

CENTRAL BOARD OF DIRECTORS  
GENERAL INQUIRIES

ORDER SHEET

1. Original Application No. /

2. Mise Petition No. /

3. Contempt Petition No. 11/07 in 241/06

4. Review Application No. K. P. Singh vs

Applicant(S) Dulal Kantideb vs Union of India & Ors

Advocate for the Applicant(S) Mrs. S. N. Tamuli

Ms. M. Dutta

Advocate for the Respondant(S) .....

Notes of the Registry	Date	Order of the Tribunal
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This Contempt petition has been filed by the learned for the applicant and praying in invoking the power of this Hon'ble Tribunal u/s 17 of the Act, 1985 in the matter of O.A 241/06.

22.8.2007 Post on 26.7.2007. In the meantime Applicant will submit the affidavit in correct form and order.

  
Vice-Chairman

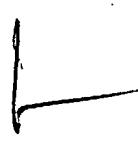
Laid before the Hon'ble Court for further order.

Office  
for Section officer

/bb/

Dr.J.L.Sarkar, learned Railway Standing counsel wanted to ascertain the position regarding compliance of the order of this Tribunal.

Post on 25.9.2007.

  
Vice-Chairman

21.8.07  
No Affidavit filed  
in proper form  
by

25.9.07. Mrs. U. Dutta learned counsel for the applicant and Dr.J.L.Sarkar learned Railway Standing counsel for the Respondents are present. At the request of Dr.J.L.Sarkar learned counsel for the respondents case is adjourned to 5.11.07.

21  
C/A/11/07

25.9.07. Mrs. U. Dutta, learned counsel for the applicant, and Dr.J.L.Sarkar, learned Railway Standing counsel for the Respondents are present. At the request of Dr.J.L.Sarkar, learned counsel for the respondents, case is adjourned to 5.11.07. Post the matter on 5.11.07.

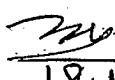
  
Vice-Chairman

lm

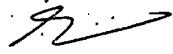
05.11.2007 Dr.J.L.Sarkar, learned Railway Standing counsel submitted that the orders of this Tribunal have already been complied with and he wanted six weeks time to file compliance report.

Call this matter on 19.12.2007.

Compliance report  
not filed.

  
18.12.07.

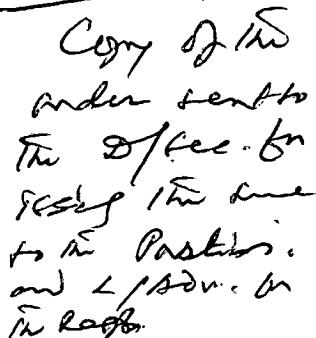
/bb/

  
Member (A)

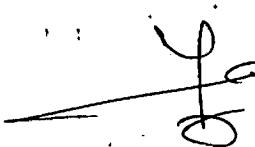
19.12.2007 Heard learned counsel for the parties.

For the reasons recorded separately, this Contempt Proceeding is dropped.

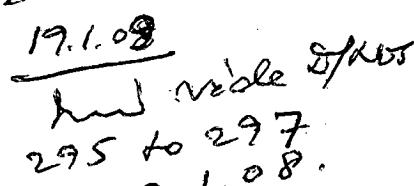
17.1.08

  
Copy of the  
order sent to  
the office for  
executing the same  
to the Parties  
and L/Bd. on  
16/12/07.

/bb/

  
(M.R.Mohanty),  
Vice-Chairman

19.1.08

  
had visible S/P/05  
295 to 297.  
D, 22.1.08.

  
SKS

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Contempt Petition No. 11 of 2007

11

Original Application No. 241 of 2006

Date of Order: This, the 19th Day of December, 2007

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

Shri Dulal Kanti Deb  
Ex.Crew. Controller/Loco Inspector  
Under SSE/LOCO/LMG  
Lumding Kalibari  
Pukurpar (Doli Bhawan).

..... Contempt Petitioner.

By Advocates Mrs.U.Dutta & Mr.S.N.Tamuli.

## - Versus -

1. Shri K.P.Singh  
Divisional Railway Manager (P)  
Lumding Division  
Lumding.

.....Alleged Contemner/Respondent.

By Dr.J.L.Sarkar, Railway Standing counsel.

**ORDER(ORAL)**

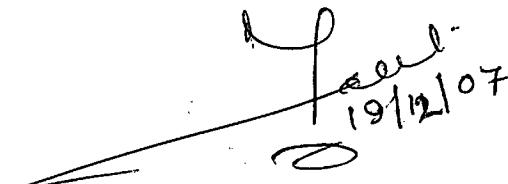
**MANORANJAN MOHANTY, (V.C.)**

Heard Mr. S.N.Tamuli, learned counsel appearing for the Petitioner and Dr.J.L.Sarkar, learned Standing counsel for the Railways.

2. Non compliance of the order dated 20.09.2006 of this Tribunal, rendered in O.A. No. 241/2006, is the subject matter of this contempt proceeding. By filing an Affidavit, the alleged contemner/Respondent/the Deputy Chief Personnel Officer/RRC, has tendered unqualified apology for the delay in compliance of the order. It has also been disclosed by the

Respondent (and admitted by the learned counsel appearing for the Petitioner) that the order of this Tribunal dated 20.09.2007 ~~of this Tribunal~~ has already been complied with.

3. In the aforesaid premises, this Contempt Proceeding is dropped.

  
19/12/07  
(MANORANJAN MOHANTY)  
VICE-CHAIRMAN

/bb/

- 2 JUL 2007

गुवाहाटी बाबापीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI.

C.P. No. 11 / 2007

- IN -

O.A. No. 241 of 2006

Shri Dulal Kanti Deb

Ex. Crew. Controller/Loco Inspector

Under SSE/LOCO/LMG

Lumbding Kalibari

Pukurpar (Doli Bhawan)

--- Contempt Petitioner

- VERSUS -

(1) Shri K.P. Shing

Divisional Railway Manager (P)

Lumbding Division

Lumbding

-- Alleged Contemner

Filed by the petitioner  
S. N. Tammik  
through  
Advocate

- AND -

A petition praying for invoking the power of this Hon'ble Tribunal under Section 17 of the A.T. Act-1985 in the matter of O.A. No. 241 of 2006 of this Hon'ble Tribunal.

**The petitioner MOST RESPECTFULLY begs to state as under :**

(1) That the petitioner in this contempt petition filed the O.A. No. 241/0 seeking for a direction for stepping up of pay of applicant to the extent of his juniors in the same cadre i.e. CC/LI (Crew Controller/Loco Inspector and other allied benefits. The Hon'ble Tribunal was pleased to dispose the Original Application (i.e. O.A. No. 241/06) with the following direction :

"Considering the submissions made as above and in the interest of justice I direct the applicant to forward a copy of this O.A. as well as the representatives already filed by him to the second respondent forthwith in any case within 10 days from today. On receipt of the same the second

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respondent or any other competent authority shall consider and dispose of the representations by speaking order communicating the same to the applicant within a time frame of three months thereafter ...."

Copy of the order dated 29/9/2000  
is enclosed as *Annexure A.*

(2) That applicant received a copy of the order dated 20/9/2006 on 27/10/06 and immediately submitted a copy of the O.A. and order dated 20/9/06 to the Divisional Railway Manager (P), Lumbding Division, Lumbding i.e. Respondent No. 2 in the O.A. on 1/11/06 along with a forwarding letter dated 2/11/06.

A copy of the said forwarding  
letter is enclosed as *Annexure B.*

(3) That respondent No.2 in the O.A. i.e. Divisional Railway Manager (P) received the order of Hon'ble Tribunal on 2/11/06 along with the copy of the O.A. but have not dispose of the representation of the petitioner till today and have not communicated it to the petitioner nor has stepped up the pay of the petitioner although the same was vatted by the Accounts. By this the respondents has intentionaly and deliberately disregarded the order of the Hon'ble Tribunal and intentionaly did not comply with the said order which, in humble submission of the petitioner amounts to contempt of the Hon'ble Tribunal.

(4) This petition is filed bonafide and for cause of justice.

Under the circumstances explained above the petitioner most humbly prays that the Hon'ble Tribunal may be pleased to issue notice to the respondent in this petition to show cause as to why proceedings for contempt of court shall not be initiated against him for willful disobedience and negligence to comply with the order of this Hon'ble Tribunal dated 29/9/2006 in O.A. No. 241/06 and after hearing the parties pass any other order as this Hon'ble Tribunal deems fit and proper.

AND for this the petitioner shall ever pray.

Deulal Kewali Deb

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### AFFIDAVIT

I, Dulal Kanti Deb aged about 62 years Son of Late Annada Charan Deb a resident of Doli Bhawan, Lumbding Kalibari Ex., Crew Controller/Loco Inspector under SEE/Loco/ LMG do hereby solemnly affirm and say that statements made in paras 1 to 5 of the petition are true to my knowledge and belief. And I have not suppressed any material facts.

Guwahati

29/4/07

*Dulal Kanti Deb*

Deponent

*I*

Identified by me

*Subanta Nath*

Advocate

Solemnly affirmed and sworn in before  
me this the 16th day of January 2006 at  
Guwahati being

Identified by Shri ..... *S. Nath* .....  
Advocate

*Subanta Nath*  
Advocate

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### DRAFT CHARGE OF CONTEMPT

The alleged contemners have violated and deliberately neglected to comply with the direction in order dated 20.9.06 of the Central Administrative Tribunal, Guwahati Bench, in O.A.No. 241/06 and thereby committed contempt of the Hon'ble Tribunal for which they deserve to be punished under the law of contempt.

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**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 241 of 2006.

Date of Order: This, the 20th day of September, 2006.

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN.

Shri Dulal Kanti Deb  
Ex. Crew Controller/Loco. Inspector  
Under SSE/LOCO/LMG  
Lumding Kalibari  
Pukarpar (Doli Bhawan)

.....Applicant.

By Advocate Shri S.N. Tamuli.

- Versus -

1. The Union of India  
Represented by the General Manager  
N.F.Railways, Maligaon  
Guwahati.

2. Divisional Railway Manager (P)  
Lumding Division  
Lumding.

.....Respondents.

By Dr. J.L. Sarkar, Railway Standing Counsel

**ORDER (ORAL)**

SACHIDANANDAN, K.V., (V.C.)

The applicant has retired from service under the respondents as Loco Inspector on 31.12.2003 and according to him, from 01.01.1996 the pay of the Railway employees was fixed as per the recommendation of the 5<sup>th</sup> Pay Commission and the applicant and few others are getting less salary than their juniors. On representation, the Accounts and Finance Wing vetted stepping up the pay of the employees including

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that of the applicant. Stepping up of salary of his juniors like namely Sri. Himangshu Chakraborty was taken up but applicant's case was not considered. He made representations on 26.10.2004 and 4.10.2005, which have not yet been considered and disposed of. Hence, this Original Application.

2. Heard Mr. S.N.Tamuli, learned counsel for the applicant and Dr.J.L.Sarkar, learned Standing counsel for the Railways.

3. When the matter came up for admission, counsel for the applicant submits that since Accounts and Finance Wing of the respondents has already vetted and approved stepping up of pay vide Annexure-B letter dated 29.10.2002 he will be satisfied if a direction is issued to the second respondent to consider and dispose of the representations of the applicant with a speaking order and if found eligible to grant the benefit. Counsel for the respondents submits that respondents have no objection in adopting such course of action. He further submits that since the applicant has retired he may be directed to forward a copy of this O.A. and also the copy of the representations so filed by him to the respondent authority forthwith.

3. Considering the submissions made as above and in the interest of justice I direct the applicant to forward a copy of this O.A. as well as the representations already filed by him to the second respondent forthwith in any case within 10 days from today. On receipt of the same the second

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respondent or any other competent authority shall consider and dispose of the representations by a speaking order communicating the same to the applicant within a time frame of three months thereafter.

The Original Application is disposed of as above.  
In the circumstances, there is no order as to costs.

SD/VICE CHAIRMAN

TRUE COPY

Central Library, Boston, Massachusetts

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To

The Divisional Railway Manager (P),  
Lumding Division,  
Lumding.

Sir,

I am submitting some Papers of CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH ORDER of 20th, September/2006 in 3(three) Sheets along with O.A.-214 of 2006 in 18 (Eighteen) Sheets and O.A.-241 of 2006 in 19(Nineteen) Sheets Total 40(Forty) Sheet for your disposal please.

Please acknowledge receive and oblige.

Date = 02/11/2006.

D.A.  
3(three) in 40(Forty) sheets.

Your's faithfully,

Shri Dulal Kanti Deb

(Shri Dulal Kanti Deb )

Ex. Loco Inspector/LMG,  
Kalibari Pukurpar,

( Doli Bhawan)

P.O.- Lumding,

Dist- Nagaon,

State- Assam.

PIN - 782447.

*Received  
1/11/06*

File in Court on.....

Court Officer.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH  
GUWAHATI

C.P. No. 11/07

in

O. A. No. 241/06

Shri Dulal Kanti Deb

Vs.

Shri K.P. Singh

Filed by the resp. party

For Dr. J. L. Sarker.

Ram Ch. Son. Chawdhury  
Advocate.

10.12.07

Compliance of order dated 20.9.2006

in O.A. No. 241/2006.

The respondent in the above case most respectfully  
beg to state as under :-

1. That the respondent has gone through the contempt petition and has understood the contents thereof.
2. That the matter relate to past period and is a case for fixation of pay in reference to 5th Pay Commission Recommendation, with reference to pay of junior. The proposal was discussed was misplaced. For all these reasons there has been some delay in passing the final order. The answering respondent is law abiding and has full regard for the Hon'ble Tribunal. There is/was no intentional negligence in complying with the Hon'ble Tribunal's order.

Contd....2/-

However, the answering respondent apologises for the unintentional delay. The applicant has been sent a copy of the order of fixation of pay.

Copy of the order dated .....  
..... for fixation of  
pay is enclosed as Annexure-I.

3. That in the circumstances explained above, the Hon'ble Tribunal may be pleased to close the contempt petition.

Affidavit ..... P/3

Contd.....

Khawankhan  
#7 Chief Personnel Officer / ec  
N.F. F.M. 21/ 6/1949  
Guwahati-11

**BEFORE THE NOTARARY: KAMRUP AT GUWAHATI**

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

Shri K. P. Singh aged about 35 years, Son of Kh. Dinamani Singh, resident of GM Office, N.F. Railway, Maligaon do hereby solemnly affirm and state as follows:-

1. That I am working as Deputy Chief Personnel Officer/RRC Contemnor No. 1 in the instant Contempt proceedings and as such am acquainted with the facts and circumstances and being Contemnor No. 1, I am to swear this affidavit for self.
2. That the Deponent begs to state that as the Contempt proceedings is pending before the Central Administrative Tribunal, Guwahati Bench and as such this affidavit will be filed before the Court referred to above.
3. That the statement made in paragraphs 1 to 3 are true to my knowledge, and those made in paragraphs are true to my information being matter of records which I believe to be true and I sign this affidavit on this \_\_\_\_\_ the day of November 2007 at Guwahati.

Identified by

*Chirainakpan Pratap Singh*  
21, Chief Personnel Officer/RRC  
N.F. Railway, Maligaon  
Guwahati-13

Advocate

Solemnly affirmed and declared by the  
Deponent before me who is identified by  
\_\_\_\_\_, Advocate on  
this \_\_\_\_\_ th day of Nov' 2007 at  
Guwahati.

**Notary**

## Northeast Frontier Railway

No. E/283/1/LM(Stepping Up of Pay)

Office of the  
Divil.Rly.Manager (P)  
Lumding. Dtd. 30.10.2007

To,  
Shri Dual Kanti Deb, Ex. CC/LI/LMG  
Doli Bhushan, Phukirpar,  
Kalibari Colony,  
Po- Lumding, Dist- Nagaon, (ASSAM)

Sub :- Compliance with the Hon'ble CAT/GHY's order Dtd. 20.09.06  
passed in OA 241/06 (Dulal Kt. Deb) – VS – Union of India &  
others.

Ref :- Your representations dtd. 26.08.2004 & 04.10.05.

~~~~~  
Your above mentioned representations were gone through in compliance with the Hon'ble CAT/GHY's order quoted above & found that you are entitled for stepping up of pay to the extent of the pay of your junior Shri Himangshu Chakraborty, Ex. PRC/MLG. Accordingly, your pay in scale Rs. 6500-10500/- have been stepped up from 15.08.96 and onward to the extent of your junior Shri Himangshu Chakraborty under CME's office, MLG in scale Rs. 6500-10500/- vide GM(P)/MLG's Memo. No. E/283/1/LM(Stepping up Pay) dtd. 17.10.2007 (copy enclosed). The preparation of arrear bill is under process.

This is for your kind information please.

*Deb* 30/10/07  
(A.C.Konwar)  
APO/II/LMG  
for Divil.Rly.Manager (P)  
N.F.Rly: Lumding

www.WLSonowal.Com

*Dulal Kanti Deb*  
27/11/07

*After Step*  
*Ch*  
30/10/07  
राजभाषा वाचकाल  
Rajbhasha Adhikari  
गुरु श्री रेण छामहिल  
N. F. Rly., Lumding

*30/10/07*



- 5 -

NORTHEAST FRONTIER RAILWAY

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MEMORANDUM

In terms of extant provision of Fifth Pay Commission rule, the pay of Shri D.K.Deb, Ex.CC under DRM(P)/LMG in scale Rs. 6500-10500/- is stepped up from 15.08.96 & onwardsto the extent of pay of his junior Shri Himanshu Chakraborty, Ex.PRC under CME's office Maligaon, in scale Rs. 6500-10500/-.

| S<br>1 | Name &<br>Designation<br>of senior<br>person. | Pay already fixed<br>& drawn                                                                                                                                                                                                                                      | Pay step up to the<br>extent of pay of<br>PRC                                                                                                                                                                                                                      | Name &<br>Designation of<br>Junior person. | Pay fix & drawn                                                                                                                                                                                                                                                         |
|--------|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1      | Shri<br>D.K.Deb,<br>Ex.CC                     | Rs.7100/- w.e.f<br>1.1.96<br>Rs.7300/- w.e.f<br>1.4.96<br>Rs.7500/- w.e.f<br>1.4.97<br>Rs.7700/- w.e.f<br>1.4.98<br>Rs.7900/- w.e.f<br>1.4.99<br>Rs.8100/- w.e.f<br>1.4.00<br>Rs.8300/- w.e.f<br>1.4.01<br>Rs.8500/- w.e.f<br>1.4.02<br>Rs.8700/- w.e.f<br>1.4.03 | Rs. 8100/- w.e.f<br>15.8.96<br>Rs.8300/- w.e.f<br>1.8.97<br>Rs.8500/- w.e.f<br>1.8.98<br>Rs.8700/- w.e.f<br>1.8.99<br>Rs.8900/- w.e.f<br>1.8.00<br>Rs.9100/- w.e.f<br>1.8.01<br>Rs.9300/- w.e.f<br>1.8.02<br>Rs.9500/- w.e.f<br>1.8.03<br>(V.R. w.e.f<br>31.12.03) | Shri Himanshu<br>Chakraborty,<br>Ex.PRC    | Rs. 8100/- w.e.f<br>15.8.96<br>Rs. 8300/- w.e.f<br>1.8.97<br>Rs. 8500/- w.e.f<br>1.8.98<br>Rs. 8700/- w.e.f<br>1.8.99<br>Rs. 8900/- w.e.f<br>1.8.00<br>Rs. 9100/- w.e.f<br>1.8.01<br>Rs. 9300/- w.e.f<br>1.8.02<br>Rs. 9500/- w.e.f<br>1.8.03<br>(VR w.e.f<br>31.12.03) |

This has been vetted by FA&CAO/ENGA vide endorsement dt. 17.10.07 and approved by competent authority.

(Anvita Sinha)  
Sr. Personnel Officer/Mech  
For General Manager (P)  
Maligaon, dt. 17.10.07

No. E/283/1/LM(Stepping up pay)

Copy forwarded for information & necessary action to:-

1. FA&CAO/MLG
2. Sr.DME/LMG
3. Dy.CPO/HQ
4. DRM(P)/LMG
5. DFM/LMG
6. DAO/LMG
7. Bill Clerk(E)/ EM/LMG
8. Dealing Clerk(E)/LMG
9. Shri, D.K. Deb. Ex.CC/LMG of office

(2) 17/10/07  
For General Manager (P)

de

*Amrit*  
*On 30/10/07*  
तात्पुरता बलिष्ठ  
Rajbhasha Adhikari  
मूर्ति रेखा बासिन्दा  
214, Lumbini

Dulal Kanti Deb

29.10.07

*On 29/10/07*  
*Deb*  
*On 29/10/07*  
*Deb*

CENTRAL CHARTERED ACCOUNTANTS  
CHAMBER, DELHI

ANSWER SHEET

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

2. Misc Petition No. \_\_\_\_\_ 11/07 in 241/06

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

4. Review Application No. Dulal Kantideb / K. P. Singh & Ors.

Applicant(s) \_\_\_\_\_ vs. Union of India & Ors.  
Mr. S. N. Taimali

Advocate for the Applicant(s) \_\_\_\_\_ Ms. J. D. Datta

Advocate for the Respondent(s) \_\_\_\_\_

| Date      | Order of the Tribunal                                                                                                                                                  |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.7.2007  | Post on 26.7.2007. In the meantime<br>Applicant will submit the affidavit in correct form<br>and order.                                                                |
| bb/       | Vice-Chairman                                                                                                                                                          |
| 22.8.2007 | Dr. J. L. Sarkar, learned Railway<br>Standing counsel wanted to ascertain the<br>position regarding compliance of the order<br>of this Tribunal.<br>Post on 25.9.2007. |

Vice-Chairman

Copy 11/07

25.9.07. Mrs. U. Dutta learned counsel for the applicant, and Dr.J.L.Sarkar learned Railway Standing counsel for the Respondents are present. At the request of Dr.J.L.Sarkar learned counsel for the respondents case is adjourned to 5.11.07. Post the matter on 5.11.07.

Vice-Chairman

lm

10/11/07 10.11.07

10.11.07

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 241 of 2006.

Date of Order: This, the 20th day of September, 2006.

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN.

Shri Dulal Kanti Deb  
Ex. Crew Controller/Loco Inspector  
Under SSE/LCCO/LMG  
Lumding Kalibari  
Pukhrpar (Doli Bhawan) ..... Applicant.

By Advocate Shri S.N. Tamuli.

- Versus -

1. The Union of India  
Represented by the General Manager  
N.F.Railways, Maligaon  
Guwahati.
2. Divisional Railway Manager (P)  
Lumding Division  
Lumding.

..... Respondents.

By Dr.J.L.Sarkar, Railway Standing Counsel

O R D E R (ORAL)

SACHIDANANDAN, K.V., (V.C.)

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46

that of the applicant. Stepping up of salary of his juniors like namely Sri Himangshu Chakraborty was taken up but applicant's case was not considered. He made representations on 26.10.2004 and 4.10.2005, which have not yet been considered and disposed of. Hence, this Original Application.

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respondent or any other competent authority shall consider and dispose of the representations by a speaking order communicating the same to the applicant within a time frame of three months thereafter.

The Original Application is disposed of as above.  
In the circumstances, there is no order as to costs.

Sd/ VICE CHAIRMAN

BB