

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::::::::: GUWAHATI

ORIGINAL APPLICATION NO. _____
MISC. PETITION/CONTEMPT PETITION/REVIEW APPLICATION NO. 15/96
in (O.A.) 167/95

Kunjia Das Poin APPLICANT(S)

VS.

Union of India RESPONDENT(S)

Mr. B. K. Sharma Advocate for Applicant(s)

Mr. M. Chanda

Mr. G. Sarma, Addl. CA. Advocate for Respondent(s)

OFFICE NOTE	DATE	O R D E R
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This application is filed by Mr. M. Chanda, advocate for the applicant for contempt of court u/s 17 of the A.T. Act, 1985 for ignoring and disobeying the order dated 4.12.95 passed

10.4.96

pg

in O.A. 167/95 by this Hon'ble Tribunal.

11.4.96

A draft charge is enclosed alongwith the petition.

Laid before the Bench for framing of orders.

pg

At the request of learned counsel Mr S.Sarma, on behalf of Mr B.K.Sharma, adjourned to 19.4.96 for orders.

[Signature]
Member

Called the records of C.P.15/95 in O.A.167/95 at the request of Mr M.Chanda. Considered his request.

The Contempt Petition 15/96 will be listed tomorrow instead of 19.4.96.

[Signature]
Member

Deputy Registrar (S)
Central Administrative Tribunal
Guwahati Bench
[Signature]

OFFICE NOTE

DATE:

ORDER.

2

12.4.96

Learned counsel Mr M.Chanda moves this contempt petition against the alleged contemnors on the ground that the directions given in the order date 4.12.95 in O.A.167/95 has not been implemented. Learned Addl.C.G.S.C Mr G. Sarma submits that the respondents have initiated action in the matter and requests for two weeks time for instruction. However, let copy of this petition be served on the alleged contemnors.

List on 23.5.96 for consideration of the Contempt Petition and further orders. In the meantime learned Addl. C.G.S.C may seek instruction.

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

bo
Member

Order dt. 12.4.96 issued to counsel of parties vide no. 847-48 dt. 17.4.96

13.6.96

pg

23.5.96

Mr M.Chanda for the applicant.. Mr G.Sarma, Addl.C.G.S.C for the respondents.

By consent list for order on 14.6.96.

bo
Member

Requisite list issued to the respondent vide No 1387 dt. 13.6.96

pg

14-6-96

Leave note of Mr.M.Chanda. Adjourned to 11-7-96 for order.

bo
Member(A)

J
Member(J)

lm

Bar

Service reports as shown awaited.

W7

3

11-7-96

None present for the applicant. Mr.G.Sarma Addl.C.G.S.C. is present for the ~~respondents~~ opposite party.

List for order on 7-8-96.

P.U.C. as per office note will be considered on that day.

lm

lm
Member

lm
17

7.8.96

Mr M.Chanda for the petitioner. Mr G.Sarma,Addl.C.G.S.C for the responde

Time was extended upto 31.8.96 vi order dated 17.7.96 in M.P.102/96.

List for further order on 3.9.96.

lm
Member

pg

3.9.96

Mr M.Chanda for the applicant. Mr G.Sarma,Addl.C.G.S.C for the responder

Mr Chanda submits for adjournment ~~for~~ obtaining instruction from the peti ners.

List on 30.9.96 for further order

lm
Member

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lm
3/9

30-9-96

Mr.M.Chanda counsel for the appli cant. Leave note of Mr.G.Sarma.

List for order on 18-10-96.

lm
Member

lm

lm
30/9

Senior Reports are still awaited.

27/9

Senior Reports are still awaited.

7/10

18.10.96

Mr M.Chanda for the applicant.
Mr G.Sarma, Addl.C.G.S.C for the respondents.

Mr Chanda prays for further adjournment as he has not received any instruction regarding the present position of the case.

List for order on 3.12.96.

69
Member

pg

M
23/10

3.12.96

Mr. M.Chanda for the contempt Petitioner.

List for order in presence of Mr. G.Sarma, Addl. C.G.S.C. on 5.12.1996.

69
Member

Police Reports are still awaited.

1/12

trd

5.12.96

Mr. M.Chanda for the contempt petitioners.

Mr. G.Sarma, Addl. C.G.S.C. for the alleged contemners.

Both the counsel submit that they are not aware of the present position regarding the implementation of the order dated 4.12.95 in O.A. No. 167/95.

The respondents prayed for extension of time upto 31.8.96. The prayer was allowed. There is no information however from respondent No. 4, the Administrative Commandant, Station Headquarter, Thakurbari despite the assurance of Major Station Staff Officer in his submission dated 13.6.96.

Contd....

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C.P. No. 15 of 1996 (O.A. No. 167 of 1995)

5.12.96

Respondent No. 4 is given an opportunity to appear before this Tribunal on 31.12.96 in person or through an authorised representative to apprise the present position regarding implementation of the order.

List for further order on 31.12.96

Copy of this order be served to respondent No. 4, Administrative Commandant, Headquarter, Thakurbari, C/o 99 APO.

Pl. comply order dated 5.12.96 to the respondent No. 4.

*M
6/12/96.*

trd

[Signature]
Member

31-12-96

None present. List for order on 22-1-97.

6-12-96

dt. 5.12.96

Copy of order issued to the concerned party vide D. No. 4003, 4004.

22.1.97

Mr M. Chanda, learned counsel for the petitioner is present. On behalf of Mr G. Sarma, learned Additional Central Government Standing Counsel S. Ali prays for adjournment till first week of February. Prayer allowed.

List the matter on 5.2.97.

[Signature]
Member

[Signature]
Vice-Ch

Service reports are still awaited

30/12

Service reports are still awaited till today.

nkm
[Signature]
29/1

5.2.97

Mr G. Sarma, learned counsel for the petitioner that he appeared only once on behalf of the alleged contemner. Thereafter, in spite of the advice and instructions have come. Today he is not in a position to make any submission. There is no representation for the contemner. Issue notice to the contemner to appear before this Tribunal in person, return on 27.2.97.

[Signature]
Member

[Signature]
Vice-Cha

Pl. comply order 5.2.97.

M

Notice and order issued to the respondent vide - D. No - 474

nkm

6

C.P. 15/96
OA. 167/95

27-2-97

Perused the petition. Heard Mr B.K. Sharma, learned counsel appearing on behalf of the petitioner and Mr G.Sarma, learned Addl.C.G.S.C for the alleged contemner. It is also been reported by the parties that the direction has since been complied with. In view of the above, we do not find any reason to proceed with the contempt matter. Accordingly the Contempt Petition is closed.


Member


Vice-Chairman

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10/3

3.37

Copy of order has been sent to the Despatch section issuing the same to parties.

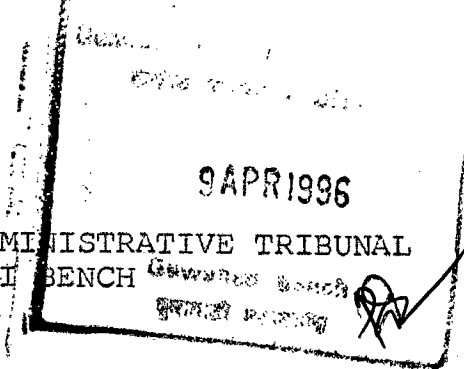
Issued vide

No. 773-776

14.3.97

P.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



7
Filed by applicant
through Mr. Chanda.
Advocate

C.P. No. 15 /96

in

O.A. No. 163/95

Sri Kunja Das & 20 Ors.

vs.

Union of India & Ors.

In the matter of :-

An Application under Section 17 of the Administrative Tribunals Act praying for initiation of Contempt Proceeding against the Contemner for wilful non-compliance of the Judgement and Order dated 4th December, 1995 passed in O.A. No. 163/95 by this Hon'ble Tribunal whereby the Hon'ble Tribunal was pleased to direct the respondents to pay the minimum pf pay scale payable to Group D staff to the applicants from the month of March to 1994 onwards and/continue to pay the same till the applicants are regularised and also directed to the respondents to obtain sanction from the CFA for regularisation of the applicants within two months.

Contd..P/2

-AND-

In the matter of :-

1. Sri Kunja Das
2. Sri Surjeet Singh (Tanti)
3. Sri Sita Ram Mandal
4. Sri Budha Ram
5. Sri Jeeten Chandra Sut
6. Sri Pradeep Baruah
7. Sri Nayan Das
8. Sri Benjamin Topna
9. Sri Chandra Kanta Sut
10. Sri Gobind Sut
11. Sri Someshwar Nath
12. Sri Khagen Chand Nath
13. Smanul Eindwin
14. Sri Shekhar Karmakar
15. Sri S.H. Bhawal
16. Sri Lalu Lohar
17. Sri Dilip Lohar
18. Sri Aboi Nag
19. Sri Arup Nath
20. Sri Thaneswar Sut
21. Sri Sarbeswar Borah

..... Petitioners

(All the petitioners are serving in
the Station Headquarter, Thakubari,
C/o Hqrs 77 Mtn Brig.
C/o 99 A.P.O.

Contd..P/3

-versus-

Maj. V.S.Chauker
 Administrative Commandant/Station Staff
 Officer, Station Headquarter,
 Thakurbari,
 C/o 77 Mountain Brig.
 C/o 99 A.P.O.

The above named petitioners most humbly and respectfully beg to state as under :

1. That the applicants/petitioners being aggrieved for non regularisation and also being aggrieved for recovery of pay and allowances which was paid to the petitioners in the month of March, 1994 and April 1994 on regular pay scale had filed an Original Application before this Hon'ble Tribunal which was registered as O.A. 167/95 and the respondents of the Ministry of Defence have contested the Original Application. However the Hon'ble Tribunal was pleased to pass the Judgement and Order dated 4.12.95 in O.A. No. 167/95 (in M.P. 120/95) whereby the Hon'ble Tribunal was pleased to direct as follows :

"The respondents are hereby directed to complete the procedure for regularisation of the applicants and regularise them as per rules.

The respondents are directed to pay the minimum of pay scale payable to Group 'D' staff to the applicants from the month of March 1994 onwards and continue to pay the same till the applicants are regularised.

3. ~~The respondents~~ Steps to obtain sanction from

to the petitioners which should have been done by the contemner till regularisation process is completed but the contemner wilfully did not take any step to pay minimum of the payscale to the petitioners. Therefore the contemner is liable for contempt of court.

4. That this petition is made bonafide and for the ends of justice.

Under the facts and circumstances the Hon'ble Tribunal be pleased to admit this contempt petition and further be pleased to initiate necessary contempt proceedings against the contemner for wilful non-compliance of the Judgement and Order dated 4.12.95 passed in O.A. No. 167/95 and further be pleased to impose punishment in accordance with *The* law upon the contemner/respondents or to pass such other order or orders as deemed fit and proper under the facts and circumstances as stated above.

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

IN THE COURT OF MAGISTRATE, GUWAHATI

A F F I D A V I T



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I, Sri Thaneswar Sut, Son of late Satram Sut, aged about 28 years, resident of Pithakhowa, P.O. Pithakhowa, district Sonitpur petitioner in the above case do hereby solemnly affirm as follows :-

1. That I am one of the petitioners in the above Contempt Petition as such I am well acquainted with the facts and circumstances of the case and am authorised by all the other petitioners to sign this Affidavit on their behalf.
2. That the statements made in this Contempt Petition are true to my knowledge and belief.
3. That this Affidavit is made for filing Contempt Petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench.



Sri Thaneswar Sut
DEPONENT

Identified By :

Manir Chanda
Advocate 12/3/96

Signed before me today on 12-3- 1996

who is identified by Shri M. Chanda Advocate.

dr 12/3/96
Judicial
Magistrate
and Class. Guwahati

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D R A F T C H A R G E

Laid down this before the Hon'ble Tribunal for non-compliance of the order of the Hon'ble Tribunal dated ~~28.9.95~~ 4.12.95 passed in O.A. 167/95 for appointment to the post of Conservancy Safaiwala on regular basis and until regularisation to pay minimum of the pay scale to the petitioners but the contemner/original respondents in the O.A. 167/95 did not comply with the order of the Tribunal wilfully and therefore the contemner/respondents are liable for contempt proceedings and Hon'ble Tribunal be pleased to initiate the Contempt Proceedings and further be pleased to impose punishment upon the Contemner/respondent in accordance with law.

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.167/95 (in M.P.120/95)

Date of Order: This the 4th Day of December 1995. 14

JUSTICE SHRI M.G.CHAUDHARI, VICE-CHAIRMAN
SHRI G.L.SANGLHINE, MEMBER(ADMN)

1. Sri Kunju Das & 20 Crs.

(All are working under the Station Headquarter,
Thakurbari, Assam.)

By Advocate Mr.B.K.Sharma for the applicant.

-Vs-

1. Union of India
Through the Secretary,
Govt. of India,
Ministry of Defence,
New Delhi.

2. Additional Director General of Staff Duties(SDGB)
General Staff Branch,
Army Headquarter, DHG,
P.O. New Delhi-110001.

3. Administrative Commandant,
Purv Kaman Mukhoyalaya
Headquarters,
Eastern Command, Fort William,
Calcutta-700021.

4. The Administrative Commandant
Station Headquarters
Thakurbari, C/O 99 A.P.O. ... Respondents.

By Advocate Mr.G.Sharma Addl.C.G.S.C. for the respon-
dents.

O R D E R.

CHAUDHARI J(VC)

1. This is an application filed by 21 applicants who are serving as Conservancy Safaiwalas except applicant No.8 who was Tractor Driver, under the Station Headquarter Thakurbari, Assam. They have been engaged on casual basis for specified duration of each engagement. They pray for regularisation in view of the length of service they have put in during different spells of engagement and further pray for pay corresponding to minimum of pay scale of regular Group 'D' employees.

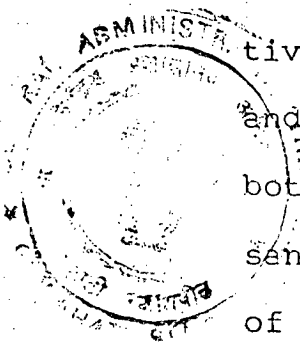
*As stated
Chaudhary
AN*

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2. The respondents do not dispute the claim of the applicants and in fact it is stated in the written statement that their demand for regularisation is genuine and should be granted within the existing rules as per eligibility conditions laid down from time to time since the requirement to employ them is continuous and is of a permanent nature. It is also stated that the applicants were to be regularised vide Department of Personnel Administrative Reforms, O.M.No.49014/4/77-Estt(C) dated 21-3-1979 and the case for regularisation had been processed by both static and field formation channels but the CFA's sanction could not be obtained so far for lack of knowledge of the procedure for regularisation, As far as payment of the minimum pay scale is concerned it is stated that although the same was paid for the month of March 1994 and April 1994 that was ordered to be recovered as sanction of CFA had not been received. It is however stated in paragraph 10 that the excess amount if it had been recovered from the monthly pay that would have left the conservancy staff with no money for subsistence. In paragraph 12 it is stated that no refund of recovery of excess payment is advisable under the rules and that all other reliefs asked for may be granted w.e.f. the date of sanction of CFA or the date of directive of the Central Administrative Tribunal. Having regard to the written statement we find no difficulty in granting appropriate relief to the applicants. Hence following order:-

The respondents are hereby directed to complete the procedure for regularisation of the applicants and regularise them as per rules.



*As asked
O.M.
D.D.*

The respondents are directed to pay, the minimum of pay scale payable to Group 'D' staff to the applicants from the month of March 1994 onwards and continue to pay the same till the applicants are regularised.

3. Steps to obtain sanction from the CFA for the regularisation for payment of minimum pay scale shall be taken within 2 months from the communication of this order to the respondents. We recommend to the CFA to issue the necessary sanction early for regularisation as well as payment of minimum pay scale.

O.A. is partly allowed in terms of the aforesaid order. No order as to costs.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

Certified to be true Copy
प्रमाणित प्रतिलिपि



COURT OFFICER

न्यायालय अधिकारी

Central Administrative Tribunal

केन्द्रीय प्रशासनिक आयोग

Guwahati Bench, Guwahati-6

गुवाहाटी न्यायापीठ, गुवाहाटी-6

LM

Attended
Dhruv
Asst.