

FROM NO. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GWALIATI BENCH:

ORDER SHEET

1. original Application No.

2. Misc Petition No.

3. Contempt Petition No.

4. Review Application No.

8/06 Mo.A 17/05

Applicant(s) S. B. Tiwari & Ors.

Respondents S. Diller Ians

Advocate for the Applicant(s) ... Addl. Ahmed

Advocate for the Respondant(s) ... Mr. M.U. Ahmed,
Addl. C.G.S.C.

| Notes of the Registry | Date | Order of the Tribunal |
|---|----------|--|
| This Contempt petition has been filed by the Counsel for the petitioner and praying for punishment of the Contemners for non-compliance of Judgment and order passed by this Hon'ble Tribunal in O.A 17/2005 on 11.05.2005. | 2.3.2006 | Mr. A. Ahmed, learned counsel for the applicants is present. |

Issue notice to the respondents post on 31.3.2006.

Vice-Chairman

bb

31.3.06

Despite the fact that simple notice has duly been served on the alleged contemners no reply has been filed so far. Mr. M.U. Ahmed, learned Addl.C.G.S.C. persuasively argued that he may be given last chance to file reply. Let it be done.

Post the case on 5.5.2006 granting the alleged contemners last chance to file reply.

Vice-Chairman

See later office
P.S. to
Date: 2.3.06

Pl. comply order
dated 2.3.06.

MZ
2/3/06

5.5.06.

Notice & order
Sent to D/Section
for issuing to
resp. nos. 1, 2 by
regd. A/D post

(cc) 6/3/06. D/No- 287,
288
Dt: 7/3/06.

Notice duly
served on resp.

no. 2

20/3/06. (A/D card at
file "C" of
CP 7/06.)-
lm

30 - 3 - 06

No Reply has been
filed.

28

Service awaited in
respect of Respondent No. 1.

Ok.

4-5-06

No appearance as well as
reply filed.

bm.

9/5/06

8 - 6 - 06

No Reply has been
filed.

28

When the matter came up for hearing the
counsel for the respondents has submitted that the
relief has not been granted to the applicant for
paucity of fund. The counsel for the applicant
has brought to my notice Annexure A-2 dated 6.4.05
wherein it is stated that "the case has been taken
up with our higher HQs for release of fund under
relevant fund budget head to make payment to the
applicants as applicable" The counsel for the
applicant has also submitted that one year has
passed but the respondents did not release the
funds. Therefore the petitioner is compelled to
file C.P. The counsel for the respondents is directed
to file written statement.

Post the matter on 9.6.06.

Vice-Chairman

9.6.2006

Neither any affidavit nor any
statement has been filed by the alleged
contemners even after 3 adjournments.
They are at liberty to file the same
within two weeks from today. However, the
case is posted before the next Division
Bench.

Vice-Chairman

bb

12/6/06

3

C.P. 8/2006

C.P. 8/06

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
|-----------------------|------|-----------------------|

26.7.06

109.08.2006 Present: Hon'ble Sri K.V. Sachidanandan,
Vice-Chairman.

An affidavit filed,
by Repolt. No. 2

Hon'ble Sri Gautam Ray,
Administrative Member.

27/8/06

Mr M.U. Ahmed, learned Addl. C.G.S.C. for the respondents submitted that he has filed an affidavit contending that there is no willful disobedience on the part of the respondents. They are also wanting to implement the order of this Tribunal, but there is some procedure delay. Therefore, learned counsel for the respondents sought for time.

Considering the submission made by learned counsel for the respondents one month time is granted to comply with the order. It is made clear that if it is not complied with contempt proceeding will be initiated against the alleged contemners.

Post on 11.09.2006.

SG
Member

GR
Vice-Chairman

mb

Affidavit filed by
R.No-2.

11.9.06

Learned counsel for the respondents wanted to file additional reply. Let it be done. Post the matter on 30.10.2006.

lm

GR
Vice-Chairman

27-10-06

No Addl. reply filed.

Affidavit filed by
R.No-2.

12.1.07

9

39

30.10.2006. Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Post on 01.12.2006. Mr M.U. Ahmed, learned Counsel for the Respondents submitted that they are not denying the claim of the Applicants but they have required some more time to comply with the order. As a last chance time is granted. It is made clear that if the Respondents do not comply with the order, the contempt notice will follow.

(C) D/No-1125,1126
Dt=15/11/06

No Addl. reply
has been filed.

20
20/11/06

01.12.06. When the matter came up for hearing the learned counsel for the Respondents has submitted that there is no willful violation on the part of the respondents to comply with the order of this Tribunal. Due to the paucity of fund the respondents could not comply with the order. However, six weeks time is granted finally to comply with the order of this Tribunal. It is made clear that the opportunity is given to the respondents finally and as a last chance to come up with fruitful result of the order of this Tribunal. Otherwise the Contempt proceedings will follow.

Post the matter on 18.1.06.

Vice-Chairman

lm

18.1.2007 - Claiming H.R.A. the Applicants had approached this Tribunal in O.A. No.17/2005. The order was passed on 11.05.2005. This Contempt petition initially came up for consideration on 2.3.2006 and on various dates adjournments had been granted to the Respondents/Contemners and finally came up on 01.12.2006. On all these occasions Mr. M. U. Ahmed, learned Addl. C.G.S.C. for the Respondents/ Contemners was submitting that there is no willful disobedience on the part of the Respondents/Contemners and they want to implement the order and it is only procedural delay. On 09.08.2006, this Court made it clear that if the order is not complied with, contempt proceeding will be initiated against them. Thereafter also, three more adjournments were sought and granted to them and the same pleadings have been taken by the learned counsel for the Respondents. They have also submitted an affidavit reiterating the same submissions.

On going through the proceedings, it appears that the Respondents had not complied with the orders of this Tribunal despite many chances granted to them. Therefore, on the strength taken by the Respondents in their affidavit and the pleadings taken thereto this Court directs to issue contempt notice to Respondent/ Contemner No. 1 i.e. Shri

CP. 8706 (OA. 17/2005)

-6-

Comd.

18.01.2007

Shekhar Dutt, Secretary to the Govt. of India, Ministry of Defence, 101 South Block, New Delhi - 110 001 and Respondent/Contemner No. 2 i.e. Lt. Col. R. I. Mullick, Commanding Officer, 50 Coy ASC (Supply), Type 'C' C/o 99 APO to show cause as to why contempt proceedings shall not be initiated against them, returnable by the next date of hearing. Post the matter on 02.03.2007.

Mr. M. U. Ahmed requested that personal appearance of both the Respondents/Contemners may be dispensed with. But Court directs that the second Respondent/Contemner shall appear before the court on 02.03.2007 in person. Personal appearance of the 1st Respondent/Contemner is dispensed with for the time being.

29/1/07
Vice-Chairman

/bb/

Order dt. 18/1/07 sent to 2.3.2007
O/Section for issuing
to R- 1, 2 deg regd. A/D
post.

Let this C.P. be posted along with the connected matters. In the meantime contemners/respondents are at liberty to file compliance order and also the vouchers whatever that they wanted to produce.

cc

Member (A)

29/1/07
Vice-Chairman

/bb/

Affidavit filed by
R No - 2.

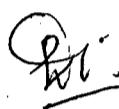
12.3.07

13.3.07.

Counsel for the respondents has submitted that the amount has already been paid to the applicant. Counsel for the applicant has submitted that the relief has already been granted by the respondents and he does not want to pursue the matter. Considering the submission made by the counsel for the parties the C.P. is closed.

15.3.07

A compliance report has been submitted by the respondents.



hm

Member


Vice-Chairman

20/3/07

Copy of the
order has been
handed over to
the L/Adm. for
the party.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Contempt Petition No. 8/2006
In O.A. No. 17/05

IN THE MATTER OF :

Shri Sashi Bhusan Tiwari & Ors.

..... Petitioner

- Versus -

Shri R. I. Mullick
Lt. Col.,
Commanding Officer
50 Coy ASC (Sup) Type 'C'

... Alleged Contemner/
Respondent No. 2.

IN THE MATTER OF :

An affidavit and/or compliance report for
and on behalf of the Respondents.

I, Shri R I Mullick, Lt Col. Commanding Officer do hereby
solemnly affirm and state as follows :-

1. That I am the Respondent No. 2 in the instant Contempt Petition and have gone through the aforesaid Contempt Petition filed by the petitioner and have understood the contents thereof and I am well acquainted with the facts and circumstances of the case based on records.
2. The Respondents have not willfully flouted any order passed by this Hon'ble Tribunal.
3. At the outset I submit that I have the Highest regard for this Hon'ble Tribunal and there is no question of any willful disobedience of any Order passed by the Hon'ble Tribunal. However, I tender unqualified and unconditional apology for any delay or lapse in the compliance of the Order dated 11.05.05 in O.A. No. 17/05 pronounced by this Tribunal.
4. That there is no any willful or deliberate and reckless disobedience of the aforesaid order by the respondents and due to the compelling circumstances, the respondent could not implement the order in time, which can be termed as honest and innocent mistake without any

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M. U. Ahmed Cse
12/3/07

malafide and/or hidden vested interest and such type curable mistake may not be termed as willful disobedience of the aforesaid order.

5. That the submission made in the following paragraphs amply clarify that the respondents have shown due regard to the order of this Hon'ble Tribunal and as such, there is no question of showing any contempt to the orders of this Hon'ble Tribunal.

6. That the respondents tender an unconditional and unqualified apology for any lapse in compliance of the aforesaid order of the Hon'ble Tribunal.

That the implementation of the aforesaid order is not under the domain of the present respondents since it had to pass through different concerning departments such as Integrated Headquarters of MOD (Army), Ministry of Defence, Ministry of Defence (Finance), Controller General of Defence Accounts and also lastly approval from the Ministry of Urban Development and Ministry of Finance which caused the delay in implementation of the order. Finally order for payment for HRA @7.5% for the employees working in Dimapur (Nagaland) being class 'C' city was received from Ministry of Finance through Integrated Headquarters of MOD (Army) on 05th Feb 07. Due to sincere efforts and constant liaison with Area Accounts Office Shillong made by the respondents it has been possible to make the payment of the same to the employees on 01 Mar 07 as directed by this Hon'ble Tribunal.

The documents pertaining to the above payment to the applicants are marked as Annexure-R series which are self explanatory.

7. That it is stated that Respondent No.2 has the highest respect for the orders of Hon'ble Central Administrative Tribunal, Guwahati Bench. The respondent therefore prays that in the circumstances of the case mentioned above, the Hon'ble Central Administrative Tribunal, Guwahati Bench may be pleased to exempt the respondent from the contempt proceedings and dispose off the case as per merit.

AFFIDAVIT

I, Shri R I Mullick, Lt Col. Commanding Officer son of (Late) Ahidul Hoque Mullick aged about 45 years do hereby solemnly affirm and state as follows :-

That I am the Respondent No 2 in the above case and I am fully acquainted with the facts and ~~all~~ circumstances of the case.

That, the statements made in para 1 to 8 of the affidavit are true to my knowledge, belief and information based on the record and nothing has been suppressed thereof.

And I sign this affidavit/report on this tenth day of March 2007 at Guwahati.

Identified by


ADVOCATE

নো. কর্নেল/Deponent
কমান অধিকারী
Commanding Officer

50 কম্পনী এ এস সী (পুতী) ৫০
50 Coy ASC (Sup) Ty.

Solemnly affirm and declare before

me by the deponent who is identified by

M. I. Khan Advocate at Guwahati on

this 12/12 day of March 2007 at

Guwahati.

CALCULATION SHEET ON ACCOUNT OF H.R.A IN RESPECT OF THE CIVILIAN PERSONNEL
OF 50 COY ASC (SUP) TYPE 'C' C/O 99 APO COURT CASE FILED BY SHRI BUDHAN CHOURHARY AND 11 OTHERS

Annexure - R, w/
Series

| SL. NO. | NAME | PAY SCALE | HOUSE RENT ALLOWANCE | | | | | | R |
|---|----------------------|--|--|----------|---------------|-----------|--------------|-------------|-----------|
| | | | From | To | No. of Months | Basic Pay | H.R.A @ P.M. | Net Payment | |
| 1. Pt Mazd | BUDHAN CHOURHARY | (a) Rs. 750-12-870- EB-14-940 (b) Rs. 775-12-871- 14-955-15-1030- 20-1150. (c) Rs. 2610-60-2910 -65-3800-70-4000 (d) Rs. 2750-70-3800 -75-4400 | 10/86 | 07/86 | 46 | 940/- | 70 X 46 = | 3220.00 | |
| | | | 08/86 | 02/87 | 07 | 954/- | 120 X 07 = | 840.00 | |
| | | | 03/87 | 12/85 | 58 | 1030/- | 120 X 58 = | 6960.00 | |
| | | | 01/86 | 07/87 | 19 | 3300/- | 200 X 19 = | 3800.00 | |
| | | | 08/87 | 03/88 | 08 | 3370/- | 253 X 08 = | 2024.00 | |
| | | | 04/88 | 03/89 | 12 | 3440/- | 258 X 12 = | 3096.00 | |
| | | | 04/89 | 07/89 | 04 | 3510/- | 263 X 04 = | 1052.00 | |
| | | | 01/89 | 08/89 | 08 days | 3510/- | 263 X 185 = | 68.00 | |
| | | | 08/89 | 31/8/89 | 23 | 3680/- | 275 X 71 = | 204.00 | |
| | | | 08/89 | 07/2000 | 11 | 3660/- | 275 X 11 = | 3025.00 | |
| 2. -do- | SATYANARAYAN | (a) Rs. 750-12-870- EB-14-940 (b) Rs. 775-12-871- 14-955-15-1030- 20-1150. (c) Rs. 2610-60- -2910-65-3300- 70-4000 (d) Rs. 2610-60- -2910-65-3300- 70-4000 | 10/86 | 02/81 | 53 | 884/- | 70 X 53 = | 3710.00 | |
| | | | 03/81 | 09/85 | 55 | 940/- | 70 X 55 = | 3850.00 | |
| | | | 10/85 | 12/85 | 03 | 970/- | 120 X 03 = | 360.00 | |
| | | | 01/86 | 07/87 | 19 | 3105/- | 200 X 19 = | 3800.00 | |
| | | | 08/87 | 09/87 | 02 | 3170/- | 238 X 02 = | 476.00 | |
| | | | 10/87 | 09/88 | 12 | 3235/- | 243 X 12 = | 2916.00 | |
| | | | 10/88 | 09/89 | 12 | 3300/- | 248 X 12 = | 2976.00 | |
| | | | 10/89 | 09/2000 | 12 | 3370/- | 253 X 12 = | 3036.00 | |
| | | | 10/2000 | 09/2001 | 12 | 3440/- | 258 X 12 = | 3096.00 | |
| | | | 10/2001 | 09/2002 | 12 | 3510/- | 263 X 12 = | 3156.00 | |
| 3. Sahai Wala | BADAL | Rs 2550-55-2880- -40-3200. | 02/87 | 01/88 | 12 | 2550/- | 191 X 12 = | 2292.00 | |
| | | | 02/88 | 01/89 | 12 | 2605/- | 195 X 12 = | 2340.00 | |
| | | | 02/89 | 01/2000 | 12 | 2660/- | 200 X 12 = | 2400.00 | |
| | | | 02/2000 | 01/2001 | 12 | 2720/- | 204 X 12 = | 2448.00 | |
| | | | 02/2001 | 01/2002 | 12 | 2780/- | 209 X 12 = | 2508.00 | |
| | | | 02/2002 | 01/2003 | 12 | 2840/- | 213 X 12 = | 2556.00 | |
| | | | 02/2003 | 01 | 2800/- | 218 X 1 = | 218.00 | | |
| | | | | | | | Total Rs. | 14762.00 | |
| | | | | | | | | | |
| | | | | | | | | | |
| 4. FED | S K TRIPATHI | Rs.3050-75-3950 -80-4580. | 17/03/97 | 31/03/97 | 15 days | 3050/- | 200 X 103 = | 97.00 | |
| | | | 04/97 | 07/97 | 04 | 3050/- | 200 X 04 = | 800.00 | |
| | | | 08/97 | 02/98 | 07 | 3050/- | 229 X 07 = | 1603.00 | |
| | | | 03/98 | 02/99 | 12 | 3125/- | 234 X 12 = | 2808.00 | |
| | | | 03/99 | 02/2000 | 12 | 3200/- | 240 X 12 = | 2880.00 | |
| | | | 03/2000 | 02/2001 | 12 | 3275/- | 246 X 12 = | 2952.00 | |
| | | | 03/2001 | 02/2002 | 12 | 3350/- | 251 X 12 = | 3012.00 | |
| | | | 03/2002 | 02/2003 | 12 | 3425/- | 257 X 12 = | 3084.00 | |
| | | | | | | | Total Rs. | 17236.00 | |
| | | | | | | | | | |
| 5. FED | BACHCHA SINGH | | There is no change from Sl No -04 above. | | | | | | Total Rs. |
| | | | | | | | | | 17236.00 |
| 6. F/Man Gde-II | JAGDISH PRASAD | Rs.2850-65-3300- -70-4000. | 17/03/97 | 31/03/97 | 15 days | 2650/- | 199 X 103 = | 96.00 | |
| | | | 04/97 | 02/98 | 11 | 2650/- | 199 X 11 = | 2168.00 | |
| | | | 03/98 | 02/99 | 12 | 2715/- | 204 X 12 = | 2448.00 | |
| | | | 03/99 | 02/2000 | 12 | 2780/- | 209 X 12 = | 2508.00 | |
| | | | 03/2000 | 02/2001 | 12 | 2845/- | 213 X 12 = | 2556.00 | |
| | | | 03/2001 | 02/2002 | 12 | 2910/- | 218 X 12 = | 2616.00 | |
| | | | 03/2002 | 02/2003 | 12 | 2975/- | 223 X 12 = | 2679.00 | |
| | | | | | | | Total Rs. | 15089.00 | |
| | | | | | | | | | |
| | | | | | | | | | |
| 7. -do- | AKEHEY PRADHAN | | There is no change from Sl No -06 above | | | | | | Total Rs. |
| | | | | | | | | | 15089.00 |
| | | | | | | | | | |
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| | | | | | | | | | |
| 8. Pt Mazd | BHAGBAN NAIK | Rs. 2550-55-2880- -60-3200. | 08/97 | 07/98 | 12 | 2550/- | 191 X 12 = | 2292.00 | |
| | | | 08/98 | 07/99 | 12 | 2605/- | 195 X 12 = | 2340.00 | |
| 9. -do- | SANYASI SABATH | | 08/99 | 07/2000 | 12 | 2660/- | 200 X 12 = | 2400.00 | |
| | | | 08/2000 | 07/2001 | 12 | 2720/- | 204 X 12 = | 2448.00 | |
| | | | 08/2001 | 07/2002 | 12 | 2780/- | 209 X 12 = | 2508.00 | |
| | | | 08/2002 | 02/2003 | 07 | 2840/- | 213 X 07 = | 1491.00 | |
| | | | | | | | Total Rs. | 13479.00 | |
| | | | | | | | | | |
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| | | | | | | | | | |
| | | | | | | | | | |
| 10. -do- | RAMSAMUJH CHOUHAN | | There is no change from Sl No -08 above. | | | | | | Total Rs. |
| | | | | | | | | | 12840.00 |
| 11. FED | UPENDER SINGH | Rs.3050-75-3950- -80-4580. | 05/98 | 05/99 | 12 | 3050/- | 229 X 12 = | 2748.00 | |
| | | | 05/99 | 05/2000 | 12 | 3125/- | 234 X 12 = | 2803.00 | |
| | | | 05/2000 | 05/2001 | 12 | 3200/- | 240 X 12 = | 2880.00 | |
| | | | 05/2001 | 05/2002 | 12 | 3275/- | 246 X 12 = | 2952.00 | |
| | | | 05/2002 | 02/2003 | 09 | 3350/- | 251 X 09 = | 2259.00 | |
| | | | | | | | Total Rs. | 13847.00 | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 12 F/Man Gde-II | V K TRIPATHI | Rs. 2850-65-330- -70-4000. | 05/08/98 | 30/06/99 | 28 days | 2650/- | 199 X 27 = | 172.00 | |
| | | | 07/98 | 05/99 | 11 | 2650/- | 199 X 11 = | 2189.00 | |
| 13. F/Man Gde-II | S. K. TRIPATHI | | 06/98 | 05/2000 | 12 | 2715/- | 204 X 12 = | 2448.00 | |
| | | | 06/2000 | 05/2001 | 12 | 2780/- | 209 X 12 = | 2508.00 | |
| | | | 08/2001 | 05/2002 | 12 | 2845/- | 213 X 12 = | 2556.00 | |
| | | | 08/2002 | 02/2003 | 09 | 2910/- | 218 X 09 = | 1962.00 | |
| | | | | | | | Total Rs. | 11635.00 | |
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| | | | | | | | | | |
| <p>Station : Field Dated : 07 Feb 2007</p> <p style="text-align: center;">OTC</p> <p style="text-align: right;">Major प्रधान कमान अधिकारी Command 50 कम्पनी ए प्लाट नं (प्राची) प्रकार नंसी</p> | | | | | | | | | |

जर/ Major
प्रधान
कमान अधिकारी
Command
50 कम्पनी ए प्लाट नं (प्राची) प्रकार नंसी

SUPPLEMENTARY PAY BILL NO 19 DT 07 FEB 2007

PAY BILL ACQUITTANCE ROLL OF THE ESTABLISHMENT OF : 50 COY ASC (SUP)
TYPE 'C'
C/O 99 APO

For the Month of : ARREARS OF MRA WEP 10/86 TO 02/2003

CERTIFICATE :-

It is certified that ~~no~~ no claim on this account as period mentioned in this bill have been claimed earlier.

मजर/ Major
प्रशासनिक अधिकारी
Adm. Of
50 कम्पनी ए एस. सी. (पूर्ती) प्रकार 'सी'
50 Coy ASC (Sup) Type 'C'

CDA _____ SEC _____ Class of VR _____ VR No _____

(* Absentee Statement - २०

| <u>RB#NO & Name</u> | <u>Amount</u> |
|-------------------------|---------------|
| 1) Budhan Choudhary - | 83106.00 |
| 4) S K Tripathi - | 17286.00 |
| 6) Jagdish Prasad - | 15089.00 |
| 8) Bhagwan Naik - | 18,479.00 |
| 11) Upender Singh - | 18,647.00 |

Amount Closed \rightarrow २,05880.00

Amount - passed \rightarrow २,05880.00

Amount - paid \rightarrow १,१८३२८.००

Amount - Balance \rightarrow ९२,५५७.००

Paid by me on : २० ०१ Mar 2007

Qty Rs : १ ९२,५५७.००

(* Names shown in absentee statement are presently on leave and their payments will be done on rejoining from leave.

मजर/ Major
उप कमान अधिकारी
Command - in - Command
50 कम्पनी ए एस. सी. (पूर्ती) प्रकार 'सी'
50 Coy ASC (Sup) Type 'C'

IN THE MATTER OF I.V. & A. 38 (OCTOBER SHEET)

TIME SET TO GO ON THE DAY OF THE TRIAL

BY THE WITNESSES NOR TO THE INVESTIGATION NOR TO THE
COURT

STATE OF NEW YORK TO APPEAR & TO ANSWER & TO DEFEND AND NOT

CHITTYSHAW

IT IS AGREED THAT NO STATEMENT SHALL BE MADE ON THIS DATE UNLESS IT IS
MADE IN THE PRESENCE OF COUNSEL FOR THE DEFENDANT

AT NO CLOSING OF THE BENCH

WITNESS

5 /

- 8 -

Rs. Paise
205880.00

Total (In words) : Rupees two lakh five thousand eight hundred eighty only.

Net Payment Rs. 205880.00

Cheque On : IMMEDIATELY - In Public Fund A/C of

CO, 50 Coy ASC (Sup) Type 'C' - In favour of SBI BAZAR
BRANCH DIMAPUR (NAGALAND)

Signature
प्रभासनिक अधिकारी
Adm Off
50 कम्पनी एस.सी. (पूर्वी) प्रकार 'सी'
50 Coy ASC (Sup) Type 'C'
(signature of the Officer)

RECEIVED
2025880.00

RECEIVED ON: 10 MAY 1962
RECORDED IN THE RECORDS OF THE
RECEIVING OFFICE ONLY.

RECEIVED ON: 10 MAY 1962
RECORDED IN THE RECORDS OF THE
RECEIVING OFFICE ONLY.

RECEIVED ON: 10 MAY 1962
RECORDED IN THE RECORDS OF THE
RECEIVING OFFICE ONLY.

RECEIVED ON: 10 MAY 1962
RECORDED IN THE RECORDS OF THE
RECEIVING OFFICE ONLY.

RECORDED IN THE OFFICE

- 6 -

ARMED FORCES HOUSE RENT ALLOWANCE
W.E.F. 01.02.96 TO 02/2003 IN RESPECT OF
CIVILIAN PERSONNEL OF THIS UNIT

- 7 -

8

| Sl No. | Rank | Name | Amount of H.R.A. | Net Payment | Signature |
|-----------------|--------------|---------------------|------------------|-------------|-----------|
| 1. | Pt Hazdoor | BUDHAN CHOURHARY | 33106.00 | 33106.00 | N/P |
| 2. | =do= | SATYANARAYAN | 28721.00 | 28721.00 | |
| 3. | s/wala | BADAL | 14762.00 | 14762.00 | |
| 4. | PED | S K TRIPATHI | 17236.00 | 17236.00 | N/P |
| 5. | =do= | BACHCHA SINGH | 17236.00 | 17236.00 | |
| 6. | P/Mar Gde-II | JAGDISH PRASAD | 15089.00 | 15089.00 | N/P |
| 7. | =do= | AKENAY PRADHAN | 15089.00 | 15089.00 | |
| 8. | Pt Hazdoor | BHAGBAN RAJ | 13479.00 | 13479.00 | N/P |
| 9. | =do= | SANYASI SARATH | 12840.00 | 12840.00 | |
| 10. | =do= | RAMSARWAN CHOURHARY | 12840.00 | 12840.00 | |
| 11. | PED | UPENDER SINGH | 13647.00 | 13647.00 | N/P |
| 12. | P/Mar Gde-II | V K TRIPATHI | 11835.00 | 11835.00 | |
| TOTAL RUPERS :- | | | 205880.00 | 205880.00 | |

5 (9) 43
REGISTERED BY POST
SV

50 Coy ASC (Sup) Type 'C'
Pin Code - 905050
C/O 99 APO

64/1/H3 /Accts (Civ)

Feb 2007

Area Accounts Office
(Pay/Army Section)
Bivar Road,
Shillong - 793001

**FORWARDING OF SUPPLEMENTARY PAY BILL ON ACCOUNT OF
ARREARS OF HRA AGAINST OA NO 99/2005**

1. Please refer the followings :-

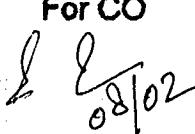
- (a) OA No 99/2005 filed Shri Budhan Choudhary & 11 others Vs UOI & others (Copy attached).
- (b) Hon'ble CAT Guwahati judgement order dt 02 Aug 2005 (Copy attached).
- (c) Govt of India, Min of Def OM No 2 (30)/97-E.II (B) dated 03 Oct 1997.
- (d) Integrated HQ of MoD (Army) letter No 7900/344/Q/ST-12 (Civ) dated 05 Dec 2006 (Copy attached).

2. This office Sy Pay Bill No 19 dated 07 Feb 2007 for Rs 2,05,880/- (Rupees two lacs five thousand eight hundred eighty only) on account of arrears of HRA @ 7.5% in respect of the applicants of OA No 99/2005 in accordance with the OM No 2 (30)/97-E.II (B) dated 03 Oct 1997 and Para 5 and 6 of Integrated HQ of MoD (Army) letter under reference is forwarded herewith for your pre-audit and early payment to the applicants please.

3. An early action is requested please.


Ravi Kumar
Major
Adm Offr
For CO

Encls : 37 (Thirty seven only)


08/02

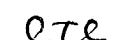
Copy to :-

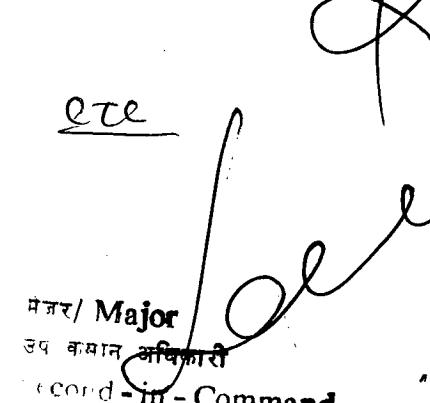
Directorate General of Sup & Tpt
Quartermaster General's Branch
Integrated HQ of MoD (Army)
DHQ PO, New Delhi - 110011

HQ Eastern Command (ST)
Fort William
Kolkata - 21 (WB)

HQ 101 Area (ST)
PIN 9036101
C/O 99 APO

} - for info please.


etc


पंजर/ Major
उप कमान अधिकारी
Second-in-Command
50 कम्पनी ए एस सी (पूर्ण) प्रकार 'सी'
50 Coy ASC (Sup) Type 'C'

SP.B. NO. 19 dt. 07/02/01.

10
1 R. 184
ना. से. प्र. (र. ले. ११) - ११
I.A.F (CDA) - 223

53

चेक पर्स
CHEQUE SLIP

1 (one) Rs. only.

साथ के लागे चेक का विवरण

Showing how the total of the accompanying cheque is made up

रक्षा सेवा विभाग
DEFENCE ACCOUNTS DEPARTMENT

रक्षा सेवा नियंत्रक कार्यालय

Office of the C.D.A.

चेक की तिथि

Date of issue of cheque

चेक पर्स की क्रम संख्या

Serial number of cheque slip

पदाधारी विवरण

In payment of A/c No.

21000.00

जमा करने के लिए

For credit to the

सार्वजनिक निधि

Public Fund

खाता

अग्रदूत धन

Imperial

व्यक्तिगत

Personal

खाता

Account of Comdt.

2,05,880.00

कमांड

Command

जोह रुपये में

Total in words

रक्षा सेवा नियंत्रक की ओर से

For C.D.A.

(चेक पर हस्ताक्षर करने वाले

अधिकारी के हस्ताक्षर)

(Signature of the Officer

signing the cheque)

सेवा में

To

खाता

ख

11
54
BY HAND

50 Coy ASC (Sup) Type 'C'
PIN 905050
C/O 99 APO

110/Bank/Accts

01 Mar 2007

The Manager
SBI Bazar Branch
Dimapur (Nagaland)

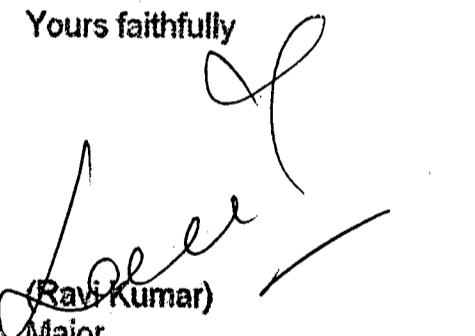
**FORWARDING OF CHEQUE : PAY AND ALLOWANCES
OF CIV EMPLOYEES**

Dear Sir,

1. Please find enclosed SBI Bazar Branch, Dimapur (Nagaland) cheque bearing machine No 39 (081 dt 01 Mar 2007 for Rs. 4,08,100/- (Rupees four lacs eight thousand one hundred only) on account of Pay and Allowances of Civ employees of this unit as per Appendix 'A' attached.
2. You are requested to credit the amount in the individual's bank account as noted against each.
3. Please accord PRIORITY.

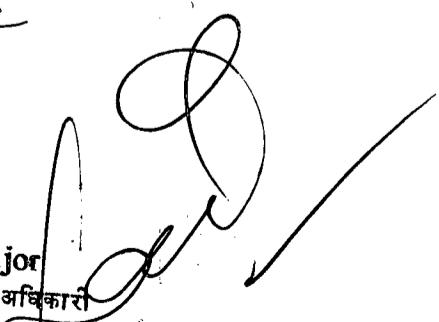
Thanking you.

Yours faithfully


(Ravi Kumar)
Major
Administrative Officer
For Commanding Officer (AOD)

Enclosures : As above

CTC


मेजर/ Major
उप कमान अधिकारी
Second-in-Command
50 कम्पनी ए एस सी (पूर्वी) प्रकार 'सी'
50 Coy ASC (Sup) Type 'C'

NOMINAL ROLL OF CIVILIAN PERSONNEL

UNIT : 50 COY ASC (SUP) TYPE 'C'
C/O 99 APO

| Ser No | Rank | Name | SB AC Number | Amount |
|-----------------|-------------|----------------------|--------------|-----------|
| 1 | S/Wala | BADAL | 30018394559 | 14762.00 |
| 2 | FED | BACHCHA SINGH | 10433122025 | 17236.00 |
| 3 | F/M GDE -II | AKEHEY PRADHAN | 10433097187 | 15089.00 |
| 4 | - do - | VINOD KUMAR TRIPATHI | 30016599070 | 11835.00 |
| 5 | PT MAZD | SATYANARAYAN | 30019713826 | 28721.00 |
| 6 | - do - | SANYASI SABATH | 10433121962 | 12840.00 |
| 7 | - do - | RAMSAMUJH CHOUHAN | 10433121939 | 12840.00 |
| 8 | - do - | D B THAPA | 10433121893 | 32803.00 |
| 9 | - do - | C T KUTTAN | 30023462241 | 32803.00 |
| 10 | - do - | P M BHASKARAN | 30022263439 | 32803.00 |
| 11 | - do - | KUNJUMOAN | 30020932833 | 32803.00 |
| 12 | - do - | D K SINGH | 30023278682 | 32713.00 |
| 13 | - do - | N B GURUNG | 30023462138 | 32713.00 |
| 14 | - do - | D P SHARMA | 10433069182 | 32713.00 |
| 15 | - do - | S B TIWARI | 30022562698 | 32713.00 |
| 16 | - do - | D C RAM | 10433122003 | 32713.00 |
| TOTAL AMOUNT Rs | | | | 408100.00 |

etc

मेजर/ Major
उप कमान अधिकारी
Second - in - Command
50 कम्पनी ए एस सी (पूर्ण) प्रकार ची
50 Coy ASC (Sup) Type 'C'



13-56

State Bank of India
Dimapur Bazar Branch
Dimapur, Nagaland.
Phone : 03862-225856 (CM)
229747(Acctt.)
Fax No: 03862-225856
E-mail :<sbi.03598@sbi.co.in>

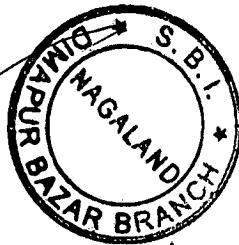
No

Date : 01/03/2007

TO WHOM IT MAY CONCERN

This is to certify that an amount of Rs. 3,80,633/- against cheque No. 383124 dated 27/02/2007 and Rs. 2,05,880/- against cheque No. 383109 dated 27/02/2007 has been credited to account No. 10433032027 of 50 Coy. ASC (Supply) Type-C and distributed to civil employees savings account.

Branch Manager



CTe

मेजर/ Major

उप कमान अधिकारी

Second - in - Command

50 कम्पनी ए एस ली (प्रती) प्रकार 'सी'

50 Coy ASC (Sup) Type 'C'

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 8 OF 2006

IN
O. A. NO. 17 of 2005

IN THE MATTER OF:

A Petition under Section 17 of the
Administrative Tribunals Act, 1985
praying for punishment of the
Contemnors/ Respondents for non-
compliance of Judgment and Order
passed by the Hon'ble Tribunal in O. A.
No. 17 of 2005 on 11.05.2005.

- AND -

IN THE MATTER OF:

Shri Sashi Bhusan Tiwari & Ors.

... Applicants.

- VERSUS -

The Union of India & Others.

... Respondents.

- AND -

IN THE MATTER OF:

Shri Sashi Bhusan Tiwari
P. No. 6403303
Permanent Mazdoor,
Office of the Commanding Officer,
50 Coy. ASC (Supply), Type 'C'
C/o - 99 APO.

... Petitioner

- VERSUS -

S B. TIWARI

Shri Sashi Bhusan Tiwari
Petitioner
Handwritten
(Adm. Adm 80) 52
Date

1. Shri Shekhar Dutt,
Secretary to the Government of
India, Ministry of Defence, 101
South Block,
New Delhi-110001.

2. Lt. Col. R. I. Mullick,
Commanding Officer,
50 Coy ASC (Supply), Type 'C'
C/o 99 APO.

... Respondents/
Contemnors

The humble Petition of the above named
Petitioner :

MOST RESPECTFULLY SHEWETH:

- 1) That your humble Petitioner along with 11 others had filed the Original Application No. 17 of 2005 before this Hon'ble Tribunal for non payment of House Rent Allowance to the applicants as per Office Memo No. 11013/2/86-EII (B), Government of India, Ministry of Finance (Department of Expenditure), New Delhi dated 23rd September 1986 and also for non-implementation of similar Judgment and Order passed in O.A. 226 of 1996 passed by this Hon'ble Tribunal and also as per Judgment and Order passed by the Hon'ble Gauhati High Court in Civil Rule No. 5613 of 1998 regarding the payment of House Rent Allowance to the similarly situated persons.
- 2) That your petitioner begs to state that when the O.A. No. 17 of 2005 came up for consideration on 11.05.2005 before this Hon'ble Tribunal, Learned Additional Central Government Standing Counsel had placed before the Court a communication sent by Lt. Col. Officiating Commanding Officer dated 06.04.2005, wherein it was stated that the case of the instant petitioner has been taken up with the higher HQs for release of fund under relevant budget head to make payment to the petitioner as applicable. In the circumstances, the O.A. No. 17 of 2005 was closed with direction to the respondents to expedite the payment of

the amount due to the applicant. But till today the Respondents/Contemnors did not implement the said Order dated 11.05.2005 passed in O.A. 17 of 2005 by this Hon'ble Tribunal. As such, your Petitioner is compelled to file this Contempt Petition before this Hon'ble Tribunal to initiate contempt proceedings under the Contempt of Court Act against the alleged Contemnors/Respondents.

Annexure-A is the photocopy of Order dated 11.05.2005 passed by this Hon'ble Tribunal in O.A. No. 17 of 2005 alongwith communication No. 46/X/ST-12(Civ.) dated 06.04.2005 issued by the Lt. Col., Officiating Commanding Officer.

- 3) That your Petitioner begs to state that the Respondents/Contemnors have shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondents/Contemnors deliberately with a motive behind have not complied the Hon'ble Tribunal's Order dated 11.05.2005 passed in O.A. 17 of 2005. As such, the Respondents/Contemnors deserve punishment from this Hon'ble Tribunal. It is a fit case where the Respondents/Contemnors 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 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 issue contempt notice to the Respondents/Contemnors to show cause as to why they should not be punished under Section 17 of the

Administrative Tribunals Act, 1985 or to pass such appropriate 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 11.05.2005 passed in O. A. No. 17 of 2005 Respondents/Contemnors may be asked to appear in person before this Hon'ble Tribunal to explain as to why they should not be punished under the Contempt of Court Act.

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

... Draft Charge

B TIWARI

DRAFT CHARGE

The Petitioner aggrieved for non compliance of Judgment and Order dated 11.05.2005 passed by this Hon'ble Tribunal in O.A No. 17 of 2005. The Contemnors/Respondents have willfully and deliberately violated the Order dated 11.05.2005 passed by this Hon'ble Tribunal. Accordingly, the Respondents/Contemnors are liable for Contempt of Court proceedings and severe punishment thereof as provided to appear in person and reply to the charges leveled against them before this Hon'ble Tribunal.

B T W B R I

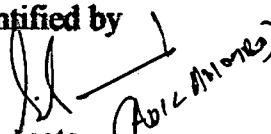
AFFIDAVIT

I, Shri Sashi Bhusan Tiwari, Son of Late S.P.Tiwari, P. No. 6403303, Permanent Mazdoor, Office of the Commanding Officer, 50 Coy. ASC (Supply), Type 'C', C/o 99 APO by profession Service, by religion Hindu, do hereby solemnly affirm and state as follows:

1. That I am one of the Applicants in O. A. No. 17 of 2005 and also petitioner in the instant petition and as such, I am fully acquainted with the facts and circumstances of the case.
2. That the statements made in paragraphs 1, 3, 2, of the Contempt Petition are true to my knowledge, those made in paragraphs 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 26th day of February 2006 at Guwahati.

S B Tiwari

Identified by

 Advocate (Adil Ahmed)

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

Sukumar Sarma
 Advocate

ORDER SHEET

ANNEXURE - A 63

Original application No. 17/2005

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants: Shri S. B. Tiwari

Respondents: M.C. J. 2. C. S. C.

Advocates for the Applicant: A. K. Chaudhury

Advocates of the Respondents: A. C. S. C.

Notes of the Entry: Date: 11.5.2005 Order of the Tribunal

11.5.2005

When this application is taken up for consideration today, Mr. A. K. Chaudhuri, learned Addl. C. C. S. C. has placed before me a communication sent by Lt. Col., officiating Commanding Officer wherein it is stated that the case of the applicant has been taken up with the higher HQs for release of fund under relevant budget head to make payment to the applicant as applicable.

In this circumstances, after hearing Mr. A. Ahmed, learned counsel for the applicant and also Mr. A. K. Chaudhuri, learned Addl. C. C. S. C., I am of the view that this application can be ~~disposed~~ closed with the direction to the respondents to expedite the payment of the amount due to the applicant. I do so. If the applicant is still aggrieved, needless to say that he is free to take up the matter further.

The O.A. is closed as above.

SD/VICE CHAIRMAN

Manu No.

D.D.

(1) As per information and necessary action do.
 (2) Mr. A. K. Chaudhury, Secretary, Board of Control (C.C.),

[Signature]
 Action
 1st Date

Section 21 (General)
 11/11/2005
 11/11/2005
 11/11/2005

Kala Mil : 6910

-8-

50 Coy ASC (Sup) Type 'C'
Pin Code - 905050

46/ST-12 (Civ)

o/c Apr 2005

Shri Anup Kumar Chaudhuri
Addl CGSC
K R Chaudhuri Road
Bharalumukh, Guwahati - 781009

**OA NO 17/2005 FILED BY SIRI S B TIWARI AND OTHERS VS UO AND
OTHERS IN HON'BLE CAT GUWAHATI BENCH REGARDING NON
PAYMENT OF HOUSE RENT ALLOWANCE**

Sir,

1. Reference to your letter dated 22 Mar 05.
2. It is submitted that case has been taken up with our higher HQs for release of fund under relevant budget head to make payment to the applicants as applicable.

(Harprit Singh)
Lt Col
Offg Commanding Officer

Copy to :-

Directorate General of Sup and Inv (ST-12)
Quartermaster General's Branch
Army Headquarters
DHQ P.O New Delhi - 110011

HQ Eastern Command (ST)
Fort William, Kolkata - 21

HQ 101 Area (ST)
C/O 99 APO

HQ 41 Sub Area (A/ST)
C/O 99 APO

Station Headquarters
Dimaapur (Nagaland)

DCI, 101 Area
HQ 5 Sub Area

11/5/05

for info please.

Attent
S. J. S.
Date

26 JUL 2001

गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.
GUWAHATI BENCH

Contempt Petition No. 8/2006

In O.A. No. 17/2005.

IN THE MATTER OF:

1. Sri Sachin Bhushan Tiwari,
.... Petition

- Versus -

Shri R. I. Mullick,
Lt. Col.,
Commanding Officer

... Alleged Contemner/
Respondent No.2

IN THE MATTER OF:

An affidavit for and on behalf of the

Respondent No.2.

I, Shri R. I. Mullick, Lt. Col., Commanding Officer do hereby solemnly affirm and state as follows :-

1. That I am the Respondent No.2 in the instant Contempt Petition and have gone through the aforesaid Contempt Petition filed by the petitioner and have understood the contents thereof and I am well acquainted with the facts and circumstances of the case based on records.
2. That the Respondent No.1 has not willfully flouted any order passed by this Hon'ble Tribunal as alleged by the applicant.
3. At the outset I submit that I have the Highest regard for this Hon'ble Tribunal and there is no question of any willful disobedience of any order passed by the Hon'ble Tribunal. However, I tender unqualified

Com nanding Officer સુપરાઇસર

50 कम्पनी ए एस बी (प्रती) प्रकार “सी”
50 Coy ASC (Sup) Type: ८८

and unconditional apology for any delay or lapse in the compliance of the Order dated 11.5.05 passed in O.A.17/05 pronounced by this Tribunal, during the tenure of my service.

4. That there is no any willful or deliberate and reckless disobedience of the aforesaid order by the respondents and due to the compelling circumstances, the respondent could not implement the order in time, which can be termed as honest and innocent mistake without any malafide and/or hidden vested interest and such type of curable mistake may not be termed as willful disobedience of the aforesaid order.

5. That the submission made in the following paragraphs amply clarify that the respondents have shown due regard to the orders of this Hon'ble Tribunal and as such, there is no question showing any contempt to the orders of this Hon'ble Tribunal.

6. That the Respondent No.2 begs to state that the delay in the implementation of the Hon'ble Central Administrative Tribunal, Guwahati Bench is of administrative nature and not the willful delay.

7. It is pertinent to mention here that the answering respondent has made every efforts and approached the concerned authority to expedite the case on priority and accordingly the Army Headquarters has taken the matter and the same is under the process with the Ministry of Defence. Further the respondent have not denied the claim of the applicants to constitute any contempt and due to some accounts, procedural and administrative constraints some time will be required in order to make due payment.

8. That it is stated that Respondent No.2 has the highest respect for the orders of Hon'ble Central Administrative Tribunal, Guwahati Bench. The respondent therefore prays that in the circumstances of the case mentioned above, the Hon'ble Central Administrative Tribunal, Guwahati Bench may be pleased to exempt the respondent from the contempt proceedings.

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AFFIDAVIT

1, Shri R. I. Mullick, son of (Late) Ahdul Hoque Mullick aged about 45 years Lt. Col., Commanding Officer do hereby solemnly affirm and state as follows :

1. That I am the respondent No.2 in the above case.
2. That the statement made in para 1 to 8 of the affidavit are true to the best of my knowledge and belief.

Identified by :


Advocate

ले० कन०/ Lt Col
कमान अधिकारी
Commanding Officer
50 कम्पनी ए एस सी (पुर्ती) प्रका०
50 Coy ASG (Sup) Type 'C'

Solemnly affirm before me by the
deponent Shri R. I. Mullick, who is
identified by M. V. Ahmed
Advocate at Cawabhati on the
day of July 26/7 2006.