

FROM No. 4.  
( See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. \_\_\_\_\_

2. Misc Petition No. \_\_\_\_\_

3. Contempt Petition No. \_\_\_\_\_

4. Review Application No. \_\_\_\_\_

Applicant(S) S. B. Diwari & sons

Respondants S. Datta & sons

Advocate for the Applicant(S) Adl. Ahmed

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

Notes of the Registry	Date	Order of the Tribunal
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This Contempt  
petition has been  
filed by the counsel  
for the petitioners and  
praying for punishment  
of the Contemnors for  
non-compliance of Judgment  
and order passed by this  
Honble 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 con-  
temners 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 contemnors last chance to  
file reply.

Vice-Chairman

bb

Secy. compl. order  
dated 2.3.06.

102  
2/3/06

5.5.06.

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 fund. 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

Notice & order  
Sent to D/section  
for issuing to  
resp-nos. 1, 2 by  
regd. A/D post-  
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 Im  
CP 7/06.)

30-3-06

No Reply has been  
filed.

Service awaited in  
reply of Respondent No. 2.

9.6.2006

Neither any affidavit nor any statement has been filed by the alleged contemnors 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

4-5-06

No appearance as well as  
reply filed.

by

bb

9/5/06

8-6-06

No Reply has been  
filed.

C.P. 8/2006

C.P. 8/06

Notes of the Registry	Date	Order of the Tribunal
<p>26.7.06</p> <p>An affidavit filed by Respdt. no. 2</p> <p><i>[Signature]</i></p> <p><i>[Signature]</i> 14/8/06</p> <p>order dt. 9/8/06 issuing to resp. nos. 1, 2 by post- 6/8/06.</p> <p>mb</p> <p>Abbidavit filed by R.No-2.</p> <p><i>m</i> 8.9.06.</p> <p>27-10-06</p> <p>No Addl. Reply filed.</p> <p>Abbidavit filed by R.No-2.</p> <p><i>m</i> 17.1.07.</p>	<p>09.08.2006</p> <p>11.9.06</p>	<p>Present: Hon'ble Sri K.V.Sachidanandan, Vice-Chairman. Hon'ble Sri Gautam Ray, Administrative Member.</p> <p>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.</p> <p>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 contemnners.</p> <p>Post on 11.09.2006.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>Learned counsel for the respondents wanted to file additional reply. Let it be done. Post the matter on 30.10.06.</p> <p><i>[Signature]</i> Vice-Chairman</p>

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.

Vice-Chairman

[mā]

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

order dt. 30/10/06  
Sent to D/section  
for issuing to  
resp. nos. 1, 2 by  
regd. A/D post.

10/11/06. D/No-1125,1126  
Dt=15/11/06.

No Addl. reply  
has been filed.

25  
30.11.06

18.1.2007

Claiming HRA 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

Contd..P/2

L

CP. 8106 (OA-17/2005)

- 6 -

Contd.  
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/Contemnners 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.

Vice-Chairman

/bb/

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

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

ce  
Member (A)

Vice-Chairman

Abhidavit filed by  
R No-2.

/bb/

12.3.07.

C.P. 8/06

42

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.

Wi

lm

D

Member

L

Vice-Chairman

20/3/07

Copy of the order has been handed over to the L/Adm. by the court.

JS

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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12/2/07  
M. U. Ahmed Case  
50 Coy



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 05<sup>th</sup> 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 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**

ने० कर्नल/Dependent

कमान अधिकारी

Commanding Officer

50 कम्पनी ए एस सी (पूर्वी) "A"

50 Coy ASC (Sup) TYP

Solemnly affirm and declare before

me by the deponent who is identified by

M. A. Bhunia Advocate at Guwahati on

this 12<sup>th</sup> 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 CHOUDHARY AND 11 OTHERS**

SL NO	RANK	NAME	PAY SCALE	HOUSE RENT ALLOWANCE					Net Payment	Rt
				From	To	No of Months	Basic Pay	H.R.A @ P.M.		
1	Pt Mazd	BUDHAN CHOUDHARY	(a) Rs.750-12-870- EB-14-940 (b) Rs.775-12-871- 14-955-15-1030- 20-1150 (c) Rs.2910-60-2910 -65-3800-70-4000 (d) Rs.2750-70-3800 -75-4400	10/86 08/90 03/91	07/90 02/91 12/95	46 07 58	940/- 954/- 1030/-	70 X 46 = 120 X 07 = 120 X 58 =	3220.00 840.00 6960.00	
				01/86 08/97 04/98 04/99 01/8/99 08/8/99 09/99 08/2000 08/2001 08/2002	07/97 03/98 03/99 07/99 08/8/99 31/8/99 07/2000 07/2001 07/2002 02/2003	19 08 12 04 08 days 23 11 12 12 07	3300/- 3370/- 3440/- 3510/- 3510/- 3660/- 3660/- 3730/- 3800/- 3875/-	200 X 19 = 253 X 08 = 258 X 12 = 263 X 04 = 263 - 195 = 275 - 71 = 275 X 11 = 260 X 12 = 285 X 12 = 291 X 07 =	3800.00 2024.00 3096.00 1052.00 68.00 204.00 3025.00 3360.00 3420.00 2037.00	
								<b>Total Rs.</b>	<b>33106.00</b>	
2	-do-	SATYANARAYAN	(a) Rs.750-12-870- EB-14-940 (b) Rs.775-12-871- 14-955-15-1030- 20-1150 (c) Rs.2910-60- 2910 - 65-3300- 70-4000	10/86 03/91 10/95	02/91 09/95 12/95	53 55 03	884/- 940/- 970/-	70 X 53 = 70 X 55 = 120 X 03 =	3710.00 3850.00 360.00	
				01/86 08/97 10/97 10/98 10/99 10/2000 10/2001 10/2002	07/97 09/97 09/98 09/99 08/2000 09/2001 09/2002 02/2003	19 02 12 12 12 12 12 06	3105/- 3170/- 3235/- 3300/- 3370/- 3440/- 3510/- 3580/-	200 X 19 = 238 X 02 = 243 X 12 = 248 X 12 = 253 X 12 = 258 X 12 = 263 X 12 = 269 X 06 =	3800.00 476.00 2916.00 2978.00 3036.00 3096.00 3156.00 1345.00	
								<b>Total Rs.</b>	<b>28721.00</b>	
3	Safai Wala	BADAL	Rs.2550-55-2660- -60-3200	02/97 02/98 02/99 02/2000 02/2001 02/2002 02/2003	01/98 01/99 01/2000 01/2001 01/2002 01/2003	12 12 12 12 12 12 01	2550/- 2605/- 2660/- 2720/- 2780/- 2840/- 2900/-	191 X 12 = 195 X 12 = 200 X 12 = 204 X 12 = 209 X 12 = 213 X 12 = 218 X 1 =	2292.00 2340.00 2400.00 2448.00 2508.00 2556.00 218.00	
								<b>Total Rs.</b>	<b>14762.00</b>	
4	FED	S K TRIPATHI	Rs.3050-75-3950 -80-4560	17/03/97 04/97 08/97 03/98 03/99 03/2000 03/2001 03/2002	31/03/97 07/97 02/98 02/99 02/2000 02/2001 02/2002 02/2003	15 days 04 07 12 12 12 12 12	3050/- 3050/- 3050/- 3125/- 3200/- 3275/- 3350/- 3425/-	200-103 = 200 X 04 = 229 X 07 = 234 X 12 = 240 X 12 = 245 X 12 = 251 X 12 = 257 X 12 =	97.00 800.00 1603.00 2808.00 2880.00 2952.00 3012.00 3084.00	
								<b>Total Rs.</b>	<b>17236.00</b>	
5	FED	BACHCHA SINGH		There is no change from SI No -04 above.					<b>Total Rs.</b>	<b>17236.00</b>
6	F/Man Gde-II	JAGDISH PRASAD	Rs.2850-65-3300- -70-4000	17/03/97 04/97 03/98 03/99 03/2000 03/2001 03/2002	31/03/97 02/98 02/99 02/2000 02/2001 02/2002 02/2003	15 days 11 12 12 12 12 12	2650/- 2650/- 2715/- 2780/- 2845/- 2910/- 2975/-	199-103 = 199 X 11 = 204 X 12 = 209 X 12 = 213 X 12 = 218 X 12 = 223 X 12 =	96.00 2169.00 2448.00 2508.00 2556.00 2616.00 2679.00	
								<b>Total Rs.</b>	<b>15089.00</b>	
7	-do-	AKEHEY PRADHAN		There is no change from SI No -06 above.					<b>Total Rs.</b>	<b>15089.00</b>
8	Pt Mazd	BHAGBAN NAIK	Rs.2550-55-2980- -60-3200	08/97 08/98 08/99 08/2000 08/2001 08/2002	07/98 07/99 07/2000 07/2001 07/2002 02/2003	12 12 12 12 12 07	2550/- 2605/- 2660/- 2720/- 2780/- 2840/-	191 X 12 = 195 X 12 = 200 X 12 = 204 X 12 = 209 X 12 = 213 X 07 =	2292.00 2340.00 2400.00 2448.00 2508.00 1491.00	
								<b>Total Rs.</b>	<b>13479.00</b>	
9	-do-	SANYASI SABATH	-do-	11/97 11/98 11/99 11/2000 11/2001 11/2002	10/98 10/99 10/2000 10/2001 10/2002 02/2003	12 12 12 12 12 04	2550/- 2605/- 2660/- 2720/- 2780/- 2840/-	191 X 12 = 195 X 12 = 200 X 12 = 204 X 12 = 209 X 12 = 213 X 04 =	2292.00 2340.00 2400.00 2448.00 2508.00 852.00	
								<b>Total Rs.</b>	<b>12840.00</b>	
10	-do-	RAMSAMUJH CHOUHAN		There is no change from SI No -09 above.					<b>Total Rs.</b>	<b>12840.00</b>
11	FED	UPENDER SINGH	Rs.3050-75-3950- -80-4560	06/98 06/99 06/2000 06/2001 06/2002	05/99 05/2000 05/2001 05/2002 02/2003	12 12 12 12 09	3050/- 3125/- 3200/- 3275/- 3350/-	229 X 12 = 234 X 12 = 240 X 12 = 245 X 12 = 251 X 09 =	2748.00 2808.00 2880.00 2952.00 2259.00	
								<b>Total Rs.</b>	<b>13647.00</b>	
12	F/Man Gde-II	V K TRIPATHI	Rs.2850-65-330- -70-4000	05/08/98 07/98 08/98 08/2000 08/2001 08/2002	30/06/98 05/99 05/2000 05/2001 05/2002 02/2003	28 days 11 12 12 12 09	2650/- 2650/- 2715/- 2780/- 2845/- 2910/-	199 - 27 = 199 X 11 = 204 X 12 = 209 X 12 = 213 X 12 = 218 X 09 =	172.00 2189.00 2448.00 2508.00 2556.00 1962.00	
								<b>Total Rs.</b>	<b>11835.00</b>	

Station : Field

Dated : 07 Feb 2007

वर/ Major  
प्रमाणित अधिकारी  
Adm. Officer  
50 कंपनी ए. एच. सी. (श्री) प्रकार 'सी'  
50 Coy ASC (Sup) Type 'C'

वर/ Major  
प्रमाणित अधिकारी  
Command - in -  
50 कंपनी ए. एच. सी. (श्री) प्रकार 'सी'

## 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 APOFor the Month of : ARREARS OF MRA WEF 10/86 TO 02/2003CERTIFICATE :-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 Cnfr

50 कम्पनी ए एस. सी. (पूर्वी) प्रकार 'सी'

50 Coy ASC (Sup) Type 'C'

CDA \_\_\_\_\_ SEC \_\_\_\_\_ Class of Vr \_\_\_\_\_ Vr No \_\_\_\_\_

## (\* Absentee Statement :-

<u>Sl No</u> & <u>Name</u>	<u>Amount</u>
1) Budhan Choudhary -	33106.00
4) S K Tripathi -	17286.00
6) Jagdish Prasad -	15089.00
8) Bhagban Naik -	18479.00
11) Upender Singh -	18,647.00

Amount claimed → 2,05,880.00  
Amount paid → 2,05,880.00  
Amount paid → 1,18,328.00  
Amount-Balance → 92,557.00

Total Rs :- 92,557.00

Paid by me on :- 01 Mar 2007

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

मजर/Major

उप कमान अधिकारी

Second-in-Command

50 कम्पनी ए एस. सी. (पूर्वी) प्रकार 'सी'

50 Coy ASC (Sup) Type 'C'



S /

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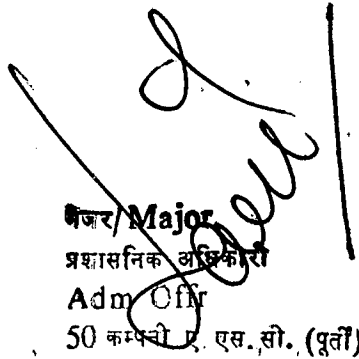
Rs. Paise  
205880.00

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)

  
मेजर/Major  
प्रशासनिक अधिकारी  
Adm Officer  
50 कॉम्पनी ए. एस. सी. (पूर्वी) प्रकार 'सी'  
50 Coy ASC (Sup) Type 'C'  
(signature of the officer)

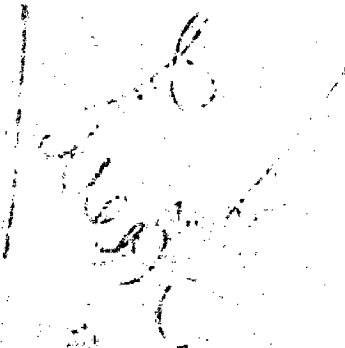
Rs. 202880.00  
Rs. 202880.00

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

Net Payment Rs. 202880.00

Charged on : IMMEDIATELY - In Public Fund A/c of

CO. 50 Coy 122 (and) Type 'C' - In favour of SBI Bazar  
BRANCH BANGALORE (BANGALORE)



(Signature of the officer)





APPENDIX OF HOUSE RENT ALLOWANCE WEF OCT 86 TO 02/2003 IN RESPECT OF  
CIVILIAN PERSONNEL OF THIS UNIT

Sl No	Rank	Name	Amount of H.R.A	Net Payment	Signature
1.	Pt Mazdoor	BUDHAN CHOUHARY	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/Man Gde-II	JAGDISH PRASAD	15089.00	15089.00 N/P	
7.	=do=	AKENNY PRADHAN	15089.00	15089.00	
8.	Pt Mazdoor	BHAGWAN NAIK	13479.00	13479.00 N/P	
9.	=do=	SANYASI SARATH	12840.00	12840.00	
10.	=do=	RANSAMUJH CHOUHAN	12840.00	12840.00	
11.	PED	UPENDER SINGH	13647.00	13647.00 N/P	
12.	P/Man Gde-II	V K TRIPATHI	21835.00	21835.00	
TOTAL RUPEES :-			205880.00	205880.00	

(5) (9) ✓  
**REGISTERED BY POST**

50 Coy ASC (Sup) Type 1  
Pin Code - 905050  
C/O 99 APO

64/11/07 /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.

Encls : 37 (Thirty seven only)

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 9056101  
C/O 99 APO

- for info please.

(Ravi Kumar)  
Major  
Adm Offr  
For CO  
08/02

मेजर/ Major

उप कमान अधिकारी

Second-in-Command

50 कॉम्पनी ए एस सी (पूर्वी) प्रकार 'सी'  
50 Coy ASC (Sup) Type 'C'

SPB. NO. 19 dt. 07/02/07.

R. 184  
मा.से.फ. (र. ले. म.) - 223  
I.A.F (CDA) - 223चेक पर्ची  
CHEQUE SLIP

V. 1 (one) vs. only

साथ के लगे चेक का विवरण

Showing how the total of the accompanying cheque is made up

रखा लेखा विभाग  
DEFENCE ACCOUNTS DEPARTMENTरखा लेखा नियंत्रक कार्यालय  
Office of the C.D.A.कमांड  
Commandचेक की तिथि  
Date of issue of chequeचेक पर्ची की क्रमा संख्या  
Serial number of cheque slipप्रदायगी विवरण  
In payment ofसार्वजनिक निधि  
Public Fund

A/C NO. 10433032027

रु.  
Rs.जमा करने के लिए  
For credit to theअप्रदाय धन  
Imprestखाता  
Account of

Comdt. 2,05,880 00

जमा करने के लिए  
For credit to theव्यक्तिगत  
Personalकुल राशि में  
Total In words

Rupees two lakh

Total

2,05,880 00

रखा लेखा नियंत्रक की ओर से  
For C.D.A.

Five thousand eight hundred

Initials

हस्ताक्षर  
Signature(चेक पर हस्ताक्षर करने वाले  
अधिकारी के हस्ताक्षर)  
(Signature of the Officer  
signing the cheque)अधीक्षक, लेखा परीक्षा अनुभाग  
(Supdt., Audit Section)(अधिकारी, लेखा परीक्षा अनुभाग)  
(Officer, I/c Audit Section)सेवा में  
ToSB1 Bikaner Branch  
Ringsapur.प्रतिलिपि भेजी जाती है :-  
Copy Forwarded to the :-अफसर कमांडिंग  
O/Cस्थानीय लेखा परीक्षा अफसर  
L.A.O.

Comdt. 50 Coy ASC (Sup) Type 'C'

L.A.O. (A) Silchar.

रखा लेखा नियंत्रक  
C.D.A.नोट :- अनावश्यक अंश काट दिए जाएं।  
N.B. - Portion not necessary should be struck out.

MGITBP (MYS)-51/GIFS/CAL/92-93- 7 Lakhs pads



etc

मेजर/ Major

उप कमान अधिकारी

Second-in-Command

50 कम्पनी ए एस सी (पूर्वी) प्रकार 'सी'

50 Coy ASC (Sup) Type 'C'

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)

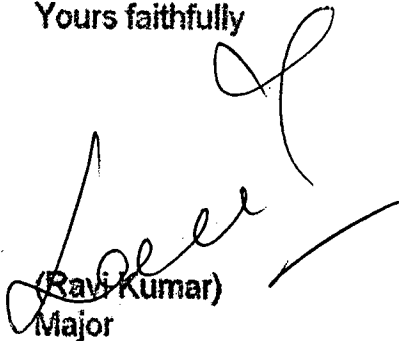
FORWARDING OF CHEQUE : PAY AND ALLOWANCES  
OF CIV EMPLOYEES

Dear Sir,

1. Please find enclosed SBI Bazar Branch, Dimapur (Nagaland) cheque bearing machine No 395081 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'

12

Appx 'A'

**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 (पूर्वी) प्रकार 'सी'  
50 Coy ASC (Sup) Type 'C'



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>

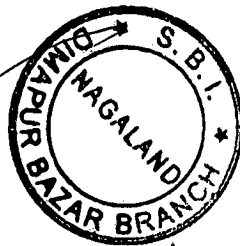
No

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 सी (पूर्वी) प्रकार 'सी'

50 Coy ASC (Sup) Type 'C'

केन्द्रीय प्रशासनिक न्यायालय,  
Central Administrative Tribunal  
F 1 MAP  
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 -

Filed by  
Shri Sashi Bhusan Tiwari  
Applicant No. 1  
Through S. B. Tiwari  
(Adv. Agent)  
Dated

S. B. TIWARI

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

S B TIWARI



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

B TIWARI

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

Dr. 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. TIWARI

## 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 of the Contempt Petition are true to my knowledge, those made in paragraphs 2 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 26<sup>th</sup> 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

Original Application No. 17/2005

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants: Shri G.B. Tiwari

Respondents: M.C.J. & Co.

Advocates for the Applicant: A. Ahmed, Mr. A.K. Chaudhuri

Advocates of the Respondents: M.C.J. & Co.

Notes of the Ministry: De. Order of the Tribunal

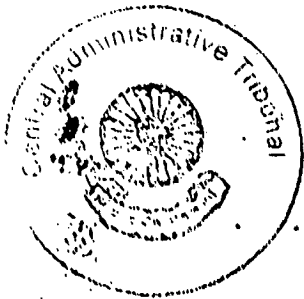
11.5.2005

When this application is taken up for consideration today, Mr. A.K. Chaudhuri, learned Addl. C.G.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.G.S.C., I am of the view that this application can be ~~dismissed~~ 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



17/5/05

Memorandum No.

220.

1) For information and necessary action to be taken by the concerned authorities.  
2) For A.K. Chaudhuri, learned Addl. C.G.S.C. to be kept in the file.

12/5

Admission  
12/5/05

Section Officer (Adm.)  
12/5/05

Kolo Mil : 6910

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

46/ST-12 (Civ)

06 Apr 2005

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

QA NO 17/2005 FILED BY SHRI S B TIWARI AND OTHERS VS UOI 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 Tpt (ST-12)  
Quartermaster General's Branch  
Army Headquarters  
DHQ P.O New Delhi - 110011

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

HQ 101 Area (ST)  
C/O 99 APO

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

Station Headquarters  
Dimapur (Nagaland)

HQ 54 Sub Area

for info please.

Attended  
Jil  
Date

26 JUL 2006

गुवाहाटी न्यायपीठ  
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Contempt Petition No. 8/2006

In O.A. No. 17/2005.

IN THE MATTER OF:

1. Sri Sachi Bhusan Tiwari,  
.... Petitioner

- 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

65

ले. कर्नल/ Lt. Col.  
कमान अधिकारी

Commanding Officer

50 कम्पनी ए एस सी (पूर्वी) प्रकार 'नो'  
50 Coy ASC (Sup) Type 'N'

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.

63

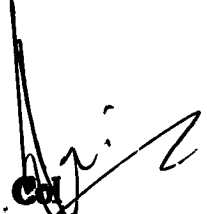
AFFIDAVIT

1, Shri R. I. Mullick, son of (Late) Ahidul 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 कर्नल/ Lt Col  
कमान अधिकारी  
Signature  
Commanding Officer  
50 कम्पनी ए एस सी (पूरी) प्रकार 'C'  
50 Coy ASG (Sup) Type 'C'

Solemnly affirm before me by the  
deponent Shri R. I. Mullick, who is  
identified by M. V. Sharma  
Advocate at Cuttack on the  
day of July 26th 2006.