

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

Original Application No. _____
Misc Petition No. _____
Contempt Petition No. 20/06 in O.A. 99/05
Review Application No. _____

Applicant(s) Budhan Chandra Fom

Respondant(s) U. O. T. Fom

Advocate for the applicant(s) Adil Ahmed
Ms. S. Bhattacharyya

Advocate for the Respondant(s) Ms. C. S. C. U. O. T. Fom

Notes of the Registry	Date	Order of the Tribunal
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22.08.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

This Contempt
petition has been
filed by the Counsel
for the Petitioner praying
for punishment of the
Contemners/Respondents
for non-compliance
of Judgement and
order passed by this
Honble Tribunal in
O.A. 99/05 on 2.8.05.

kind before the
Honble Tribunal for
further order.

For
Section Officer

Defect
Draft Change not
enclined herewith.

Received.
20/8/06

The Contempt Petition has been
filed by the Applicants against the alleged
contemners for non-compliance of the
order of this Tribunal dated 02.08.2005
passed in O.A. No. 99 of 2005. The
operative portion of the said order is
reproduced below: -

"In the circumstances,
we are of the view that this
O.A. can be disposed of at the
admission stage itself.
Accordingly there will be a
direction to the 2nd
Respondents to consider the
case of the applicants in the
light of the office
Memorandum and pass
appropriate order regarding
granting of HRA within a
period of three months from
the date of receipt of this
order."

This Tribunal directed the Respondents
only to consider the case of the Applicants
and to pass appropriate order. Now, the
order dated 02.08.2005 almost 1 year has
been lapsed, but the Respondents are yet

Contd/-

Contd/-

22.08.2006 to comply with the order. It appears to be have a disobedience in the matter for non-compliance of the order. Therefore, the contempt notice is issued to the 2nd alleged Contemner, Lt. Col. R.I. Malik, Commanding Officer, 50 Coy ASC (Supply), type 'C', C/o 99 APO as to why contempt proceeding shall not be initiated against him. He is directed to file an affidavit within four weeks.

Notice & order dt. 22/8/06 issuing to

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

28/8/06. D/No - 863, 864
D/- 28/8/04.

Notice duly served on resp. no - 2.

18/9/06. No affidavit has been filed.

21.9.06.

No affidavit has been filed.

22.11.06

No affidavit has been filed.

21.12.06.

Mr M.U. Ahmed, learned Addl. C.G.S.C. for the Respondents submitted that personal appearance of the contemnors may be dispensed with. Hence, personal appearance is dispensed with for the time being.

Post on 22.09.2006.

Vice-Chairman

/mb/
22.9.06.

The counsel for the respondent have already decided to implement the order. However, time is sought for. Post the matter on 23.11.06.

In

Vice-Chairman

23.11.2006

Mr.M.U.Ahmed, learned Addl.C.G.S.C. submitted that it may required some more time to comply with the order. However, post the matter after four weeks.

post on 22.12.2006.

Vice-Chairman

CP. 20/2006-3-

22.12.2006 Mr.M.U.Ahmed, learned Addl. C.G.S.C. seeks for further time to produce the order of compliance.

Post the matter on 31.1.2007 granting time as a last chance. It is made clear that matter will be proceeded if the compliance order is not filed by the next date

No Affidavit has been filed

22
7.2.07

Vice-Chairman

/bb/

8.2.07. Heard counsel for the parties. Considering the issue involved and affidavit filed in support of the Contempt Petition, I am of the view that notice may be issued to the respondents. For the time being Court directs the respondents to file affidavit within four weeks.

Issue notice on the Respondent No.2 to show cause as to why Contempt proceedings shall not be initiated against the respondents.

Post the matter on 13.3.07.

lm

Vice-Chairman

K-2

12/4/07

Notice for R-2, received
by Mr. M. U. Ahmed,
Addl. C.G.S.C., CAT, CH-5.

12/4/07

No affidavit has been filed.

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.

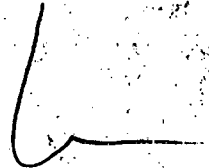
15.3.07

Compliance report
Submitted by respondents.

lm



Member



Vice-Chairman

Ph.

20.3.07

Copy of the notes
has been sent
to the office for
insert in the
to the L/Advs. for
the parties.

MS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Central Administrative Tribunal
GUWAHATI BENCH

15 MAR 2007

গুৱাহাটী প্ৰতিষ্ঠান
Guwahati Bench

Contempt Petition No. 20/2006

In O.A. No. 99/05

IN THE MATTER OF :

Shri Budhan Choudhury & 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 02.08.2005 in O.A. No. 99/05 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

Filed by

M. L. Mms Case 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 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


Deponent
Lt Col
Commanding Officer
50 Coy ASC (Sup) Typ
Solemnly affirm and declare before

me by the deponent who is identified by

M. U. Bhattacharya Advocate at Guwahati on

this 12th day of March 2007 at

Guwahati.

(4)

CALCULATION SHEET

(A)

CALCULATION SHEET ON ACCOUNT OF HRA @ 7.5 % OF BASIC PAY IN RESPECT OF THE CIVILIAN PERSONNEL OF 825 ASC BN (AM) SA ATTACHED WITH 50 COY ASC (SUP) TYPE 'C' IS AS UNDER :-

Ann - R-Series

Sl No	Rank	Name	Pay Scale	HOUSE RENT ALLOWANCE				Net Payment
				From	To	No of Months	Basic Pay HRA @ 7.5% PM	
1	Pt Mazd	D B THAPA	2550-55-2660-60-3200	23/6/98	30/6/98	08 Days	3140/- 236 - 173 =	63.00
				07/98	04/99	10	3140/- 236 X 10 =	2360.00
				05/99	07/99	03	3200/- 240 X 03 =	720.00
				01/8/99	08/8/99	08 Days	3200/- 240 - 178 =	62.00
			2610-60-2910-	09/8/99	31/8/99	23 Days	3370/- 253 - 65 =	188.00
			65-3300-70-4000	09/99	07/2000	11	3370/- 253 X 11 =	2783.00
				08/2000	07/2001	12	3440/- 258 X 12 =	3096.00
				08/2001	04/2002	09	3510/- 263 X 09 =	2367.00
			2750-70-3800-	05/2002	04/2003	12	3660/- 275 X 12 =	3300.00
			-75-4400	05/2003	03/2004	11	3730/- 280 X 11 =	3080.00
				01/4/2004	30/4/2004	01	5595/- 420 X 01 =	420.00
				05/2004	04/2005	12	5700/- 428 X 12 =	5136.00
				05/2005	04/2006	12	5813/- 436 X 12 =	5232.00
				05/2006	01/2007	09	5925/- 444 X 09 =	3996.00
							Total Rs :-	32803.00
02.	-do-	C T KUTTAN	There is no change from SI No - 01 above				Total Rs :-	32803.00
03	-do-	P M BHASKARAN	There is no change from SI No - 01 above				Total Rs :-	32803.00
04	-do-	KUNJUMOAN	There is no change from SI No - 01 above				Total Rs :-	32803.00
05.	-do-	D K SINGH	2550-55-2660-60-3200	23/6/98	30/6/98	08 Days	3140/- 236 - 173 =	63.00
				07/98	04/99	10	3140/- 236 X 10 =	2360.00
				05/99	07/99	03	3200/- 240 X 03 =	720.00
				01/8/99	08/8/99	08 Days	3200/- 240 - 178 =	62.00
			2610-60-2910-	09/8/99	31/8/99	23 Days	3370/- 253 - 65 =	188.00
			65-3300-70-4000	09/99	07/2000	11	3370/- 253 X 11 =	2783.00
				08/2000	07/2001	12	3440/- 258 X 12 =	3096.00
				08/2001	07/2002	12	3510/- 263 X 12 =	3156.00
				08/2002	04/2003	09	3580/- 269 X 09 =	2421.00
			2750-70-3800-	05/2003	03/2004	11	3730/- 280 X 11 =	3080.00
			-75-4400	01/4/2004	30/4/2004	01	5595/- 420 X 01 =	420.00
				05/2004	04/2005	12	5700/- 428 X 12 =	5136.00
				05/2005	04/2006	12	5813/- 436 X 12 =	5232.00
				05/2006	01/2007	09	5925/- 444 X 09 =	3996.00
							Total Rs :-	32713.00
06	-do-	N B GURUNG	There is no change from SI No - 05 above				Total Rs :-	32713.00
07	-do-	D P SHARMA	There is no change from SI No - 05 above				Total Rs :-	32713.00
08	-do-	S B TIWARI	There is no change from SI No - 05 above				Total Rs :-	32713.00
09	-do-	D C RAM	There is no change from SI No - 05 above				Total Rs :-	32713.00
10	-do-	N PEETHAMBARAN	2610-60-2910-65-3300-70-4000	21/12/99	31/12/99	11 Days	3370/- 253 - 163 =	90.00
				01/2000	07/2000	07	3370/- 253 X 07 =	1771.00
				08/2000	07/2001	12	3440/- 258 X 12 =	3096.00
				08/2001	07/2002	12	3510/- 263 X 12 =	3156.00
				08/2002	04/2003	09	3580/- 269 X 09 =	2421.00
			2750-70-3800-	05/2003	03/2004	11	3730/- 280 X 11 =	3080.00
			-75-4400	01/4/2004	30/4/2004	01	5595/- 420 X 01 =	420.00
				05/2004	04/2005	12	5700/- 428 X 12 =	5136.00
				05/2005	04/2006	12	5813/- 436 X 12 =	5232.00
				05/2006	01/2007	09	5925/- 444 X 09 =	3996.00
							Total Rs :-	28398.00
11	-do-	N R C NAIR	2610-60-2910-65-3300-70-4000	05/07/2000	31/07/2000	27 Days	3370/- 253 - 33 =	220.00
				08/2000	07/2001	12	3440/- 258 X 12 =	3096.00
				08/2001	04/2002	09	3510/- 263 X 09 =	2367.00
			2750-70-3800-	05/2002	04/2003	12	3660/- 275 X 12 =	3300.00
			-75-4400	05/2003	03/2004	11	3730/- 280 X 11 =	3080.00
				01/4/2004	30/4/2004	01	5595/- 420 X 01 =	420.00
				05/2004	04/2005	12	5700/- 428 X 12 =	5136.00
				05/2005	04/2006	12	5813/- 436 X 12 =	5232.00
				05/2006	01/2007	09	5925/- 444 X 09 =	3996.00
							Total Rs :-	26847.00

-60-3200	07/98	04/99	10	3140/-	236 X 10 =	2360.00
	05/99	07/99	03	3200/-	240 X 03 =	720.00
	01/8/99	08/8/99	08 Days	3200/-	240 - 178 =	62.00
2610-60-2910-	09/8/99	31/8/99	23 Days	3370/-	253 - 65 =	188.00
65-3300-70-4000	09/99	07/2000	11	3370/-	253 X 11 =	2783.00
	08/2000	07/2001	12	3440/-	258 X 12 =	3096.00
	08/2001	07/2002	12	3510/-	263 X 12 =	3156.00
	08/2002	04/2003	09	3580/-	269 X 09 =	2421.00
2750-70-3800-	05/2003	03/2004	11	3730/-	280 X 11 =	3080.00
-75-4400	01/4/2004	30/4/2004	01	5595/-	420 X 01 =	420.00
	05/2004	04/2005	12	5700/-	428 X 12 =	5136.00
	05/2005	04/2006	12	5813/-	436 X 12 =	5232.00
	05/2006	08/2006	04	5925/-	444 X 04 =	1776.00
	01/09/06	08/09/06	08 Days	5925/-	444 - 326 =	118.00
Total Rs :-						30611.00

Died on 08 Sep

CTC



मेजर/ Major
प्रशासनिक अधिकारी
Adm Officer
50 कम्पनी ए एस सी. (पूर्वी) प्रकार 'सी'
50 Coy ASC (Sup) Type 'C'

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

Reason: Field
dated: 07 Feb 2007

(5)

IN LIEU OF JAYA-38 (OUTER SHEET)

(C)

Spure City

SUPPLEMENTARY PAY BILL NO 09 DATED 07 FEB 2007

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

For the Month of : ARREARS OF HRA W/F JUN 98 TO JAN 2007

CERTIFICATE

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

*Find to
ASO Shillong
Nisore
No - 54/4/66/Dub (C)
2-09 Feb 2007*

मेजर/Major
प्रशासनिक अधिकारी
Adm Cffr
50 कम्पनी ए. एस. सी. (पूर्वी) प्रकार 'सी'
50 Coy ASC (Sup) Type 'C'

CDA _____ SEC _____ Class of Vr _____ Vr No _____

Absentee Statement :-

- 10) N. peethambasan - 28,898.00
- 11) NRC Nair - 26,849.00
- 12) K.V. Pharkader - 30,611.00

Amount Claimed → 8,80,688.00
Amount paid → 8,80,688.00
Amount paid + 2,94,777.00
Amount Balance → 85,856.00

Total Rs :- 85,856.00

paid by me on 01 Mar 2007

(*) Names as shown in absentee statement are presently on leave and their payment will be made on rejoining from leave.

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

V

(7)

B

Pay Bill

Net payment 5	signature 6
---------------------	----------------

32803.00

32803.00

32803.00

32803.00

32713.00

32713.00

32713.00

32713.00

32713.00

28398.00 N/P

26847.00 N/P

30611.00 N/P

380633.00

✓

(B)

ARREARS OF HOUSE RENT AND
CIVILIAN PERSONNEL

Sl No	Rank	Name	Amount of H.R.A
1	2	3	4
1.	Pt Mazdoor	D B THAPA	32803.00
2.	-do-	C T KUTTAN	32803.00
3.	-do-	P M BHASKARAN	32803.00
4.	-do-	KUNJUMON	32803.00
5.	-do-	D K SINGH	32713.00
6.	-do-	N B GURUNG	32713.00
7.	-do-	D P SHARMA	32713.00
8.	-do- ..	S B TIWARI	32713.00
9.	-do-	D C RAM	32713.00
10.	-do-	N PEETHAMBARAN	28396.00
11.	-do-	N R C NAIR	26847.00
12.	-do-	K N THANKACHAN	30611.00
TOTAL RUPEES :-			380633.00

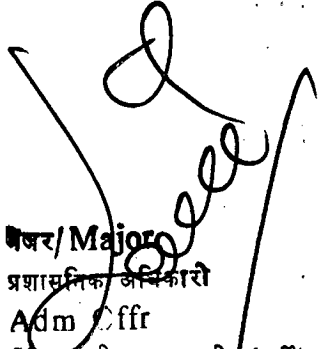
Rs. 380633 Paise
380633.00

Total (In words) : Rupees three lakh eighty thousand six hundred thirty three only

Net Payment : Rs. 380633.00

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

50 COY ASC (SUP) TYPE 'C' - In favour of SBI BAZAR
BRANCH DIHAPUR (NAGALAND)


मेजर/Major
प्रशासनिक अधिकारी
Adm Offr
50 कम्पनी ए. एस. सी. (पूर्वी) प्रकार 'सी'
50 Coy ASC (Sup) Type 'C'
(Signature of the Offr)

Re: Patent
330033.00

Total (in words) : Three thousand eight hundred and thirty three only

Not Payment : Re: 330033.00

Amount of : Three : In words and in figures

To pay (in words) : Three thousand eight hundred and thirty three only

(Signature of the owner)

(9)

REGISTERED BY POST

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

Feb 2007

Letter of 50 COY

Bill Forwarded to
AAO, Shillong

51/4/16/ACcts (Civ)

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

**FORWARDING OF SUPPLEMENTARY PAY BILL ON ACCOUNT OF
ARREARS OF HRA AGAINST OA NO 17/2005**

/cp-8/06

1. Please refer the followings :-

- OA No 17/2005 filed by Shri S B Tiwari & 11 others Vs UOI & others
(Copy attached)
- Hon'ble CAT Guwahati judgement order dt 11 May 2005 (Copy
attached).
- Govt of India, Min of Def OM No 2 (30)/97-E.II (B) dated 03 Oct 1997.
- Integrated HQ of MoD (Army) letter No 79500/328/Q/ST-12 (Civ) dt 05 Dec
2006 (Copy attached).

2. This office Sy Pay Bill No 09 dated 07 Feb 2007 for Rs 3,80,633/- (Rupees three
lacs eighty thousand six hundred thirty three only) on account of arrears of HRA @ 7.5%
in respect of the applicants of OA No 17/2005 in accordance with 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 :

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 908101
C/O 99 APO

for info please.

etc

मेजर/ Major

उप कमान अधिकारी

Second-in-Command

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

50 Coy ASC (Sup) Type 'C'

Sp/B no. 09 dt 7.2.07.

मा.से.फा. (र. ले. प.) - 223
I.A.F (CDA) - 223

Rv. 185
01/03/07

100

चेक पर्ची
CHEQUE SLIP

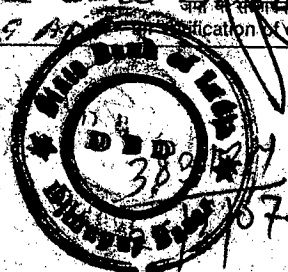
साथ के लगे चेक का विवरण
Showing how the total of the accompanying cheque is made up

Cheque
Slip

रक्षा लेखा विभाग
DEFENCE ACCOUNTS DEPARTMENT

रक्षा लेखा नियंत्रक कार्यालय Office of the C.D.A.	कमांड Command
चेक की तिथि Date of issue of cheque	A.A.O. Shillong.
चेक पर्ची की क्रम संख्या Serial number of cheque slip	10433032027
यदायोगी विवरण In payment of	सार्वजनिक निधि Public Fund
जमा करने के लिए For credit to the	अग्रणीय धन Imprest
जोड़ शब्दों में Total in words	Account of SP ASC Chui at Shillong 50 Coy ASC Sup Type
रक्षा लेखा नियंत्रक की ओर से For	380633 -
(चेक पर हस्ताक्षर करने वाले अधिकारी के हस्ताक्षर) signing the cheque)	380633 -
सेवा में To	हस्ताक्षर Signature

S.B.I. Bazar Branch Dimapur
(Nagaland)
प्रतिलिपि भेजी जाती है :-
Copy Forwarded to the :-
अफसर कमांडिंग
O/C
स्थानीय लेखा परीक्षा अफसर
L.A.O.
नोट :- अनावश्यक अंश काट दिए जाएं।
N.B. - Portion not necessary should be struck out.
MGITBP (MYS)-51/GIFS/CAI/92-93 - 7 Lakh Pads.



CTC

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

(11)

E

Nominal Roll
of Payment

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)

16

NOMINAL ROLL OF CIVILIAN PERSONNEL

Appx 'A'

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

CTC

मेजर/ Major

उप कमान अधिकारी

Second-in-Command

50 कम्पनी ए एस सी (सुपरी) प्रकार 'सी'

50 Coy ASC (Sup) Type 'C'

V

(13)

Amexare - R Series

Certified from
Bank



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

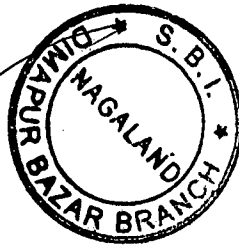
No

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'

31 JUL 2006

गुवाहाटी न्यायाधीश
Guwahati Bench

FILED BY

Shri Budhan Choudhury
... Applicant No-1.
Through: Smita Bhattacharjee
(Advocate)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 20 OF 2006

IN O.A.No. 99 OF 2005.

IN THE MATTER OF:

A Petition under Section 17 of the
central Administrative Tribunal Act,
1985 praying for punishment of the
Contemnners / Respondents for non-
compliance of judgment and order
passed by the Hon'ble Tribunal in
O.A.No.99 of 2005 on 02.08.2005.

-AND-

IN THE MATTER OF:

Shri Budhan Choudhury & Others
...Applicants.

-VERSUS-

The Union of India & Others.
...Respondents.

-AND-

IN THE MATTER OF

Shri Budhan Choudhury
P. No.14117377
Permanent Mazdoor
Office of the Commanding Officer
50 Coy, ASC (Supply), Type 'C'
C/o 99 APO.

...Petitioner

L.T.I. of
Budhan Choudhury
✓

10 /

-VERSUS-

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

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

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.99 of 2005 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for payment of House Rent Allowance to the applicants by the respondents.

2) That the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati on 02.08.2005 heard the aforesaid matter finally and the above said Original Application No.99 of 2005 was disposed of by directing the respondents to consider the case of the applicants in the light of Office Memorandum and pass appropriate order regarding granting of HRA within a period of three months from the date of receipt of this order. Accordingly, the applicants had submitted a copy of the said order before the respondents in order to enable them to take a decision in the matter. But till today the respondents / contemnners did not implement the said Judgment and Order dated 02.08.2005 passed in OA No.99 of 2005 by the Hon'ble Tribunal. As such, your Petitioner is compelled to file this Contempt Petition before this Hon'ble Tribunal to initiate Contempt

L.T.I. of
Buddhan Choudhury

proceeding under the Contempt of Court Act against the alleged Contemnners / Respondents.


ANNEXURE-A is the photocopy of Judgment Order dated 02.08.2005 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in OA No.99 of 2005.

3) That your Petitioner begs to state that by the aforesaid act the Respondents / Contemnners have shown disrespect, disregard and willful disobedience to this Hon'ble Tribunal. The Respondents / Contemnners deliberately with a motive behind have not complied the Hon'ble Tribunal's Judgment and Order dated 02.08.2005 passed in O.A.No.99 of 2005. As such, the Respondents / Contemnners deserve punishment from this Hon'ble Tribunal. It is a fit case where the Respondents / Contemnners may be directed to appear before this Hon'ble Tribunal in person to explain as to why they have shown disrespect to this Hon'ble Tribunal.

4) That this Petition is filed bona fide 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 Contempt notice to the Respondents / Contemnners to show cause as to why they should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other 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 02.08.2005 passed in



L.T.I. of
Buddhan Choudhury

O.A.No.99 of 2005, the Respondents / Contemners may be asked 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 Petitioners as in duty bound shall ever pray.

...Draft Charge



L.T.I. of
Bardhan Chowdhury

-DRAFT CHARGE-

The Petitioners are aggrieved for non-compliance of Judgment and Order dated 02.08.2005 passed by the Hon'ble Tribunal in O.A No.99 of 2005. The Contemners / Respondents have willfully and deliberately violated the Judgment and Order dated 02.08.2005. Accordingly, the Respondents / Contemners 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.



L.T.I. of
Biseshan Choudhury

✓

- AFFIDAVIT -

I, Shri Shri Budhan Choudhury, P. No.14117377, 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 Applicant in O.A.No.99 of 2005 and also petitioner of the instant petition and as such I am fully acquainted with the facts and circumstances of the case and I am also authorized to swear this Affidavit on behalf of other petitioners.

2) That the statements made in paragraphs 1, 3 and 4 — 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 31st.....day of July, 2006 at Guwahati.

Identified by me:

Smita Bhattacharjee

Advocate



L.T.I of
Budhan Choudhury

Solemnly affirmed before me by the Deponent who is identified by Miss Smita Bhattacharjee, Advocate.

(K. DIL AHMED)
Advocate

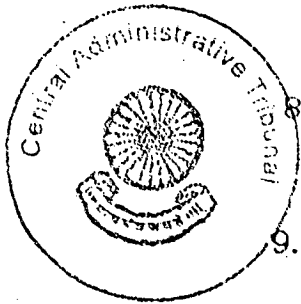
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

Original Application No. 99 of 2005.

Date of order: This the 2nd day of August, 2005.

HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN
HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER

1. Sri Budhan Choudhury,
P.No.14117377
Pmt.Mazdoor,
2. Sri V.K.Tripathi,
P.No.640738
F/Man/Grd.II
3. Sri S.K.Tripathi
P.No.6407319
FED
4. Sri Bachch Singh
P.No.6407320
FED
5. Sri Upender Singh
P.No.6407383
FED
6. Sri Jagdish Prasad
P.No.6407321
F/M,Grd-II
7. Sri Akhey Pradhan
P.No.6407322
F/M,Grd.II
8. Sri Sanyasi Sabath
P.No.NYA
Pmt./Mazdoor
9. Sri Bhagaban Naik
P.No.NYA
Pmt/Mazdoor
10. Sri Ramsamujh Chouhan
P.No.NYA
Pmt/Mazdoor
11. Sri Badal
P.No.6407367
S/Walla



ATTESTED

Smita Bhattacharjee

ADVOCATE

12. Sri Satyanarayan
P.No. 14117446
Pmt/Mazdoor

Applicants

(All the applicants are working under the office of the
Commanding Officer, 50 Coy, ASC(Supply), Type CC/099 APO.)

By Advocate Mr. A. Ahmed

-Versus -

1. The Union of India represented by the Secretary to the Government of India, Ministry of Defence, South Block, and New Delhi-1.
2. The Commanding Officer, 50 Coy, ASC (Supply), Type C, C/o. 99 APO

Respondents.

By Advocate Mr. M. U. Ahmed, Addl.C.G.S.C.

ORDER (ORAL)

SIVARAJAN,I(V.C):

Applicants 12 in number working under the office of the Commanding Officer, 50 Coy, ASC (Supply), Type CC/Co 99 APO have filed this application seeking for direction to the Respondents to pay the arrears of House Rent Allowance as per office Memorandum dated 23.9.1986 issued by the Joint Secretary, Government of India, Ministry of Finance, New Delhi and as per similar order passed in O.A.No.266 of 96 passed by this Tribunal and also as per order passed by the Gauhati High Court in Civil Rule No. 5613 of 1998.

2. We have heard Mr. A. Ahmed learned counsel for the applicant and Mr. M. U. Ahmed learned Addl. CGSC appearing for the Respondents. Mr. A. Ahmed counsel for the applicant submits that the applicants are entitled to HRA based on office Memorandum dated 23.9.1986, since they fulfilled all the requisite conditions for House Rent Allowance. He also submits that the similarly situated persons

who are working alongwith the instant applicants are getting the HRA till date and also arrears of pay as per this Tribunal's order passed in O.A.No.266 of 1996 and series of other cases. Mr. M. U. Ahmed, Addl.

ATTESTED

Smita Bhattacharya

ADVOCATE

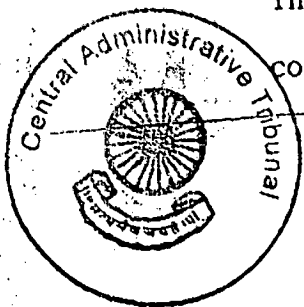
[Signature]

CGSC on instructions submitted that out of the 12 applicants, 4 (four) of them are provided Government free accommodation and the other 8 applicants have made their own arrangement for their residence. Since, all the relevant details for grant of HRA are not available on records, we are of the view that the question of regarding entitlement of HRA under the office Memorandum dated 23.9.1986 and the decision in O.A.No.266 of 1996, has to be considered by the concerned Respondents themselves.

3. [In the circumstances, we are of the view that this O.A. can be disposed of at the admission stage itself. Accordingly there will be a direction to the 2nd Respondents to consider the case of the applicants in the light of the office Memorandum and pass appropriate order regarding granting of HRA within a period of three months from the date of receipt of this Order.] The applicant will co-operate with the Respondents and copy of the order will be furnished to the Respondents to enable them to take a decision in the matter.]

Application is disposed as above at the admission stage itself.

The applicant will produce the order before the 2nd Respondent for compliance.



Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)

Date of Application : 1.8.06
Date on which copy is ready : 1.8.06
Date on which copy is delivered : 1.8.06
Certified to be true copy

ATTESTED

Smita Bhattacharjee
ADVOCATE

N. Smita
1.8.06
Section Officer (Judl)
C. A. T. Guwahati Bench
Guwahati.

11/8/06