

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

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

2. M.Bs Petition No. \_\_\_\_\_

3. Contempt Petition No. 2/08 in O.A 225/07

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

Applicant(s) .... Rintu Roy ..... VS Union of India & Ors

Advocate for the Applicants.. M. Chanda, S. Nath, M. K. Datta.

Advocate for the Respondent(s): ..... 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 petitioner w/s 17 of the CAT Act, 1985, praying for initiation of a contempt proceeding against the alleged contemnor for non-compliance of the order dt. 28.8.07 as well as order dated 28.9.07 passed in O.A. No. 225/07.

04.02.2008 A copy of the C.P. No.2/2008 has been supplied to Mrs.M.Das, learned Addl. Standing counsel in Court today.

Call this matter on 05.03.2008 along with O.A. 225/2007.

05.03.08 Heard Mr M.Chanda, learned counsel for the applicant.

Issue notice to the Respondents returnable by four weeks.

Call this matter on 24.4.2008.

Khushiram  
Member (A)

(M.R.Mohanty)  
Vice-Chairman

Laid before the  
Hon'ble Court for further  
orders.

Section officer  
(<sup>Recd</sup> ~~Recd~~) dated

pg

24/2/08

Recd

(M.R.)  
26/2/08

Khushiram  
Member(A)

C.P.M.C.02/2008 (O.A.225/07)

Notice & order sent  
to D/Section for  
issuing to resp.  
nos 1 and 2 day  
regd. A/D post.

24.04.2008 Call this matter on 08.05.2008  
alongwith O.A.No.225/2007.

  
(M.R. Mohanty)  
Vice-Chairman

nkm

~~Call~~ 108 DT = 1420  
20/3/08 20/3/08

08.05.2008 Call this matter on 20.6.2008  
alongwith R.A. 5 of 07 for hearing.

1.5.08

Affidavit submitted  
by Repadu No. 2. copy  
served.

  
(Khushiram)  
Member(A)

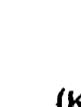
  
(M.R. Mohanty)  
Vice-Chairman

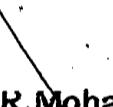
20.06.2008

Call this matter on 2<sup>nd</sup> September,

10.6.08

A letter dated 17.4.08  
received by this Registry  
from Lt. Col, OC Admin Wing  
For offg. Comdt, regarding  
Address of Repadu No. 1  
in C.P. 2/08 in O.A.225/07  
which will speak itself.

  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

20.06.2008

Call this matter on 2<sup>nd</sup> September  
2008 along with O.A.225 of 07.

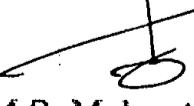
  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

02.09.2008

Call this matter on 30.09.2008  
alongwith O.A.No.225/2007.

  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

nkm

01.12.2008 Call this matter on 22.01.2009  
alongwith the O.A.

  
(M.R. Mohanty)  
Vice-Chairman

nkm

3.12.08

Reply filed  
by the petitioner.  
Copy served.

22.1.09 Bench is not available  
List on 27.2.09

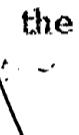
  
10/ce

O.A.259/07

04.06.2008

None appears for the Applicant nor  
the Applicant is present.

Call this matter on 10.06.2008 for  
hearing.

  
(Khushiram)  
Member (A)

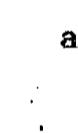
  
(M.R. Mohanty)  
Vice-Chairman

nkm

C.P.18/07

04.06.2008

Call this matter on 10.06.2008  
alongwith the O.A.

  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

nkm

O.A.111/06

06.06.2008

None appears for the Applicant nor

(CP 2/02/08 OA 225/07)

Reply filed.

22.4.09

27.02.2009. Call this matter on 24.04.2009  
alongwith the O.A.

  
(M.R. Mohanty)  
Vice-Chairman

nk

24.04.2009 Call this matter on 05.06.2009 along with  
O.A.225 of 2007.

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

05.06.2009 Call this matter on 31.07.2009 along with  
O.A.225 of 2007.

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

31.07.2009 Call this matter on 06.08.2009 along with  
O.A.225 of 2007.

  
(M.K. Chaturvedi)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

06.08.2009 Heard Mr. M. Chanda,  
learned counsel appearing for the  
Applicant and Mrs. Manjula Das,  
learned Addl. Standing Counsel  
appearing for the Respondents and  
perused the materials placed on record.

Hearing concluded. Judgment  
reserved.

  
(M.K. Chaturvedi) (M.R. Mohanty)  
Member(A) Vice-Chairman

lm

C.P. 2/09 (O.A. 225/07)

10.09.2009 Judgment pronounced in open.

Court. Kept in separate sheets. C.P. is dropped. No costs.

15/9/09

Judgment order

dt'd 10/9/09 send its  
the D/Section for  
issuing to the Applicant  
2 Respells. by Regd post.

/lm/

(M.K.Chaturvedi)  
Member (A)

(M.R.Mohanty)  
Vice-Chairman

D/Wa. 11397-11390 ~~22/09~~  
dt'd 22/9/09 15/9/09

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI  
C.P.No.02/2009 (in O.A.No.225/2007)

Dated 10.09.2009

Shri Rintu Roy  
By Advocate Mr M. Chanda

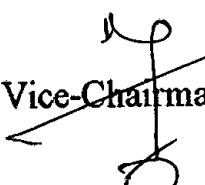
Applicant

Brig. R.M. Painuly & another  
By Advocate Mrs. Manjula Das, Addl. Standing Counsel

Respondents

Present: The Hon'ble Mr. Manoranjan Mohanty, Vice-Chairman  
The Hon'ble Mr. M. K. Chaturvedi, Administrative Member

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether their Lordships wish to see the fair copy of the judgment? Yes/No
4. Whether to be forwarded to other Benches? Yes/No

  
Vice-Chairman/Administrative Member

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI  
C.P.No.02 of 2009(in O.A.No.225/2007)

This the 10th day of September 2009

Present The Hon'ble Mr Manoranjan Mohanty, Vice-Chairman  
The Hon'ble Mr. M.K. Chaturvedi, Administrative Member

Shri Rintu Roy,  
No.14117514 Model Maker,  
Counter Insurgency and  
Jungle Welfare School,  
Pin: 900446, C/O- 99 APO.

Applicant

By Advocate Mr M. Chanda

Versus

1. Brig. R.M. Painuly,  
Commandant,  
Counter Insurgency and  
Jungle Welfare School,  
Pin: 900446, C/O 99 APO.
2. Shri S.K. Das  
Sr. Area Accounts Officer,  
Area Accounts Office  
Bivar Road, Shillong-1

Respondents

By Advocate Mrs. Manjula Das, Addl. Standing Counsel  
ORDER  
C.P.No.02/2009 (in O.A.No.225/2007)

Manoranjan Mohanty, Vice-Chairman:-

Non-compliance of the interim restraint orders dated 28.08.2007 and 28.09.2007 rendered in O.A.225 of 2007 is the subject-matter of allegation in this Contempt Petition No.2 of 2008.

2. By way of filing a reply, the Respondent No.2 has disclosed as under:-

“...I beg to state that consequent upon proposal from the unit for grant of ACP, the pay of the petitioner was fixed at the higher scale of Rs.4000/- with effect from 20.05.2003. However the said benefit was granted erroneously on the pay scale of Rs.4000-6000 instead of Rs.3200-Rs.4000.

As per clarification dated 02.12.2004 of the Director General of Military Training, General Staff Branch, Army Headquarters, DHQPO, New Delhi-110011, (Respondent no.2 of the O.A.) the post of the Model Maker is a promotional post and the said post is to be filled up from the Model Mazdur with 5 years service. Consequently the

8

petitioner will be eligible for grant of ACP only after completion of 12 years service after re-mustering from Cook to model Mazdur. Thus, 1<sup>st</sup> ACP granted to the petitioner on 01.12.2000 is irregular and not as per rule. Accordingly the petitioner's pay was fixed reverting to earlier lower scale.

Excess payment due to fixation of higher scale on Pre-Mature Grant of Assured Career Progression was made to the petitioner with effect from 20.05.03 to 31.07.07. However in compliance with the Hon'ble Tribunal orders dated 28.08.07 and 28.09.07 no recovery of excess payment has been made."

3. Respondent No.2 has also stated as under:-

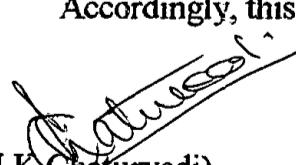
"... I beg to state that as soon as he order dated 28.08.07 and 28.09.07 passed by the Hon'ble Tribunal, the respondents/contemners immediately complied with the Hon'ble Tribunal's order and stopped the recovery of excess payment from the applicant. He also confirmed from the Commandant, Jungle Welfare School that in compliance with the Hon'ble Tribunal's order dated 28.08.07 and 28.09.07 no recovery of excess payment has been made thereafter."

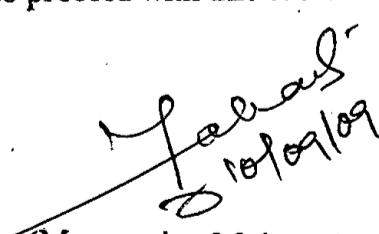
4. By way of filing a rejoinder, the Applicant has placed on record a salary statement of 09.09.2008 to show that some recoveries were being effected from the salary of the Applicant. But there are nothing to show that there were any recovery on the count of excess payment of ACP.

5. By our order dated 10.09.2009 rendered in O.A.225/2007, we have already held that recovery was ordered for just reason and that should be done upon grant of ACP from 01.12.2007.

6. In the above premises, there remains nothing to proceed with this case.

7. Accordingly, this C.P. is dropped. No costs.

  
(M.K. Chaturvedi)  
Administrative Member

  
(Manoranjan Mohanty)  
Vice-Chairman

cm

W, 23 JUN 2008

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 17 of the Administrative Tribunals Act, 1985)

Title of the case : C.P. No. 2 /2008

IN O.A. No. 225/2007

Shri Rintu Roy : Applicant.

-Versus-

Union of India & Ors. : Respondents.

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4.	II	Copy of the order dated 28.09.07	7-8
5.	III (Series)	Copy of the representation dated 13.10.07 along with forwarding letter dated 13.10.07	- 9 - 10-11.

Filed By:

S. KALI  
Advocate

Date:- 23/01/08.

24 JAN 2008

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Guwahati Bench  
GUWAHATI BENCH: GUWAHATI

(An application under Section 17 of the Administrative Tribunal Act, 1985)

CONTEMPT PETITION No. 2/2008

In O.A No. 225/2007

filed by the petitioner  
Rintu Roy, S. Nak.  
Advocate  
23/01/08.

In the matter of:

Shri Rintu Roy.

... Petitioner.

-Versus-

Brig. R.M. Painuly & ~~Others~~ Another

... Respondents/  
Alleged contemnors.

-And-

In the matter of:

An application under Section 17 of the  
Administrative Tribunals Act, 1985.  
praying for initiation of a Contempt  
proceeding against the alleged  
contemnors for non-compliance of the  
order dated 28.08.2007 as well as order  
dated 28.09.2007 passed in O. A. No.  
225/2007.

-And-

In the matter of:

Shri Rintu Roy,

No. 14117514 Model Maker,

Counter Insurgency and

Jungle Welfare School,

Pin: 900446, C/O- 99 APO,

-Versus-

Rintu Roy

27 JAN 2008

1. Brig. R.M Painuly,  
Commandant,  
Counter Insurgency and  
Jungle Welfare School,  
Pin: 900446, C/O- 99 APO.

2. Shri S.K. Das,  
Sr. Area Accounts Officer,  
Area Accounts Office  
Bivar Road, Shillong- 1.

... Respondents/  
Alleged contemnors.

The humble petitioners above named

Most respectfully sheweth:-

1. That the petitioner has approached this Hon'ble Tribunal through O.A. No. 225/2007 against the impugned letter No. 74175/Cir/VCPC/CS/MT-7 dated 02.12.2004, letter bearing No. Pay/Tech Co-ord 19 (B) ACP Army dated 20.03.2006, letter bearing letter No. 6013/ACP/Adm dated 31.05.2006 and letter bearing No. Pay/Tech/Coord/49 (B)/ACP dated 25.07.2007 and praying for a direction upon the respondents to grant revised higher pay scale of Rs. 4000-6000/- w.e.f. 01.01.1996 and also for a declaration by this Hon'ble Tribunal that the respondents are not entitled to make any recovery in terms of the impugned order dated 25.07.2007. The petitioner has also prayed in the OA No. 225/07 that the Hon'ble Tribunal be pleased to stay operation of the impugned letter bearing letter No. 6013/ACP/Adm dated 31.05.2006 and letter bearing No. Pay/Tech/Coord/49 (B)/ACP dated 25.07.2007 till disposal of the Original Application.
2. That the petitioner states that the O.A. No. 225/2007 came before this Hon'ble Tribunal on 28.08.2007 for admission and the Hon'ble Tribunal after hearing Counsels of the parties and after perusal of materials on record was pleased to direct the respondents that further recovery, if any, will be kept in abeyance till the next date. It is stated that on 28.09.2007 the matter came before the Hon'ble Tribunal for further consideration and the Hon'ble Tribunal was pleased to issue notice to the respondents and the

Rinta Ray

21/09/2007

Hon'ble Tribunal as an ~~ad-interim~~ <sup>देशी न्याय</sup> measure, directed that no recovery should be made from the applicant until further orders.

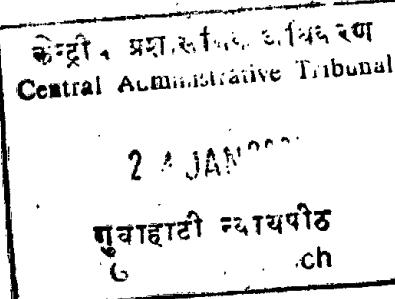
Copies of the order dated 28.08.07 and 28.09.07 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- I and II respectively.

3. That the petitioner on receipt of the copies of the order dated 28.08.07 and 28.09.07 approached the respondents/alleged contemnors through his representation dated 13.10.2007 praying for keeping in abeyance recovery from his pay and allowances enclosing copies of the order dated 28.08.07 and 28.09.07. The representation submitted by the petitioner on 13.10.07 has been forwarded to the respondents/alleged contemnors on 13.10.07. But the respondents/alleged contemnors in spite of direction passed by the Hon'ble Tribunal on 28.08.07 and 28.09.07 has not stopped recovery from the pay and allowance of the petitioner till date.

A copy of the representation dated 13.10.07 along with forwarding letter dated 13.10.07 are enclosed herewith as Annexure-III (Series).

4. That the alleged contemnors/respondents in spite of receipt of the order dated 28.08.07 and 28.09.07 of this Hon'ble Tribunal has not stopped recovery from the pay and allowance of the petitioner till date. As such action of the respondents/alleged contemnors is itself contemptuous in nature and it is willful disobedience of the order of the Hon'ble Tribunal passed on 28.08.2007 and on 28.09.07. Therefore, the Hon'ble Tribunal be pleased to initiate a Contempt proceeding against the alleged contemnors for willful violation of the order dated 28.08.2007 and 28.09.2007 in O.A. No. 225/2007 of this Hon'ble Tribunal and further be pleased to impose punishment upon the alleged contemnors in accordance with law.
5. That this application is made bonafide and for the cause of justice.

Rintu Ray



Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate Contempt proceeding against the alleged contemnors for willful non-compliance of the order dated 28.08.07 and 28.09.07 passed in O.A. No. 225/2007 and be pleased to impose punishment upon the alleged contemnors in accordance with law and further be pleased to pass any other order or orders as deemed fit and proper by the Hon'ble Court.

And for this act of kindness, the petitioner as in duty bound, shall ever pray.

Rintu Ray

केंद्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal

24 JAWALAHAR

गुवाहाटी न्यायालय  
Guwahati Bench

AFFIDAVIT

I Shri Rintu Roy, No. 14117514 Model Maker, aged about 44 yrs, working in the Counter Insurgency and Jungle Welfare School, Pin: 900446, C/O-99 APO, do hereby solemnly declare as follows:-

1. That I am the petitioner in the above contempt petition duly authorized by the others and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statements made in paragraph 1 to 5 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing contempt petition before this Hon'ble Tribunal, Guwahati Bench, Guwahati for non-compliance of the Hon'ble Tribunal's order dated 28.08.07 and 28.09.07 passed in O.A. No. 225/2007.

And I sign this Affidavit on this 7<sup>th</sup> day of January 2008.

Rintu Roy

Deponent

Identified by

Subrata Dutt  
Advocate.

The above named deponent solemnly affirmed and declared before me on this the 7<sup>th</sup> day of January 2008.

Subrata Dutt  
7/1/08.  
Advocate

केंद्रीय उचित नियन्त्रण  
Central Administrative Tribunal

24 JAN 2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

DRAFT CHARGE

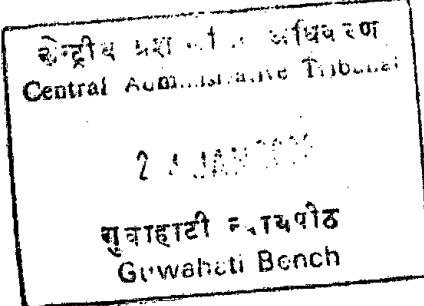
Laid down before the Hon'ble Central Administrative Tribunal, Guwahati Bench for initiating a contempt proceeding against the contemnors for willful disobedience and deliberate non-compliance of the order of the Hon'ble Tribunal dated 28.08.07 and 28.09.07 passed in O.A. No. 225/2007 and further to impose punishment upon the alleged contemnors for willful disobedience and deliberate non-compliance of the Hon'ble Tribunal's order dated order dated 28.08.07 and 28.09.07 passed in O.A. No. 225/2007.

Rintu Ray

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

## ORDERS SHEET

1. Original Application No. 225/07  
 2. Mise Petition No. \_\_\_\_\_  
 3. Contempt Petition No. \_\_\_\_\_  
 4. Review Application No. \_\_\_\_\_



Applicant(s): Rintu Roy VS- Union of India & Ors

Advocate for the Applicants:- M. Chandra, S. Nath, Ms. L. Datta

Advocate for the Respondents:- C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal

28.8.07. The applicant was initially appointed as Civilian Cook and thereafter he was remastered as Model Maker w.e.f. 01.12.1995 in the pay scale of Rs.950-1500/- On 06.11.2003 the School Authority clarified that remastering of the applicant has been transferred to the cadre of Model Maker is not a promotion. According to the applicant he should have been granted as remuster from Cook to Model Maker w.e.f. 01.12.1995 in the pay scale of Rs. 950-1500/- Vide impugned order dated 02.12.04 informed the applicant that remastering from Cook to Model Maker is prima facie appears to be irregular as because Model Maker is a promotional post from the Model Mazdoor with 5 years service and also observed that the individual could be eligible for 1<sup>st</sup>

Contd/-

Attest  
Smt.  
Parvati



28.8.07.

ACP benefit only after completing 12 years of service from the date of remustered i.e. on Nov, 2007. The applicant has submitted representations dated 30.03.2005, 25.01.2006 before the respondents to grant the pay scale of Rs. 4000-6000/-. But the Respondent No.3 informed the applicant that the applicant is not entitled to the benefit of ACP, in view of the fact that he has already got a financial upgradation to the post of Model Maker from 01.12.95. Being aggrieved the applicant has filed this O.A. seeking the reliefs.

I have heard Mr. M. Chanda learned counsel for the applicant and Mrs. M. Das, learned Addl.C.G.S.C. for the Respondents. Counsel for the respondents has submitted that he would like to take instructions.

In the meantime, this Court directs the respondents that further recovery if any, will be kept in abeyance till the next date.

Post the matter on 28.9.07.

Sd/ VICE CHAIRMAN

28.8.07

Date of Application : ..... 28.8.07

Date on which copy is served : ..... 29.8.07

Date on which copy is received : ..... 29.8.07

Certified to be true copy

Section Officer (Jdly) 29/8/07

C. A. T. Guwahati Bench

Guwahati

29/8/07

9

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ANNEXURE II

ORDERS SHEET

1. Original Application No. 225/07
2. Mise Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(S) Rintu Roy -VS- Union of India & Ors

Advocate for the Applicants:- M. Chanda, S. Nath, Ms. U. Dutta

Advocate for the Respondents:- C & S

Notes of the Registry

Date

सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल  
Central Administrative Tribunal

24 JAN 2008

गुवाहाटी अधिकारी  
Guwahati Bench

28.9.07. Mrs. U.Dutta, learned counsel for the Applicant and Mrs. Manjula Das, learned Addl. Standing Counsel for the Central Government are present. Learned Addl. Standing Counsel has not been able to obtain any instructions from the Respondents.

Issue notice to the Respondents, requiring them to file reply by 30.11.07.

As an ad- interim measure, no recovery should be made from the applicant until further orders.

While granting the ad- interim order, liberty is hereby granted to the Respondents to put up their objection, if any, to the interim prayer made in this Original Application/ to this ad interim order.

Send copies of this order to the respondents' (alongwith notices) and free copies of this order be also handed over to the learned counsel appearing for both the parties.

TRUE COPY  
soft

Central Admin. Tribunal  
Guwahati Bench

28.9.07. 2007-2008  
11/11/07

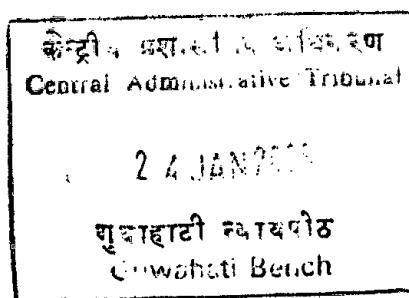
Guwahati, Guwahati

Affected  
Court Note

S/ VICE CHAIRMAN  
S/ MEMBER (A)

COURSES WINGANNEXURE III (series)KEEPING IN ABEYANCE OF RECOVERY

An application for keeping ~~of recovery~~ in abeyance of recovery made from pay and allowances in respect of No 14117514 Model Maker Shri Rintu Roy presently serving with Courses Wing is forwarded for your perusal and favourable action please.



(Harshal Dixit)  
Maj  
DS Coord  
For SI

Enccls : (Three only)

Adm Wing

AAO Shillong

Attested  
Jail  
Guwahati

From : No 14117514

Model Maker

Shri Rintu Roy

CIJW School

To : The Commandant

CIJW School

C/O 99 APO

Through proper channel

केन्द्रीय अधिकारी आयोग  
Central Administrative Tribunal

2007/08/28

गुवाहाटी न्यायालय  
Guwahati Bench

ANNEXURE- III (series)

Sub : **REQUEST FOR KEEPING IN ABEYANCE OF RECOVERY  
MADE FROM PAY AND ALLOWANCES**

Sir,

1. With due respect and in appreciation of the above cited subject, I have the honour to state that you the following few lines for your kind consideration and favourable action please.
2. That Sir, I submitted an application to the Central Administrative Tribunal (CAT), Guwahati bearing No 225/07. In relation to it, the decision of the CAT, Guwahati, and as per the Court's Order No 225/07 dated 28 Aug 2007 and 28 Sep 2007 no recovery should be made from my pay and allowances until further order (photo copy attached).
3. Sir, keeping in view of the recovery made from my pay and allowances wcf 01 Aug 2007 and the above I want to get exemption from making recovery.
4. I, therefore, request your honour that you will be kind enough to keep recovery in abeyance immediately please for which I shall be grateful to you.
5. Thanking you.

Yours faithfully

  
(Rintu Roy)  
Model Maker

Station : C/O 99 APO

Dated : 13 Oct 2007

Encls : (Three only)

Copy to :

Area Accounts Office  
(Pay - IV)  
Shillong (Meghalaya)

- For information and further necessary action please.

*Attest  
Rintu Roy  
Advocate*

File in Court on.....	.....
Court Officer.	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

IN THE MATTER OF

C.P.no.2/08  
In O.A no. 225/07  
Sri Rintu Roy

...Petitioner

-Vs-

Sri R.M. Das and others  
...Respondent.

-AND-

IN THE MATTER OF:

An affidavit on behalf of Respondent no.2 to the C.P.no.2/08.

**(AFFIDAVIT ON BEHALF OF RESPONDENT NO.2)**

I, Sri S.K.Das s/o late R.M. Das, presently working as Senior Accounts Officer, Area Accounts Office, Bivar Road, Shillong-1, do hereby solemnly affirm and state as follows:-

1. That, I have been impleaded as party respondent/ contemner no.2 in the aforesaid Contempt Petition. Accordingly a copy of the same has been served upon me and have understood the contains thereof.
2. That, I do not admit any of the averments except which are specifically admitted hereinafter and the same are deemed as denied.
3. That with regards to the statements made in paragraph 1 of the contempt petition the humble answering respondent has nothing to make comment on it as they are being matters of records of the case.
4. That with regards to the statements made in paragraph 2 of the contempt petition the humble answering respondent has nothing to make comment on it as they are being matters of records of the case.
5. That I deny the correctness of the statements made in paragraph 3 of the contempt petition. I beg to state that as soon as the order dated 28.08.07 and 28.09.07 passed by the Hon'ble Tribunal, the respondents/ contemners immediately complied with the Hon'ble Tribunal's order and stopped the recovery

Received  
R.M. Das  
23/04/08

23/04/08  
Sri S.K.Das  
Alleged Contemner no.2  
through  
Sri R.M. Das  
...Respondent  
...Petitioner

24 A.R. 43

of the excess payment from the applicant. He also confirmed from the Commandant, Jungle Welfare School that in compliance with the Hon'ble Tribunal's order dated 28.08.07 and 28.09.07 no recovery of excess payment has been made thereafter.

6. That I deny the correctness of the statement made in paragraph 4 of the contempt petition, I beg to state that consequent upon proposal from the unit for grant of ACP, the pay of the petitioner was fixed at the higher scale of Rs.4000/- with effect from 20.05.2003. However the said benefit was granted erroneously in the pay scale of Rs.4000-6000 instead of Rs.3200-Rs4000.

As per clarification dated 02.12.2004 of the Director General of Military Training, General Staff Branch, Army Headquarters, DHQPO, New Delhi-110011, (Respondent no.2 of the O.A) the post of the Model Maker is a promotional post and the said post is to be filled up from the Model Mazdur with 5 years service. Consequently the petitioner will be eligible for grant of ACP only after completion of 12 years service after re-mustering from Cook to Model Mazdur. Thus, the 1<sup>st</sup> ACP granted to the petitioner on 01.12.2000 is irregular and not as per rule. Accordingly the petitioner's pay was fixed reverting to earlier lower scale.

Excess payment due to fixation of higher scale on account of Pre-Mature Grant of Assured Career Progression was made to the petitioner with effect from 20.05.03 to 31.07.07. However in compliance with the Hon'ble Tribunal orders dated 28.08.07 and 28.09.07 no recovery of excess payment has been made.

7. That the humble deponent begs to state that there is no lapse or negligence on the part of the petitioner of the Respondent Authority to comply with the Hon'ble Tribunal's order.

8. That there is no violation of the orders dated 28.08.07 and 28.09.07 passed by the Hon'ble Tribunal and hence the Contempt Petition is liable to be closed.

## AFFIDAVIT

I, Shri S.K.Das s/o late R.M.Das, aged about 50 years, resident of Pragati Nagar, Satgoan, Guwahati-781171, presently working as Senior Accounts Officer, Area Accounts Office, Bivar Road, Shillong-1, in the district of East Khasi Hills do hereby solemnly affirm and state as follows :-

1. That I have been impleaded as the alleged contemner no.2 in the instant case and am fully conversant with the facts and circumstances of the case.
2. That the statements made in paragraphs 1, 2, 5, 3 and 7 of the application are true to my knowledge, those made in paragraphs 3, 4 and 6 are being matters of record of the case derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this the 23rd April 2008 at Guwahati.

Identified by:-

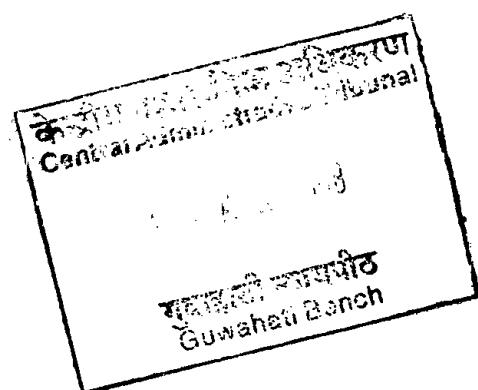
*Swaroop Das*  
SIGANTURE

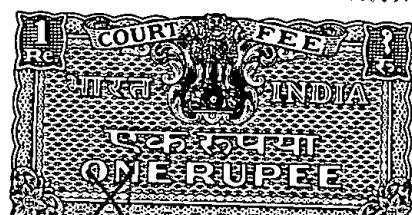
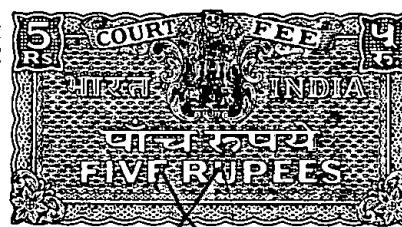
*M. U. Ahmed*

Advocate:-

Solemnly affirmed & declare by the deponent who is identified by M. U. Ahmed, Advocate.

*M. U. Ahmed*  
(M. U. Ahmed)  
(Ae)  
24/4





DISTRICT: .....

**VAKALATHNAMA**

**CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH  
KAMRUP :: GUWAHATI.**

OA/RA/CP/PT/NO. .... 2 of 2008  
in O.A. No. 225/07

Sri ... Rinton Roy .....

... Applicants./Petitioners

-Versus-

Brig. R. M. Painuly Banerjee

... Respondent/s. /Alleged Cestamons.

I, Sri Swapnam Mr. Das, Applicant No. 1, Respondent No. 2, in the above application/petition do hereby appoint and retain Shri Mr. Manjinder Das, Advocate/s to appear, plead and act for me/us in the above application/petition and to conduct and prosecute all proceedings that may be taken in respect thereof including contempt of Court Petitions enter into compromise and to draw any moneys payable to me/us in the said proceeding.

Place: Guwahati

Swapnam Mr. Das

Date: 23.4.08

Signature of the Party

Executed in my presence

"Accepted"

(Name and Designation)

Manjinder Das

(Name of the Advocate)

Name and address of the

Advocate for Service

The contents of the Vakalath were truly and audibly read over/translated into ..... language known to be party executing the vakalath and he seems to have understood the same.

Signature with date  
(Name and Designation)

File in C. 11/12/08  
Court Officer.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

(An application under Section 17 of the Administrative Tribunals Act, 1985)

Title of the case : C.P. No. 2 /2008  
IN O.A. No. 225/2007

Shri Rintu Roy : Applicant.  
-Versus-

Union of India & Ors. : Respondents.

INDEX

Sl. No.	Annexure	Particulars	Page No.
1.	---	Reply	1-3
2.	---	Verification	-4-
3.	IV	Copy of salary statement of the petitioner dated 09.09.2008	-5-

Filed By:

Date:- 01.12.08

*Dutta*  
Advocate

ଚାରିଜୀବୀ fisi  
dane8 bers

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUMAHARI BEMBI GUMAHARI

16.1.3. A discrete-time random walk with 10% transition probabilities is depicted in Figure 16.1.3.

2002/12/20 07:30:00

see [soft to stiff](#)

NOTES ON A.O.V.

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### ANSWER

-254-1973-

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### Organization

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1	2	3	4	5	6	7	8	9	10

## 1. *Introduction*

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2 DEL 2008

गुवाहाटी न्यायपीठ

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**GUWAHATI BENCH: GUWAHATI**

Filed by the petitioner  
through U. Datta, advocate  
on 01.12.08

**In the matter of:**

C.P. No. 2/2008

In O.A No. 225/2007

-And-

**In the matter of:**

Shri Rintu Roy.

... Petitioner.

-Versus-

Brig. R.M Painuly & another.

... Respondents/  
Alleged contemnors.

-And-

**In the matter of:**

Reply submitted by the petitioner to the affidavit submitted by the respondent No. 2 to the C.P. No. 2/2008.

The petitioner above named most respectfully begs to state as follows:-

1. That the petitioner categorically denies the correctness of the statements made in paragraph 5 of the affidavit filed by the respondent No. 2 and further begs to state that the respondents are still recovering alleged excess payment from the monthly salary of the petitioner in violation of the direction passed by the Hon'ble Tribunal on 28.09.2007 that no recovery should be made from the applicant until further orders. It is stated that in spite of the direction passed by the Hon'ble Tribunal that no recovery should be made from the applicant until further order respondents are recovering @ Rs. 1030/- p.m from the salary of the petitioner in each and every month till date. As such statement made by the alleged contemner/respondent No. 2 that he also confirmed from the Commandant, Jungle Welfare School that in compliance with the Hon'ble Tribunal's order dated 28.08.2007 and

Rintu Roy

2 DEC 2008

गुवाहाटी न्यायपीठ  
Guwahati Bench

28.09.2007 no recovery of excess payment has been made thereafter is false and misleading. Therefore, the Hon'ble Tribunal be pleased to initiate a Contempt proceeding against the alleged contemnors for willful violation of the order dated 28.08.2007 and 28.09.2007 in O.A. No. 225/2007 of this Hon'ble Tribunal and further be pleased to impose punishment upon the alleged contemnors in accordance with law.

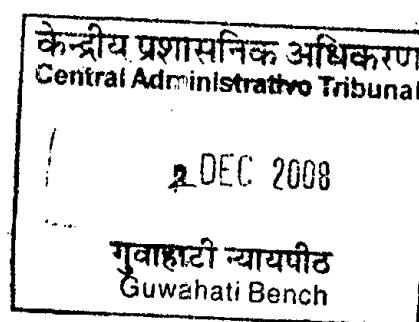
- That the petitioner denies the statement made in paragraph 6, 7 and 8 of the affidavit filed by the respondent No. 2 and further begs to state that he was remustered as Model Maker, therefore such appointment cannot be termed as promotion, as alleged in the impugned letter dated 25.07.07. Moreover, the decision of the respondents that the financial upgradation/or benefit of 1<sup>st</sup> ACP is granted wrongly, such decision of the authority cannot be sustained in the eye of law, as because 'remustering' is not a promotion, as such upgradation were rightly granted to the applicant. It is not a fact that the scale of Rs. 4000-6000/- was granted to the applicant erroneously but done as per the provisions of rules, which he is entitled to get from 17.08.2000 itself. It is further stated that no excess payment was made to the petitioner, as such question of recovery of excess payment does not arise.

It is further stated that the Hon'ble Tribunal was pleased to direct the respondents no recovery should be made from the applicant until further order way back on 28.08.2007 and on 28.09.2007 but the respondents in total disregard to the ad interim order of the Hon'ble Tribunal recovering @ Rs. 1030 p.m from the salary of the petitioner till date. As such it is prayed that the Hon'ble Tribunal be pleased to direct the respondents to produce the salary statement of the applicant and other records before the Hon'ble Tribunal to ascertain the fact that the respondents are still recovering @ Rs. 1030/- p.m from the salary of the petitioner in violation of the direction passed by this Hon'ble Tribunal on 28.08.2007 and 28.09.2007.

Copy of a salary statement in respect of the applicant dated 09.09.2008 is enclosed herewith as Annexure- R.

Rintu Ray

3. That under the facts and circumstances as stated above the Hon'ble Tribunal be pleased to initiate a contempt proceeding against the alleged contemnors for willful violation of the order dated 28.08.2007 and 28.09.2007 in O.A. No. 225/2007 of this Hon'ble Tribunal and further be pleased to impose punishment upon the alleged contemnors in accordance with law.

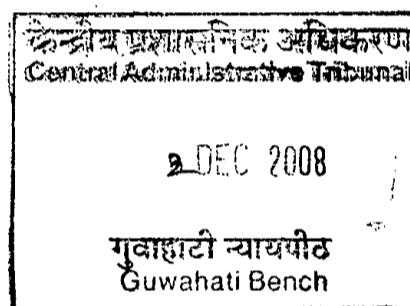


Rintu Ray

VERIFICATION

I, Shri Rintu Roy, No. 14117514 Model Maker, aged about 43 years, working in the Counter Insurgency and Jungle Welfare School, Pin: 900446, C/O- 99 APO, applicant in the instant application, do hereby verify that the statements made in Paragraph 1 to 3 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 29th day of November 2008.



SC  
ANNEXURE-IV

Salary Statement in respect of Shri Rintu Roy, Model Maker of CIJW School C/O 99 APO

For the period of 01 Jul 2007 to 31 Aug 2008.

Month/ Year	Basic Pay	DP (50% of Basic Pay)	DA	SCA/ RLA	Convien- ce Allices	HRA 05%	Med Allices	Grand Total	Deduction			Total deduc- tion	Net amount payable	Sig of indl
									GPF	CGEGIS	Any other			
Jul-07	4400	2200	2706 (41%)	600	75	330	100	10,411	1000	30	—	1030	9381	OK
Aug-07	3875	1938	2383 (41%)	450	75	291	100	9112	1000	30	—	1030	8082	OK
Sep-07	3875	1938	2383 (41%)	450	75	291	100	9112	1000	30	—	1030	8082	OK
Oct-07	3875	1938	2383 (41%)	450	75	291	100	9112	1000	30	—	1030	8082	OK
Nov-07	3875	1938	2383 (41%)	450	75	291	100	9112	1000	30	—	1030	8082	OK
Dec-07	3950	1975	2429 (41%)	450	75	296	100	9275	1000	30	—	1030	8245	OK
Jan-08	3950	1975	2785 (47%)	450	75	296	100	9631	1000	30	—	1030	8601	OK
Feb-08	3950	1975	2785 (47%)	450	75	296	100	9631	1000	30	—	1030	8601	OK
Mar-08	3950	1975	2785 (47%)	450	75	296	100	9631	1000	30	—	1030	8601	OK
Apr-08	3950	1975	2785 (47%)	450	75	296	100	9631	1000	30	—	1030	8601	OK
May-08	3950	1975	2785 (47%)	450	75	296	100	9631	1000	30	—	1030	8601	OK
Jun-08	3950	1975	2785 (47%)	450	75	296	100	9631	1000	30	—	1030	8601	OK
Jul-08	3950	1975	2785 (47%)	450	75	296	100	9631	1000	30	—	1030	8601	OK
Aug-08	3950	1975	2785 (47%)	450	75	296	100	9631	1000	30	—	1030	8601	OK

Prepared and signed by



(Shri Rintu Roy)  
Model Maker

09 Sep-08

Attested  
Shrikant  
A.D.W.

Note:(i) Regimental Cutting @ Rs 14/- per month from Net payable amount.  
(ii) Increased of DA receipt by separate Sy Bill.