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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. _____
2. Misc Petition No. _____
3. Contempt Petition No. 9/08 in O.A 304/07
4. Review Application No. _____

Applicant(S) Mr. B. K. Nautiyal vs Mr. M. Gupta
Union Of India & Ors

Advocate for the Applicant(S): H. G. Baruah

Advocate for the Respondant(S): Addl. Case. K. K. Ahmed

Notes of the Registry	Date	Order of the Tribunal
<p>This Contempt petition has been filed by the counsel for the petitioner praying for initiation of a contempt proceedings against alleged contemners for non-compliance of the order dated 19th day of December, 2007 passed by this Hon'ble Tribunal in OA 304/07.</p> <p>La'd before the Hon'ble Court for further orders.</p> <p><u>Section Officer</u></p> <p><u>29.7.08</u></p> <p>Pl. issue notices to the opposite parties of this case.</p>	<p>23.07.2008</p> <p>29.08.2008</p>	<p>Hard Mr. H. G. Baruah, learned counsel appearing for the Applicant.</p> <p>Issue notice requiring the opposite parties of this case, to file their show cause by 29th August, 2008.</p> <p>Mr. H. G. Baruah, learned counsel appearing for the Applicant is present. On the prayer of Mr. M. U. Ahmed, learned Addl. Standing Counsel appearing for the Respondents, call this matter on 3rd October, 2008.</p>

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

Notice Copies sent
to D/Section for
issuing to R-1 by
regd. AID post
and another R-2
received by hand.

03.10.2008

No show cause has yet been filed by the
Respondents in this case. Mr.M.U.Ahmed,
learned Addl.Standing Counsel appearing for
the Respondents is absent for the reasons of
his difficulties.

Call this matter on 07.11.2008
awaiting show cause from the Respondents.

D/No-3427

Dt- 11/8/08.

① Service report
awaited

lm

S.N.Shukla
Member(A)

(M.R.Mohanty)
Vice-Chairman

07.11.2008

On the prayer of learned counsel for both
the parties, call this matter on 19.12.2008.

(S.N.Shukla)
Member (A)

(M.R.Mohanty)
Vice-Chairman

19.12.2008

On the prayer made on behalf of Mr
H.G. Baruah, learned Counsel appearing for
the Applicant, call this matter on
22.01.2009.

(S.N. Shukla)
Member (A)

(M.R. Mohanty)
Vice-Chairman

nkm

Show cause reply
not filed.

22.01.09

Bench is not available.
List on 17.2.09.

18.12.08

Bench is not available.
List on 23.3.09.

N/S not filed.

20.3.09.

23.03.2009

Mr H.G. Baruah, learned Counsel appearing for the Applicant, is present.

Copies of order dt. 23.3.09 is sent to Section for issuing to the applicant & respondents by post

No written reply has yet been filed by the Opposite Parties in this C.P.

Call this matter on 29.04.2009 awaiting written reply from the Respondents/Opposite Parties.

Send copies of this order to the Applicants and the Respondents in the addresses given in the C.P.

Attest and / Compliance report filed on behalf of The respondents.

No. 1 & 2

(M.R. Mohanty)
Vice-Chairman

21.4.09

29.04.2009

Compliance report filed by R. No-1 & 2.

28.4.09

None appears for the Applicant. Mr.M.U.Ahmed, learned Addl. Standing Counsel appearing for the Respondents states that he will furnish compliance report by end of May 2009.

Call this matter on 5th June 2009.

(M.R. Mohanty)
Vice-Chairman

Compliance report^{lm} filed.

05.06.2009

Mr.H.G.Baruah, learned counsel appearing for the Applicant is present.

4.06.09.

Mr.M.U.Ahmed appearing present. release complie manner. already in the pro

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C.P.9/2008 (OA. 304/07)

05.06.2009 Mr.H.G.Baruah, learned counsel appearing for the Applicant is present. Mr.M.U.Ahmed, learned Addl. Standing counsel appearing for the official Respondents is also present. He has disclosed that direction to release SDA to the Applicants is being complied with by the Respondents in a phased manner. Parts of the arrears of SDA have already been paid and that rest of arrears are in the process of being disbursed.

In the aforesaid premises, this C.P. is disposed of with direction to the Respondents to clear the arrear SDA, as is payable to the Applicants under the Rules/orders of this Tribunal, should be cleared by end of September 2009.

3. Send copies of this order to the Applicant and to all the Respondents in the address given in the O.A./C.P. and free copies of this order be handed over to the learned counsel appearing for both the parties.

(M.R.Mohanty)
Vice-Chairman

/bb/

free copies of this order received on 10th day of June 2009.
The Bench
Advocate

Recd
10/6/09

8.6.09 (Khairul)

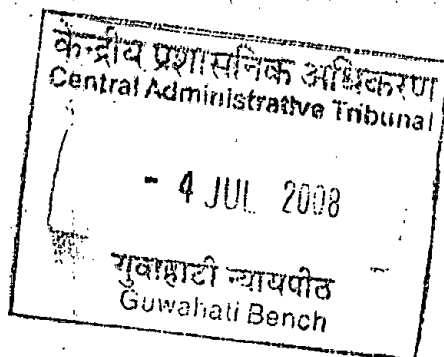
Send copy of this order to the Applicant and Respondents in the Address given in O.A.

9/6/09

Copies of order dt. 05.6.2009 sent to the B/section for issuing to the Applicant & Respondent by post.

Issued vide Memo No. 29249 dt 3001 dt. 9/6/09

9/6/09



DISTRICT : KOHIMA (NAGALAND)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

(AN APPLICATION UNDER SECTION 17 OF THE ADMINISTRATIVE TRIBUNAL ACT 1985)

CONTEMPT PETITION 98 /08
OA NO 304 OF 2007

Mr. Vinod Kumar Nautiyal & Ors

.....PETITIONERS

-VERSUS-


Mr. Madhukar Gupta & Ors

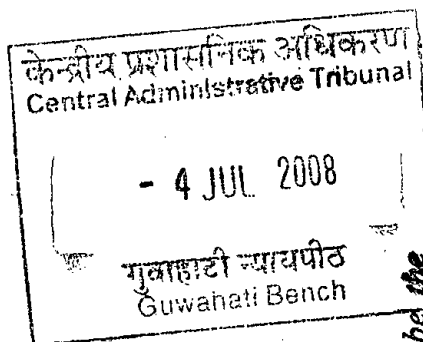
.....ALLEGED CONTEMNORS

INDEX

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page</u>
1.	Contempt Petition	... 1 to 6
2.	Affidavit	... 7
3.	Draft charge	8
4.	Annexure -A	... 9 to 18
5.	Annexure -B series	... 19 to 21

Filed by :-


Hara Gobinda Boruah
Advocate



Filed by the
Petitioner / Appellant
Through
the

Harra Goshinda Boruah
Advocate

DISTRICT : KOHIMA (NAGALAND)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

(AN APPLICATION UNDER SECTION 17 OF THE ADMINISTRATIVE TRIBUNAL ACT 1985)

CONTEMPT PETITION 9 /08

OA NO 304 OF 2007

IN THE MATTER OF:

An application under section 17 of the Administrative Tribunal Act 1985 praying for initiation of a contempt proceeding against alleged contemnors for non-compliance of the order dated 19 th day of December, 2007 passed in OA NO 304 of 2007.

Vinod Kumar Nautiyal

-AND -

IN THE MATTER OF:

OA NO 304 of 2007

Mr. S.N. Yadava & Ors

.....PETITIONERS

-VERSUS-

The Union of India & Ors

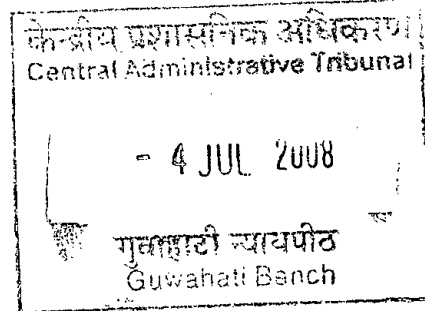
.....RESPONDENTS

-AND -

IN THE MATTER OF:

1. Mr. Vinod Kumar Nautiyal

(2)



2. Mr. Rajesh Malkoti
3. Mr. Anand Kumar Prasad

.....PETITIONERS

1. Mr. Madhukar Gupta, IAS

The Secretary to the Govt. of India, Ministry of
Home Affairs, North Block, New Delhi 110001

2. Lt. General K.S. Yadava, AVSM, VSM, SM

The Director General of Assam Rifles,
Mahanideshalaya Shillong, Meghalaya- 793011

.....ALLEGED CONTEMNORS

The humble petition of the petitioners above
named:

MOST RESPECTFULLY SHEWETH :

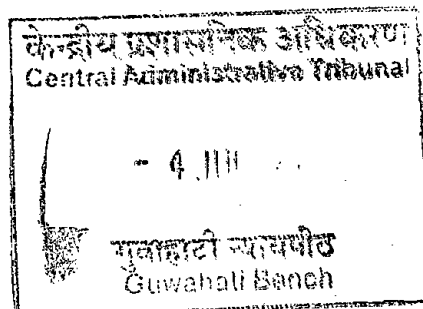
1. That all the petitioner are citizen of India by birth and such they are entitled to all the rights and privileges guaranteed by the constitution of India and the laws framed thereunder.

2. All the petitioners are working in different companies under the Director General of Assam Rifles as non-combatised employees. The Union Govt., with a view to provide some incentives to the Combatised/ Non-Combatised personnel of the Assam Rifles those who posted in the states of the North-Eastern Regions amongst other granted special (duty) allowance w.e.f. 7/ 11/ 1988. The original scheme was introduced by office

Contd.....P/3

Vinod Kumar Nau liyal

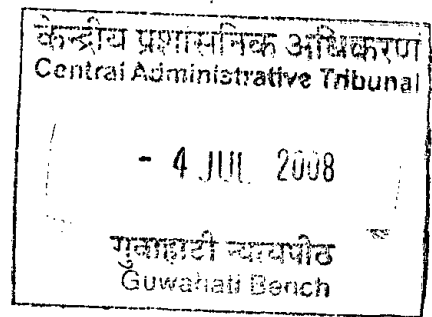
(3)



Memorandum No. 11.20044/3/83/E,IV dated 14/12/1983. Considering the demand of the employees and other relevant aspect Govt. of India decided to sanction grant of special (duty) allowances to the non-combatised personnel by an order dated 2/2/89 vide order No. 11011/1/84/FP.IV along with combatised personnel. This order of the president of India granting special (duty) allowances to non-combatised personnel is very distinct. That was a special order issued after considering all the pros and cons and eligibility criteria. Special duty allowances is admissible to the petitioners at 12.5% against the basic pay. The Govt. of India through the Ministry of Home Affairs by his officer Memorandum dated 3rd August, 2005 clarified it to the Director General of Assam Rifles vide Memo No.A-1-3-/INST-ACCTS-3PP III that all the allowances and facilities for civilian employees of the Central Govt. serving in the NE region is admissible only the personnel who are actually working in the NE Region. The Division Bench of the Hon'ble Gauhati High court, Shillong, in the writ petition No.195 (SH) of 2001 vide his Judgement and Order dated 24/7/2006 dismissing the writ petition filed by the Union of India held that the order of granting SDA to Assam Rifles employees w.e.f. 7/11/1988 is a district and special order for Assam Rifles which was issued after a lapse of almost five years and after considering all pros and cons of re eligibility criteria.

4. That when this special (duty) allowances was not sanctioned to the potitioners having no alternative they approached this Hon'ble Tribunal by filing an Original Application under Section-19 of the Administrative Tribunal's Act 1985 for release of Special (Duty) Allowances. The said original application was registered as OA No.304/07 and on 19 th day of December, 2007 and Hon'ble Tribunal disposed

Nautiyal
Kumar
Vijod



(4)

of the matter with the following Direction :

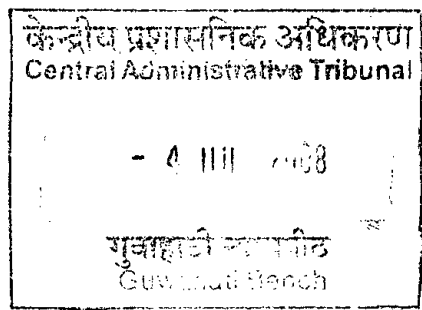
"It is the cases of the applicants that for the reason of certain govt. of India instructions and Judicial pronouncements, the applicants are entitled to get special duty allowances. If that is so, then, the applicants should represent before th authorities/respondents to consider their grievances in terms of the Judicial pronouncements on which they are relying here learned Counsel for the applicants, states that each of the applicants shall individually submit representation before the authorities/respondents by 31st December, 2007. If such representations are made by the present applicants, by the end of the December, 2007, then the respondents should consider their case (in terms of Government instructions and the Judicial pronouncements) by the end of February, 2008. The averments made in this original application No. 304 of 2007 should also be taken into consideration by the respondents while considering the representation of the applicants."

Nauliyal
Kumar
Vijod

The photo copy of the said order is annexed herewith and marked as ANNEXURE-A.

5. That the petitioners begs to state that as per the direction of the Central Administrative Tribunal, Guwahati Bench all the petitioner submitted the application individually on different dates to release the Special (Duty) Allowance and in the said application they also request the authority for implementation of the aforesaid order of the Hon'ble

Contd.....P/5



(5)

Tribunal. The Petitioner No.1 and 2 submitted application on 23/12/2007, and the petitioner No.3 submitted application on 24/12/2007, the alleged contemnors willfully disobey the said direction by refusing to consider the said application as such alleged contemnors willfully disobey the direction of this Tribunal.

The photocopy of the said applications are annexed herewith and marked as ANNEXURE-B series.

6. That the noncompliance of the said direction by the alleged contemnors is deliberate and willfull. Therefore finding no alternative the petitioners are approaching this Hon'ble Tribunal praying for initiation of Contempt proceeding under Section-17 of the Central Administrative Tribunals Act 1985 for & non-compliance of the order date 19 th day of December, 2007 passed in OA NO 304 of 2007 further direction upon the respondents to implements the said order and to imposed punishment upon the alleged contemnors in accordance with law.

7. That this application is made bonafide and for the ends of Justice.

Under the facts and circumstances as state above, the Hon'ble Tribunal be pleased to initiate contempt proceeding against the alleged contemnors for willful non-compliance of the order dated 19 th day of December, 2007 passed in OA NO 304 of 2007 and be pleased to impose punishment

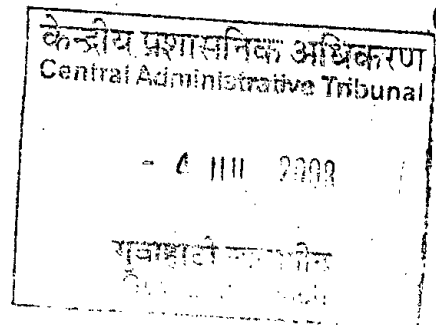
Nau Lijal
Vijod Kumar

(6)

upon the alleged Contemnors in accordance
with law and further be pleased to pass any
other order or orders as Your Lordship
deem fit and proper for the ends of justice.

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

20
Nauliyal
Vijod Kumax



(7)

A F F I D A V I T

I, Mr. Vinod Kumar Nautiyal, aged about 35 years, S/o Mr. R.K. Nautiyal, Hindi Translator, HQ 5 Sector, Assm Rifles 99 APO, Dist:- Kohima (Nagaland) petitioner No.1 in the instant petition duly authorized by others to verify the statements; do hereby solemnly affirm and declare as follows :-

1. That I am the petitioner of this contempt petition 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 statement made in this affidavit and in paragraphs 1 to 7 are true to my knowledge and belief and I have not suppressed any material facts.

3. That this affidavit is made for the purpose of filling Contempt Petition before this Hon'ble Tribunal, Guwahati bench for non-compliance of the order dated 19 th day of December, 2007 passed in OA NO 304 of 2007.

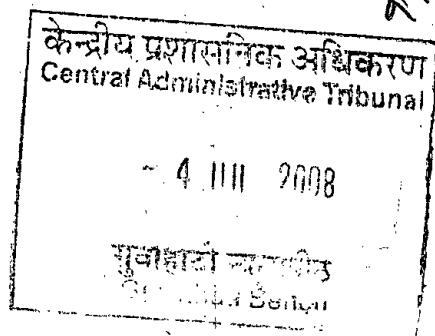
And I sign this affidavit on this th day of June, 2008 at Guwahati.

Vinod Kumar Nautiyal
Vino

Identified by :

He Znuah
Advocate

DEPONENT



(8)

DRAFT CHARGE

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati bench for initiation of a Contempt proceeding against the Contemnors for willful disobedience and deliberate noncompliance of the order dated 19th day of December, 2007 passed in OA No.304/08, 2007

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

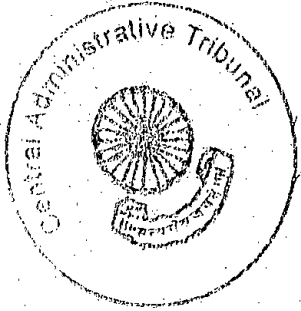
Original Application No. 304 of 2007
&

Misc. Petition No. 135 of 2007.

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

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

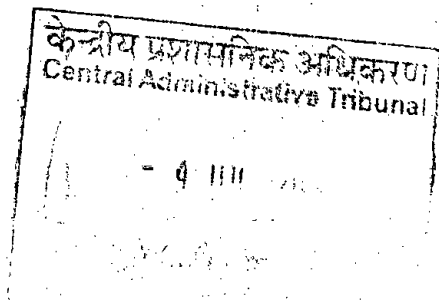
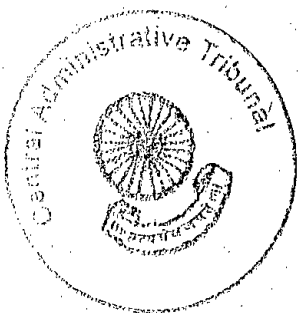
1. Mr. S. N. Yadav
Hindi Translator
S/o Late Shri Ram Yadav
O/A HQ IGAR, (N)
C/o 99 APO.
2. Mr. Digvijay Kumar Singh
Hindi Teacher
S/O Mr. Rup Narayan Singh
O/A 17 Assam Rifles
C/o 99 APO.
3. Mr. Ravi Mohan Dwivedi
Hindi Translator
S/O: Sri Suresh Prasad Dwivedi
O/A 17 Assam Rifles
C/o 99 APO.
4. Mrs. Rajesh Devi
FA 132, FA
W/O Mr. Surinder Singh
O/A 17 Assam Rifles
C/O 99 APO.
5. Mr. Mohan Ram
Hindi Typist
S/O: Late N. Ram
O/A: 21 Sector, Assam Rifles,
C/O: 99 APO.
6. Mr. Sunil Kumar Singh
Hindi Translator
S/O: Late Dhanushdhar Singh
O/A: 7 Sector, Assam Rifles
C/O: 99 APO.
7. Mr. Kailash Thakur
Civil Barber
S/O: Late Chholan Thakur
O/A: 7 Sector, Assam Rifles
C/O: 99 APO.



Certified true copy

Advocate

8. Mr Shambhu Ram
Civil Safai
S/O: Mr. Lauger Ram
O/A: 7 Sector, Assam Rifles
C/O: 99 APO.
9. Mr Sudhir Kumar Jha
Civil Cook
S/O: Mr Salyug Jha
O/A: 7 Sector, Assam Rifles
C/O: 99 APO.
10. Mr. Birendra Rai
Civil Washerman
S/O: Mr. Pukar Rai
O/A: 7 Sector, Assam Rifles
C/O: 99 APO.
11. Mr. J.B.Thakur
Hindi Teacher
S/O: Mr. Baleswar Thakur
O/A: 12 Assam Rifles
C/O: 99 APO.
12. Mr. R. K. Thakur
Jr. Teacher
S/O: Mr. Singheshwar Thakur
O/A: 12 Assam Rifles
C/O: 99 APO.
13. Mr. Jagannidhi Pokhereal
Jr Teacher
S/O: Mr. Ram Prasad Pokhereal
O/A: 12 Assam Rifles
C/O 99 APO.
14. Mrs. Anila Negi
Senior Teacher
W/O: Mr. R.s. Negi
O/A: 12 Assam Rifles
C/O 99 APO.
15. Mrs. Kanika Bazbaruah
Staff Nurse
W/O: Mr. S.N.Bezbaruah
O/A: 12 Assam Rifles
C/O: 99 APO.
16. Miss. Jamuna Negi
Staff Nurse
D/O Mr Pratap Singh Negi
O/A: 12 Assam Rifles
C/O: 99 APO.



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The Donuah

Advocate

17. Mrs. Nijora Narzary
Staff Nurse
W/O: Mr Sarubam Narzary
O/A: 12 Assam Rifles
C/O 99 APO.

18. Mrs. Sandhya Devi
Aya
W/O: Mr. Bhagwan Ram
O/A: 12 Assam Rifles
C/O 99 APO.

19. Mrs. Ramabali Devi
Aya
W/O: Mr. L.K.singh
O/A: 12 Assam Rifles
C/O 99 APO.

20. Mrs. Kalabali Devi
Aya
W/O: Mr. Lal Mohan
O/A: 12 Assam Rifles
C/O 99 APO.

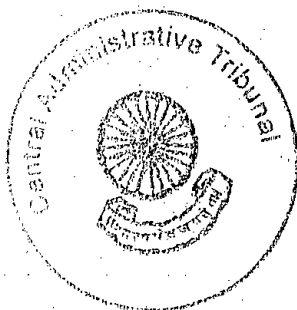
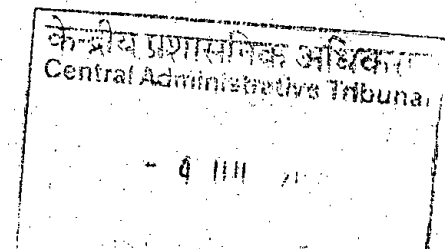
21. Mr. Rakesh Singh Negi
Hindi Translator
S/O: Mr. Chandra S. Negi
O/A: 12 Assam Rifles
C/O 99 APO.

22. Mr. Anand Anand
Hindi Typist
S/O: Mr. Satyawar Kapri
O/A: 12 Assam Rifles
C/O 99 APO.

23. Mr. Ajay Kumar Pandit
Hindi Typist
S/O: Mr Rakesh A. Pandit
O/A: 12 Assam Rifles
C/O 99 APO.

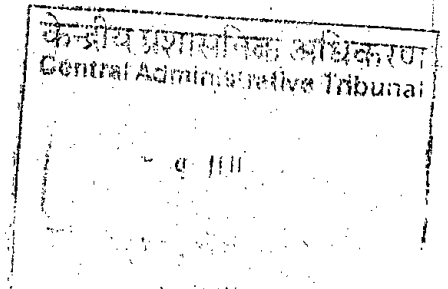
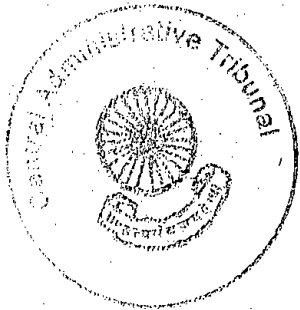
24. Mr. Anand Kr. Gupta
Hindi Translator
S/O: Late D.B. Prasad
O/A: 31 Assam Rifles
C/O: 99 APO.

25. Mr. Ashok Roy
Hindi Typist
S/O: Mr Sukul Roy
O/A: 31 Assam Rifles
C/O: 99 APO.



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H. E. Zorwah
Advocate

26. Mr. Ramayan Singh Yadav
Hindi Teacher
S/O: Late Ramkesh S. Yadav
O/A: 42 Assam Rifles
C/O: 99 APO.
27. Md. Idress Ali
Hindi Teacher
S/O: Late Abdur Raheem
O/A: 42 Assam Rifles
C/O: 99 APO.
28. Mr. Sanjay Kumar Chanchal
Jr. Teacher
S/O: Late Basant Ram
O/A: 42 Assam Rifles
C/O: 99 APO.
29. Mr. Virender Singh
Hindi Translator
S/O: Mr. Roshan Singh
O/A: 42 Assam Rifles
C/O: 99 APO.
30. Mrs Megha
Staff Nurse
W/O: Mr. Pradeep S.
O/A: 42 Assam Rifles
C/O: 99 APO.
31. Mrs. Kunli Devi
W/O: Mr. Shankar Basfor
Female Safai
O/A: 42 Assam Rifles
C/O: 99 APO.
32. Mr. Amitendra Kumar Singh
Hindi Typist
S/O: Mr. Onkar Nath Singh
O/A: HQ 27 Sector, Assam Rifles
C/O: 99 APO.
33. Mr. Nabarun Deb
Hindi Translator
Son of Mr Ramendra K. Deb
O/A: HQ D.G.A.R, Assam Rifles
C/O: 99 APO.
34. Mr. Arjun Singh Verma
Hindi Translator
S/O: Mr. Singh Ram
O/A: 5 Assam Rifles
C/O: 99 APO.

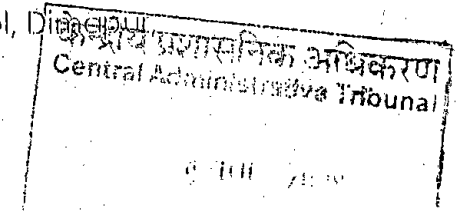
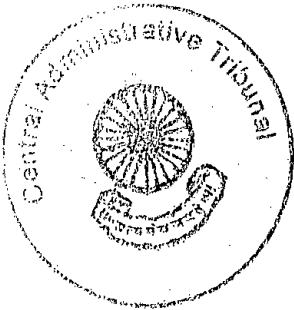


Certified to be true copy

H. B. Boruah

Advocate

35. Mr B.K.Singh
Civil Pharmacist
S/O: Mr Barinder Kumar
O/A: 5 Assam Rifles
C/O: 99 APO.
36. Mr Arbind Kumar
Hindi Typist
D/O: Mr a.K. Thakur
O/A: Assam Rifles Training Centre & School, Dimapur,
C/O: 99 APO.
37. Mr Satyendra Kumar Singh
Hindi Teacher
S/O: Sri R.S. Yadav
O/A: Assam Rifles Training Centre & School, Dimapur,
C/O: 99 APO.
38. Mr Prabash Kumar
Hindi Teacher
S/O: Mr. B.L.Mandal
O/A: Assam Rifles Training Centre & School, Dimapur,
C/O: 99 APO.
39. Mrs. Nizara Gogoi
Jr. Teacher
WO: Mr. P. Deka
O/A: Assam Rifles Training Centre & School, Dimapur,
C/O: 99 APO.
40. Mrs. Neelam Singh
Female Attendant
W/O: Mr. G. K.Singh
O/A: Assam Rifles Training Centre & School, Dimapur,
C/O: 99 APO.
41. Mr. Raju Thapa,
Jr. Teacher
S/O: Mr Keshar Raj Thapa
O/A: 23 Assam Rifles
C/O: 99 APO.
42. Mr Lubdha Padhan
Hindi Teacher
S/O: G. C. Padhan
O/A: 23 Assam Rifles
C/O: 99 APO.
43. Miss: Loli Kholia
Staff Nurse
D/O: Mr A. Loli
O/A: 23 Assam Rifles
C/O: 99 APO.

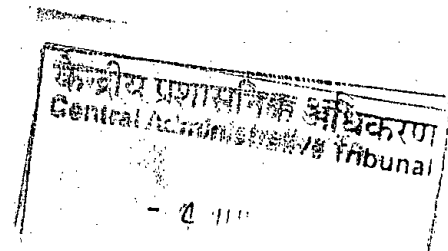
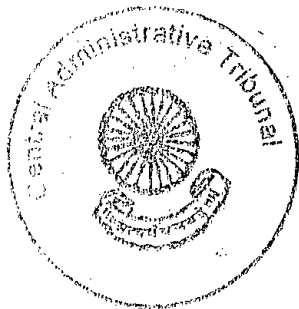


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He Gornuah
Advocate

44. Miss. Lokpa Doma Sherpa
FA-129
D/O: Mr Pasang Sherpa
O/A: 23 Assam Rifles
C/O: 99 APO.
45. Miss. Laxmi Gurung
Aya-095
D/O: Mr Durga Singh Gurung
O/A: 23 Assam Rifles
C/O: 99 APO.
46. Mrs. Poonam
Aya 103
W/O: Mr Baljit Singh
O/A: 23 Assam Rifles
C/O: 99 APO.
47. Mrs. Jayanti Sharma
F/A-123
W/O: Mr. Mahadev Sharma
O/A: 23 Assam Rifles
C/O: 99 APO.
48. Mrs. Radha Devi
FA-097
W/O: Late Birender Ram
O/A: 23 Assam Rifles
C/O: 99 APO.
49. Mr Ram Avtar
Hindi Typist
S/O Mr a. Ram
O/A: 23 Assam Rifles
C/O 99 APO
50. Miss Parbali Pyngrope
Hindi Translator
D/O Mr N.M. Das
O/A: 39 Assam Rifles
C/O 99 APO

51. Mr Vinod Kr Nautiyal ✓
Hindi Translator
S/O Late K.R. Nautiyal
O/A: 5 Sector, Assam Rifles
C/O 99 APO

52. Mr Rajesh Malkoti ✓
Hindi Teacher
S/O Mr Uma N. Malkoti
O/A: 39, Assam Rifles
C/O 99 APO



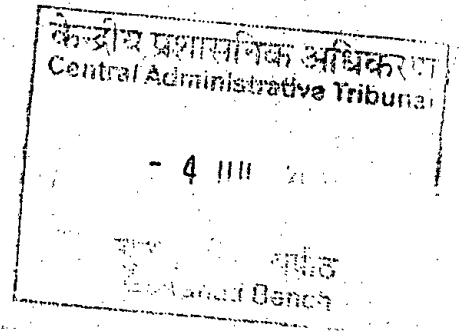
Certified to be true copy
He Somwah
Advocate

C/O 99 APO

53. Mr Anand Kr. Prasad
Jr. Teacher
S/O Mr R.K. Prasad
O/A: 39 Assam Rifles
C/O 99 APO

54. Mr Siva Kr. Roy
Hindi Teacher
S/O Mr Amiri Roy
O/A: 13 Assam Rifles
C/O 99 APO

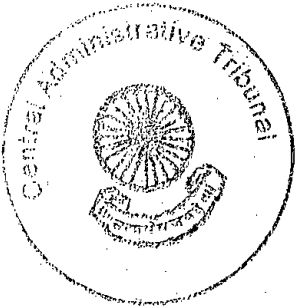
55. Mr Papu Debroy
Jr. Teacher
S/O Mr K. Kanta Debroy
O/A: 46 Assam Rifles
C/O 99 APO



..... Applicants.

By Advocate Mr.H.G.Baruah.

- Versus -



1. The Union of India
Represented by the Secretary to the
Government of India
Ministry of Home Affairs
North Block, New Delhi-110001.
2. The Secretary to the Govt. of India
Ministry of Finance
New Delhi-110001.
3. The Director General of Assam Rifles
Mahanideshalaya,
Shillong-793011.
4. The Inspector General of Assam Rifles (North)
Zakhama, Kohima
Nagaland-797001.
5. The Commandant
O/A: 42 Assam Rifles
C/O: 99 APO.
6. The Commandant
O/A: 1 Assam Rifles
C/O: 99 APO.
7. The Commandant

[Handwritten signature]

Certified to be true copy
the Baruah
AC 0001

O/A: 17 Assam Rifles
C/O: 99 APO.

8. The Commandant
O/A: 12 Assam Rifles
C/O: 99 APO.

9. The Commandant
O/A: 31 Assam Rifles
C/O: 99 APO.

10. The Commandant
O/A: 5 Assam Rifles
C/O: 99 APO.

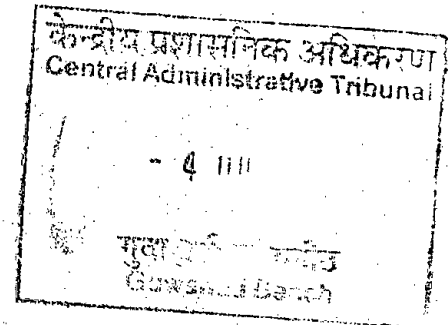
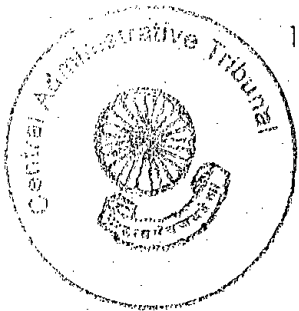
11. The Commandant
O/A: 23 Assam Rifles
C/O: 99 APO.

12. The Commandant
O/A: 39 Assam Rifles
C/O: 99 APO.

13. The Commandant
O/A: 15 Assam Rifles
C/O: 99 APO.

14. The Commandant
O/A: 13 Assam Rifles
C/O: 99 APO.

5. The Commandant
O/A: 46 Assam Rifles
C/O: 99 APO.



..... Respondents.

By Mr.G.Baishya, Sr. C.G.S.C.

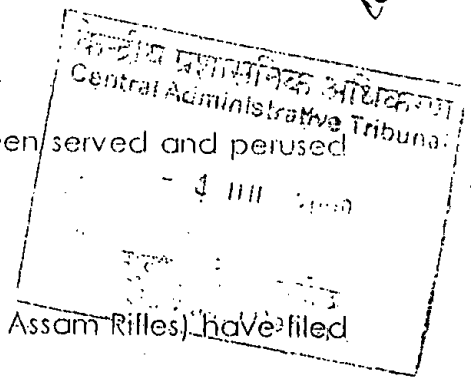
O.A. No.304 of 2007
M.A. No.135 of 2007

ORDER (ORAL)
19.12.2007

MANORANJAN MOHANTY, (V.C.)

Heard Mr.H.G.Baruah, learned counsel for the Applicants and
Mr.G.Baishya, learned Sr. Standing counsel for the Union of India; to whom

Certified to be true copy
H. G. Baruah
Advocate

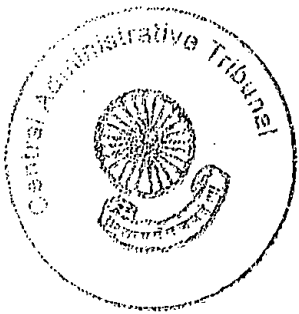


a copy of this Original Application has already been served and perused the materials placed on record.

2. Applicants (55 members of the staff of Assam Rifles) have filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985; because Special Duty Allowances are not being paid to them.

3. The aforesaid 55 Applicants have filed Misc. Application No.135 of 2007 seeking permission to prosecute this Original Application No.304 of 2007 jointly. Having heard learned counsel appearing for both the parties, permission to prosecute the case jointly is allowed and Misc. Application No.135 of 2007 stands disposed of.

4. It is the case of the Applicants that for the reason of certain Govt. of India instructions and judicial pronouncements, the Applicants are entitled to get Special Duty Allowances. If that is so, then, the Applicants should represent before the Authorities/Respondents to consider their grievances in terms of the judicial pronouncements on which they are relying here. Mr. H.G. Baruah, learned counsel for the Applicants, states that each of the Applicants shall individually submit representation before the Authorities/Respondents by 31st of December, 2007. If such representations are made by the present Applicants, by the end of December, 2007, then the Respondents should consider their cases (in terms of the Government instructions and the judicial pronouncements) by end of February, 2008. The averments made in this Original Application No.304 of 2007 should also be taken into consideration by the Respondents while considering the representations of the Applicants.

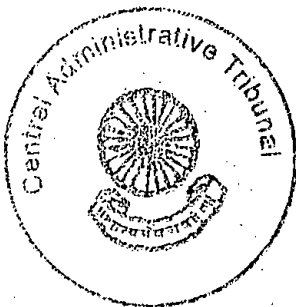


Certified to be true copy

H. G. Baruah

Advocate

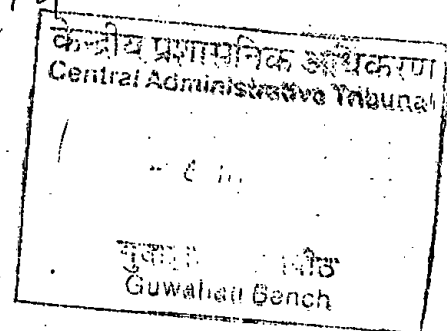
5. With the aforesaid observations and directions, this Original Application No. 304 of 2007 stands disposed of. Send copies of this order to each of the Applicants and to all the Respondents (with copies of the present Original Application) in the addresses given in the Original Application.



Sd/- M.R. Mohanty,
Vice-Chairman

Date of Application : 20.12.07
Date on which copy is ready : 20.12.07
Date on which copy is delivered : 20.12.07
Certified to be true copy

[Signature] 20.12.07
Section Officer (Secy).
C. A. T. Guwahati Bench
Guwahati-2
[Signature] 20.12.07



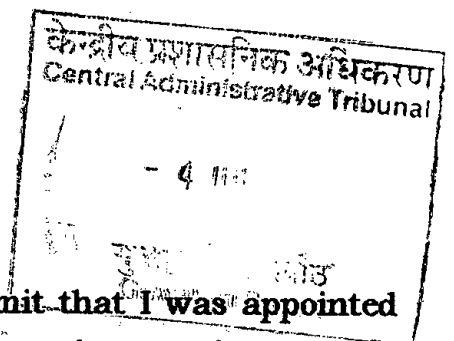
Certified to be true copy
[Signature]
Advocate

To,

Mahanideshak Assam Rifles
Director General of Assam Rifles
GS Branch (Edn. Sec)
Shillong-11

To : I. AN APPLICATION TO RELEASE SPECIAL DUTY
ALLOWANCE WITH ARREARS
II. PRODUCTION OF THE CERTIFIED COPY OF THE ORDER
OF THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

Ref. : ORIGINAL APPLICATION 304/2007
MISC.APPLICATION 135/2007



Sir,

Most humbly and respectfully, I beg to submit that I was appointed as Hindi Translator and since then have been putting my best efforts wherever got posted.

Executing the judicial pronouncements of the Hon'ble CAT, Guwahati Bench, the MHA has sanctioned the said incentives to the non-combatised civilian petitioners only who craved leaves in the premises of Hon'ble CAT vide MHA ltr No.27013/04/2007-Pf-IV dt. 3rd July 2007 and the same has been extended to the concerned units vide your ltr No.I.11018/89/2001-Law/1191 dt. 20 July 2007.

Finding no other alternative efficacious remedy I approached Hon'ble Central Administrative Tribunal, Guwahati Bench along with others which is disposed off in my favour.

It is therefore prayed to you to release the said dues with arrears as per the order of the CAT, Guwahati Bench.

Thanking you in anticipation.

Dated 23 Dec 2007

Yours faithfully,
Sd/- Illegible
(Vinod Kr. Nautiyal)
5 Sector, Assam Rifles
C/o : 99 APO

Certified to be true copy

to the Bench

Advocate

A/51

To,

Mahanideshak Assam Rifles
The Director General of Assam Rifles
GS Branch (Edn Sec)
Shillong - 11.

Sub:- I. AN APPLICATION TO RELEASE SPECIAL DUTY ALLOWANCE WITH ARREARS

II. PRODUCTION OF THE CERTIFIED COPY OF THE ORDER OF THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Ref: ORIGINAL APPLICATION 304/2007
MISC. APPLICATION 135/2007

Sir,

Most humbly and respect fully I beg to submit that I was appointed as a Hindi teacher and since then have been putting my best efforts wherever got posted.

Executing the judicial pronouncements of the Hon'ble CAT, Guwahati Bench, the MHA has sanctioned the said incentives to the non-combatised civilian petitioners only who craved leaves in the premises of Hon'ble CAT vide MHA ltr No 27013/04/2007-PF-IV dt 3rd Jul 2007 and the same has been extended to the concerned Units vide your ltr No I.11018/89/2001-Law/1191 dt 20 Jul 2007.

Finding no other alternative efficacious remedy I approached Hon'ble Central Administrative Tribunal, Guwahati Bench along with others which is disposed off in my favour.

Further to plead, due to oversight there is typographical mistake in the body of the petition, and verification too, which if, overlooked by me and my counsel and therefore in the certified copy of the order my unit is shown as '39 Assam Rifles' instead of '15 Assam Rifles'. Therefore my fervent prayer, your honour would graciously be pleased to read the said mistake '39 Assam Rifles, as '15 Assam Rifles'.

It is therefore prayed to you to release the said dues with arrears as per the order of the CAT, Guwahati Bench.

Thanking you in anticipation,

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

- 4 JUL 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

Yours faithfully,

Date: 23 Dec 2007

(Rajesh Malikoti)
Hindi Teacher
15 Assam Rifles
C/O : 99 APO

A/52

Certified to be true copy

the Baruah

Advocate

To,

Mahanideshak Assam Rifles
Director General of Assam Rifles
GS Branch (Edn Sec)
Shillong - 11

- Sub:- I. AN APPLICATION TO RELEASE SPECIAL DUTY ALLOWANCE WITH ARREARS
- II. PRODUCTION OF THE CERTIFIED COPY OF THE ORDER OF THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.
- Ref: ORIGINAL APPLICATION 304/2007
MISC. APPLICATION 135/2007

Sir,

Most humbly and respect fully I beg to submit that I was appointed as a Junior Teacher and since then have been putting my best efforts wherever got posted.

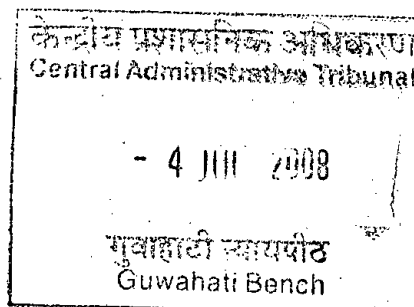
Executing the judicial pronouncements of the Hon'ble CAT, Guwahati Bench, the MHA has sanctioned the said incentives to the non-combatised civilian petitioners only who craved leaves in the premises of Hon'ble CAT vide MHA ltr No 27013/04/2007-PF-IV dt 3rd Jul 2007 and the same has been extended to the concerned Units vide your ltr No L11018/89/2001-Law/1191 dt 20 Jul 2007.

Finding no other alternative efficacious remedy I approached Hon'ble Central Administrative Tribunal, Guwahati Bench along with others which is disposed off in my favour.

It is therefore prayed to you to release the said dues with arrears as per the order of the CAT, Guwahati Bench.

Thanking you in anticipation,

Date: 24 Dec 2007



Yours faithfully,

(Anand Kr. Prasad)
Junior Teacher
39 Assam Rifles
C/O: 99 APO

Certified to be true copy
He Bonuah
Advocate

A/50

18 MAR 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

108
Motin Ud-Din Ahmed

M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

18/3/2009

IN THE MATTER OF :

Contempt Petition No.09/2008

In O.A. No.304/2007

Shri Vinok Kumar Nautiyal & 2 ors.

.....Petitioner

- Versus -

1. Mr Madhukar Gupta, IAS
Secretary to the Govt. of India
Ministry of Home Affairs,
North Block, New Delhi-110001.

2. Lt. General K.S.Yadava, AVSM,SM,VSM
Director General Assam Rifles
Mahanideshalaya Assam Rifles,
Directorate General Assam Rifles,
Shillong, Meghalaya-793011

.....Respondents

- AND -

IN THE MATTER OF :

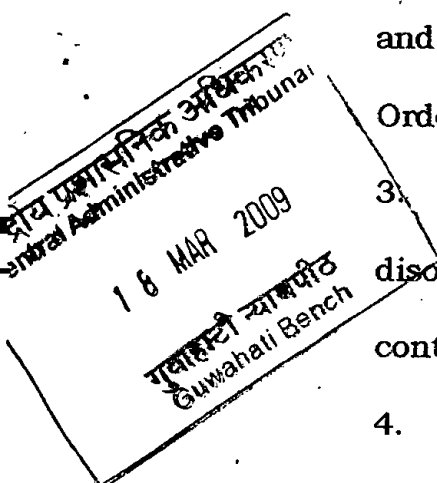
An affidavit and/or Compliance

Report for and on behalf of the
Respondent No.



1. That I am ^{Representative} the Respondents No. 122 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. 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 19.12.07 in O.A.304/07 pronounced by this Tribunal.

3. That there is no any willful or deliberate and reckless disobedience of the aforesaid order by the respondents and showing any contempt to the order of this Tribunal does not arise.

4. The answering respondents would respectfully submit that the alleged non compliance of the order dated 19.12.2007 passed in O.a.No.304/07 was not intentional but due to the circumstances beyond the control of the respondents as such they are not liable to be proceeded for contempt of court.

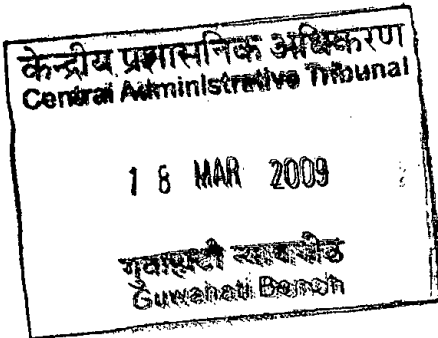
5. That it is respectfully submitted that soon after receipt of order dated 19.12.2007, the same was forwarded to the concerned authority for their guidance on the matter and the competent authority after due examination of the said judgment has decided to extend the benefit of SDA to all the remaining civilian employees of Assam Rifles with effect from 2nd July 2007 keeping in view the earlier CAT Guwahati order to the similarly placed civilian petitioners. The arrear will be claimed by respective units and paid within the current financial year 2008-09.



6. That while denying the correctness of the statement made in the contempt petition, it is respectfully submitted that the answering respondents have high regard and absolute submission to the authority of law and majesty of the Hon'ble Tribunal as such the allegation of willful and deliberate non implementation of the order is wholly perverse and liable to be rejected with contempt it deserves.

7. That it is further respectfully submitted that all the civil staff are presently drawing SDA as on date which was communicated by

Central Pay Bill Office (Assam Rifles) CPBO (AR) vide their letter dated 21st November 2008. It is further submitted that as regards payment of arrear SDA in respect of serving/retired/dies in service, it is respectfully submitted that no arrear SDA bill are pending with this Directorate as communicated vide CPBO (AR) letter dated 17.12.2008



Copy of CPBO (AR) letter dated 21st November 2008 is enclosed herewith and marked as Annexure R-1.

Copy of CPBO (AR) letter dated 17.12.2008 is enclosed herewith and marked as Annexure R-2.

8. That is further respectfully submitted that progress on payment of regular SDA in respect of staff in contempt petition No.09/2008 in O.A.304/07 are enumerated as under :-

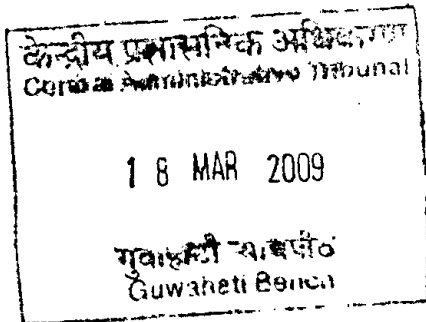
- | | | | |
|-----|-------------------------|---|---|
| (a) | Shri V.K Nautiyal | - | Presently drawing SDA and cheque for arrear SDA issued by PAO (AR) on 16 December 2008. |
| (b) | Shri Rajesh Mankoti | - | Presently drawing SDA, arrear SDA has already been paid to him |
| (c) | Shri Anand Kumar Prasad | - | Presently drawing SDA, arrear SDA bills under process and to be paid in this Financial Year |

9. That this misconceived petition filed by misrepresentation of facts and entirely baseless allegation, besides being malicious is bad for mis-joinder and non joinder of necessary parties as such the same is liable to be rejected.

In view of the above it is respectfully submitted that there is no any willful or deliberate and reckless disobedience of the aforesaid order passed by this Hon'ble Tribunal.

In the light of the aforesaid submission made above, your Lordship would be pleased to dismiss the Contempt Petition filed against the respondents.



**AFFIDAVIT**

I, dt. Col. Rajeev Kumar Son of Shri. Suresh Sharma
aged about 39 years, working as SO 1 (A)
do hereby solemnly affirm and state as follows :-

That I am the Respondent No. ^{1st} (2nd) in the above case and I am fully acquainted with the facts and circumstances of the case and also authorized to swear this affidavit.

That the statements made in Para 1 to 2 are true to my knowledge, belief and information and those made in Para (7) are true to my knowledge as per the legal advice and I have not suppressed any material facts.

And I sign this verification on this 06 day of ^{Feb} ~~January~~ 2009 at Guwahati.



Identified by

M. M. Ahmed

ADVOCATE

6-0-0-0-0
Lt. Col. (Signature)
Dependent
एस.जी. (प्रशासन)
SO 1 (A)

महानिदेशालय असम राईफल
Solemnly affirmed and declare before
me by the deponent, who is identified
by M. M. Ahmed Advocate at Guwahati
on this 6th day of ~~January~~ ^{Feb}, 2009 at Guwahati.

Elsha Dm.
Addl CSE
6/2/09

18 MAR 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

ANNEXURE-R-1 (66)

110

Phone : 0364-2230129 CPBO (AR)

Office of the Deputy Controller of Accounts
Central Pay Bill Office (Assam Rifles)
Pay and Accounts Office (Assam Rifles)
Directorate General Assam Rifles (Complex)
Shillong-793011 (Meghalaya State)

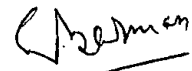
No.: CPBO (AR)/SDA/2008/4749

Dated: 21 Nov 08

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(A Branch) Shillong-11

**PAYMENT OF ARREAR SDA IN RESPECT OF SERVING AND
RETIRED EMPLOYEES**

1. Ref your letter No A/Pers/0859 dt 17 Nov 2008 and A/Pers/0859 dt 18 Nov 2008.
2. It is intimated that since Sep 2008 onward SDA is being paid to all those civ employees who are in CPBO (AR) data base.
3. In terms of your office letter No A/140/12/A-II/08 dt 31 Oct 2008 arrear SDA bill is required to be prepared by respective Fmns/Units as the SDA for leave, Trg, Course etc is required to be recovered from the indls and said details are not available in this office.
4. It is therefore requested to inform environment to fwd SDA arrear bill of Gp 'B', 'C' and 'D' employees separately to this office for payment.



(S Barman)
Accounts Officer
for offg OIC

Copy to:-

1. PA to Dy CA (Home)
Laitumkhrah
Shillong - 3
2. Pay & Account Office (AR)
Laitumkhrah
Shillong - 3

Phone: 0364-2230129 CPBO (AR)

Office of the Deputy Controller of Account
Pay and Account Office (Assam Rifles)
Central Pay Bill Office (Assam Rifles)
DGAR Complex, Shillong – 793011 (Meghalaya)

ANNEXURE R-2
6-
केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

18 MAR 2009

गुवाहाटी न्यायाधीश R
Guwahati Bench

No.: CPBO (AR)/Co-ord./2008/ 5068

Dated: 17 Dec 2008

Directorate General Assam Rifles
Mahanideshalaya Assam Rifles
(A Branch)
Shillong -11

DRAWAL OF SDA CIV STAFF

Sir,

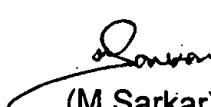
1. Ref your letter No A/14016/12/A-II/08 dated 17 Dec 2008.
2. Details of payment of SDA/arrear SDA to civil employees mentioned in your letter under reference is as under :-

(a) **Shri V K Nautiyal, Hindi Translator** : SDA is being paid to the indl regularly. Arrear SDA payment has been recd from PAO (AR) on 17 Dec 2008 vide cheque No 4770-714770 dated 16 Dec 2008. Requisition and cheque has been fwd to bank. Demand draft will be fwd to unit on receipt from the bank for disbursement.

(b) **Shri Rajesh Malkoti, Hindi Teacher**: Regular SDA is being paid to the indl. Arrear SDA has already been paid to him.

(c) **Shri Anand Kumar Prasad, Junior Teacher** : Regular SDA is being paid to the indl. Arrear SDA bill has not yet been recd from unit. As and when bill recd from the unit payment will be released.

Yours faithfully,


(M Sarkar)
AAO
offg OIC

Copy to:-

- 1 PA to Dy Controller of Accounts (AR & IB)
Ministry of Home Affairs
PAO (AR)
Laitumkhrah, Shillong - for information please.
- 2 The Pay and Accounts Office
PAO (AR), Manbha Villa
Laitumkhrah, Shillong - for information please.
- 3 Law Branch - for information please.