

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. _____

2. Mise Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

9/08 in O.A 304/07

Mr. M. Gupta
Applicant(s) Mr. M. K. Nautiyal, etc. vs Union of India & Ors

H. G. Baruah

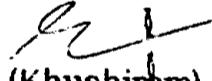
Advocate for the Applicant(s):

Addl. Case. H. U. Ahmed

Advocate for the Respondent(s):

Notes of the Registry	(II) Date	Order of the Tribunal
1. This Contempt petition has been filed by the learned counsel for the petitioner, praying for initiation of a contempt proceeding against alleged contemners for non-compliance of the order dated 19th Day of December, 2007 passed by this Hon'ble Tribunal in O.A 304/07.	23.07.2008	2. Hard Mr. H. G. Baruah, learned counsel appearing for the Applicant.

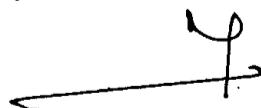
Issue notice requiring the opposite parties of this case, to file their show cause by 29th August, 2008.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

2. Consider before the Hon'ble Court for further orders.	29.08.2008	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 3 rd October, 2008.
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(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

31/7/08
29.7.08
Pl. issue Notice to the
opposite parties of this case
Khushiram

Notice copies sent
to Dissection box
issuing to R-1 leg
regd. A/D post
and another R-2
received leg hand.

Clk
7/8/08.

D/No-3427

Dt- 11/8/08.

① Service report
Availed

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.

1/10/08
No cause

No show cause
has been filed.

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

nk

Show cause reply
not filed.

18/12/08

W/S not filed.

20/3/09.

Bench is not available
List on 17-2-09.

17/2/09
CO

Bench is not available
List on 23-3-09.

23/3/09
CO

- 3 -

2/2

23.03.2009 Mr. H.G. Baruah, learned Counsel appearing for the Applicant, is present.

Copies of order dt.
23.3.09 is send to
Section comprising
to the Applicant &
Respondent by post

order
24.3.09
M.W. 1432 to 1435
At 26.3.2009

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

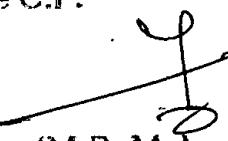
Call this matter on 29.04.2009 awaiting written reply from the Respondents/Opposite Parties.

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

Abidavit and
Compliance report
filed on behalf of
The respondents.

No. L.2.2.1000

km


(M.R. Mohanty)
Vice-Chairman

21.4.09 29.04.2009 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
filed.

05.06.2009 Mr.H.G.Baruah, learned counsel appearing for the Applicant is present.

Mr.M.U.Ahmed
appearin
present.
release
complec
manner.
already
in the prc


Baruah

5
C.P.9/2008 (O.A. 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.

8.6.09 (Kharwa)

Send copies of this order to the Applicant and Respondents in the address given in O.A.

8/6/09

Copies of order of
05.6.2009 sent to the
Respondent for issuing
to the applicant &
Respondent by post.

Issued wide memo
No. 2989 to 3001
dt. 9/6/09

1/bb/

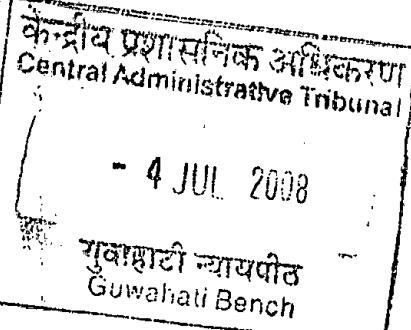
In the aforesaid premises, this C.P. is disposed of with direction to the Respondents to clear the arrear SDA, as is payable to the Applicants under the Rules/orders of this Tribunal, should be cleared by end of September 2009.

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

free copies of this
order received on the 10th day of June 2009.
A.K. Bhowmik
Advocate

Recd
A. 10/6/09



DISTRICT : KOHIMA (NAGALAND)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

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

CONTEMPT PETITION

9/108

OA NO 304 OF 2007

Mr. Vinod Kumar Nautiyal & Ors

.....PETITIONERS

-VERSUS-

Mr. Madhukar Gupta & Ors

.....ALLEGED CONTEMNORS

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Filed by :-

H
Hara Gobinda Boruah
Advocate

- 4 JUL 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

Filed before the
Petitioner / Appellant
Through the
Advocate

Hara Gobinda Borthakur
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 contemners for non-compliance of the
order dated 19 th day of December, 2007 passed
in OA NO 304 of 2007.

-AND -

IN THE MATTER OF:

OA NO 304 of 2007

Mr. S.N. Yadava & Ors

.....PETITIONERS

-VERSUS-

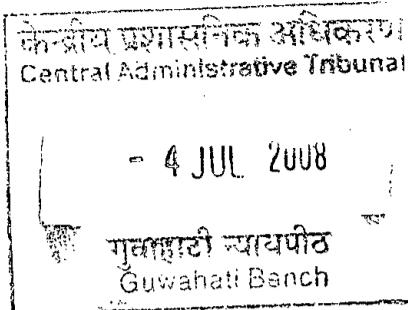
The Union of India & Ors

.....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

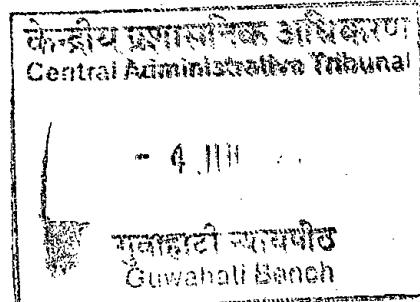
.....ALLEGED CONTEMNORS

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

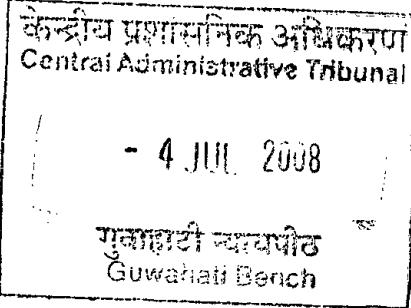
Naresh Kumar
Vijay



(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 petitioners 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



(4)

of the matter with the following Direction :

Nawaliyaal
Kumar
Vindoo

"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 the 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."

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

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

Nanaji Lal

Vinod 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.

6 III 2008

(7)

प्रबन्धाता द्वारा दिला
दिनांक

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 6 th day of June, 2008 at Guwahati.

Vinod Kumar Nautiyal
Vino

Identified by :

He Bmish

Advocates

DEPONENT

4.1111 2008

(8)

गुवाहाटी न्यायालय
Guwahati Bench

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

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 304 of 2007

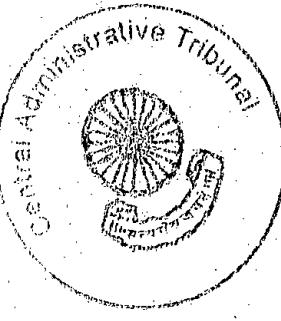
&

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: Shri Suresh Prasad Dwivedi
O/A 17 Assam Rifles
C/o 99 APO.
4. Mrs. Rajesh Devi
FA 132, FA
W/O Mr. Sunder 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 Dbanushdhar 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.



केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

Guwahati Bench

Order No. 242

Certified this 19th Dec. 2007

The Bonuak

Advocate

8. Mr Shambhu Ram
Civil Safai
S/O: Mr. Leugor 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. Pukai 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 Pokhreial
Jr Teacher
S/O: Mr. Ram Prasad Pokhreial
O/A: 12 Assam Rifles
C/O 99 APO.

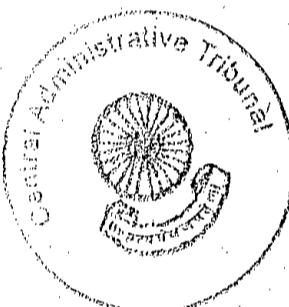
14. Mrs. Anila Negi
Senior Teacher
W/O: Mr. R.s. Negi
O/A: 12 Assam Rifles
C/O 99 APO.

15. Mrs. Kanika Bezbaruah
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.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

- 4 -



Certified to be true copy

He Sonuak
Advocate

17. Mrs. Nijora Narzary
Staff Nurse
W/O: Mr. Scrubani 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. Kalabati 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. Anant Andind
Hindi Typist
S/O: Mr. Satyawan Kapri
O/A: 12 Assam Rifles
C/O 99 APO.

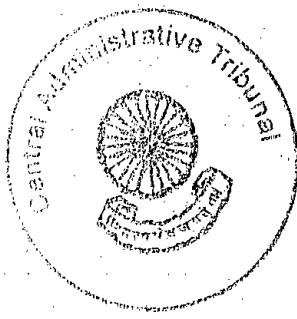
23. Mr. Ajay Kumar Pandit
Hindi Typist
S/O: Mr. Rakesh A. Pandit
O/A: 12 Assam Rifles
C/O 99 APO.

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.

केन्द्रीय प्रशासनिक अदिक्षिणी
Central Administrative Tribunal

- 4 / 111



*Certified to be true copy
The Journal
Advocate*

26. Mr. Ramdayan 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.

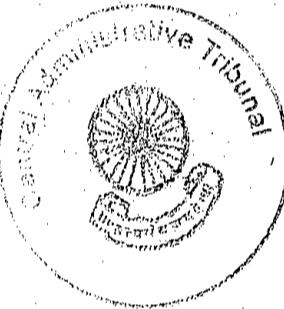
31. Mrs. Kunli Devi
W/O: Mr. Shankar Basu
Female Safai
O/A: 42 Assam Rifles
C/O: 99 APO.

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.

केन्द्रीय असाम नियन्त्रण अधिकारी
Central Administrative Tribunal



Certified to be true copy

H.C. Baruah

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 Salyendra 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.

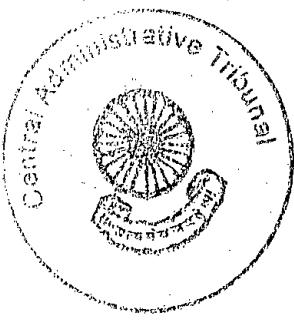
39. Mrs. Nizara Gogoi
Jr. Teacher
W/O: Mr. P. Deka
O/A: Assam Rifles Training Centre & School, Dimapur,
C/O: 99 APO.

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 Lubdhg 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.



संघ प्रशासनिक अधिकारण
Central Administrative Tribunal

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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.

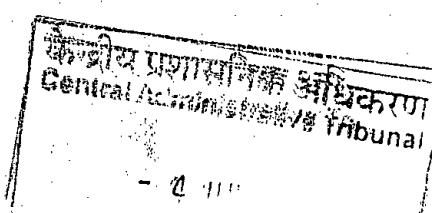
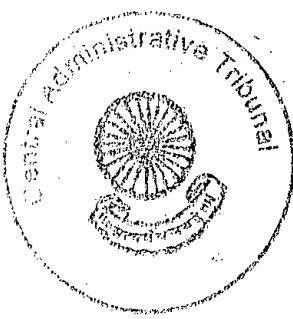
49. Mr Ram Avtar
Hindi Typist
S/O Mr a. Ram
O/A: 23 Assam Rifles
C/O 99 APO

50. Miss Parbali Pyngrope
Hindi Translator
D/O Mr N.M. Das
Q/A: 39 Assam Rifles
C/O 99 APO

51. Mr Vinod Kr Nauliyal
Hindi Translator
S/O Late K.R. Nauliyal
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
the Sonuah
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

केंद्रीय प्रशासनिक अधिकारा
 Central Administrative Tribunal

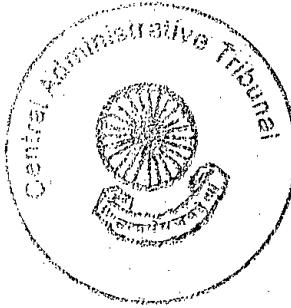
- 4 III -

भृत्या विवाहित
 Single Bench

..... 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

H. G. Baruah

Advocate

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.

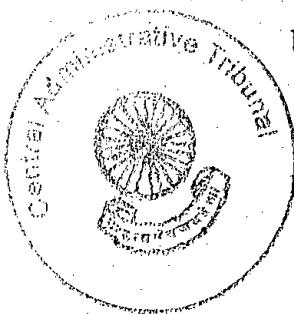
14. The Commandant
O/A: 13 Assam Rifles
C/O: 99 APO.

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

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

- 4 111

सुनापाल नगर पालिका
Guwahati Bench



..... 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

He Baruah

Advocate

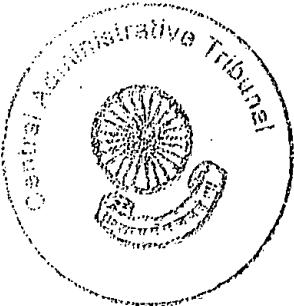
a copy of this Original Application has already been served and perused
the materials placed on record.

Central Administrative Tribunal
4 III 2008

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.

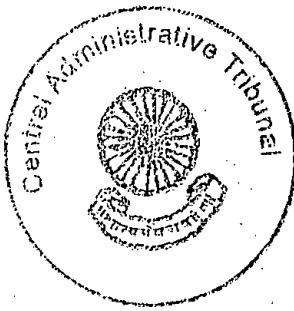
3. The aforesaid 55 Applicants have filed Misc. Application
No.135 of 2007 seeking permission to prosecute this Original Application
No.304 of 2007 jointly. Having heard learned counsel appearing for both
the parties, permission to prosecute the case jointly is allowed and Misc.
Application No.135 of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

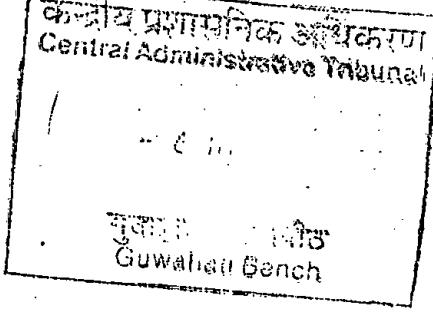


SD-

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

Section Officer (Medi) :
C. A. T. Guwahati Bench
Guwahati-2



Certified to be true copy

Ho Boruah
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 HONBLE 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
He Baruah
Advocate

151

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 Itr No 27013/04/2007-PF-IV dt 3rd Jul 2007 and the same has been extended to the concerned Units vide your Itr No 1.11018/89/2001-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,

Date: 23 Dec 2007

केन्द्रीय प्रशासनिक अधिकाराण
Central Administrative Tribunal
- 4 JII 2008
गुवाहाटी न्यायालय
Guwahati Bench

Yours faithfully,

(Rajesh Maikoti)
Hindi Teacher
15 Assam Rifles
C/O : 99 APC

A/52

Certified to be true copy

The Sonuah
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 Itr No 27013/04/2007-PF-IV dt 3rd Jul 2007 and the same has been extended to the concerned Units vide your Itr No I.11016/89/2001-Law/119/I 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,

केन्द्रीय प्रान्ताधिकारी अधिकारी
Central Administrative Tribunal

- 4 JUL 2008

Yours faithfully,

Date: 24 Dec 2007

गुवाहाटी न्यायालय
Guwahati Bench

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

Certified to be true copy

*He Sonwah
Advocate*

X/53

18 MAR 2009

गुवाहाटी न्यायालय
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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. 1 e 2 in the instant Contempt Petition and have gone through the aforesaid Contempt Petition filed by the petitioner and have understood the contents thereof and I am well acquainted with the facts and circumstances of the case based on records.
2. 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

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Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

18/3/2009

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.

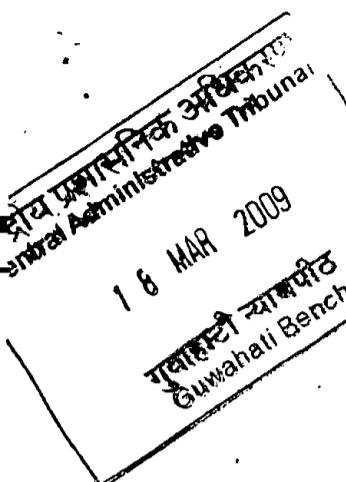
3. That there is no any willful or deliberate and reckless disobedience of the aforesaid order by the respondents and showing any contempt to the order of this Tribunal does not arise.

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.

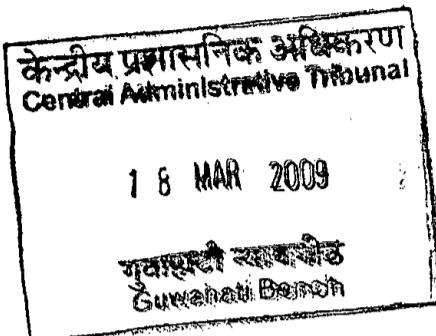
5. That it is respectfully submitted that soon after receipt of order dated 19.12.2007, the same was forwarded to the concerned authority for their guidance on the matter and the competent authority after due examination of the said judgment has decided to extend the benefit of SDA to all the remaining 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 :-

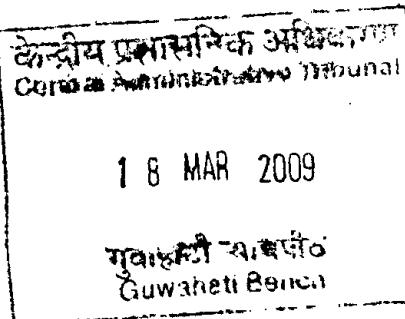
(a) Shri V.K Nautiyal	- Presently drawing SDA and cheque for arrear SDA issued by PAO (AR) on 16 December 2008.
(b) Shri Rajesh Mankoti	- Presently drawing SDA, arrear SDA has already been paid to him
(c) Shri Anand Kumar Prasad -	Presently drawing SDA, arrear SDA bills under process and to be paid in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



18 MAR 2009

4

AFFIDAVIT

I, lt. Col. Rajeev Kumar Son of Shri. Suresh Sharma
aged about 39 years, working as S 0 1 (A)
do hereby solemnly affirm and state as follows :-

That I am the Respondent No. 1 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 3
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 January 2009
at Guwahati.



Identified by

M. U. Ahmed
ADVOCATE

लोकालय
Lt. Col. Rajeev Kumar
एस बी (प्रायस्त्रिय)
S 0 1 (A)

भारतीय निर्वाचन आयोग द्वारा
Solemnly affirmed and declared before
me by the deponent, who is identified
by M. U. Ahmed Advocate at Guwahati
on this 6th day of January, Feb.
2009 at Guwahati.

Abha Das
Addl. Cuse
6/2/09

A/bo

18 MAR 2009

ANNEXURE-R-3

गुवाहाटी न्यायपीठ
Guwahati Bench

Phone : 0364-2230129 CPBO (AR)

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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.

(Signature)

(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)

ANNEXURE R-2

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

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

Dated: 12 Dec 2008

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

Guwahati Bench R
Guwahati Bench

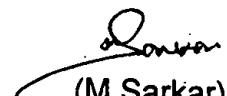
18 MAR 2009

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.