

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Cp No. 8 /97 (OA 174/96)

in mp 44/97

... Sni. Rupak. Bhattacharjee..... APPLICANT(S)

VERSUS

... Dr. K. Mahapatra..... RESPONDANT(S)

... Mr. A.K.G. Thakuria..... ADVOCATE FOR APPLICANT(S)

... Mr. S. Ali, Sr. C.G.S.C..... ADVOCATE FOR RESPONDANT(S)

| Office Note | Date | Court Orders |
|--|-----------|--|
| An application Contempt petition filed by Mr. A.K.G. Thakuria, learned Counsel for the applicant, praying for wilful disobedience of the order dated 20-12-96 in OA 174/96 and dated 19.3.97 passed in mp-44/97. | 2.7.97 | Mr S. Ali, learned Sr. C.G.S.C. for the opposite party. It has been mentioned by Ms Goswami that Mr A.K. Thakuria has got some personal difficulty today and cannot come to the Tribunal. List for orders on 16.7.97. |
| Submitted for placing before the Honble Court for necessary orders. | nk 3/7 | |
| Notice has been received on 23.7.97 and issued to the contemners vide Dispatch No 2520 dt 25.7.97 | 16.7.97 | Mr A.K.G.Thakuria, learned counsel for the petitioner is present. This petition has been submitted alleging wilful violation of the order dated 20.12.96 in O.A.No.174/96 in Rupak Bhattacharjee & 11 others vs. Union of India & Ors. Heard Mr Thakuria. Issue notice on the alleged contemners to show cause as to why a contempt proceeding shall not be initiated against him for wilful violation of the aforesaid order dated 10.12.96. Returnable on 20.8.97. List on 20.8.97 for show cause and further orders. |

[Signature]
Member

[Signature]
Member

Deputy Registrar (A)
Central Administrative Tribunal
Guwahati

24.7.97
25/6/97
25/6

Service reports are
still awaited.

Show cause is not
been filed.

19/8

20.8.97 Dr A.K.G.Thakuria for the
contempt petitioner, Mr S.Ali, learned
Sr. C.G.S.C for the alleged contemner
alongwith Dr K.Mahapatra, the alleged
contemner.

The contempt petition has been
submitted on the ^{ground} that there was
wilful violation to the order dated
20.12.96 in O.A.No:174/96. The alleged
contemner has submitted a show cause
reply. Perused the show cause reply
and heard Mr S.Ali and the alleged
contemner and also Dr Thakuria. It is
evident from the records enclosed with
the show cause that payment had been
made to the majority of the applicants
in the O.A. namely, 8 of them and the
alleged contemner has also assured in
terms of the letter No.J.II-3/96-Estt-
2(BH.3) dated 19.8.97 that the payment
to the remaining applicants are being
made shortly, as the amount in question
has already been sanctioned. Though
there has been belated complinace to
the order dated 20.12.96, after hearing
the alleged contemner, I am of the
view that there is no intention to
deliberately disobey the order of this
Tribunal by the alleged contemner. The
alleged contemner present also assures
that he will carry out the intention
as stated in para 2 of letter dated
19.8.97 enclosed with his reply imme-
diately and inform this Tribunal. In
the facts and circumstances the contempt
proceeding is closed. Though Dr Thakuria
insists that cost to be awarded however,
after considering all aspects of the
matter I feel that it is not a fit
case for imposing cost. He also contends
that interest for delayed payment may
be paid. I am of the view that this
matter is not a subject matter to be
considered in this Contempt Petition.

3

20.8.97 Contempt Petition is disposed of
as indicated above.


Member

8/9/97

Copy of the order
has been issued to the
parties vide D.Nos.
2887 to 2890 on 1.9.97.
r/s.

pg

Central Administrative Tribunal
20 AUG 1997
Guwahati Bench
- গুৱাহাটী বেঞ্চ -

4
Filed by
Shankar Das
Dr. C.S.C.
29/8/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BENCH : GUWAHATI.

C. P. No. 8/97

O.A. No. 174/96

Rupak Bhattacharjee

- Versus -

K. Mahapatra, M S

Chief Medical Officer (SG)

- AND -

IN THE MATTER OF:

Show-cause reply submitted by the
alleged contemner, Dr. K. Mahapatra,
MS, Chief Medical Officer, (SG) .

Received
by the advocate
29/8/97

The humble Respondent/alleged
Contemner submits his show-cause
reply as follows :

1) That, the direction of the Hon'ble
Tribunal given vide Order dated 20-12-96 in O.A. No.
174/96 has been fully complied with and the applicants
have been paid their ^{Hospital Patient} House Case Allowance as directed
by the Hon'ble Tribunal .

2) That, out of 12 applicants 8 have been
paid their dues on 19-08-97 .

(Contd.)

A photo copy of the receipt of which has been enclosed herewith for kind perusal of the Hon'ble Tribunal as Annexure- X.

3) That, one Rat an Lal is on leave upto 14-09-97 and steps has been taken to send his arrear allowances by the authority.

4) That , the applicant Cook , Sunil Kumar has been posted to G.C. Khatkhati and as such , payment could not be made here at group Centre, Guwahati. The payment of applicant, Sri Sohan Lal and Md. Idrish Kazi also could not be paid because Sohan has been transferred to B.H. I, CRPF, N Delhi while Idrish Kazi has been posted in 14 Bn. C.R.P.F. and as such, there allowances could not be paid herewith . Whatever necessary direction have been given to the authority concerned to ~~make~~ make payment immediately, were followed by the authority .

Annexure- X¹ is the photo copy of the letter issued to/addressed to Md. Shaukat Ali, Sr. Central Govt. Standing Counsel, by the Chief Medical Officer, MS S.G. regarding the payment of the allowances.

4) That in fact the Hon'ble Tribunal's direction dated 20.12.96 passed in O.A. No.174/96 has been fully paid to the applicant and now there is

(Contd.)

no element of contempt for non-compliance of the Hon'ble Tribunal's direction, and ~~it~~ as such, it is a fit case for closure of the alleged contempt proceedings.

5) That, there is a little delay in making the payment of the applicants due to delay in receiving the approval of the Higher Authority for which the alleged contemner tenders apology to the Hon'ble Tribunal.

6) That, in facts narrated above, the contempt petition may kindly be closed.

It is, therefore, respectfully prayed that the Hon'ble Tribunal may be pleased to drop the contempt case No.8/97 in O.A. No. 174/96 as the direction given by the Hon'ble Tribunal were fulfilled.

And for this act of kindness your Respondent/Contemner as in duty bound shall ever pray.

-Verification-

I Dr. K. Mahapatra, M.S. Chief Medical Officer (SG) do hereby solemnly declare that the statements made in paragraphs 1 to 6 are true to my knowledge and the rest are my humble submissions before this Hon'ble Tribunal.

K Mahapatra
Declarant. 20.8.97

(DR KULAMANI MAHAPATRA)
CMO (SG) BH-3 CRPF, M.S.
K. Mahapatra

A/Roll 2 Pea

Bum 120/97-98

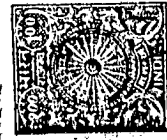
Ce no 397/97-98

DD 18/8/97

Amount

1) 751560084 Lab/Teel
Rupak Bhattacharjee
Pea wa 1/12/87 to
31/8/97

9360 = 00



19/8/97

2) 751260487 Pharmaceut
m. P. Keshary
Pea wa 1/12/87 to
31/8/97

9360 = 00



30/8/97

3) 771240499 OT/ASIT
Banti Priya Hazanka
Pea wa 1/12/87 to
31/8/97

8918 = 00



1/8/97

4) 8901540054 NUR/ASIT
Kishor Singh
Pea wa 1/12/87 to
31/8/97

8775 = 00



1/8/97

attested

[Signature]

19/8/97

Accounts Officer/विला अधिकारी
Baso Hosp. No. 3/वेतन मन्त्रालय
G.E.P.B. कि. रि. पु. ब.
Gyadhad/गुवाहाटी

P/2

5) 881111203 Chowkidar

Amount

Nirmal Kumar Saini
PeA wer 14/12/88 to 31/8/97
अहम

7844 = 00



100
8-97

6) 832070029 Mardchi

Vimla Devi
PeA wer 1/12/87 to 31/8/97

8775 = 00



100
8-97

7) 712070015 SK

Sohan Lal
PeA wer 1/12/87 to 4/7/97
(4/7/97)

8835 = 00

Has been
transferred to
B.H.I. amount
will be sent
here

8) 661570014 SK

Mithu Ram
PeA wer 1/12/87 to 31/8/97

8775 = 00



9) 800320031 Steelbician

Shiv Dargal
PeA wer 1/12/87 to 31/8/97

9360 = 00



10) 762070079 Car Parki

Rattan Lal
PeA wer 1/12/87 to 31/8/97

8775 = 00

He is on ELL
to be paid after
his arrival

attached

Form
1989

6

Annexure -X(1)

OFFICE OF THE CHIEF MEDICAL OFFICER, BH-3, CRPF, GUWAHATI

NO.J.II-3/96-Estt-2(BH.3)

Dated, the 19th Aug'97

To

Shri Md. S Ali,
Sr CGSC,
CAT, Guwahati.

Subject : C.P.NO.8/97 FILED BY R BHATTACHARJEE & OTHERS IN CAT GUWAHATI

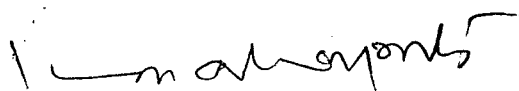
It is to intimate that in pursuance of Hon'ble CAT Guwahati order dated 20.12.96 in OA-174/96 payment has been made to all the applicants in OA-174/96 except the following for the reasons mentioned against each:-

1. 712070015 S/K - Transferred to
Sohan Lal BH-1, CRPF, N/Delhi.
2. 762070079 Carp - On leave upto
Ratan Lal 14.9.97
3. Cook Sunil Kumar - Posted in GC Khatkati
4. Pharm Md Idris Quazi Posted in 14 Bn CRPF

2. Photocopies of payees receipt of the eight personnel is enclosed for reference. Amount in respect of S/K Sohan Lal is being remitted to BH-1, CRPF, N/Delhi shortly. Amount in respect of Carpenter Ratan Lal will be made on his reporting from leave. As regards Cook Sunil Kumar and Pharmacist Md Idris Quazi their concerned Units/GC have been asked to make payment at an early date.

3. It is ~~also~~ ^{therefore} requested to prepare a reply on the above lines and ensure that the ~~the~~ C.P.No.8/97 is dismissed on first hearing itself.

4. Your kind co-operation in this regard will be highly appreciated.


(Dr. K Mohapatra) MS
Chief Medical Officer(SG)

10

के. रि. पु. फो/CR.P.E. 46

कार्यालय
OFFICE OF THE

संदर्भ सं. Ref. No.

तिथि/Date

“प्रांतीय ईर्ष्या-द्वेष दूर करने में जितनी सहायता हिन्दी प्रचार से मिलेगी उतनी दूसरी चीज से नहीं।”

—नेताजी सुभाष चन्द्र बोस

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI

23 JUN 1997
Central Bench
Guwahati

BENCH AT GUWAHATI.

*Filed by
Dr. A. N. C. Thakuria
Advocate
23-6-97*

cp. 8/97
COP OF 1997 IN M.P. 44/97 IN O.A. 174/96

IN THE MATTER OF :

An application/petition Under Sections 11 & 12 of the Contempt of Court Act, 1971 and under Article 215 of the Constitution of India and also any other prevailing law as per Central Administrative

Tribunal Act, 1987 & Rule 24 of CAT (Procedure) Rules, 1987

IN THE MATTER OF :

Wilful disobedience of the order of the Hon'ble Tribunal dated 20-12-96 in O.A. 174/96 and dated 19-3-97 in M.P. No. 44 /97 which the Chief Medical Officer, Dr. K. Mahapatra of Base Hospital -111, CRPF, 9-Mile, P.O.- Baridua, Guwahati-23 received on 12th April, 1997.

IN THE MATTER OF:

Sri Rupak Bhattacharjee, son of Late Raj Kumar

*27/6/97
I shall send
the copy to C.G.S.C.
as he is not
available today.
Sd/-
23-6-97*

Bhattacharjee , Base Hospital-111, CRPF, 9-Mile,
P.O.- Baridua, P.S.- Jorabat, Guwahati-23.
and others.

- Petitioners

-Versus-

Dr. K. Mahapatra, Chief Medical Officer(SG),
Base Hospital-111, Central Reserve ^{Police} Force, 9-Mile,
P.O.- Baridua, P.S.- Jorabat, Guwahati- 781 023.

- Respondent/ Centemner

The humble petition of the petitioner above-named;

MOST RESPECTFULLY SHEWETH:

1. That, the petitioner is a citizen of India by birth and at present he is living with other members of his family at the address given above.
2. That, the petitioner along with Sri M.P. Keshary, Srimati Banti Priya Hazarika, Sri Kanchal Singh, Sri Nirmal Kumar Sani, Srimati Vinla Devi, Sri Sehanlal, Sri Mithuram, Md. Idris Quazi, Sri Sunil Kumar , Sri Siv ~~Dayal~~ Dayal and Sri Ratan Lal filed a petition before the Hon'ble Central Administrative Tribunal at Guwahati under Section 19 of the Administrative Tribunal Act, 1985 and the same is registered as O.A. No. 174/96. The centemner wilfully does not file any show cause/ written statement though he acknowledges receipt

of the notice of the Hon'ble Tribunal. The learned Senior Central Government Standing Counsel appears on behalf of the contemner.

3. That, humble petitioner prays for granting Hospital Patient Care Allowance as admissible under the existing rules of the Union Government and enjoying other employees of same status in the Base Hospital-111, CRPF at Guwahati and other such Hospitals in India as directed by the Union Government from time to time in this direction. But the petitioner and his co-petitioners are only deprived of the same benefit for the causes best known to the contemner alone.

4. That, in the Original Application No. 174 of 1996, the Hon'ble Tribunal decided the case on 20-12-96 and directed the contemner/respondent to pay the Hospital Patient Care Allowance to the petitioner along with other co-petitioners conditionally in the lines of the order dated 10-6-96 passed in O.A. No. 9 of 1995. The contemner does not come forward to obey the order of the Hon'ble Tribunal even after receiving the order.

5. That, after two months, the contemner files a petition which has been registered as M.P. No. 44/97 in O.A. No. 174/96 praying for modification of the order of

dated 20-12-96. But the Hon'ble Tribunal vide order dated 19-3-97 has dismissed the petition. The order has been communicated to the petitioner vide Memo No. 925 dated 26-3-97. The humble petitioner along with other co-petitioners have submitted their own representations for payment of the Hospital Patient Care Allowance to the contemner as directed within one month from the date of receipt of the copy of the order accompanied by due undertaking to the effect that the payment of the Hospital Patient Care Allowance would be subject to the result of the Special Leave Petition before the Hon'ble Apex Court and the amount paid to them would be refunded in full provided the result of the aforesaid appeal before the Hon'ble Supreme Court would be different.

6. That, there is apprehension in the mind of the petitioner that the Hospital Patient Care Allowance would not be given by the contemner at any time to the petitioner and his co-petitioners as a result of which the petitioner along with other co-petitioners shall always suffer from mental agony and irreparable loss mentally, physically, financially and

merally for the faults of the contemner himself. The petitioner shall suffer unnecessarily for the years to come illegally. The humble petitioner would suffer from great hardships and sustain irreparable loss and injuries as he is suffering now along with his co-petitioners.

7. That, there is no other adequate, alternative efficacious remedy and the remedy sought for, if granted would be just and complete.

8. That, the Chief Medical Officer, Dr. K. Mahapatra has not acted in terms of the directive of the Hon'ble Tribunal. This is a wilful violation of the order of the Hon'ble Tribunal dated 20-12-96 and 19-3-97. This wilful defiance and violation of the judicial order amounts to contempt of court.

8, That, the above action of the contemner/ respondent amounts to wilful defiance and disobedience of the order/ judgment of this Hon'ble Court and as such, the contemner, Dr. K.Mahapatra, Chief Medical Officer, CRPF, Guwahati-23 is liable to be punished for wilful contempt of the judicial order.

9. That, the petitioner has submitted this petition

for restoring justice. He demanded justice but the same has been denied to him and other co-petitioners.

10. That, this petition is filed bonafide and for the ends of justice, equity and fairness.

In the premises as aforesaid, your Lordships may graciously be pleased to direct office to issue notice to show cause as to why a proceeding under the Contempt of Court Act should not be initiated against the respondent/contemner, and on perusal of the show cause and on hearing the parties, your Lordships may be pleased to punish the contemner/respondent for violating the court's orders dated 20-12-96 and 19-3-97.

And, your Lordships may be pleased to pass an order to pay the Hospital Patient Care Allowance immediately and may pass any such further order/orders as your Lordships may deem fit and proper.

And, for this act of kindness, the humble petitioner along with his co-petitioners, as in duty bound, shall ever

Pray.

- 7 -

AFFIDAVIT

I, Sri Rupak Bhattacharjee, s/o Late

Raj Kumar Bhattacharjee, aged about 44 years, by caste- Hindu,

by profession-service, a resident of Base Hospital-111, CRPF,

Guwahati-23 do hereby solemnly affirm and declare as follows:

1. That, I am the applicant of this application and I have been entrusted by the other applicants of the main petition to take steps in the instant application and I am conversant with the fact and circumstances of the case.

This is true to my knowledge and information.

2. That, the statements made in this petition from para # 1 to 10 are true to my information and knowledge and the rest are my humble submission to the Hon'ble Court.

I put my signature to this today, the 21 st day of June, 1997 at Guwahati.

Identified by,

(Dr. A.K.G.Thakuria)

Advocate.

21-6-97.

Rupak Bhattacharjee
Deponent

21-6-97

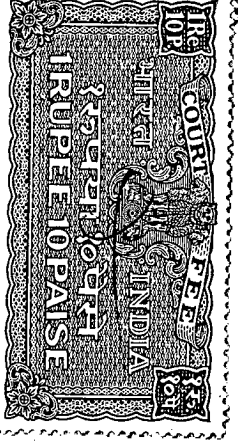
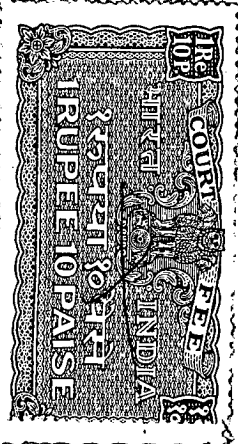
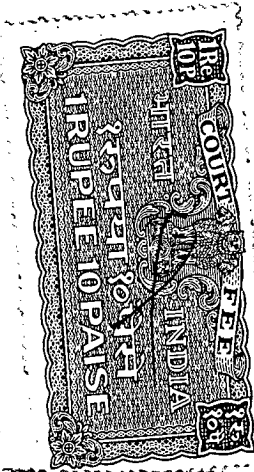
Advocate.

21-6-97.

Solemnly affirmed by the deponent who is identified

by Dr. A.K.G.thakuria, Advocate today before me at Guwahati

i.e., on 21-6-97.



21-6-97
Judicial Magistrate,
Guwahati
Subd. Class. Guwahati

18

A

DRAFT CHARGE.

The contemnners are guilty of violation of the Order dated 11. 12. 95 passed in C.P.No.17/95 in so far as directions contained therein have not been complied with and according he is liable for contempt of Courts proceedings.