

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

CP No. 36/196 (CA 274/95)

Sri. D.K. Borah & 29 Ans. - Applicant(s)  
VS

Sri. T.K. Banerjee & Ans. - Respondent(s)

Mr. A. Ahmed - Advocates for the applicant(s)

Mr. S. Ali & Ors. - Advocates for the Respondent(s)

Office Notes

Date

Courts' Orders

This CP is filed by Pet.  
Pet. for contempt of court  
for non-compliance of the  
judgment & orders  
Dated 22.2.96 passed in  
CA 274/95.

20-9-96 Learned counsel Mr. A. Ahmed  
for the petitioner. Mr. S. Ali, Sr.  
C.G.S.C. seeks 2 weeks time for  
instructions.

List for order on 4-10-96.

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Member

1m

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

Mr. Ali seeks further time to  
obtain instruction whether Special  
Leave Petition has been filed in this  
case and any order thereon passed by  
the Hon'ble Supreme Court.

Adjourned to 15.11.1996 for  
further order.

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Member

Reponse  
19/9/96  
SAC  
AK

19.9.96

Service reported  
not yet received.  
via D. No. F21 dt. 4.4.96.  
The judgment was  
delivered on 22.2.96.

by 14.11.96  
No. S.L. P. Case  
receipt regd. again  
04.274/95.  
Pl. commls on 15/11/96

trd  
M  
11/10

15.11.96 Learned counsel Mr. A. Ahmed  
for the contempt petitioners. Mr. S. Ali,  
Sr. C.G.S.C. for the alleged contemners.  
Mr. Ali seeks further time for instructions.

List for orders on 16.12.96.

Copy of the order may be  
furnished to Mr. Ali.

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Member

nmk N/15/96

18.12.96

Mr. A. Mr. A. Ahmed for the contempt petitioners (Applicants in the O.A.).

Mr. S. Ali, Sr.C.G.S.C. for the alleged contemners (Respondents in the O.A.).

Mr. Ali submits that the matter may be taken up on 12.2.1996 as he expects some instructions by that date in respect of position of the matter pending before the Hon'ble Supreme Court.

List for order on 12.2.1996.

trd

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Member

12.2.97

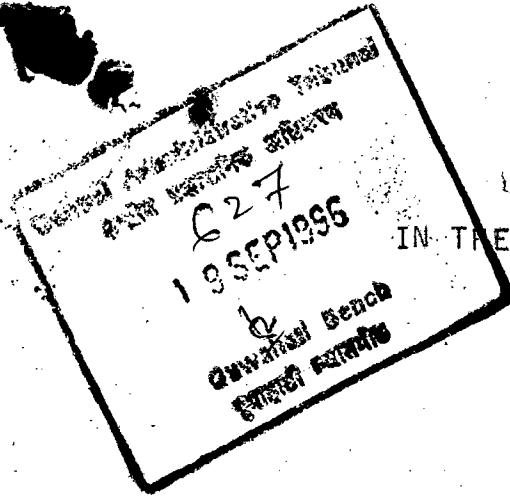
Learned counsel appearing on behalf of the petitioner prays that he may be allowed to withdraw the petition because there are certain averments which were not made. He also wants the liberty to file fresh petition after compliance of the averments.

Accordingly the Contempt Petition is dismissed on withdrawal.

6  
Member

D  
Vice-Chairman

pg  
AV  
18/2



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BRANCH:

GUWAHATI.

CONTEMPT PETITION NO. 36 OF 1996.

in (U.A. No. 274 of 1995)

IN THE MATTER OF:

A Petition under Section 17 of the Central Administrative Tribunal Act, 1985 praying for punishment of the contemners for non-compliance of the Judgment & Order dated 22nd day of February, 1996 passed by the Hon'ble Tribunal in U.A. No. 274 of 1995.

- AND -

IN THE MATTER OF:

Shri D.K. Borah and 29 others

... Petitioners.

-Versus-

1) Sri T. K. Benarji

2) The Secretary, Defence,

Govt. of India,

New Delhi.

2) K. I. Singh

The Administrative Commandant

(Contd.)

Received copy.

Saleh, C.S.C.  
11/8/96

36  
Filed by  
Abul Ahmed  
Advocate

Station Head Quarter,

P.O. Rangapahar Via-Dimapur,

Nagaland.

...Contemnners

The humble petition of the  
above-named Petitioners:

MOST RESPECTFULLY SHEWETH:

- 1) That, your petitioners filed the above O.A. No. 274/95 praying for payment of 1) Special Duty allowance, 2) House rent allowance, 3) Special compensatory (Remote Locality) allowance and 4) Field Service concession of which the petitioners are legally entitled. Their application was registered and numbered as 274/95 .
- 2) That the Hon'ble Tribunal after hearing on both sides was pleased to pass the judgment & order dated 22-2-96 directing the Respondents including the contemner to pay following reliefs to the petitioners.

RELIEFS.

- i) That S.D.A. of the petitioners should be paid with effect from 1-12-1988.
- ii) Arrears from the date of actual posting of the petitioners in Nagaland on or after 1-12-1988 in respect of the applicant and to continue the pay of rent so long as the concession is admissible.

iii) The S.C.A.(RL) they are directed to be paid with effect from 1-10-86 from the date of actual posting in Nagaland on or after 1-10-86 and continue to pay the same so long as the concession is admissible.

iv) The arrear of the S.C.A.(R) on the date of actual posting in Nagaland on or after 1-10-86 up to the date to paid within the period of 3 (three) months from the date communication of the order.

It was directed that Field Service concession should be paid to the applicant with effect from 1-4-93. The same was to be paid with effect from 1-4-93 or from the date of actual appointment to each of the applicant upto date and to continue to give the same so long as admissible.

3) It was also directed that H.R. A. is to pay the applicant at the rate as was applicable to the Central Government employees in B, B-I, B-II plus cities/towns for the period from the actual date of appointment as case may be in respect of each applicant up to 28-29-91 and at the rate as admissible from time to time as from 1-3-91 upto date and to continue to pay the same at the rate prescribe thereafter. The arrears to be paid accordingly subject to adjustment of the amount as may have already been paid to the respective applicant during aforesaid parties towards H.R.A. The future payment of HRA to be regularised accordingly.

Arrears to be paid as early as practicable but not later than a period of 3(three) months from the date of communication of the order to the Respondents.

- 4) That inspite of these directions the contimbers have deliberately not complied with the order with a motive behind and no step has yet been taken for payment of the reliefs given by the Hon'ble Tribunal to the applicants.
- 5) That your petitioner begs to state that, the contemner have shown complete disregard, disobedience/ and have not cured to carry out the judgment/direction passed by the Hon'ble Tribunal till to-day and this occasions to the contemners amounts to serious contempt of court and they deserve the punishment for willful disobedience, disregard, non-implimentation of the judgment & order passed by the Hon'ble Tribunal in U.A. No. 274/95 for which they deserve punishment .
- 6) That your petitioner begs to submit that, unless they are hold up in contempt the contemner will not impliment the judgment & order passed by the Hon'ble Tribunal, and as such, it is a fit case that the contmners should be directed to appear before the Hon'ble Tribunal and to explain as to why they have not impliment the judgment or the Hon'ble Tribunal .

(Contd.)

7) That, your petitioners submit that, unless the contempt proceeding are initiated against the contemners they will not care to implement the judgment passed by the Hon'ble Tribunal .

8) That your petitioner beg to state that the contemners have not implemented the judgment & order dated 22-2-96 the applicant have been compelled to file this contempt petition before this Hon'ble Tribunal for taking action against the contemners.

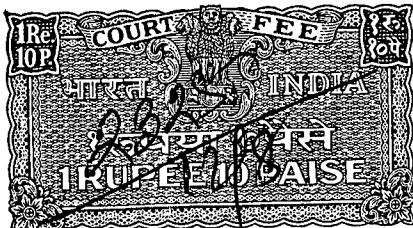
Under the circumstances, it is therefore prayed that, the Hon'ble Tribunal may be pleased to issue contempt notices to the contemners to show cause as to why they should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other order or orders as the Hon'ble Tribunal may seem fit and proper.

Further it is prayed that, in view of the deliberate negligence and disobedience to carry out the Hon'ble Tribunal's order, the contemner should be asked to appear in person before this Hon'ble Tribunal to explain as to why they should not be punished for contempt.

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

DRAFT CHARGE

The applicants aggrieved for non-compliance and non-payment of S.D.A. , HRA, SCA(RL) and FSC in terms of Hon'ble Tribunal's judgment and order dated 22-2-96 passed in U.A. No. 274/95 . The contemner/Respondents has willfully , deliberately violated the judgment & and order passed in U.A. No. 7 274/1995 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 .



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IN THE COURT OF MAGISTRATE AT GUWAHATI.

AFFIDAVIT

I, Shri D.K. Borah, C.S.B.O., Grade II serving under the Administrative Commandant Station Head Quarter, P.O. Rangapahar 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 fully 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 the affidavit is made for filing contempt petition before the Hon'ble Central Administrative Tribunal at Guwahati Bench.

Identified by

Adil Ahmed  
(Adv. AHMED)  
Advocate

Advocate

Drona Kanta Borah  
Deponent

Signed before me today 12/8/96 who is identified by Shri Adil Ahmed, Advocate at Guwahati.

12/8/96  
Magistrate.

Judicial Magistrate  
1st Class. Guwahati

-8-

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH



Original Application No.274/95

Date of Order: This the 22nd Day of February 1996.

JUSTICE SHRI M.G.CHAUDHARI, VICE-CHAIRMAN  
SHRI G.L.SANGLYINE, MEMBER(A)

Shri D.K.Borah and 29 others.

All are working as Civilian Switch Board Operator and  
Safaiwalas serving in the Office of the Administrative  
Commandant, Station Head Quarter, P.O. Rangapahar,  
Via Dimapur, Nagaland.

... Applicant.

By Advocate Mr.Adil Ahmed.

1. -Vs-

1. Union of India, represented by the Secretary  
Defence, Govt. of India,  
New Delhi.
2. The Administrative Commandant, Station Head Quarter,  
P.O. Rangapahar Via-Dimapur, Nagaland.

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

O R D E R.

CHAUDHARI J(VC):

1. This is an application filed by 30 Defence Civilian employees Group'C'and'D' serving under the Administrative Commandant Station Headquarter, Rangapahar, Nagaland. They pray for directions to the respondents to pay them financial benefits of Special Duty Allowance w.e.f. November 1983, Special Compensatory (Remote;Locality)Allowance w.e.f. 1-4-93, House Rent Allowance .w.e.f. September 1986 and Field Service Concession w.e.f. 1-4-93.
2. The contentions urged and the various memorandums and orders issued by the Government of India from time to time, on the basis of which these claims have been made are the same as in the case of applicants' in O.A.No.124/95 decided by this Bench on 24-8-95.

contd/-

*hmc*

3. Mr. S. Ali Sr.C.G.S.C. appearing for the respondents submitted that although a written statement <sup>has</sup> not been filed in this case the respondents adopt ~~as~~ same contentions as were urged by them in O.A.No. 124/95 to oppose the claim.

4. We have examined in detailed all the relevant questions in respect of this claim <sup>in O.A. 124/95</sup>. Since the position is identical with the applicants in O.A.No. 124/95 who <sup>are</sup> adopt <sup>the</sup> reasons even in the order on that O.A. and passed similar order in respect of the applicants. Order.

(A) O.A.No.274/95

i) It is declared that SDA is payable from 1-12-1988. <sup>to the</sup> following claim to the applicants.

ii) (a) The respondents are directed to pay only to such of the applicants who were appointed outside the N.E. Region but have been posted in N.E. Region 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. <sup>to the</sup> applicants.

(b) The respondents are directed to pay to the applicants SCA(RL) with effect from the date of actual posting in Nagaland on or

contd/-

*huk*

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 <sup>joining</sup> 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.

contd/

*WLL*

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(d) Future payment to be regularised 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.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

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TRUE COPY

17/196

Section Officer (Judicial)  
Central Administrative Tribunal  
Bawali Bazaar, Gwalior

19/196