

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERS SHEET

Original Application No.

2. Misc Petition No.

3. Contempt Petition No.

4. Review Application No.

20/06 in O.A. 99/05

Applicant(s) Budhan Chandra Tomu

Respondent(s) U.O.T. Govt.

Advocate for the Applicant(s). Adil Ahmed  
M.L.S. Bhattacharya

Advocate for the Respondent(s) M.C.S.C. M.L. Ahmed

Notes of the Registry

Date

Order of the Tribunal

This Contempt Petition has been filed by the Counsel for the petitioner praying for punishment of the Contemner/Respondent for non-compliance of Judgement and order passed by this Hon'ble Tribunal in O.A. 99/05 on 2.8.05.

Laid before the Hon'ble Tribunal for further order.

R.M.

for Section officer

Defect

Draft Charge not enclosed herewith.

Convened

21/05/06  
07/06/06

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 of order dt.  
22/8/06 issuing to

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

22/8/06. D/Ns - 863, 864  
Dl - 28/8/04

Notice duly served  
on resp. no - 2

22/9/06

No affidavit has  
been filed.

22/9/06

No affidavit has  
been filed.

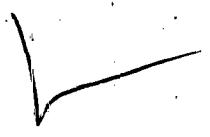
22/11/06

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 contemners 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.

  
Vice-Chairman

Im

23.11.2006

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

Post on 22.12.2006.

  
Vice-Chairman

bb

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 Abducat has been killed

220  
F. 2.07.

### Vice-Chairman

/b b/

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.

1mm

### **Vice-Chairman**

✓  $\kappa - 2$   
12/2/03

Notice for R-2, received  
by Mr. M. M. Ahmed,  
Addl. C.C.S.E, CAT, CHT-5.

Case  
12/207-

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 wif  
Submitted by respondents.

lm

  
Member

  
Vice-Chairman

20.3.07

Copy of the order

has been sent  
to the office for  
recording in due  
to the L.A.D.C. for  
the parties.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Central Admin. Guwahati Bench

(15 MAR 2006) Contempt Petition No. 20/2006

Guwahati Bench 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

M.L. Moud 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 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 ~~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**

  
**Deponent**  
न० कन्नल Col  
न अधिकारी  
Commanding Officer  
कम्पनी ए एस सी (पूर्वी) प्रकार 'सी'  
50 Coy ASC (Sup) Typ  
Solemnly affirm and declare before

me by the deponent who is identified by

M. U. Ahmed Advocate at Guwahati on  
this 12/3 day of March 2007 at  
Guwahati.

# CALCULATION SHEET

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 53 COY ASC (SUP) TYPE 'C' IS AS UNDER :-

(A) 4  
Amx - R - Services

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- 65-3300-70-4000	09/8/99	31/8/99	23 Days	3370/-	253 - 65 =	188.00
				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- -75-4400	05/2002	04/2003	12	3660/-	275 X 12 =	3300.00
				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- 65-3300-70-4000	09/8/99	31/8/99	23 Days	3370/-	253 - 65 =	188.00
				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- -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 :-	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- -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 :-	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- -75-4400	05/2002	04/2003	12	3660/-	275 X 12 =	3300.00
				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 Died on 08 Sep
					Total Rs :-	30611.00

Total Rs :- 30611.00

CTC

मेजर/ Major

प्रशासनिक अधिकारी

Adm CTC

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'

IN LIEU OF IATA-38 (OUTER SHEET)

SUPPLEMENTARY PAY BILL NO 09 DATED 07 FEB 2007

2 (C) Spare Copy <sup>a</sup>

PAY BILL ACQUITTANCE ROLL OF THE ESTABLISHMENT OF : SUP POINT ASC

ATT WITH  
10 COT ASC (SUP)  
TYPE 'C'  
C/0 55 100

For the Month of : ARREARS OF MRA WEF 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 2  
DPO gillies  
niveus Adie  
21° 51' 4" 66' | Dab's (65)  
09 Feb 2007

प्रधान/ Major  
प्रशासनिक अधिकारी  
Adm Cffr  
50 कम्पर्टी प. एस. सी. (पूर्ती) प्रकार 'सी'  
50 Coy ASC (Sup) Type 'C'

CDA SEC Class of Vr Vr No

Absentee Statement 10

10) N. Peekashbaran - 28,898. 00  
 11) NLC Nair - 26,847. 00  
 12) K. V. Shankaran - 30,611. 00

Total Rs. :- 85,856.00

Amount - closing  $\rightarrow$  3,80,683.00  
 Amount - passed  $\rightarrow$  3,80,683.00  
 Amount - paid + 2,94,777.00  
 Amount - Balance  $\rightarrow$  85,856.00

paid by me on 01 Mar 2007

\* Names as shown in absentee statements are presently on leave and their payment will be made on rejoining from leave.

मेजर/ Major  
उप कमान अधिकारी  
Second in-Command  
51 कम्पनी पृष्ठ सी (पूर्ती) प्रकार 'सी'  
50 Coy ASC (Sup) Type 'C'

LCE MIZ JUN 98 IN RESPECT OF

(7)

B

Pay Bill

Net  
payment  
5

Signature

6

32803.00

32803.00

32803.00

32713.00

32713.00

32713.00

32713.00

28398.00 N/P

26847.00 N/P

30611.00 N/P

360633.00

ARREARS OF HOUSE RENT  
CIVILIAN PERSONNEL

Sl No	Rank	Name	Amount of H.H.A
1.	Pt Hazdoor	D B THAPA	32803.00
2.	-do-	G T KUTTAN	32803.00
3.	-do-	P H BHASKARAN	32803.00
4.	-do-	KUNJUNDOAN	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	28398.00
11.	-do-	N R C NAIR	26847.00
12.	-do-	K N THANKACHAN	20611.00
<b>TOTAL RUPEES :-</b>			<b>380633.00</b>

8  
Rs.      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 SRI BAZAR  
BRANCH DIMAPUR (NAGALAND)

Major  
प्रशासनिक अधिकारी  
Adm Offr  
50 कप्यनी ए. एस. सी. (पूर्णी) प्रकार 'सी'  
50 Coy ASC (Sup) Type 'C'  
(Signature of the Offr)

Book Date 15, 19

the necessary words shall consist of one or more  
of the words which follow:

00,668000 80 : 333705 500

Electronic City • 800-544-2424 • [www.electroniccity.com](http://www.electroniccity.com)

ବିଜ୍ଞାନ ପାଠ୍ୟରେ କିମ୍ବା କିମ୍ବା କିମ୍ବା କିମ୍ବା କିମ୍ବା କିମ୍ବା

51/4/f/1/Accts (Civ)

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

REGISTERED BY POST

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

Sept 2007

Letter of 50 COY

Bill forwarded to  
AAO, Shillong

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

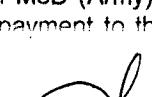
1/c p-8) 06

1. Please refer the followings :-

- (a) OA No 17/2005 filed by Shri S B Tiwari & 11 others Vs UOI & others (Copy attached).
- (b) Hon'ble CAT Guwahati judgement order dt 11 May 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 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.



Ends

**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.

(Ravi Kumar  
Major  
Adm Offr  
For CO

CTC

### मुख्य/ Major

उप कमान अधिकारी

## ~~Second-in-Command~~

50 कम्पनी ए एस बी (पर्टी) प्रकार 'सी'

50 Cox ASC (Sup) Type 'C'

SPB no. 09 dt 7.2.07.

(10)

मा.से.फा. (र. ले. फ.) - 222  
I.A.F (CDA) - 223

R. 185  
01/03/02

(10) 101

cheque  
slip

चेक पर्ची  
CHEQUE SLIP

साथ के लगे चेक का विवरण

Showing how the total of the accompanying cheque is made up

रक्षा लेखा विभाग

DEFENCE ACCOUNTS DEPARTMENT

रक्षा लेखा नियंत्रक कार्यालय  
Office of the C.D.A.

चेक की तिथि  
Date of issue of cheque

चेक पर्ची की क्रम संख्या

Serial number of cheque slip

विवरणीय विवरण

In payment of

जमा करने के लिए  
For credit to the

जोड़ राश्वी में  
To in words

रक्षा लेखा नियंत्रक की ओर  
For the account of

(चेक पर्ची हस्ताक्षर करने वाले  
अधिकारी के हस्ताक्षर)

(signing the cheque)

सेवा में  
To

सार्वजनिक निधि Public Fund	खाता Account of	रु. Rs.	पै. P.
आपदाव पन Emergency Fund	380633	380633	-
व्यक्तिगत Personal	50 Coy A.S.C. Supply	1	1
	2000000000		

रुपये: Three lakh eighty 380633 -

रुपये: Three thousand six hundred thirty three only

(अधिकारी, लेखा पर्ची अनुभाग)

(अधिकारी, लेखा पर्ची अनुभाग)

(Officer, 1/C Admin Section)

3. B.1. Bazaar Branch Dimapur

(Nagaland)

प्रतिलिपि भेजी जाती है :-  
Copy Forwarded to the :-

अफसर कमांडिंग

O/C

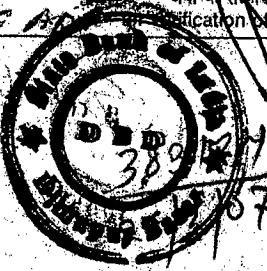
स्थानीय लेखा पर्ची अफसर  
L.A.O.

रक्षा 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 Lakh Pads.



CTC

मेजर/ Major  
उप कमान अधिकारी

Second - in - Command

50 कम्पनी ए स्टेटी (पूर्ती) प्रकार 'सी'

50 Coy A.S.C (Sup) Type 'C'

W

(11)

BY HAND

E  
Nominal Roll  
of Payment

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)

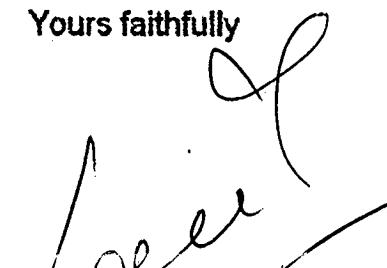
**FORWARDING OF CHEQUE : PAY AND ALLOWANCES  
OF CIV EMPLOYEES**

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

Ser No	Rank	Name	SB AC Number	Amount
1	SM Wala	BADAL	30018394559	14762.00
2	PED	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 ( पूरी ) प्रकार 'सी'

50 Coy ASC ( Sup ) Type 'C'

V

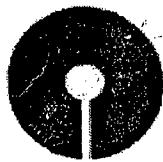
Annexure - R Series

(13)

Certificate 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](mailto:sbi.03598@sbi.co.in)



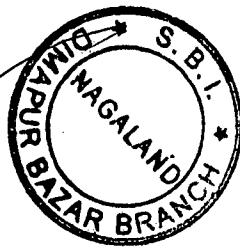
No

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



etc

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

✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI.

FILED BY

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

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 Contemners / 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.O.  
Budhan Choudhury  
✓

(D) /

**-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 / Contemnors

The humble Petition of the above  
named Petitioner :

**MOST RESPECTFULLY SHEWETH:**

- 1) That your humble Petitioner along with 11others 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 / contemnors 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  
Bishan Choudhury



proceeding under the Contempt of Court Act against the alleged Contemners / 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 / Contemners have shown disrespect, disregard and willful disobedience to this Hon'ble Tribunal. The Respondents / Contemners 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 / Contemners deserve punishment from this Hon'ble Tribunal. It is a fit case where the Respondents / Contemners 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 / Contemners 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  
Budhan 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  
Birendra Choudhury

**-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  
Birendra Choudhury



**- A F F I D A V I T -**

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:

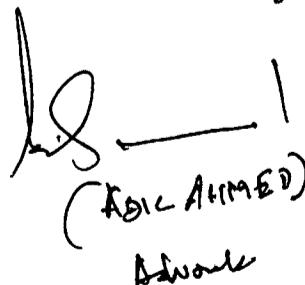
Smita Bhattacharjee

Advocate

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



L.T.I of  
Budhan Choudhury



Adil Ahmed  
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

Original Application No. 99 of 2005.

Date of order: This the 2<sup>nd</sup> 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

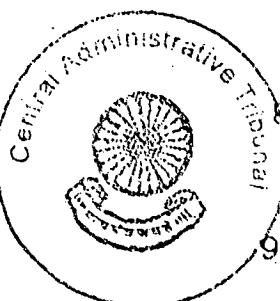
8. Sri Sanyesi Sabath  
P.No.NYA  
Pmt./Mazdoor

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

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



**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 Bhattacharjee

**ADVOCATE**

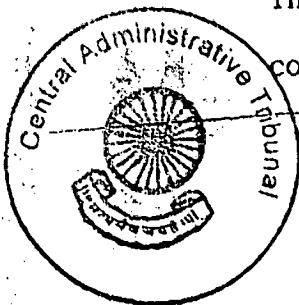
*[Signature]*

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 2<sup>nd</sup> 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 2<sup>nd</sup> 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

N Sarmah  
1.8.06  
Section Officer (Jndl)  
C. A. T. Guwahati Bench  
Guwahati

**ATTESTED**

Smita Bhattacharjee  
ADVOCATE

11/8/06