

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET  
APPLICATION NO.

CP-2/98  
OF-199  
OA 274/95

Applicant(s) Shri D.K. Borah & Ors

- VS -

Respondent Shri Ajit Kumar Borah

Advocate for Applicant(s) M. A. Ahmed.

Advocate for Respondent(s)

Notes of the Registry	Date	Order of the Tribunal
<p>This CP is filed by Mr. A. Ahmed Advocate on behalf of the applicant, praying for punishment of the contemners for non compliance of the judgement &amp; order dtd. 22-2-96 passed in OA-274/95, and which was affirmed by the Honble Supreme Court of India on 17-2-97 vide civil Appeal No. 1572 of 1997. Liquid for favour of orders.</p> <p>14/10/98 Registrar 12-2 12/2 24/3</p>	<p>20.2.98</p> <p>pg ms 23/2</p> <p>23-3-98</p> <p>1m</p>	<p>Issue notice to show cause as to why a contempt proceeding shall not be initiated against the alleged contemners as prayed for by the petitioners. Notice is returnable by one month.</p> <p>List on 23.3.98 for show cause and further orders.</p> <p>Office to take steps immediately.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Await service report. List it on 21-4-98 for orders.</p> <p>Member</p> <p>Vice-Chairman</p>

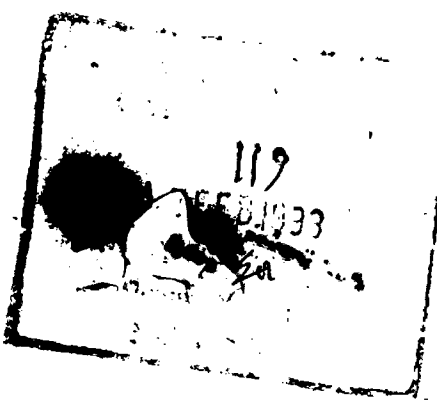
Notes of the Registry	Date	Order of the Tribunal
<p>2.4.98</p> <p>Service &amp; Registry has been issued to the respects by Regdt/post vide dispatched No. 453 dt. 24.2.98</p> <p>Bon</p> <p>Show cause has not yet filed.</p> <p>31.3.98</p> <p>Notice duly served on respect No. 1.</p> <p>Bon</p> <p>1) Notice duly served on R. No. 1.</p> <p>2) Show cause has not been filed.</p> <p>20.4</p> <p>Notice duly served on R. No. 1. The other respects as still awaited.</p> <p>No show cause has been filed.</p> <p>11/5</p> <p>Issued in de. dt. 12.7.98 to 12.8.98</p> <p>dt. 14.5.98 to the parties through Regdt with A.D.</p> <p>14.5.98</p>	<p>21.4.98</p> <p>4.5.98</p>	<p>On the prayer of the counsel for the parties the case is adjourned till 4.5.98.</p> <p>Member</p> <p>Vice-Chairman</p> <p>This contempt petition was filed for non-compliance of the order and direction given by this Tribunal in Original Application No. 274/95 on 22.2.1996. Mr A. Ahmed, learned counsel for the petitioner submits that that the order has since been complied with. Heard Mr S. Ali, learned Sr. C.G.S.C. He also informs that the order has since been complied with.</p> <p>In view of the above there is no ground to proceed with the contempt petition. Accordingly the Contempt Petition is closed.</p> <p>Member</p> <p>Vice-Chairman</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BENCH:GUWAHATI.

Filed by  
J. L. D. 3  
(Ad 12 AHME  
Adm 12.2)

CONTEMPT PETITION NO. 2 OF 1998

In O.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 dtd. 22-2-96 passed by the Hon'ble Tribunal in O.A. No. 274 of 1995 and which was affirmed by the Hon'ble Supreme Court of India on 17th February, 1997 vide Civil Appeal No. 1572 of 1997.

- AND -

IN THE MATTER OF:

Shri D.K. Borah & 29 others

-Versus-

Union of India & others.

- AND -

IN THE MATTER OF:

Shri Drona Kanta Borah

C.S.B.O. ,Grade - II,

Office of the Administrative Commandant,  
Station Head Quarter,

(Contd.)

NS  
12/2

- 2 -

P.O.- Rangapahar,  
Dimapur, Nagaland.

... PETITIONER.

-Versus-

1) Shri Ajit Kumar  
Secretary Defence,  
Government of India,  
New Delhi, (North Block ).

2) Col. K.I. Singh,  
Administrative Commandant,  
Station Head Quarter,  
P.O.- Rangapahar, via- Dimapur,  
Nagaland.

... RESPONDENTS  
CONTEMNERS.

The humble petition of the  
above named petition :

MOST RESPECTFULLY SHEWETH:

1) That your petitioner and 29 others <sup>has</sup> filed the Original Application No. 274 of 1995 before this Hon'ble Tribunal praying for payment of 1) Special Duty allowance, 2) House Rent allowance, 3) Special Compensatory, (Remote locality) allowance ~~for~~ and 4) Field Service Concession ~~of~~ which the Petitioners are legally entitled .

2) That the Hon'ble Tribunal after hearing on both sides was pleased to pass the judgment & order dated 22-02-96 directing the Respondents including the Respondents/Contemner to pay following reliefs to the petitioners .

(Contd.)

I) The respondents are directed to pay the Special Duty Allowance (S.D.A.) from 01-12-88 to such applicants who were appointed outside the North Eastern Region but have been posted in North Easter Region, Special Duty Allowance (SDA) with effect from the date of actual posting in Nagaland on or after 01-12-88 as the case may be in respect of each applicant and continue to pay the same so long as the concession is admissible. Aarears from the date of actual posting in Nagaland on or after 01-12-88 upto date to be paid within three months from the date of receipt of this order .

II) The Special Compensatory (Remote Locality) Allowance (SCA) (RL) the Respondents are directed to be paid with effect from 01-10-86 from the date of actual posting in Nagaland on or after ~~01-10-86~~ 1-10-7 86 and continued to pay the same so long as the concession is admissible . Arears of the S.C.A(RL) from the date of actual posting in Nagaland on or after 1-10-86 upto date to be paid within a period of three months from the date of communication of this order .

III) It was directed that Field Service Concession should be paid to the applicant with effect from 01-04-93 . The same was to be paid with effect from 01-04-93 or from the date of actual posting to each of the applicant upto date and to continue to give the same so long as admissible .

IV) The respondents are also directed to pay House Rent Allowance to the applicants at the rate as was applicable to the Central Government employees

(Contd.)

in B, B-1, B- 2 Class cities/town for a period from 01-10-86 or from the actual date of posting as the case may be in respect of each applicant upto 28-02-91 and at the rate as may be applicable from time to time as from 01-03- 91 upto date and to continue to pay the same at the rate prescribed hereafter . Arears to be paid accordingly subject to the adjustment of the amount as may have already been paid to the respective applicants during the period towards H.R.A. Arears 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.

Annexure- 1 is the photocopy of Hon'ble Central Administrative Tribunal's Judgment in O.A. No. 274/95 dated 22-02-96.

3) That your petitioner beg to state that the respondents/contemner in O.A. No. 274/95 has also filed a Special Leave Petition before the Hon'ble Supreme Court against the judgment and order pass in O.A. No. 274/95 on 22nd February, 1996. The Special Leave Petition which has been numbered as Civil Appeal No. 1572/97 along with other similar nature of ~~the~~ cases before the Hon'ble Supreme Court of India. The Hon'ble Supre Court of India finally disposed the matter with other ~~a~~ similar cases and the Apex Court has finally affirmed~~d~~ the judgment of this Hon'ble ~~C~~ Tribunal by its judgment and order dated 17-02-97 .

(Contd.)

Annexure-2 is the photocopy of the Hon'ble Supreme Court's Judgment in Civil Appeal No. 1572 of 1997.

4) That your petitioner beg to state that after getting the Hon'ble Supreme Court Judgment in Civil Appeal No. 1572/97, your petitioner filed an application dated 2-4-97 before the Respondents/contemners No. 2 requesting him to impliment the judgment of the Hon'ble Tribunal in O.A. No. 274/95 which are affirmed by the Hon'ble Supreme Court in Civil Appeal No. 1572/95 dated 17-2-97.

Annexure- 3 is the type copy of the application submitted by the petitioner to the Respondent No. 2.

5) That your petitioner begs to state that the respondents/contemners has paid only the Field Service Concession as per Hon'ble Court's Judgment to the petitioners. But they have not yet paid the other three allowances , i.e., House Rent Allowance, Remote Locality Allowance , Special Duty Allowance as per the Hon'ble Court's Judgment & order .

6) That your petitioner begs to state that the Respondents after receiving the application at Annexure-3 has not taken any ~~ax~~ positive steps to implement the judgment of the Hon'ble Tribunal which was affirmed by the Hon'ble Supreme Court of India on 17-02-97 .

7) That your petitioner begs to state that after getting no reply from the Respondents/Contemners,

(Contd.)

the petitioner sent a registered Advocate Notice dated 4-8-97 to the Respondents requesting him to implement the judgment of the Hon'ble Court.

Annexure-4 is the photocopy of the Advocate Notice Dtd. 4-8-97 sent by the Petitioner's Advocate to the Respondents.

Annexure-4(a) is the photocopy of the receipt of the Registered letter by the Postal Department.

7.a) That it is worth to mention that earlier petitioner has filed a contempt petition against the Respondents before this Hon'ble Court which has been numbered as C.P. No.36/96 .But on 12-2-97 it was withdrawn by the petitioner due to pendency of the Special Leave Petition before the Hon'ble Supreme Court against the judgment and order dtd. 22-2-96 passed by the Hon'ble Tribunal in O.A.No.274/95. The Hon'ble Tribunal's order dtd. 12-2-97 in C.P.No.36/96 has given the liberty to the petitioner to file fresh petition and hence he has filed this fresh contempt petition before this Hon'ble Tribunal.

8) That your petitioner begs to state that, inspite of these clear directions by this <sup>given</sup> Hon'ble Tribunal and Hon'ble Supreme Court of India the Respondents/Contemners have deliberately not complied with the judgment and order with a motive behind and no steps has yet been taken for payment of the reliefs given by the Hon'ble Tribunal and Hon'ble Supreme Court to the petitioners.

9) That your petitioner begs to state that the Respondents /contemners have shown complete disregard, #disobedience to this Hon'ble Court and have not cared to carry out the judgment/direction passed by the Hon'ble Tribunal and the Supreme Court of India till today and this amount to serious contempt of court and they deserve the punishment for willful .....



llh

for disobedience, disregard for non-implementation of the judgment and order passed by the Hon'ble Tribunal in O.A. No. 274/95 for which they deserve punishment.

10) That your petitioner submits that unless they are held up in case of Contempt the Contemner will not implement the judgment & order passed by this Hon'ble court and as such, it is a fit case that the contemner should be directed to appear before the Hon'ble Tribunal and to explain as to why they have not <sup>yet</sup> implement the judgment of this Hon'ble Tribunal.

11) That your petitioner submits that both the respondents/contemnors deliberately and intentionally disobeyed and dishonoured the judgment and order of this Hon'ble Court and hence both of them are liable to be punished under the provision of Contempt of Court proceedings.

12) That your petitioner begs to submit that, he has filed this petition bona fide and for this the ends of justice.

Under the facts and circumstances mentioned above, it is therefore, respectfully prayed that your Lordships may be pleased to admit this petition and issue Contempt Notice to the Respondents/Contemnors to show cause as to why they should not be punished under Section 17 of the Central

(Contd.)

Administrative Tribunal Act, 1985 , or pass such any other order or orders as the Hon'ble Tribunal may deem 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 of Court.

And for this 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., H.R.A., SCA(RL), and F.S.C. in terms of the Hon'ble Tribunal's judgment and order dated 22-02-96 passed in O.A. No. 274/95. The contemnors/Respondents has willfully, deliberately violated the judgment & order passed in O.A. No. 274/95 by not implementing the direction contained therein till date. Accordingly the Respondents/ Contemnors are 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 of this Hon'ble Tribunal .

AFFIDAVIT

I, Shri Drona Kanta Borah Civilian Switch Board Operator ,Grade - II , serving under the Administrative Commandant Station Head Quarter, P.O.- Ranga-pahar do hereby solemnly affirm and declare as follows:-

1) That I am the applicant No.1 in the O.A. No. 274/95 and also petitioner of the above contempt petition and as such, I am conversant with the facts and circumstances of the case, Being authorised I am ~~xxxx~~ competent to swear this affidavit on behalf of all the applicants.

2) That the statements made in this petition and in paragraphs 1, 3, 4, 5, 6, 7 are true to my knowledge and those made in paragraphs 2(i) to 2(iv) <sup>2(v)</sup> are true to my information and rests are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this 2nd day of February, 1996 at Guwahati .

Identified by me:

Jakir Ojha  
(Ojha)  
Advocate ~~Guwahati~~

Drona Kanta Borah  
Deponent

Solemnly affirmed before me who  
is identified by Mr. Jakir Ojha  
Advocate Guwahati

Adil Ahmed  
(ADIL AHMED)  
Advocate

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.

-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.

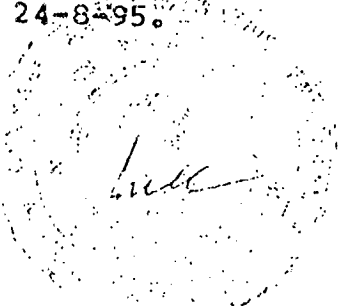
By Advocate Mr.S.Ali, Sr.C.G.S.C.

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 contention 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/-



3. Mr. S. Ali Sr. C.G.S.C. appearing for the respondents submitted that although a written statement <sup>has</sup> have not been filed in this case the respondents adopt ~~a~~ 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 <sup>we</sup> who <sup>the</sup> are adopt <sup>given</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. *subject to following clause 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. *to the 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/-

*hll*

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>posting</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.

*huc*

- (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)

Certified to be true Copy

प्रमाणित प्रतिलिपि

*[Signature]* 11/2/96

COURT OFFICER

फाइलिंग ऑफिसर

Central Administrative Tribunal

केन्द्रिय प्रशासनिक न्यायालय

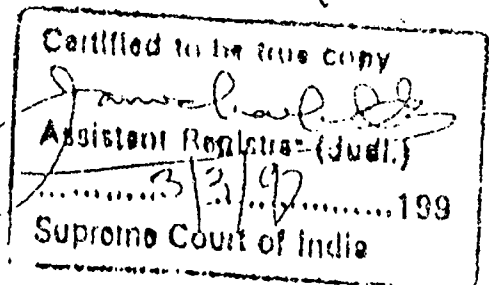
General Post Office New Delhi-6

पुनर्वासी पोस्टाधिकार, नुवाहाली-5

9/11/96



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION



CIVIL APPEAL NO. 1572 OF 1997  
(Arising out of SLP (C) No.14088 of 1996)

Union of India & Ors. etc.

... Appellants

100181

Versus

B. Prasad, B.S.O. & Ors. etc.

... Respondents

WITH

CIVIL APPEAL NOS. 1573-1576, 1577, 1578-1579, 1580-1585/97  
(Arising out of SLP (C) Nos. 17236-39, 14104, 15141-42,  
15740, 25108-10 of 1996, SLP (C) No. 4396 /96 (CC-  
5040/96) and SLP (C) No. 4398 /96 (CC-6860/96))

O R D E R

Leave granted. We have heard learned counsel  
for the parties.

These appeals by special leave arise from the  
various orders passed by the Central Administrative  
Tribunal, Gauhati Bench in different matters. The main  
order was passed on 17.11.1995 in RA No.4/95 in OA  
No.49/89.

The Government of India have been issuing  
orders from time to time for payment of allowances and

facilities for civilian employees of the Central Government servants working in the States and Union Territories of the North-eastern region. It is not in dispute that Special Duty Allowance was ordered by the Government @ 25% of the basic pay subject to a ceiling of Rs.400/- per month on posting on any station in the North-eastern region. Subsequently, the Government have been issuing orders from time to time. In the proceedings dated April 17, 1995, the Government modified the payment of the Special Duty Allowance and Special Compensatory (Remote Locality) Allowance as under:

"The Defence Civilian employees, serving in the newly defined modified Field Areas, will continue to be entitled to the Special Compensatory (Remote Locality) Allowance and other allowances as admissible to Defence Civilians, as hitherto, under existing instructions issued by this Ministry from time to time. However, in respect of Defence Civilian employees in the newly defined Field Areas, Special Compensatory (Remote Locality) Allowance and other allowances not concurrently admissible along with Field Service Concessions."

It is contended by Mr. P.P. Halhotra, learned senior counsel appearing for the Union of India, that the view taken by the Tribunal that they are entitled to both, is not correct and that they would be entitled

to either of the allowances. Shri P.P. Rao, learned senior counsel appearing for some of the respondents has contended that those civilian employees working in the defence service at various stations in the North-eastern region were given Special Duty Allowance with a view to attract the competent persons and the persons having been deployed, are entitled to the same and the amended concessions would be applicable to those employees who are transferred after April 17, 1975. All those who were serving earlier would be entitled to both. Shri Arun Jaitley, learned senior counsel appearing for some of the respondents has drawn our attention to the distinction between Field Area and Modified Field area and submitted that in cases where civilian employees are supporting the field defence persons deployed for the border operational requirements facing the immense hostilities, they will be denied the payment of both allowances while the personnel working in the Modified Field Area, in other words, in barracks, will be entitled to double benefit of both the allowance. This creates hostile discrimination and unjust results.

Having regard to the respective contentions, we are of the view that the Government having been

extending the benefit of payment of Special Duty Allowance to all the defence employees working in the North-eastern region as per the orders issued by the Government from time to time as on April 17, 1995, they are entitled to both the Special Duty Allowance as well as Field Area Special Compensatory (Remote Locality) Allowance. The same came to be modified w.e.f. that date. Therefore, irrespective of the fact whether or not they have been deployed earlier to that date, all are entitled to both the allowances only upto that date. Thereafter, all the personnel, whether transferred earlier to that or transferred from on or after that date, shall be entitled to payment of only one set of Special Duty Allowance in terms of the above modified order.

As regards the payment of Special Duty Allowance to the defence civilian personnel deployed at the border area for support of operational requirement, they face the imminent hostilities supporting the army personnel deployed there. Necessarily, they alone require the double payment as ordered by the Government but they cannot be deprived of the same since they are facing imminent hostilities

in hilly areas risking their lives as envisaged in the proceedings of the Army dated January 13, 1994. But the Modified Field Area, in other words, in the defence terminology, "barracks" in that area is a lesser risking area; hence they shall not be entitled to double payment. Under these circumstances, Mr. P.P. Malhotra is right in saying that the wording of the order requires modification. The Government is directed to modify the order and issue the corrigendum accordingly.

The appeals are disposed of accordingly. 10.10.94  
is made clear that the Union of India is not entitled to recover any payments made of the period prior to April 17, 1995. No costs.

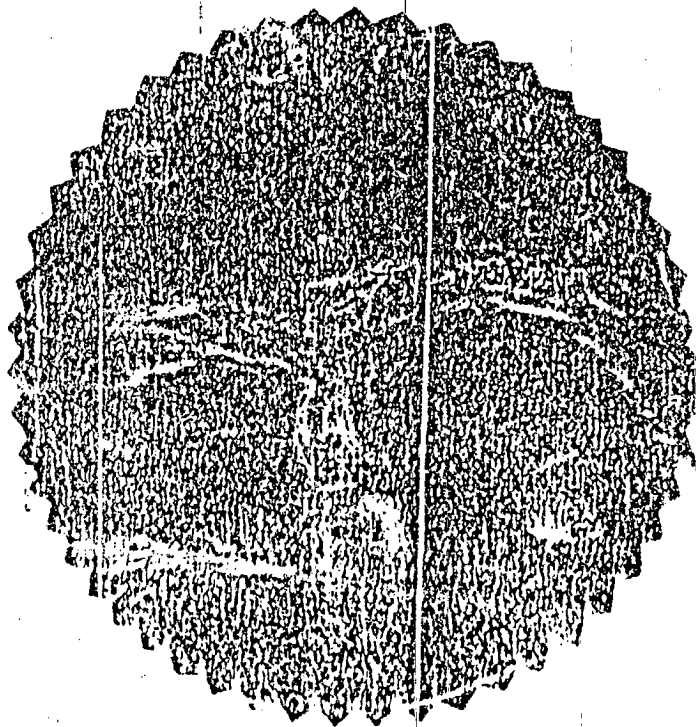
.....J.  
(K. RANASWAMY)

.....J.  
(G.T. NANAVATI)

NEW DELHI;  
FEBRUARY 17, 1997.

URGENT FEE RS. 5/-

Serial No. A	10/2/18
No. of folio(s)	1
Cost including Certification	15
Date of application for copy . . . 18/2/18	
Date of affixing requisite stamps . . . 18/2/18	
Date of delivery of requisite stamps . . . 18/2/18	
Date of delivery of the copy . . . 18/2/18	
Section Officer Supreme Court of India	



RECEIVED IN MY OFFICE

To

The Adm. Comdt.  
Station Head Quarters,  
Dimapur, Nagaland.

Sub: Requesting for payment of Arrear  
as directed by Supreme Court.

Sir,

Most humbly I beg to state that the Supreme court's verdict has gone in favour of us, a copy of judgment is enclosed herewith.

I, therefore, request you to kindly take a necessary action for the same.

Thanking you for your kind consideration and necessary action please.

Yours faithfully,

Sd/- illegible

3/4/97

( C S B O D.K. Borah)

Attended  
J.S.  
Avant

04-08-97

REGISTERED WITH A/DNOTICE

To

Shri Col. K.I. Singh  
 Administrative Commandant,  
 P.O. - Hengapohar,  
 Via - Dimaapur, Nagaland.

Ref: O.A. No. 274 of 1995

Shri D.K. Borah &amp; 29 Ors.

-Ve-

Union of India &amp; Ors.

Sub: Non-implementation of Hon'ble Court's  
 Judgment dated 22-02-1996 passed in  
 above Original Application No. 274/95.

Sir,

Under the instruction of my client Shri  
 Druma Kanta Borah Civilian Switch Board Operator serving  
 under you, I give you this notice as follows :-

1. That my client and 29 others serving under  
 you filed the O.A. 274/95 before the Hon'ble Central  
 Administrative Tribunal Guwahati Bench praying for  
 payment of 1) Special Duty allowance, 2) House Rent  
 allowance, 3) Special Compensatory (Remote Locality)  
 allowance and 4) field Service Concession.

2. That the Hon'ble Tribunal after hearing on  
 the both side was pleased to pass the judgment & order

(Contd.)

Attested  
 [Signature]  
 [Signature]  
 [Signature]



dated 22-02-96 directing you to pay the relief of (1) S.D.A. (Special Duty Allowance), 2) H.R.A. (House Rent Allowance) (R.3) S.C. (R.L.) Special Compensation (Remote Locality) Allowance and 4) Field Service Concession to the applicants of the O.A. No. 274/95 within a period of three months.

3. That the respondents, i.e. the Union of India in the above mentioned O.A. No. 274/95 has also filed a Special Leave Petition before the Hon'ble Supreme Court of India against the Judgment & order passed in O.A. No. 274/95 by the Hon'ble Central Administrative Tribunal, Guwahati Bench. The Special Leave Petition was finally heard with other similar cases by the Hon'ble Supreme Court of India and finally disposed the matters with other similar cases by giving similar order and the Hon'ble Supreme Court by its judgment & order dated 17-02-97 passed in Civil Appeal No. 1572/97 allowed the cases of the Defence Civilian Personnel. In this Judgment the Hon'ble Supreme Court of India clearly mentioned that regarding payment of 1) Special Duty Allowance to all the Defence Civilian Employees working in the North-Eastern region are entitled to this allowance. 2) Regarding House Rent Allowance the Hon'ble Supreme Court affirmed the judgment of the Hon'ble Central Administrative Tribunal and allowed the payment of House Rent Allowance to the all Defence Civilian Employees/ personnel. 3) Regarding payment of Special

(Contd.)

Attested  
[Signature]  
For

Compensatory allowance (M.C.) the Defence Civilians are entitled to get the benefit with effect from 01-10-01-10-86 to 17-04-95 and also directed the Government to modify the order and issue corrigendum regarding payment of S.C.A.(P.L.). 4) Regarding payment of Field Service Concession the Defence Civilian are entitled to get the benefit with effect from 01-04-93 to 17-04-95 and also directed the Government to modify the order and issue corrigendum regarding the payment of Field Service Concession.

5. That inspite of these direction given by the Hon'ble Supreme Court of India and the Hon'ble Central Administrative Tribunal Guwahati Bench you have deliberately not complied with the order with a motive behind and no steps have yet been taken by you for payment of these allowances inspite of clear cut orders by the Hon'ble Supreme Court of India and the Hon'ble Central Administrative Tribunal .

6. That my client has requested you in several times both in oral and written to pay the allowances but you have deliberately violated, disobeyed and dishonoured the Hon'ble Court's orders by non-implimentation of the Hon'ble Court's orders which you are liable for contempt of court.

I, therefore, request you to pay the allowances to my clients within 15 days from the date of receipt of this notice else I have

(Contd.)

Attested  
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Adm. Sub.

instruction to file contempt case against you in the court for non-compliance of the Hon'ble Court's Orders. Compliance of the HON'BLE Court's order may kindly be intimated to the undersign.

This is for your information and immediate necessary action. This may be treated as most urgent.

Yours faithfully,

(ADIL AHMED), Advocate,  
Gauhati High Court.

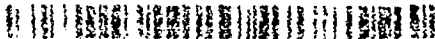
Enclosures

- 1) Hon'ble Central Administrative Tribunal's Order dtd. 22-02-96 in O.A. No. 274/95.
- 2) Hon'ble Supreme Court's Order dtd. 17-02-97 in Civil Appeal No. 1572/97 for your ready reference.

Admitted  
Admitted  
Admitted

NEWARK, N.J. 07102  
REG. NO. 5014  
NAME: SRI D. K. SINGH  
CITY: CHENNAI

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FOR THE YEAR 1994



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ANNEXURE 4(a)

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Asst. Secy  
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for out.