____

Contempt Petition No. 28/05 in O.A. 231/05

Review Application No. _____

Applicant(s): A. K. Duttar

Respondent(s): ER. R. Mishra, ER. B. Majunder, ER. D. C. Goyal

Advocate for the Applicant(s): Adil Ahmed

Advocate for the Respondent(s): CAC

Notes of the Registry	Date	Order of the Tribunal
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Contempt
This petition 6.10.2005 has been filed by the counsel for the petitioner u/s 17 of the CAT Act, 1985 praying for punishment of the Contemnors/Respondents for non-compliance of interim order passed by the Hon'ble Tribunal in O.A. 231/05 on 6.9.2005.

laid before the Hon'ble Court for favours of orders.

5.10.05
Section Officer

bb

21.11.2005

Mr. A. Ahmed, learned counsel for the applicant is present. Mr. M. U. Ahmed, learned Addl. C.G.S.C. for the respondents submits that the direction has already been complied with. Counsel for applicant is not in a position to confirm the same. Post alongwith the O.A.

Done
Member

Done
Vice-Chairman

Done
Vice-Chairman

H. C. Duttar
as above
7.10.05
Notice & order sent to
D/Section for issuing to
resp. Nos. 1, 2 & 3 by regd.
A/D Post. D/No. 1487 to
1489 D/No. 1210

18-11-05

Notice issued on
12-10-05. SPR advised
by

23.11.2005

Heard Mr. A. Ahmed, learned counsel for the applicant and Mr. M. U. Ahmed, learned Addl. C.G.S.C. appearing for the respondents. The Standing counsel submits that the interim order has already been complied with and that some more time is required for filing written statement in O.A.

Post on 9.1.2006.

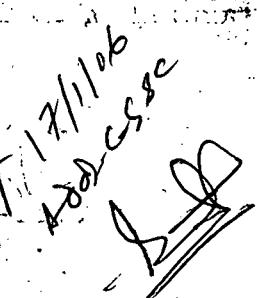


Vice-Chairman

bb

18.09.2005

This contempt petition is filed alleging that the interim direction issued by this Tribunal on 6.9.2005 in O.A. No. 231/2005 has not been complied with. Mr. M. U. Ahmed, learned Addl. C.G.S.C. for the respondents submits that interim direction has been complied with. Mr. A. Ahmed, learned counsel for the applicant also agrees with the said fact. Hence, the C.P. is closed.



Vice-Chairman

mb

5 OCT 2005
गुवाहाटी न्यायपीठ
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

filed by
Shri Akan Kumar Dutta
through L.J.
(Abul Ahmed)
Advocate

Contempt Petition No. 28 /2005

IN

Original Application No.231 of 2005

IN THE MATTER OF:

A Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985 praying for punishment of the Contemnors/ Respondents for non-compliance of Interim order passed by the Hon'ble Tribunal in O. A. No. 231 of 2005 on 6.09.2005.

- AND -

IN THE MATTER OF:

Shri Akan Kumar Dutta
Son of Late Sistu Ram Dutta
Draftsman, Grade - I
Office of the Superintending Engineer,
Assam Central Circle 1
Central Public Works Department,
Guwahati - 21.

...Applicant

- AND -

1. The Union of India represented by the Secretary to the Government of India, Ministry of Urban Affairs, Nirman Bhawan, New Delhi- 110011.
2. The Director General Works, Central Public Works Department, 118-A, Nirman Bhawan, New Delhi- 10011.
3. The Chief Engineer (NEZ) Central Public Works Department, Cleves Colony, Dhankheti Shillong - 3.

Akan Kumar Dutta

4. The Superintending Engineer
Assam Central Circle 1, Central
Public Works Department,
Bamunimaindan, Guwahati - 21.

... Respondents

- AND -

IN THE MATTER OF :

Shri Akan Kumar Dutta
Son of Late Sistu Ram Dutta
Draftsman, Grade - I
Office of the Superintending Engineer
Assam Central Circle - 1.
Central Public Works Department,
Guwahati - 21.

... Petitioner.

- VERSUS -

1. Er. Rakesh Mishra
Chief Engineer,
Central Public Works Department,
Clevi's Colony, Dhankheti, Shillong.

2. Er. B. Mazumdar
Director General (Works),
Central Public Works Department,
Nirman Bhawan, New Delhi.

3. Er. D.C. Goel,
Superintending Engineer,
Assam Central Circle - I,
Central Public Works Department,
Bamunimaindan, Guwahati - 21.

... Contemnors/
Respondents.

The humble Petition of the above named
Petitioner :

MOST RESPECTFULLY SHEWETH:

1. That your humble petitioner had approached this Hon'ble Tribunal by way of filing Original Application No. 231/2005 praying for setting aside the impugned office order No. Pay Bill/ACC-I/05/1426 dated 26.08.2005 (Annexure - F to the O.A. No. 231/2005) issued by the Office of the Superintending Engineer, Assam Central Circle - I, CPWD, Guwahati. The



Hon'ble Tribunal at the time of admission of the said O.A. No. 231/2005 on 06.09.2005 was pleased to issue notice to the respondents and posted the matter on 07.10.2005. Further, the Hon'ble Tribunal as an interim measure was pleased to stay recovery of the amount ordered as per communication dated 26.8.2005 (Annexure - F of the O.A.).

ANNEXURE - A is the photocopy of Order dated 06.09.2005 passed in O.A. 231/2005.

2. That your petitioner begs to state that after receiving the said Order dated 06.09.2005 the petitioner submitted the said interim order alongwith an application for stay of recovery of Special Duty Allowance (SDA in short) before the Respondent No. 4, i.e. the Superintending Engineer, Assam Central Circle - I, CPWD, Barnunimaidan, Guwahati - 21.

ANNEXURE - B is the photocopy of the application dated 09.09.2005 submitted before the Respondent No. 4.

3. That your petitioner begs to state that on 26.09.2005 the petitioner submitted another application before the Respondent No.4 for not to recover the SDA from the monthly pay bill of the petitioner. In spite of this the Respondent No. 4 prepared the monthly salary bill of the petitioner by deducting the SDA amount which has been paid to the petitioner earlier. Lastly, on 27.09.2005 the petitioner again filed an application before the Respondent No. 4 giving ultimatum to the Respondent No. 4 for not to recover the SDA from the petitioner or else he will be compelled to file Contempt Case before this Hon'ble Tribunal.

ANNEXURE - C is the photocopy of the application dated 26.09.2005 filed by the petitioner.

ANNEXURE - D is the photocopy of the application dated 27.09.2005 filed by the applicant.

4. That your petitioner respectfully begs to state that Contemnors/ Respondents have not complied with the interim order dated 06.09.2005 deliberately and willfully thereby they have shown disrespect to this Hon'ble Tribunal's order dated 06.09.2005. As such, the Contemnors/Respondents are liable to be punished and prosecuted under the Contempt of Court Act. It is, therefore, pre-eminently a fit case where this Hon'ble Tribunal may be pleased to direct the Contemnors/Respondents to appear in person before this Hon'ble Tribunal to explain as to why they



have shown disrespect and dis-honour to this Hon'ble Tribunal's order dated 06.09.2005 passed in O.A. No. 231/2005.

5. That this Petition is filed bonafide 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 notices to the Contemnors/Respondents to show cause as to why they should not be punished under Section 17 of the Administrative Tribunals Act, 1985 or to pass such order or orders as this Hon'ble Tribunal may deem fit and proper.

- AND -

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 06.09.2005 passed in O.A. No. 231/2005 the Contemnors/Respondents may be direct 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 petitioner as in duty bound shall ever pray.

...Draft Charge



DRAFT CHARGE

The petitioner has aggrieved for non-compliance of the interim order dated 06.09.2005 passed by this Hon'ble Tribunal in O.A No. 231 of 2005. The Contemnors/Respondents have willfully and deliberately violated the Order dated 06.09.2005. Accordingly, the Contemnors/Respondents 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.



A handwritten signature in black ink, appearing to read "A. K. Ray". The signature is fluid and cursive, with "A. K." on the left and "Ray" on the right, connected by a flourish.

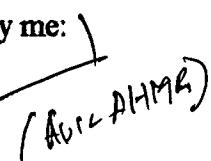
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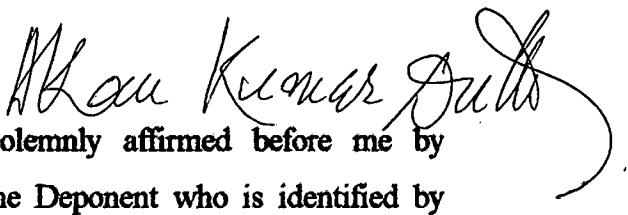
I, Shri Akan Kumar Dutta, Son of Late Sistu Ram Dutta, Draftsman, Grade - I, Office of the Superintending Engineer, Assam Central Circle - I, Central Public Works Department, Guwahati - 21, by profession Service, by religion Hindu do hereby solemnly affirm and state as follows:-

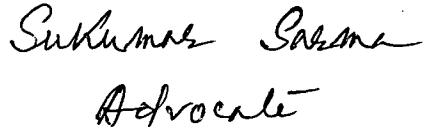
- 1) That I am petitioner in the instant Contempt Petition and also the applicant in O.A. No. 231 of 2005 and as such, I am fully acquainted and well conversant with the facts and circumstances of the case.
- 2) That the statements made in paragraphs 4 of the Contempt Petition are true to my knowledge those made in paragraphs 1, 2, 3 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 6th day of October 2005 at Guwahati.

Identified by me:

 Advocate 
 (Adil Ahmed)


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


 Sukumar Sarma
 Advocate

FORM NO. 4.
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ANNEXURE - A

ORDER SHEET

Original Application No. 231/05

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant(s): A. K. Duttar

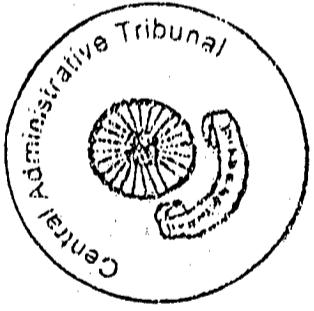
Respondent(s): U.O.I. T. 7012

Advocate for the Applicant(s):- Adil Ahmed

Advocate for the Respondent(s):- Case

Notes of the Registry	Date	Order of the Tribunal
	<u>6.9.2005</u>	Heard Mr. A. Ahmed, learned counsel for the applicant and Mr. M. U. Ahmed, learned Addl. C.G.S.C. for the respondents. Issue notice to the respondents, Post on 7.10.2005. Recovery of the amount ordered as per communication dated 26.8.2005 (Annexure - F) is stayed. However, there is no ^{stay} stoppage of SDA.

sd/ VICE CHAIRMAN



No. of Application: 7.9.05
Official copy is ready: 7.9.05
The original copy is delivered: 7.9.05
Certified to be true copy

N. S. Duttar
Section Officer (J.dl)
C. A. T. Guwahati Bench
Guwahati 781005

Attested
A. K. Duttar

To
The Superintendent Engineer,
Assam Central Circle, CPWD
Bamunimaidan, Guwahati-21

Sub:- Stay order against Recovery of SDA.

Sir,

I am enclosing herewith an order copy of the Central Administrative Tribunal (CAT) Guwahati, against recovery of the amount made as per your communication dtl 26-08-05. The said Court has also issued notice to the respondents post on 07-10-2005.

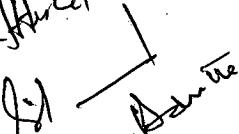
It is, therefore, requested that the amount so recovered from my usual monthly salary for the month of August 2005 may kindly be arranged for payment at the earliest and oblige.

Dated Guwahati, Thanking you.
the 9th. Sept. '05

Encloft As stated
above.

Yours faithfully

(AKAN-KUMAR DUTTA)
DGM-PLD.
Dy. Superintending Engineer
Assam Central Circle (CPWD)
Bamunimaidan, Sily-21

Attn
J.D. 
Datta

W.M.
O.M.

cc

To

The Superintending Engineer,
 Assam Central Office No. 1.
 C.P.W.D. Barruimuraon
 Guwahati - 781021

Sub:- Regarding recovery of arrears of
 SDA ..

Sir,

The CAT, Guwahati has already issued stay order against recovery of arrears. Hence, it is requested that the arrears of August 05 which has been recovered may kindly be arranged for payment for the month of Sept. 05. The monthly salary should be prepared accordingly without recovery arrears.

This is for favour of your kind information and further necessary action please.

Thanking you.

Dated Guwahati.

The 26th. Sept. 05 yours faithfully

(AKAN KUMAR DUTTA)
 Asstn-Genl-I
 Of the SE, ACC-I, C.P.W.D.
 Barruimuraon

Guwahati 781021

Attn
 Fd
 Bmto

To
 The Superintending Engineer
 Assam Central Circle-I
 CPWD, Guwahati-21.

Subject :- Regarding payment of monthly salary for the month of August '05 and Sept '05 of Shri Akan Dutta, D/M Gr-I.

Sir,

It is for favour of kind information that, I have already applied and requested on 26th Sept.'05 for preparing my usual monthly salary for the month of Sept.'05 without deducting SDA arrears in accordance with the stay order of the Honourable CAT, Guwahati. It was similarly requested also to prepare bill for payment of the arrears already deducted for the month of Augt. '05 in response to the CAT's order.

Sir, it is observed that despite several request you tried to turn away with my appeal on the above payment. Now, with this representation, I am once again communicating my request to legally and kindly consider for arrangement for the above mentioned payment to the undersigned at no loss of time.

If you remain adamant, it would mean that, you are trying to take the law in hand alone. It will vehemently reveal your not only a disgrace to the CAT's order, but to a contempt of the honourable CAT's order since stay order for the arrears SDA already passed and existed.

Sir, I requested you for the above payment as per stay order of the CAT. Eventually, if you farther remain silent and adamant I shall have no way out than to file a contempt case in the CAT within a day or two and for which you shall have to face all consequence exclusively and held responsible for any compensation or loss in this regard.

Thinking you.

Dated Guwahati
 27/09/2005

Yours faithfully

(Shri Aakan Dutta)
 D/M Gr.-I, ACC-I
 CPWD, Guwahati- 21

অসম প্রকাশনা এবং প্রক্রিয়া OFFICE OF THE SUPTDG. ENGR. ACCI Bl. No. 101, 1st Fl., Mr. No. 101, Guwahati-21 C.P.W.D. GUWAHATI - 21
DAIRY দিনিক DATE

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13

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Contempt Petition No. 28 of 2005.

In O.A.No. 231 of 2005.

IN THE MATTER OF :

Sri Akan Kr. Dutta
... Petitioner

- Versus -

Union of India & Ors.

... Respondents/Alleged Contemner.

- AND -

IN THE MATTER OF :

Contempt Petition No. 28 of 2005.

AN AFFIDAVIT FOR AND ON BEHALF OF THE RESPONDENT NO.

I, Shri Gajje Singh aged about 40 years
years working as Executive Engineer (Admin) do hereby
solemnly affirm and state as follows :

1. That, I am the Respondent No. 4 in the instant Contempt Petition and have gone through the aforesaid petition filed by the applicant and have understood the contents thereof and I am well acquainted with the facts and circumstances of the case based on record.
2. That the Respondent No. 4 has not willfully flouted the order dated 6-9-05 passed in O.A.No. 231/2005 by this Hon'ble Tribunal as alleged by the applicant.
3. That there is no any willful or deliberate and reckless disobedience of the aforesaid order by the Respondents. The Respondents has highest regards for this Hon'ble Tribunal and hence there is no question of showing any contempt to the aforesaid order of this Hon'ble Tribunal.

Executive Engineer (Admin)
Assam Cent. Circle No-1
CPWD, Guwahati

4. That the contents of the Para 1 & 2 are accepted to be true which are being the matters of record only.

5. That, the statements made in paragraphs 3 & 4 in the petition are denied by the Respondent and the answering respondent beg to submit that the order dated 6-9-05 has fully complied with and regret the non intimation of the same to the Hon'ble Tribunal. The Respondents have stopped the recovery on account of SDA with effect from 01-09-2005 and the recovered amount of SDA for the month of 9/2005 amounting to Rs. 7750/- has been paid to the applicant vide bill No. 136/Acc1/05-06 dated 07-10-2005.

Prayer :

In the light of the submission made above, it is therefore humbly pray to dismiss the Contempt Petition with cost.

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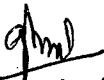
VERIFICATION

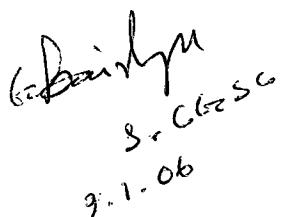
Verified that all the facts stated above are true to my knowledge and belief. Nothing herein is false and nothing material has been concealed therefrom.

Signed this 5/1 day of Jan 2005

Identified by :


(Motin Ud-Din Ahmed)
Advocate


Executive Engineer (Admn.)
Assam Cent. Circle No-1
CPWD, Guwahati-21


S. Ch. S. C. 1.06