

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI Bench

DA No.

MP No.

RA No.

CP No.

(DA

(DA

(DA

✓ CP No. 26/96 (DA: 125/95)

Shri N. Limbu & Ors. APPLICANT(S)

VERSUS

A. K. Nambiar & Ors. RESPONDENT(S)

Mr. Adil. Ahmed Advocate for the applicant.

Mrs. S. Ali. K. Bose Advocate for the Respondents.

Office Notes

Court's Orders

This CP is filed 30.7.96

by Mr. A. Ahmed Adv.  
for an application for  
non compliance of  
the order dt. 24.8.95  
passed in O.A. 125/95.

Annexure 5 and 6 attached  
Submitted in order  
for placing before the  
Honble Court.

For  
24/7.

Deputy Registrar (C)  
Central Administrative Tribunal  
Guwahati Bench

Verification correct  
by Mr. A. Ahmed, Adv. for  
the applicant.  
Submitted.

Mr A. Ahmed for the contempt  
petitioners.

This contempt petition has been  
submitted by the petitioners, appli-  
cants in the O.A., for alleged non-  
compliance to the order dated 24.8.  
95 passed in O.A.125/95.

The time for implementation of  
the order was extended upto 18.6.96  
vide order dated 1.5.96 in M.P.42/96  
(O.A.125/95).

Issue notice on the alleged  
contemnors by Registered Post with  
A/D to show cause as to why a con-  
tempt of Court proceeding should not  
be initiated against them for wilful  
violation of the Tribunal's order  
dated 24.8.95 passed in O.A.125/  
1995. Returnable on 4.9.96.

List on 4.9.96 for show cause  
and further orders.

Member

For  
24/7

RP  
24/7

② CP. 26/96 (OA 125/95)

9.8.96

Notice issued to  
the concerned parties  
on 28.8.96.

Bm

29.8.96

Notice duly  
served on p/3.

4.9.96

Mr A. Ahmed for the petitioners.  
Mr S. Ali, Sr. C.G.S.C for the alleged  
contemners.

Mr Ali has submitted that the  
applicants have been paid. He seeks  
short adjournment to file show cause.

List for show cause and further  
orders on 23.9.96.

620  
Member

pg  
m  
4/9

Bm

Show Cause has not  
been filed.

23.9.96

Learned counsel Mr A. Ahmed for  
the petitioners. Mr S. Ali, learned Sr. C.G.S.C.  
for the opposite parties. Mr A. Ahmed submits  
that he may be allowed to withdraw the  
Contempt Petition as payment has already  
been made to the applicants. Prayer allowed.

The Contempt Petition is disposed  
of on withdrawal.

620  
Member

20-9-96

Show Cause submitted  
by Mr. S. Ali, Sr. C.G.S.C. at  
pg 19 & 20.

nkm  
m  
24/9

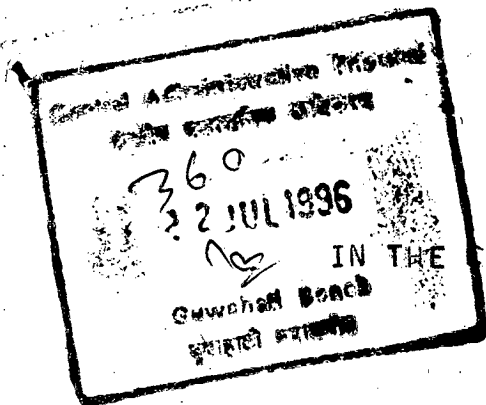
comply.

m  
24/9

4/10/96

Copy of the order  
issued to the parties  
counsel vide S.No  
3404 & 3405 8.9.10.96

kh  
4/10



Filed by  
3  
Adil Ahmed  
(Adil Ahmed)  
Advocate  
19.7.96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BRANCH:  
GUWAHATI.

CONTEMPT PETITION NO. 26 OF 1996.  
( in O.A. No. 125/95 )

IN THE MATTER OF:

Non-compliance of Judgment &  
Order dated 24-8-95 passed by  
the Hon'ble Tribunal in O.A. No.  
125/95.

- AND -

IN THE MATTER OF:

Sri N. Limbu & 14 Others

.... Petitioners.

-Versus-

1) A.K. Nambiar

The Under Secretary , Defence,  
Government of India,

New Delhi.

2) J. LUNDING L HUNG DIM  
C.D. A. Narangi, Guwahati .

(Contd.)

Received copy

Sae  
Sr. CSSE  
11/7/96

3) Sri S. Deb Nath,  
Garrison Engineer,  
868 EWS, C.O 99 APO.

... Contemners.

The humble petition of the  
above-named petitioners:

MOST RESPECTFULLY SHEWETH:

1) That, the Hon'ble Tribunal vide Judgment & order dated 24-8-95 passed in O.A. No. 125/95 was pleased to grant the following concessions to the applicants :-

i) Special duty allowances, 2 ii) House rent A-1 allowances, 3 iii) Special compensatory (Remote locality) allowance and 4) Field Service concession for the petitioners who are legally entitled.

2) That all the allowances granted by the Hon'ble Tribunal vide judgement & order dated 24-8-95 have been paid to the applicants till December, 1995 after filing contempt petition No.10/96.

3) That, the arrears of the above concessions have not yet been paid from 1st January, 1996 till to-day though the Hon'ble Tribunal gave clear direction to the Respondents clear up all the dues including the arrears within a period of 3 (three)

(Contd.)

4) That, the contemnners have not yet taken steps to pay arrear dues with effect from 1st January, 1996 till to-day they have also not taken any steps to pay their current dues and as such, it is a fit case for initiation of contempt proceedings against the contemnners.

5) That, your petitioners beg to state that, in earlier occasion also the contemnners did not take any steps for payment of the benifits granted to the applicant by the Hon'ble Tribunal. But only after filing the contempt petition No. 10/95 they being affraid of prosecution of the contempt case they paid their dues till December, 1995 and since 1st January, 1996 the contemnners have not taken any steps for payment of the duesand ~~thereby~~ thereby the contemnners have deliberately and willfully disobeyed and disregarded the judgment & Order given by the Hon'ble Tribunal. As such, it is a fit case to punish the contemnners by initiating contempt proceedings against them .

That, it is worth mentioning that the Government of India has already granted sanction of the amount involved for payment of the applicants in O.A. No. 125/95 to impliment the judgment & order dtd. 24-8-95 passed by the Hon'ble Tribunal , Guwahati Branch. Even the contemnners have not taken any steps to pay

the dues with effect from 1-1-96 till date.  
And hence, it is a fit case to brought contempt  
proceeding against the contemnners and to punish  
them in accordance with law .

Annexure-X is the photocopy of the  
Sanctioning letter No. P.C. 90237/  
4919/BAC - Legal C/442/LC/D(Civ) 1 Govt.  
of India, Ministry of Defence dated  
14-6-96 issued by the Under Secretary  
to the Government of India, Ministry of  
Defence.

7) That , the petitioners beg to submit  
that, only if they are hold up in the contempt, the  
contemnners will pay the dues of the petitioners.

It is, therefore, respectfully  
prayed that, the Hon'ble Tribunal may be  
pleased to issue contempt notice to the  
contemnners to show cause as to why they  
should not be punished under Section 17  
of the Central Administrative Tribunal  
Act, 1985 for non-compliance of Judgment &  
order dated 24-8-95 passed in O.A. No.  
125/95 fully and if any cause or causes  
are shown then after hearing the parties

(Contd.)

the contemnners should be punished in accordance with law or pass such any, other order or orders as the Hon'ble Tribunal may deem fit and proper.

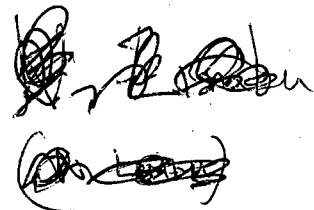
Further it is prayed in view of the facts and circumstances of the cases, the Hon'ble Tribunal may be pleased to give direction to the contemnners to appear in person before the Hon'ble Tribunal to explain as to why they could not be punished for non-compliance of the Hon'ble Tribunal's order.

And for which act of kindness your petitioners as in duty bound shall ever pray.

VERIFICATION.

I, Sri ~~Krishna~~ & N. Limbu, do hereby verify the above statements and I declare that the statements are true to my knowledge, belief & information and which I believe to be true.

I put my hand/ sign this verification to-day on 12th day of July, 1996 at Guwahati.



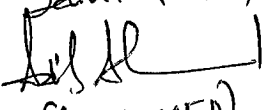
(Affiant -mt)

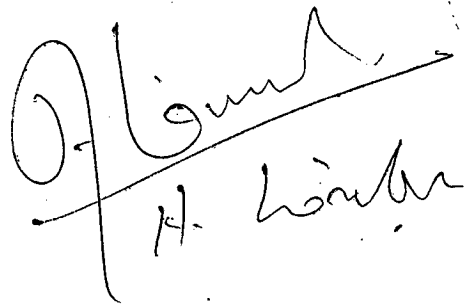
IN THE COURT OF MAGISTRATE AT GUWAHATI.

A F F I D A V I T

I, Shri N. Limbu, serving Peon under the Garrison Engineer, 868 EWS C/O 99 A.P.O. petitioner in the above case do hereby solemnly affirm as follows:-

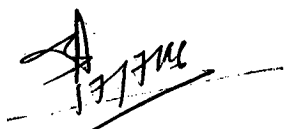
1. That I am the petitioner in the above Contempt petition as such I am well acquainted with the facts and circumstances of the case.
2. That the statement made in this Contempt petition are true to my knowledge and belief.
3. That this affidavit is made for filing Contempt petition before this Hon'ble Central Administrative Tribunal at Guwahati Bench.

Identified by  
  
(ADIL AHMED)  
Advocate  
17.7.96

  
N. Limbu

Signed before me today on 17th July 1996, who is identified by Shri ~~Adil~~ Adil Ahmed, Advocate, Guwahati.



  
Magistrate.  
Judicial Magistrate,  
1st Class, Guwahati.



DRAFT CHARGE

The applicants aggrieved for non-compliance and non-payment of SDA, HRA, SCA(RL) and FSC in terms of Hon'ble Tribunal's judgement & order dated 24-8-95 passed in O.A. No. 125/95 . The contemners/respondents has willfully ,deliberately violated the judgment & order dated 24-8-95 by not implementing the direction contained therein till date. Accordingly the respondents/contemners is liable for contempt of court proceeding and severe punishment thereof as provided for under the law. They may also be directed to appear personally and reply the charge in this Hon'ble Tribunal.

10

New Delhi, the 14th June, 1996

The Chief of the Army Staff.

Land

I am directed to refer to the judgement dated 24th August 1995 delivered by CAT Guwahati Bench in O.A. No. 124/95 & 125/95 filed by Shri Krishna Sinha & others & N. Limbu & others and to convey the sanction of the President for implementation of the directions contained in the above cited judgement whereby the only applicants in the above said original applications are entitled for the following :-

- (a) Special duty allowance (SDA) with effect from the date of actual posting in Nagaland on or after 01 Dec. 1988 as the case may be, in respect of only those who were appointed originally outside the North East region and subsequently posted to North East Region.
- (b) Special Compensatory allowance (RL) with effect from the actual date of posting in Nagaland on or after 01 Oct 1986 as the case may be.
- (c) Field Service Concession :- with effect from 01 Apr. 1993 or from the date of actual appointment as the case may be.
- (d) House Rent Allowance as the rate as applicable to Central Government employees in the place of the petitioner's posting for the period from 01.10.1986 or from the actual date of appointment as the case may be upto 28.2.1991 and at the rate as may be applicable from time to time as from 1.3.1991 upto date and continue to pay the same at the rate prescribed hereafter.

...2/-

2. The payment to the applicants will however be subject to review and recovery based on the outcome of SLP filed by the Govt. against the judgement in question and other SLPs involving similar issues pending in the Supreme Court.
3. The applicants in the aforesaid OA will be entitled for arrears of above allowance and the expenditure incurred thereon would be accounted for under "Charged expenditure" for which sanction will be issued separately after due verification by audit.
4. This issues with the concurrence of Ministry of Defence (Finance) vide their u.o. No. 1062/W.I/96 of 1996.

Yours faithfully,

( V.A. Chavda )

Under Secretary to the Govt. of India.

Copy to :-

1. Army HQrs/E-in-C Branch
2. DFA/AG/PB - 2 copies
3. AG/Org-4(Civ)(d).
4. CGDA, New Delhi.
5. CDA concerned ( copy signed in ink )
6. DFA(Works) - 2 copies.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 124 of 1995  
With  
Original Application No. 125 of 1995

Date of decision: This the 24th day of August 1995  
( AT ROHIBA )

The Hon'ble Justice Shri M.C. Chaudhary, Vice-Chief Justice  
The Hon'ble Shri G.L. Saxena, Member (Administrative)

O.A. No. 124/95

Shri M.C. Singh and 116 others  
All are serving in the Office of the Garrison Engineer,  
866 EWS C/o 99 APO.

- versus -

1. Union of India represented by  
The Secretary, Defence,  
Government of India, New Delhi.
2. The Garrison Engineer,  
866 EWS C/o 99 APO.
3. The Garrison Engineer,  
869 EWS, C/o 99 APO.

.....Applicants

.....Respondents

O.A. No. 125/95

Shri N. Limbu and 14 others  
All are serving in the Office of the Garrison Engineer,  
868 EWS C/o 99 APO.

- versus -

1. Union of India represented by  
The Secretary, Defence,  
Government of India, New Delhi.
2. The Garrison Engineer,  
868 EWS, C/o 99 APO.

.....Applicants

.....Respondents

For the applicants in both the cases : By Advocate Shri A. Ahmed

For the respondents in both the cases : By Advocate Shri S. Ali, Sr. C.G.S.C.

.....



*Handwritten signature*

-10-

ORDER

CHAUDHARI J. V.C.

Mr A. Ahmed for the applicants.

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

Both these cases involve same question and therefore are being disposed of by this common order.

Facts of O.A.No.124 of 1995:

The applicants belong to Group "C" serving in the Defence Department as civilian employees. The application is restricted to applicants at serial No. 1 to 117. These applicants are from inside North Eastern Region and are serving in different capacities as Central Government employees in Nagaland under GE 868 EWS 99 APO. Their grievance is that they are being denied the payment of:

- i) Special (Duty) Allowance (SDA) payable under Memo No.20014/3/83-E-IV of the Government of India, Ministry of Defence dated 14.12.1983 read with O.M.No.4(10)/83/D, Civil-I dated 11.1.1984
- ii) House Rent Allowance (HRA) as per the circular No.11013/2/86-E-II(B) dated 23.9.1986 Issued by the Government of India, Ministry of Finance
- iii) Special Compensatory (Remote Locality) Allowance (SCA(RL)) under the Ministry of Defence letters No.16037/E/A2 HQ 3 Corps (A) C/o 99 APO and No.D/37269/AG/PS3(u)/165/D/(Pay)/Service dated 31.1.1995
- iv) Field Service Concession (FSC) vide letter No.16729/GG4 (clv)(d) dated 25.4.1994 of Army Headquarter, New Delhi, although they are entitled to get these concessions.

2.

Although no written statement has been filed, Mr S. Ali, Sr. C.G.S.C., fairly states that we may decide the matter.



*[Handwritten signature]*

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In the light of earlier decisions on the point although he has instructions to say on behalf of the respondents that they oppose the claim.

Facts of O.A.No.125 of 1995:

3. The applicant Nos.1 to 15 (other applicants already deleted) who belong to Group "A", "B", "C" and "D" employed in the Defence Department as civilian employees and posted in Nagaland make a grievance that the respondents are denying them the benefit of SDA, HRA, SCA(RL) and FSC although they are entitled to get these concessions.

4. The respondents have not filed any written statement. However, Mr S. Ali, learned Sr. C.G.S.C., fairly states that we may decide the matter in the light of earlier decisions on the point although he has instructions to say on behalf of the respondents that they oppose the claim.

REASONS (common to both the cases):

5. The applicants place reliance upon the O.M. dated 14.12.1983 which provides that Central Government civilian employees, who have All India Transfer liability will be granted SDA at the rate prescribed thereunder per month on posting to any station in the North Eastern Region. Likewise, the letter of Ministry of Defence dated 31.1.1985 provides that the Defence Civilian Employees serving in the newly defined Field Areas and Modified Field Areas will be entitled to payment of SCA(RL) together with other allowances as may be admissible. The O.M. dated 23.9.1986 issued by the Ministry of Finance, (Department of Expenditure) provides that on the recommendation of the 4th Pay Commission it has been decided that the Central Government employees shall be entitled to HRA, on a slab basis related to their pay and separately prescribed for "A", "B-1" and "B-2", "C" class and "Unclassified" cities with effect from.....



from 1.10.1986. It is further provided that HRA at the rates prescribed shall be paid to all employees (other than those provided with Government home/hired accommodation) without requiring them to produce rent receipts, but on compliance with the prescribed procedure thereunder. It also provides that where HRA at 15% has been allowed under special orders the same shall be given as admissible in "A", "B-1" and "B-2" class cities and it shall be admissible at the rates in "C" class cities in other areas. The memorandum issued by the Army Headquarter - Org 4(civil)(d) dated 25.4.1994 bearing No.16729/ GG4(Civ)(d) on the subject of FSC to civilians paid from Defence Service Estimates including civilians employed in lieu of combatants and NCsE (both posted and locally recruited) provides that it is proposed to extend the same concessions to Defence civilians employed in the field areas as they serve side by side with services personnel under similar conditions in the given areas and the same shall be paid at the rates prescribed under the said memorandum. It has, however, been provided that SCA such as bad climate allowance etc. shall not be in addition to these allowances.

6. The applicants have based their respective claims on these memorandums.

7. It appears that the applicants in both the cases had filed a Civil Suit in the court of DC(Judicial), Dimapur, Nagaland, being Civil Suit No.255/89 making the same claims. The civil court by judgment and decree dated 19.12.1994 has allowed the claims and directed the respondents to make the payment accordingly. The civil court relied upon the decision of this Tribunal in O.A.Nos.48, 49 and 50 of 1989 of the Central Administrative Tribunal, Guwahati Bench. The decree has not been complied with, but the applicants have now stated in the applications that they would not proceed with the execution of the decree as they have now realised that they had obtained the decree from the court which lacked inherent

Jurisdiction.....



*Full*

jurisdiction to entertain and try the suit in view of the bar of jurisdiction arising under the provisions of the Administrative Tribunals Act and, therefore, they have approached this Tribunal for relief by these applications. Since the applicants were agitating the claim in respect of SDA and HRA in a wrong forum it is just and proper to give them the benefit of exclusion of the period of pendency of the civil suit for the purpose of holding the said claims within limitation in these applications. The relief sought in respect of the other two claims is within jurisdiction.

8. The question of entitlement for all these claims in respect of Defence civilian employees have<sup>been</sup> exhaustively examined by us in the decision in the case of S.C. Omar, Assistant Executive Engineer, -vs- Garrison Engineer and another (O.A.No.174 of 1993) reported in SLJ 1995(1) CAT (Guwahati Bench) <sup>p.74</sup>. We have held in that case that SDA and SCA(RL) are payable to civilians with All India transfer liability posted in Nagaland even if they get Field Service Concessions. We have not accepted the plea that admissibility of Field Service Concession deprives them of these benefits. In view of this conclusion since facts are identical and as we had also referred to the earlier decisions in O.A.No.48/89 and O.A.No.49/89 dated 29.3.1994 in support, we are satisfied that the relief claimed by the applicants in the instant applications relating to SDA and SCA(RL) must be allowed. We, therefore, declare that the applicants in the respective applications are entitled to be paid SDA with effect from 1.12.1968 or from the actual date of posting

as.....

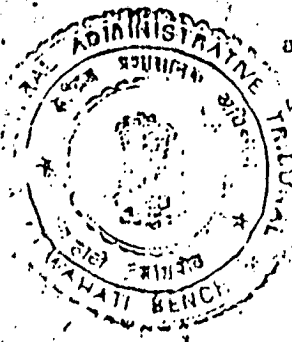




as the case may be. We further declare that the applicants in the respective applications are entitled to be paid SCA(RL) also, with effect from 1.10.1986. For specifying these dates in respect of these two reliefs we rely upon O.M.No.20014/16/86/E-1V/E-11(H) dated 1.12.1988. This is consistent with the decision in S.C. Omar's case (Supra). It is, however, made clear that this applies only to such of the applicants who are appointed outside N.E. Region, but are posted in N.E. Region on tenure basis.

9. Consistently with the view we have taken in Omar's case on the nature of FSC and with the view taken that SDA and SCA(RL) are payable independently of FSC we hold that on the subject the applicants in the respective applications are entitled to draw the same as provided in the letter of the Government of India No.37269/AG/PS 3(a)/D(Pay & Services) dated 13.1.1994 with effect from 1.4.1991 subject to fulfillment of other conditions prescribed therein.

10. Lastly, in so far as the claim for HRA is concerned we follow our decision in O.A.No.48/91 dated 22.8.1995 and hold that under the O.M. dated 23.9.1986 the applicants are entitled to draw the HRA prescribed for B class cities with effect from 1.10.1986 at the rates prescribed from time to time since 1.10.1986 whether on percentage basis or flat rate or slab basis till 28.2.1993 and thereafter to be regulated in accordance with the O.M.No.2(2)93-E-2(B) dated 14.5.1993 with effect from 1.3.1991 and continued to be paid.



11. For the purpose of the aforesaid order it is made clear that as now held by the Hon'ble Supreme Court the benefit of SDA is admissible only to those employees who are appointed outside the North Eastern Region and are posted in the North Eastern Region. It will be open

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to the respondents to ascertain the case of each applicant for that purpose if necessary. Further it is made clear that this order has been passed on the footing that all the applicants in the two cases are posted in Nagaland.

12. For the aforesaid reasons following order is passed:

(A) O.A.No.124/95:

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

ii) (a) The respondents are directed to pay to the applicants Special (Duty) Allowance (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) 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.

(b) 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 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.

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



(B) O.A.No.125/95:

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

(ii) (a) The respondents are directed to pay to the applicants Special (Duty) Allowance (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) 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.....



and to continue to give the same so long as admissible.

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

(b) 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 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 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.

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



Sd/- CHAIRMAN  
Sd/- MEMBER (A)

CTC

Certified to be true Cop.  
প্রমাণিত প্রতিলিপি

*[Signature]*  
20/9/95

COURT OFFICER  
সহকারী বিচারিক  
Central Administrative Tribunal  
গুৱাহাটী কেন্দ্রীয়  
গুৱাহাটী

*[Signature]*  
23/9/95

AC B/J  
Sd/-

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

In the matter of :-

CP No 26/96  
OA 125/95

N Limbu & Others - Petitioners

Vs

AK Nambiar & Others - Contemners

And

In the matter of :-

Show-cause reply submitted by all the  
alleged contemners.

Show-cause reply

The humble alleged contemners submit their  
joint show-cause replies as follows :-

1. That as per judgement and order dated 24 Aug 96  
OA 125/95  
passed by the Hon'ble Tribunal in OA No 125/95 all the  
dues have been paid to the applicants on 15 to 17 Jun 96  
and nothing left to be paid to them. In fact, the judgements  
of the Hon'ble Tribunal has been implemented by the  
Respondents and the applicants are getting their payments  
regularly.
2. That due to delay in getting sanction from the  
Govt of India, Ministry of Defence for payment of the  
amount directed to be paid by the Hon'ble Tribunal, there  
has been some delay.

Contd...2/-

Filed by:

(MD. SHAUKAT ALI) 20/9/96  
Mr. Central Govt. Standing Counsel  
Central Administrative Tribunal

20

21

3. That the delay in payment was not intentional but because of the reasons stated in para 2 above.

4. That the respondents have no intension to disobey or disregard the orders of the Hon'ble Tribunal and for such delay in full payment, the respondents may kindly be excused.

5. That in view of the implementation of the judgements in question having fully implemented by the respondents, the contempt petition is liable to be dropped/disposed of.

VERIFICATION

I, Major S Debnath, GE 868 Engineer Works Section, C/O 99 APO, as authorised do hereby solemnly declare that the statements made above are true to my knowledge, belief and information, and I sign the verification on this 19<sup>th</sup> day of Septemebr 1996 at Dimapur.

(S Debnath)  
Major  
Garrison Engineer