

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

| | |
|---------------------|-------------------------------|
| ORIGINAL APPLN. NO. | OF 1995 |
| TRANSFER APPLN. NO. | OF 1995 |
| CONTEMPT APPLN. NO. | 14 OF 1995 (IN OA NO. 148/95) |
| REVIEW APPLN. NO. | OF 1995 (IN OA NO.) |
| MISC. PETN. NO. | OF 1995 (IN OA NO.) |

Chamrata Dev. Gade APPLICANT(S)

-vs-

Union of India, RESPONDENT(S)

FOR THE APPLICANT(S)

MR. Mr. B.K. Sharma
MR. Mr. B. Mehta
MR. Mr. S. Sarma
MR. S. Ali, Sr. C.G.S.C.

FOR THE RESPONDENTS

OFFICE NOTE

DATE

ORDER

This application is filed by Sri S. Sarma, advocate for the applicant for Contempt of Court by/s. 17 of the A.T. Act, 1985 for ignoring and disobeying the order dated 19.9.95 passed in O.A. No. 148/95 by the Hon'ble Tribunal. A draft charge is enclosed alongwith the petition.

10.4.96

Learned counsel Mr S. Sarma for the petitioners move this Contempt Petition on the ground of alleged non compliance to the order of this Tribunal dated 19.9.95 in O.A.No.148/95.

Let copy of this petition be served on the alleged contemnors. Returnable on 30.5.96.

List on 30.5.96 for consideration of the Contempt Petition and further orders. Steps within two days.

60
Member

pg

30290

Land before the Bench for further orders.

B. T. 9.4.96

Deputy Registrar (S)
Central Administrative Tribunal
Guwahati Bench

Recon.

Learned counsel Mr S. Sarma for the petitioner. Mr S. Ali, learned Sr.C.G.S.C., for the opposite party.

Mr Ali submits a petition praying for disposal of the contempt petition No.14/96 in O.A.No.148/95. Mr S. Sarma submits that he requires time for instruction as he has receive the copy of the petition today only.

List for orders on 12.6.96.

P. T. O.

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO. 2 OF 1995
TRANSFER APPLN. NO. OF 1995
CONTEMPT APPLN. NO. OF 1995 (IN OA NO.)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN. NO. OF 1995 (IN OA NO.)

..... APPLICANT(S)

..... RESPONDENT(S)

FOR THE APPLICANT(S) ... MR.
MR.
MR.
MR.

FOR THE RESPONDENTS ... MR.

C.P.No.14/96 (O.A.No.148/95)

| OFFICE NOTE | DATE | ORDER |
|--|---------|--|
| Requisites are ready on 30.6.96 & contd v. no. 902 - 09 dtd 15/6/96. | 30.5.96 | Learned counsel Mr. S. Sarma for the petitioner. Mr. S. Ali, learned Sr. C.G.S.C., for the opposite party. |
| Service Reports are still awaited. | | Mr. Ali submits petition praying for disposal of the contempt petition No.14/96 in O.A.No.148/95. Mr. S. Sarma submits that he requires time for instruction as he has received the copy of the petition today only. |
| | | List for orders on 12.6.96. |
| Service reports are still awaited. | 12.6.96 | Mr. S. Sarma for the applicant Petitioner. Leave note of Mr. S. Ali, Sr. C.G.S.C. for the respondents. |
| | | Adjourned for order in presence of Mr. S. Ali on 26.6.96. |
| | | Member (J) <i>[Signature]</i> Member (A) <i>[Signature]</i> |
| | trd | |

OFFICE NOTE

DATE

ORDER

26.6.96

Mr B.K. Sharma for the contempt petitioners (applicants in the O.A.). Mr S. Ali, learned Sr. C.G.S.C., for the alleged contemners.

No show cause has been received from any of the alleged contemners.

List for show cause and further orders on 31.7.96. Inform the alleged contemners.

60
Member

nkm

31.7.96

Mr S. Sarma for the contempt petitioners. None for the alleged contemners.

No show cause has been received from any of the alleged contemners. Service report not received in respect of all the alleged contemners except alleged contemner No.8.

Adjourned for service report and further orders to 29.8.96.

Mr S. Ali, Sr. C.G.S.C informs that the respondents have intimated him that the Hon'ble Supreme Court had granted stay order on 15.7.96 in respect of O.A. 148/95 and steps will be taken by him on receipt of copy of the order of the Supreme Court.

Copy of the order may be furnished to the counsel of the parties.

60
Member

pg

S. Ali

OFFICE NOTE

DATE

ORDER

29.8.96

Mr S.Ali for the respondents, recons for adjournment on the same ground above.

List for further order on 11.9.96

62
Member

pg

16-9-96

Learned counsel Mr. S. Sarma for the applicant. None for the respondents.

List for order on 4-10-96 in presence of Mr. S.Ali, Sr.C.G.S.C..

lm

M
16/9

4.10.96

Mr. B.K.Sharma for the petitioner.

Mr. S.Ali, Sr. C.G.S.C. for the alleged contemnors.

In view of the stay order dated 15.7.96 passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 14104/96 this contempt petition is kept in abeyance till further order.

List for Order on 20.11.1996.

62
Member

trd

M
17/11

20.11.96

Mr. S.Ali, Sr. C.G.S.C. for the alleged contemnors.

To be placed for order after receipt of order of Hon'ble Supreme Court in SLP (CIVIL) No. 14104 of 1996.

62
Member

M
20/11/96

~~Service~~ Notice duly served on Respondent no. 8.

show cause why
not issue W.W.

3
10

To be put up
after receipt of
SLP to the Hon'ble
Court.

M
20/11/96

4
CP No. 14/96 (OA 148/95)

| Notes of the Registry | Date | Order of the Tribunal |
|---|--------------------|--|
| <u>20.5.99</u> A. Copy of Tried and order has been received from the Hon'ble Supreme Court in Comme- tion OA. 148/95 and CP. No. 14/96 The copy of order same may be placed before Hon'ble Court for further order. Boz. | 26.5.99 nkm | Learned counsel Mr S. Sarma for the petitioner. Seen office note. The contempt petition relates to Division Bench matter, Original Application No.148 of 1995. Place it before the Division Bench on 2.6.99. <i>60</i> Member |
| <u>7-6-99</u> Notices prepared and issued to the respondents 316-1 & 8 through Regd. post with A/D <i>7-6-99</i> | 2.6.99 nkm | Heard Mr S. Sarma, learned counsel for the petitioner. The contempt petition is admitted. Issue usual notices. The alleged contemners are directed to appear before this Tribunal on 4.8.99. Fix it on 4.8.99. <i>60</i> Member |
| <u>30.6.99</u> Notice duly served on R.NE-1, 3 and 4, 8 <i>7-6-99</i> | 4.8.99 nkm | On the prayer of Mr B.C. Pathak, learned Addl. C.G.S.C. list for orders on 11.8.99. <i>60</i> Member |
| <u>16.8.99</u> Copies of the order have been sent to the Office for copy in the case to the parties through Regd. with A/D. <i>8-8-99</i> | 11-8-99 nkm | Mr. B.C. Pathak, learned Addl. C.G.S.C. appearing on behalf of the alleged contemner has informed this Tribunal that the order of this Tribunal has since been complied with. Mr. S. Sarma learned counsel for the petitioner has no informa- tion in this regard. However, on the submission made by Mr. Pathak, we find no reason to proceed with the Contempt proceedings. Accordingly, Contempt Petition is closed. <i>60</i> Member |
| | 29.3.99 1m | <i>60</i> Vice-Chairman |

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
|-----------------------|------|-----------------------|

3. 8. 99

A Letter has
been received (Flag "A")
from Garrison
Engineers (Mr. A. S. Gupt)
Mysore, it is submitted
that as implemented
Tribunal Judgments.

Ans

16/8/99

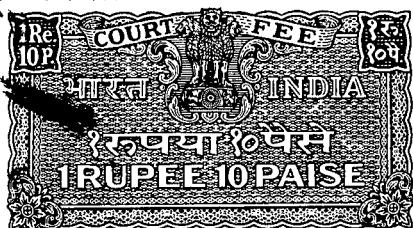
Copy of the order
issued vide S. No.
2581 & 2589
Dated 16.8.99.

Ans

Central Administrative T. S.
केन्द्रीय विधायिका अधिकारी

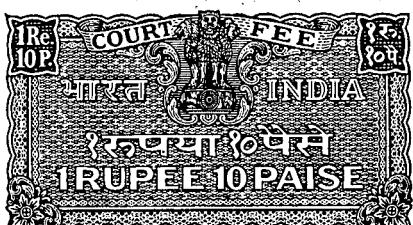
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GAUWATI BENCH

GAUHATI

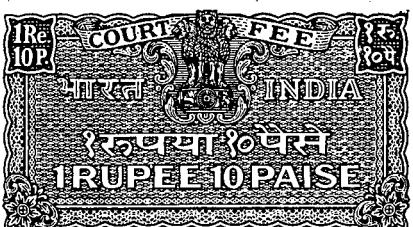


CONTEMPT PETITION NO. 14 /96

IN O.A. NO. 148 OF 1955.



IN THE MATTER OF :



An application under Section 17 and 27
of the Administrative Tribunal Act, 1985
read with Rule 24 of the CAT(Procedure)
Rules 1987 praying for institution of Contempt
proceedings against the Respondents/Contemnors
for non compliance of the judgement and order
dated 19.9.95 passed in O.A.No.148 of 1995 and
for execution of the said order together with
any other order/orders as may be deemed fit
and proper.



AND

IN THE MATTER OF :

Non compliance/non execution of the HCs/HCs

- Tribunal's order dated 19.9.95 passed in

O.A.No.140 of 1995 by the Respondents/
Contemners.

AND

IN THE MATTER OF :

SHRI CHANDRA DEV YADAV AND 213 OTHERS

Applicant Nos. 1 to 196 are working under
Garrison Engineer 869, EWS, C/o. 99 APO

Applicant No. 197 to 214 are working under
557, A.S.C. Battalion, 12 Campu CASE
Supply point), Zakhama.

... PETITIONERS

Vs.

1. Sri ~~.....~~ Aji. K.A.Nambiar,

Secretary, Govt. of India, Ministry
of Defence, South Block

R.K.Puram, New Delhi-1.

2. Shri Amarchand, Controller of Defence

Accounts, Udajan Nagar, Narengi, Guwahati.

3. Major Umesh Sharma,

Garrison Engineer, 869 Engineer Works Section
C/o. 99 APO

4. Lt. Genl. Jagdish Narain, PVSM? AVSM, VSM, ADC
Engineer in Chief, Kashmir House,
R.K.Puram, West Block-5, New Delhi-22.

5. Mr. P. R. Siva Subramanian,
Controller General of Defence Account,
New Delhi-11.

6. Col. P. K. Oberoi
Commander Works Engineer, H.Q. 137
Works Engineer, C/o. 55 APO

7. Lt. Colonel A. K. Dinesh, D.C. Supply Point
Jakhama 557 ASC No. (12 Camp) C/o. 55 APO

8. Brig. T. D. S. Viehaka, Chief Engineer,
Shillong Zone, S.E. Falls, Shillong-11.

... RESPONDENTS/CONTENDERS.

The humble petition of the petitioners

above named,

MOST RESPECTFULLY SHEWETH :

1. That the petitioners approached this Hon'ble Tribunal by filing O.A. No. 148/55 challenging the denial of their legitimate claims of SDA, ACA (RL) HRA and PSC and other reliefs.
2. The Case of the petitioners is that they joined in their respective services under the Respondents as Central Government Civilian employees in Nagaland and ever since their entry into their respective services they have been rendering their sincere and dedicated services to the satisfaction of all concerned. The applicants are all

Civilian ...

employees belonging to Group C and D under the Ministry of Defence and as such they are entitle to SDA, HRA, SCA(RL) and FSC. Being aggrieved by nonpayment of the above allowances the petitioners approached this Hon'ble Tribunal by way of filing an application being O.A.No.148/95 challenging the action of the Respondents.

2. That on 19.5.95 after prolong hearing from both the parties and after perusal of all the records and relevant Office Memorandum issued by the Govt. of India, the Hon'ble Tribunal was pleased to pass an order directing the Respondents to release their legitimate claims of the petitioners of SDA, ACA(RL), HRA and FSC. The Hon'ble Tribunal made observations regarding the various claims of allowances of the petitioners and was further pleased to direct the Respondents as follows :

".....11(i) It is declared that SDA is payable from 1.12.1988.

ii(a) The respondents are directed to pay to the applicants SDA with effect from the date of actual posting in Nagaland on or after 1.12.1988 as the case may be in respect of each applicant and continue to pay the same to long as the concession is admissible.

4(A)

(b) Arrears from the date of actual posting in Nagaland on or after 1.12.1988 upto date to be paid within three months from the date of receipt of copy of this order.

iii(a) It is declared that SCA(RL) is payable from 1.10.1986

(b) The respondents are directed to pay to the applicants SCA(RL) with effect from the date of actual posting in Nagaland on or after 1.10.1986 as the case may be in respect of each applicant and to continue to pay the same as long as the concession is admissible.

(c) Arrears from the date of actual posting in Nagaland on or after 1.10.1986 upto date to be paid within a period of three months from the date of communication of this order.

iv(a) It is declared that FSC is admissible from 1.4.1993.

(b) The respondents are directed to extend the FSC to the applicants in the prescribed manner with effect from 1.4.1993 or from the date of actual appointment as the case may be in respect of each applicant upto date and to continue to give the same as long as admissible.

v(a) It is declared that HRA is admissible as indicated below.

4(8)

(a) The respondents are directed to pay HRA to the applicants at the rate ~~as~~^{as} was applicable to the Central Government employees in B, B-1, B-2 Class cities/towns for the period from 1.10.1986 or from the actual date of appointment as the case may be in respect of each applicant upto 28.2.1991 and at the rate as may be applicable from time to time as from 1.3.1991 upto date and to continue to pay the rate prescribed hereafter.

(b) Arrears to be paid accordingly subject to the adjustment of the amount as may have already been paid to the respective applicants during the aforesaid period towards HRA.

(c) Future payment to be regulated in accordance with Clause (a) above.

(d) Arrears to be paid as early as practicable, but not later than a period of three months from the date of communication of this order ~~as~~ to the respondents.

12. The original application is allowed in terms of the aforesaid order. No order as to costs."

A copy of the judgement dated 19.9.95 passed in O.A.No.148/95 is annexed herewith and marked as Annexure-A

3. That copies of the said order were sent to the Respondents by the Registry CAT/Ghy Bench on the month of October, 1995 and the Respondents are aware of the order dated 19.9.95 passed by the Hon'ble Tribunal in O.A No.148/95. It will be pertinent to mention here that while passing the said order of 19.9.95, the Hon'ble Tribunal was pleased to direct the Respondents to implement the said order within 3 months from the date of communication of the said order to the Respondents.

4. That the Respondents just after expiry of the said prescribed period of 3 months as ordered by the Hon'ble Tribunal, made an application before the Hon'ble Tribunal seeking further time to implement the said order, but the Hon'ble Tribunal has rejected the prayer made by Respondents and the Hon'ble Tribunal was further pleased to make it clear that no further time will be allowed.

5. That the petitioners are pursuing the matter same after passing the said order but no action has been taken by the Respondents till date. Although, the Respondents are

fully aware of the order dated 19.9.95, they have not yet released the said allowances to the petitioners. The Respondents have deliberately and wilfully flouted with the order passed by this Hon'ble Tribunal inspite of having full knowledge of your Lordships' order.

6. That being aggrieved by the non action and non silent attitude of the Respondents, the petitioners have preferred a notice on 7.2.96 to the Respondents and the petitioners have also fixed a time limit to pay their due allowance alongwith arrears stating the facts that the failure on their part towards implementation of the said order might cause contempt of Courts order but no action has been taken in positive by the Respondents till date.

A copy of the said notice dated 7.2.96 is annexed herewith and marked as Annexure B.

7. That the action/inaction of the Respondents towards implementation of the said order dated 19.9.95 is in direct conflict with the Hon'ble Tribunal's order and it leads to an unique case of contempt for which the Respondents are liable for punishment.

8. That the inaction on the part of the Respondents

towards implementation of the order of this Hon'ble Tribunal
warrants interference of this Hon'ble Tribunal for execution
of the said order in exercise of its power conferred by
Section 27 of the Act and Rule 24 of the CAT(Procedure)Rules.
Hence this application for drawing up contempt proceeding
as well as for an appropriate order towards implementation of
the order of the Hon'ble Tribunal.

9. That this application has been made bonafide and
to secure ends of justice.

In the premises aforesaid it is most res-
pectfully pray that your Lordships may be
pleased to issue notice to the respondents
to shew cause as to why a proceedings of
Contempt of Hon'ble Tribunal shall not be
drawn up against each and every one of them,
call for the records of the case and after
hearing the parties on the cause or causes
that may be shown and on perusal of records
be pleased to punish the Respondents for
wilfull disobedience of the order dated
8.9.95 passed in O.A.No.148/95 by this

8

Hon'ble Tribunal with further direction to
pay their dues immodistely and/or pass any
other order/orders as may be deemed fit and
proper in view of the facts and circumotances
of the case.

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

Affidavit..

9

AFFIDAVIT.

I, Sri Nirupam Baruah, son of Late Indraswar Barua aged about 45 years, working as a Cable Joiner, High Skilled Grade II under C.E.369 EWS, C/o. 99 APO, Zakhama Army Camp at Kohima, Nagaland do hereby solemnly affirm and state as follows.

1. That I am one of the petitioners in the accompanying petition, conversant with facts and circumstances of the case and I am authorised by the other petitioners to swear this affidavit.
2. That the statements made in this affidavit and in the accompanying application in paragraphs are true to my knowledge and those made in paragraphs are matters of records which I believe to be true and rests are my humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this 10th day of March, at Guwahati.

Nirupam Baruah

Identified by me.
S. Baruah
Advocate.

DEPONENT

Solemnly affirmed and state before me by the deponent who is identified by Sri S. Baruah, Advocate at Guwahati.

N. G. N.
MAGISTRATE.

Sub-Divisional Judicial Magistrate (Grade I)
GUWAHATI



-10-

DRAFT CHARGE

The Respondents are guilty of wilful and
deliberate violation of the judgement and
order dated 19.9.95 passed in O.A.No.148/95-
and hence they are liable for appropriate
punishment as provided for under the law and
of Contempt.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.148 of 1995

Date of decision: This the 19th day of September 1995

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman

The Hon'ble Shri G.L. Sanglyine, Member (Administrative)

Shri Chandra Dev Yadav and 213 others

Applicant Nos.1 to 196 are working under
Garrison Engineer, 869, EWS, C/o 99 APO.

Applicant Nos.197 to 214 are working under
557, ASC Battalion, 12 Compu (ASC Supply Point),
Zakhama.

.....Applicants

By Advocate Shri B.K. Sharma with Shri B. Mehta
and Shri S. Sarma.

- versus -

1. The Union of India
represented by the Secretary,
Government of India,
Ministry of Defence, New Delhi.
2. The Controller General of Defence Accounts(CGO),
A.A.O., Shillong.
3. The Controller of Defence Accounts (CDA),
Basistha, Guwahati.
4. The Garrison Engineer,
869, EWS, C/o 99 APO.
5. HQ 137, Command Works Engineer,
C/o 99 APO.
6. OC, Supply Point, Zakhama (Nagaland),
C/o 99 APO.

.....Respondents

By Advocate Shri S. Ali, Sr. C.G.S.C.

.....
ORDER



Mr B.K. Sharma for the applicants

Mr S. Ali, Sr. C.G.S.C., for the respondents.

Mr S. Ali states that he has not received any
written statement so far from the respondents and hence it
could not be filed. This is an application filed by 214

applicants who are working under the Garrison Engineer, 869, EWS, C/o 99 APO and 557, ASC Battalion, 12 Compu (ASC Supply Point), Zakhama, which falls under the Ministry of Defence, Government of India.

2. Relying upon O.M.No.20014/3/83-E-IV dated 14.12.1983 the applicants claim that they being civilian employees serving in the N.E. Region are entitled to get Special (Duty) Allowance (SDA) in terms of the modified O.M.No.20014/16/86-E.IV/E/II(B) dated 1.12.1988. They contend that as they have All India transfer liability they are covered by the aforesaid memoranda.

3. The applicants further claim Special Compensatory (Remote Locality) Allowance (SCA(RL)) in terms of office memorandum No.20014/9/86-E.IV dated 23.9.1986. The applicants further claim that they are entitled to get House Rent Allowance (HRA) at the rate of 15% on the monthly salary in terms of the recommendations of the Fourth Pay Commission with effect from 1.1.1986. Lastly, the applicants claim that they are eligible for Field Service Concession (FSC) in terms of Government of India's letter dated 13.1.1994, 25.1.1994 and 31.1.1995.

4. It is stated by the applicants that despite repeated demands the aforesaid benefits were not being given to them by the respondents and, therefore, they had filed Civil Suit No.255/88 in the Court of the Deputy Commissioner (Judicial), Nagaland at Dimapur and obtained a decree dated 19.12.1994, but as they have been advised that the decree is a nullity as the civil court has no jurisdiction to entertain the matter they have approached this Tribunal. They contend that the time spent in pursuing a wrong remedy should be excluded for the

purpose.....

purpose of calculation of limitation and they be granted the relief.

5. In the civil suit which was contested by the present respondents their stand was that since the applicants are enjoying Free Field Concessions they are not entitled to claim other allowances. They also denied that the service conditions of the applicants were the same as that of other Central Government employees.

6. Now the aforesaid contentions of the respondents urged in the civil suit which may also be taken as their defence in the present application have been examined by us in our judgment in the case of S.C. Omar, Asstt. Executive Engineer, -vs- Garrison Engineer and another (O.A.No.174/93), reported in SLJ 1995(1) CAT (Guwahati Bench) 74. We have held in that case that SDA and SCA(RL) are payable to Central Government employees posted in N.E.

~~Region~~ even if they get FSC. We have not accepted the plea that admissibility of FSC deprives them of these benefits. In arriving at that conclusion we had also referred to the earlier decisions in O.A.Nos. 48/89 and 49/89 dated 29.3.1994. We held that the applicant in that case was entitled to get SDA and SCA(RL) apart from the FSC. We have also followed that decision in our order on O.A.No.124/95 with O.A.No.125/95 decided on 24.8.1995. Consistently with the view so taken we are of the view that the claim made by the applicants must be upheld.

7. As far as HRA is concerned the applicants will be covered by the rates prescribed by the Central Government from time to time for B (B1 - B2) and C class cities. The applicants will be entitled to get the allowance at the rates prescribed from time to time depending upon the

nature.....

:4:

nature of classification applicable to them.

8. In the instant application the applicants have raised a contention that they are entitled also to get compensation in lieu of rent free accommodation in terms of O.M.No.11015/4/86-E.II(B)/87 dated 13.11.1987. Mr B.K. Sharma, however, submits that he does not press that claim in the instant application without prejudice to make the claim if so advised by filing a fresh application.

9. It is, however, necessary to mention that as held by the Hon'ble Supreme Court the benefit of SDA is admissible only to those employees who are appointed outside the N.E. Region and are posted inside the N.E. Region. It will be up to the respondents to ascertain the case of each applicant, if necessary, to make the benefit available to such applicants who are entitled to get the same.

10. The SDA will be payable to the applicants who satisfy the above mentioned test with effect from 1.12.1988. They will be entitled to get SCA(RL) with effect from 1.10.1986. We hold that the applicants are entitled to get HRA at the prescribed rate. We also hold that the applicants are entitled to get FSC as admissible from 1.4.1993.

11. In the result following order is passed:

i) It is declared that SDA is payable from 1.12.1988.

ii) (a) The respondents are directed to pay to the applicants SDA with effect from the date of actual posting in Nagaland on or after 1.12.1988 as the case may be in respect of each applicant and continue to pay the same so long as the concession is admissible.

B.K.

(b) Arrears from the date of actual posting in Nagaland on or after 1.12.1988 upto date to be paid within three months from the date of receipt of copy of this order.

iii(a) It is declared that SCA(RL) is payable from 1.10.1986.

(b) The respondents are directed to pay to the applicants SCA(RL) with effect from the date of actual posting in Nagaland on or after 1.10.1986 as the case may be in respect of each applicant and to continue to pay the same so long as the concession is admissible.

(c) Arrears from the date of actual posting in Nagaland on or after 1.10.1986 upto date to be paid within a period of three months from the date of communication of this order.

iv(a) It is declared that FSC is admissible from 1.4.1993.

(b) The respondents are directed to extend the FSC to the applicants in the prescribed manner with effect from 1.4.1993 or from the date of actual appointment as the case may be in respect of each applicant upto date and to continue to give the same so long as admissible.

v(a) It is declared that HRA is admissible as indicated below:

(c) The respondents are directed to pay HRA to the applicants at the rate as was applicable to the Central Government employees in B, B-1, B-2 class cities/towns for the period from 1.10.1986 or from the actual date of appointment as the case may be in respect of each applicant upto 28.2.1991 and at the rate as may be applicable from time to time as from 1.3.1991 upto date and

to.....

hsl

to continue to pay the same at the rate prescribed hereafter.

(c) Arrears to be paid accordingly subject to the adjustment of the amount as may have already been paid to the respective applicants during the aforesaid period towards HRA.

(d) Future payment to be regulated in accordance with clause (a) above.

(e) Arrears to be paid as early as practicable, but not later than a period of three months from the date of communication of this order to the respondents.

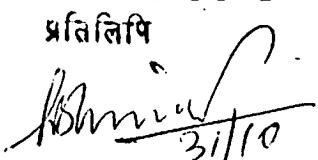
12. The original application is allowed in terms of the aforesaid order. No order as to costs.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

TRUE COPY

प्रतिलिपि



Section Officer (W)

नामस्वारूपिका (प्राधिक जाता)
Central Administrative Tribunal

केन्द्रीय प्राधिकारिक नियमित
Guwahati Bench, Guwahati-6
गুৱাহাটী বৰষৰীত, গুৱাহাটী-৬



O. A. No. 148 - of 1995

1. MES/238334 Shri Chandra Dev Yadav, Senior Refrigerator Mechanic, High Skilled Grade-1.
2. MES/220306 Shri Prafulla Chandra Bora Welder High Skilled Grade-I.
3. MES/237949 Shri Niropam Borah Cable Jointer, HSG-I
4. MES/238223 Mohammad Ayub Refrigerator Mechanic Skilled.
5. MES/237988 Shri Jet Narayan Thakur Refrigerator Mechanic Skilled
6. MES/220185 Shri Manchand Refrigerator Mechanic Skilled.
7. MES/238394 Shri Ravindra Nath Electrician HSG-II
8. MES/238298 Shri Nihaluddin Electrician Skilled
9. MES/243601 Shri Sukhanta Chakraborty - do -
10. MES/243608 Shri Manik Chandra Borah - do -
11. MES/243698 Shri Sashindhar Nair P. - do -
12. MES/243670 Shri Ravindran V.K. - do -
13. MES/243669 Shri M. Mohana Krishnan - do -
14. MES/243822 Shri Madhabendra Das - do -
15. MES/243678 Shri Ramjoy Sutradhar - do -
16. MES/243677 Shri Joseph Mathew - do -
17. MES/243637 Shri Prafulla Das - do -
18. MES/243635 Shri V. Sanna Krishnan - do -
19. MES/220329 Shri K. Somen Pillai - do -
20. MES/243829 Shri Gopa Kumar C - do -
21. MES/238495 Shri Khoi Nam Manglem Singh - do -
22. MES/238107 Shri Bipen Chandra Patra - do -

Contd... P/2.

| | | |
|----------------|---------------------------|---|
| 23. MES/237293 | Shri Rameswar Prasad | Fitter General Mechanic |
| 24. MES/220141 | Shri Lakhi chand Mahato | - do - |
| 25. MES/243609 | Shri D. Deena Byalan | - do - |
| 26. MES/243675 | Shri Premjit | - do - |
| 27. MES/243688 | Shri Dipen Konwar | - do - |
| 28. MES/237999 | Shri Ram Jatan | - do - |
| 29. MES/238142 | Shri Ram Prasad Koiri | - do - |
| 30. MES/237962 | Shri C. Murugan | - do - |
| 31. MES/242664 | Shri Bhakta Bahadur | - do - |
| 32. MES/238044 | Shri Jit Bahadur | - do - |
| 33. MES/243961 | Shri C.N. Rajappan | - do - |
| 34. MES/237899 | Shri Tita Ram Das | - do - |
| 35. MES/220230 | Shri Jagat Bahadur | - do - |
| 36. MES/242717 | Shri Gopal Dutta | - do - |
| 37. MES/220288 | Shri Narayan Naik | - do - |
| 38. MES/NYA | Shri Dinesh Chandra Singh | - do - |
| 39. MES/238111 | Shri Surya Nath Teli | - do - |
| 40. MES/364382 | Shri Pramod Kumar Dixit | - do - |
| 41. MES/P/3893 | Shri Satya Narayan | - do - |
| 42. MES/238018 | Shri Janardan Yadav Theel | - do - |
| 43. MES/237932 | Shri Lalu Yadav | - do - |
| 44. MES/238202 | Shri A. Ramakrishnan | - do - |
| 45. MES/220194 | Shri Usab Singh | - do - |
| 46. MES/238508 | Shri Rabin Chandra Paul | Fitter Carpenter High Skilled Grade-II |
| 47. MES/220265 | Shri Ugam Sharma | - do - |
| 48. MES/238517 | Shri Lakhan Mandal | - do - |
| 49. MES/238049 | Shri Sada Nanda Rajkhowa | - do - Skilled |
| 50. MES/243640 | Shri Ram Lakhon Sharma | - do - |
| 51. MES/220268 | Shri Bhagirathi Sharma | - do - |
| 52. MES/238431 | Shri Jagu Ram Baruah | - do - |

Contd...P/3.

53. MES/238050 Shri Amar Bahadur Tirwa Fitter Pipe skilled
54. MES/220299 Shri Harideo Bhagat - do - X
55. MES/220260 Shri Duah Nath Ram Mason High Skilled
Grade-I ✓
56. MES/220271 Shri Shiv Nath Mallah Mason Skilled
57. MES/238127 Shri Md. Sheaib - do -
58. MES/238127 Shri Gouri Shankar - do -
59. MES/238306 Shri Kul Bahadur Painter Skilled
60. MES/220295 Shri F. Francis Pereara Valve Man Semi Skilled
61. MES/220130 Shri Hasmat Ali - do -
62. MES/220234 Shri Abhi Mannu Mallick - do -
63. MES/265312 Shri Bhajan Majhi - do -
64. MES/238374 Shri Tika Ram Sharma - do -
65. MES/238045 Shri P. Chinna Kannan - do -
66. MES/238237 Shri Soban Singh - do -
67. MES/238038 Shri Chandra Deo Thakur - do -
68. MES/220249 Shri Sudama Mahato Hammerman Semi Skilled
69. MES/238328 Shri Jagdish Singh - do -
70. MES/237286 Shri Marla Haribandhu Mate Semi Skilled
Rao
71. MES/220129 Shri Kunju Raman - do -
72. MES/238121 Shri Jai Krishan Frasad - do -
73. MES/220053 Shri Sushil Kumar - do -
74. MES/237297 Shri Gopi Chand - do -
75. MES/237296 Shri Sita Ram Harijan - do -
76. MES/A/
13699214 Shri Naubat - do -
77. MES/220181 Shri Pundeo Mahato - do -
78. MES/P/2959 Shri Balam Mandal - do -
79. MES/216846 Shri Bhuni Deo - do -
80. MES/237738 Shri Ambika Mahato - do -

Contd...P/4.

| | | |
|-----------------|-------------------------------|-------------------|
| 81. MES/238113 | Shri Raj Bali Shah | Mate Semi Skilled |
| 82. MES/238502 | Shri Jagar Nath Kumar | - do - |
| 83. MES/220165 | Shri Ram Nath Mahato | - do - |
| 84. MES/238038 | Shri Puran Singh Ale | - do - |
| 85. MES/238292 | Shri Laxman Das | - do - |
| 86. MES/243374 | Shri Dukhan Goud | - do - |
| 87. MES/238394 | Shri Baleswar Mahato | - do - |
| 88. MES/238301 | Shri Laxman Rai | - do - |
| 89. MES/238303 | Shri Krishna Bahadur Shrestha | - do - |
| 90. MES/238410 | Shri Baleswar Ram | - do - |
| 91. MES/243610 | Shri Gulab Singh Pal | - do - |
| 92. MES/243800 | Shri Mohammed Muslim | - do - |
| 93. MES/243658 | Shri C. Madhappan | - do - |
| 94. MES/243668 | Shri S. Ravichandran | - do - |
| 95. MES/243802 | Shri Prem Singh Pal | - do - |
| 96. MES/243674 | Shri Harickson Fareriers | - do - |
| 97. MES/P/3888 | Shri Hirday Kant Jha | - do - |
| 98. MES/220207 | Shri Tribhuvan Mahato | - do - |
| 99. MES/220147 | Shri Joginder Tiwari | - do - |
| 100. MES/210885 | Shri Mundrika Prasad | - do - |
| 101. MES/238297 | Shri Krishna Tiwari | - do - |
| 102. MES/237810 | Shri Nasib Lal Rai | - do - |
| 103. MES/237287 | Shri Nandu Mahato | - do - |
| 104. MES/237118 | Shri KP Gopinadian Nair | - do - |
| 105. MES/220182 | Shri Kedar Rai | - do - |
| 106. MES/238296 | Shri Ganesh Neog | - do - |
| 107. MES/220190 | Shri Bhakta Bahadur | - do - |
| 108. MES/P/3887 | Shri Desai Thakur | - do - |
| 109. MES/220293 | Shri K.O. George | - do - |
| 110. MES/238406 | Shri Sona Ram Bora | - do - |

| | | |
|-----------------|-------------------------------|-------------------|
| 111. MES/236340 | Shri Guna Ram Chaliha | Mate Semi Skilled |
| 112. MES/238245 | Shri Tribeni Prasad | - do - |
| 113. MES/220204 | Shri K.D. Sahayam | - do - |
| 114. MES/238002 | Shri Ram Prasad Majhi | - do - |
| 115. MES/238204 | Shri Asarfi Ram | - do - |
| 116. MES/238289 | Shri Man Bahadur | - do - |
| 117. MES/238409 | Shri Lalan Tiwari | - do - |
| 118. MES/238296 | Shri Bhola Mahato | - do - |
| 119. MES/220200 | Shri Collector Domb | - do - |
| 120. MES/238311 | Shri Gangu Raj Bhar | - do - |
| 121. MES/238027 | Shri Parsen Rai | - do - |
| 122. MES/220293 | Shri Lalan Prasad | - do - |
| 123. MES/238300 | Shri Prakash Sitaram Wighaway | - do - |
| 124. MES/237728 | Shri Lok Bahadur Gurung | - do - |
| 125. MES/243619 | Shri Krishna Ram | - do - |
| 126. MES/243360 | Shri Malhotra Shah | - do - |
| 127. MES/243624 | Shri Mahinder Shani | - do - |
| 128. MES/228652 | Shri Jagar Nath Bonik | - do - |
| 129. MES/238295 | Shri Jagan Baitha | Mazdoor Unskilled |
| 130. MES/238297 | Shri Bhola Mahato | - do - |
| 131. MES/237352 | Shri Panchu Pradhan | - do - |
| 132. MES/238212 | Shri Mukeswar Kalandi | - do - |
| 133. MES/243613 | Shri Mohammad Ali | - do - |
| 134. MES/243606 | Shri Ganesh Thakur | - do - |
| 135. MES/243616 | Shri Bhoj Rah Sharma | - do - |
| 136. MES/243615 | Shri Balchand Yadav | - do - |
| 137. MES/243594 | Shri L. Manickam | - do - |
| 138. MES/243827 | Shri Ram Sajwan Sharma | - do - |
| 139. MES/243381 | Shri P. Shreedharan | - do - |
| 140. MES/243878 | Shri Ramdura Singh | - do - |

Contd...P/6.

| | | | |
|------|------------|--|---------------------|
| 141. | MES/243558 | Shri Tilkeswar Giri | Mazdoor Unskilled |
| 142. | MES/NYA | Shri Raju Bahadur | - do - |
| 143. | MES/NYA | Shri Gopilal Sharma | - do - |
| 144. | MES/243633 | Shri Lokeshwar Regon | - do - |
| 145. | MES/243639 | Shri C. Rajendran | - do - |
| 146. | MES/243605 | Shri Murlidharan Nair | - do - |
| 147. | MES/243645 | Shri Raghubir Rai | - do - |
| 148. | MES/238301 | Shri Dilip Kumar Saikia | - do - |
| 149. | MES/243604 | Shri Jainul Haque | - do - |
| 150. | MES/243627 | Shri C. Apparatnam | - do - |
| 151. | MES/243403 | Shri Sadasiyan Nair | - do - |
| 152. | MES/243636 | Shri Ax Xxx Sankaran Kesai | - do - |
| 153. | MES/243623 | Shri A. Victor | - do - |
| 154. | MES/243638 | Shri Bhakta Bahadur | - do - |
| 155. | MES/NYA | Shri Kishto Sema | - do - |
| 156. | MES/NYA | Shri M.K. Jhonson | - do - |
| 157. | MES/NYA | Shri Angam Kaynik | - do - |
| 158. | MES/NYA | Shri R.N. Ganishang | - do - |
| 159. | MES/220320 | Shri Lal Bachan Bhagat | - do - |
| 160. | MES/238500 | Shri Bhani Ram Bahadur | - do - |
| 161. | MES/243621 | Shri Ramewadh Harijan | - do - |
| 162. | MES/243405 | Shri R. Mohanan | - do - |
| 163. | MES/237279 | Shri Jitendra Burman | - do - |
| 164. | MES/243632 | Shri Sish Pal | - do - |
| 165. | MES/238460 | Shri Shree Prasad | - do - |
| 166. | MES/220144 | Shri Chandra Goud | Chowkidar Unskilled |
| 167. | MES/243557 | Shri Shahid Hussain | - do - |
| 168. | MES/243612 | Shri A. Subramani | - do - |
| 169. | MES/220218 | Shri Harka Bahadur | - do - |
| 170. | MES/220216 | Shri Mundrika Sharma | - do - |

Contd... P/7.

171. MES/220220 Shri Ser Bahadur Gurung Chowkidar Unskilled
172. MES/264068 Shri Narayan Sharma -do- 31
173. MES/NYA Shri M.L.Lungsu Jeliang -do-
174. MES/NYA Shri Manju Passi 220191 -do-
175. MES/220172 Shri Mohan Ram -do-
176. MES/243592 Shri K.G.Ravindran Nair -do-
177. MES/NYA Shri David Angami -do-
178. MES/NYA Shri Samuel Killing -do-
179. MES/237571 Shri Ram Narayan Prasad -do-
180. MES/243618 Shri Ramji Rai -do-
181. MES/662517 Shri Dal Bahadur Chetri -do-
182. MES/220184 Shri Chandra Balmiki Safaiwala Unskilled
183. MES/280526 Shri Morpal Balmiki -do-
184. MES/243893 Shri Sukura -do-
185. MES/238026 Shri Balu Balmiki -do-
186. MES/238024 Shri Nok Raj -do-
187. MES/243602 Shri Kishan Pal -do-
188. MES/237063 Shri Ridhi Kant Das Office Supdt. II
189. MES/264025 Shri S.K. Medhi Duftry
190. MES/243466 Shri Chandra Bhan Pal Peon
191. MES/243554 Shri Dhan Bahadur Chetri Peon
192. MES/264072 Shri Arujun Kumar Debnath Draftman Grade-II
193. MES/4339104 Shri Noksang Ao Chowkidar Unskilled
194. MES/243386 Shri Gopi Chand Mason Unskilled
195. MES/220179 Shri Gopi Ram Sharma Chowkidar
196. MES/237526 Shri Trailokya Nath Thakur Store Keeper Gr-I.
xx All are working under Garrison Engineer,
869, EWS, C/O 99 APO.
Personnel
197. MES/6406088 Shri Durga Bahadur Mazdoor
198. MES/6406095 Shri Sakaldeo Singh -do-
199. MES/6404096 Shri T. Miz -do-

Contd...P/8.

Personnel

| | | | |
|------|-------------|---------------------------------|---------|
| 200. | MES/6404089 | Shri P.S. Kirkita | Mazdoor |
| | Do | | |
| 201. | MES/6404092 | Shri Ram Vilash Paswan | -do- |
| | Do | | |
| 202. | MES/6406087 | Shri Subol Chandra Mazumdar | -do- |
| | Do | | |
| 203. | MES/6406094 | Shri Sing Bahadur Tamang | -do- |
| | Do | | |
| 204. | MES/6404090 | Shri Bir Bahadur | -do- |
| | Do | | |
| 205. | MES/6406093 | Shri Mohammad Azim | -do- |
| | Do | | |
| 206. | MES/6406091 | Shri Sahid Hussan | -do- |
| | Do | | |
| 207. | MES/6403450 | Shri Dayanand Giri | -do- |
| | Do | | |
| 208. | MES/6403451 | Shri Jayaram Thakur | -do- |
| | Do | | |
| 209. | MES/6403452 | Shri P. Chandra Sakaran Nair | -do- |
| | Do | | |
| 210. | MES/6403453 | Shri Hari Narayan Ram | -do- |
| | Do | | |
| 211. | MES/6403454 | Shri Rojhuwal Tirki | -do- |
| | Do | | |
| 212. | MES/6403455 | Shri Radha Prasad Rai | -do- |
| | Do | | |
| 213. | MES/6403425 | Shri Dhirdhor Minchi | -do- |
| | Do | | |
| 214. | MES/6403426 | Shri Ram Singh | -do- |

No. 197 to 214 are working under 557, ASC Battalion
12 Compu (As. Supply Point), Zakharia.

• • • Applicants



SIDDHARTHA SARMA
ADVOCATE

C/o B. K. SHARMA.

M. A. Road, Rehabari
Guwahati - 781 008
Phone No. : 522995

Date 7. 2. 96

NOTICE.

Registered with A/D.

To,

~~✓~~ The Garrison Engineer,
869 E.W.S
C/o. 99 APO.

Dear Sir,

Upon authority and instructions of my clients, Sri Chandra Dev Yadav & Ors. at present working under Garrison Engineer, 869 E.W.S, C/o. 99 and 557 ASC Battalion, 12 Compu ASC Supply Point, Zakhama, the applicants an OA No.148/95, I give you this notice as follows :

1. That my clients as stated above have been working under Garrison Engineer, 869 E.W.S, C/o. 99 APO and 557 ASC Battalion, 12 Compu (ASC Supply Point), Zakhama which falls under the Ministry of Defence, Govt. of India.
2. That relying upon OM No. 20014/3/83-E-IV dated 14.12.83 my clients have made a claim before the Hon'ble Tribunal Ghy/Bench that ~~they~~ they are civilian employees of Central Govt. serving in the N.E. Region and they have all India transfer liability and as such they are entitled to get S.D.A (Special duty allowances) My clients have made further claims that they are entitled to Special Compensatory (Remote locality) allowances (SCA) (RL) in terms of OM No.20014/9/86-E.IV dated 23.9.86 House rent allowances (HRA) at the rate of 15% (B.Class

City) on monthly salary in terms of recommendation of 4th Pay Commission W.e.f. 1.1.86 and field Service Concession(FSG) in terms of Govt. of India's letters dated 13.1.94 ; 25.1.94 and 31.1.95.

3. That in the aforesaid proceeding claiming SDA, SCA(RC) FSC and HRA which was filed by my client as OA No.148/95, Union of India represented by Secretary Ministry and Ors. were party

4. That upon hearing both the parties and perusing the relevant records, the Hon'ble Tribunal was pleased to pass an order allowing the claims of my clients regarding SDA, SCA(RL) FSC and HRA on 19.9.95 and you were directed to pay the same to the applicants with arrears as admissible within 3 months from the date of communication.

5. That in the month of October 1995, the copy of the said order dated 19.9.95 was sent to you by the Despatch Section of this Hon'ble Tribunal, Guwahati Bench, Guwahati. Since September, 1995 after passing the order by this Hon'ble Tribunal, my clients are pursuing the said matter but no affirmative reply in has been given to my clients by you.

6. That it will be pertinent to mention here that your Department along with the Union of India & ors had come before this Hon'ble Tribunal for extension of the time period for implementation of the said order dated 19.9.95 but same was rejected by this Hon'ble Tribunal, making it clear that no further time would be granted to you for implementation of the said order.

Attested.
[Signature]
Advocate.

-3-

7. That inspite of the direction made by this Hon'ble Tribunal for implementation its order dated 19.9.95 you are not doing anything to implement the said order. This act of laches and/or negligence regarding the implementation at Hon'ble Tribunal's order dated 19.9.95 , you are liable for contempt proceeding as per law. You have not implemented the Hon'ble Tribunal's order dated 19.9.95 on or before January 1996, when the said time spell expired.

8. That in view of the aforesaid factual position the act on your behalf is a clear violation of the Hon'ble Tribunal's order and it is an unique case of Contempt of Hon'ble Tribunal .As you are aware that Apex Court has come heavily on the Contempt cases and even for one day's delay in implementing the Courts/Tribunals order may cause a clear case of Contempt. Needless say that every day's delay in making the needful act by your side has been put to a great financial loss to my clients and increases their mental anxiety.

In the premises aforesaid, I give you this notice that my clients be paid their entitled amount of their claims and arrears thereto ~~as soon as~~ within 15 days from the date of receipt of this notice. On your failure to do so my clients instruction is to take appropriate legal action alongwith claim for compensation, damage and interest on amount due as per entitlement. In such an eventuality you will be solely responsible for the consequences thereof. The Contempt proceedings may enter your personal appearance before the Hon'ble Tribunal.

Attested.

....4

Advocate.

I hope and trust that there would be no occasion for any further litigation unnecessarily dragging you into the same and there would be a happy and to the entire episode by way of implementation of the Hon'ble Tribunal's order within the aforesaid stipulated time.

Thanking you,

Sincerely yours,

S.S.
(SIDDHARTHA SARMA)
ADVOCATE.

Encl. Order of the Hon'ble
Tribunal dated 19.9.95
in O.A.No.148/95 for your
ready reference.

Copy to

1. The Controller General of Defence Accounts
R.K.Puram, West Block 5, New Delhi.
2. Area Accounts officer (ADO)
Shillong, Meghalaya.
3. The Controller of Defence Accounts (CDA)
Narengi, Guwahati-28.
4. The Commander Works Engineer,
Head quarter 137 Works Engineer,
C/o. 99 A.P.O.
5. O.C. Supply Point Zakhama,
557 ASC Battalion, 12 Compu
C/o. 99 APO.

Attested.

Advocate.