

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

C.P. 14

OF 1998

CA 280/96

Applicant(s) D. D. Bhatta & Chatterjee & Ors.

VS

Respondent(s) Ajit Kumar & Amr.

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

Advocate for Respondent(s)

Notes of the Registry	Date	Order of the Tribunal
<p>This C.P. is filed by Mr. A. Ahmed, Adv. on behalf of the Applicant, praying for punishment of the Contemners for non-compliance of judgment & order of T.O.C. dated 10.6.97 passed in CA 280/96</p> <p>Laid for favour of orders</p> <p>Section Officer (S.O.) 9/6/98</p> <p>Guwahati, Assam Central Administrative Tribunal 22-9-98 Guwahati-6 Assam, India</p> <p>Y.B. 6 F.M. 11.1998</p>	16.6.98 pg	<p>Adjourn to 17.8.98 for further order.</p> <p>6 Member</p> <p>Vice-Chairman</p>
	17.8.98 pg	<p>Issue notice on the alleged contem- ners to show cause as to why the contempt proceeding shall not be drawn up. Notice is returnable by four weeks. The alleged contemner No. 2 shall also appear before this Tribunal on the next date.</p> <p>List on 23.9.98 for show cause and further orders.</p> <p>6 Member</p> <p>Vice-Chairman</p>

(2)

C.P. 14/98

Notes of the Registry

Date

Order of the Tribunal

20.8.98

Service of Notice
writs issued
to the respondents
Bd. D. No. 2288-89
dt. 24.8.98.

23-9-98

Division Bench is not available.

List for orders on 2-11-98.

6
Member

1m

20/9
2A/9

2.11.98

Lt. Col. N.K. Gupta, the alleged contemner No. 2, is present personally. He submits that payment had been made to all the applicants concerned except applicant No. 16 Ram Prasad, who had expired and there was no claimant on his behalf till date. Mr A. Ahmed, learned counsel for the petitioners, also confirms that payment had been received by the petitioners. Adjourned to 23.11.1998.

Lt. Col. Gupta submits that in the circumstances he may be exempted from personal appearance. Heard him. He is exempted from personal appearance until further orders.

List on 20.11.98. All further orders will be the Division Bench.

6
Member

pg

23.11.98

This petition has been filed for non compliance of the order passed by this Tribunal on 10.6.97 in O.A. No. 280/96.

Heard Mr A. Ahmed, learned counsel for the petitioner and Mr S. Ali, learned counsel for the alleged contemners. Mr Ali submits that the direction has fully complied with and Mr Ahmed also confirms the same. In view of the above we do not find any merit in the contempt petition.

Contempt petition is accordingly closed.

6
Member*SL*
Vice-Chairman

pg

1) Service reports are still awaited.
2) Shows Cause has not been given.

SL
22/920.11.98

No. Affidavit Statment
Submitted by The
respondents.

*SL*27.11.98

Copies of the order issued to the parties through Regd. wth A.D.
Bd. D. Nos. 3370 to
3373 on 27.11.98.

SL

3
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH,
GUWAHATI.

C.P. NO. 14 OF 1998.

*Filed by
Chowdhury
C.C.G.S.C
23/11/98*

Shri D.D. Bhattacharjee

... Petitioner

- Versus -

1. Shri Ajit Kumar
2. Shri N.K. Gupta.

... Contemnors.

- AND -

IN THE MATTER OF :

Additional show cause reply submitted
by the alleged contemnors.

The humble Contemnors submit their Additional
show cause reply as follows :-

1. That the Contemnors have already submitted their show cause reply stating that the dues payable to the Contemp. petitioners have already been paid and the receipt of payment has been acknowledged by them.
2. That while payment was made to the petitioners the applicant No. 16, Ram Prasad could not be paid as he has expired and there was no claimant on his behalf till date this fact was not stated in the earlier show

show cause reply and hence this additional show cause reply has been filed before this Hon'ble Tribunal stating the actual facts of the death of Ram Prasad.

It is, therefore, respectfully prayed that in view of full implementation of the Hon'ble Tribunal judgment, ^{closed,} the contemp petition may be ~~raised~~.

See

And for this act of kindness the alleged contemners shall ever pray.

VERIFICATION

I, Lt. Col. N.K. Gupta, alleged Contemner No. 2, do here by solemnly declare that the statements made in paras 1 & 2 are true to my knowledge, and the rests are my humble submissions before this Hon'ble Tribunal. and I

*Sign this verification on the
22nd May 98 at ^{Singhpur} ~~Fazalpur~~*

See

(N K GUPTA)
Lt Col,
Officer Commanding
310 Stn Wksy EME
DEC L A R A N T.

See

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH AT GUWAHATI.

487
8 JUN 1998

Guwahati Bench
Court Room

CONTEMPT PETITION NO. 14 OF 1998.

in O.A. No. 280 of 1996.

Filed by
D.D. Bhattacharjee
through
Advocate

(ADIL AHMED)
8.6.98. Advocate

IN THE MATTER OF:

A petition under Section 17 of the
Central Administrative Tribunal Act
1985 praying for punishment of the
Contemner for non-compliance of judgment &
Order dated 10th June 1997 passed by this
Hon'ble Tribunal.

-AND-

IN THE MATTER OF:

Shri D.D. Bhattacharjee & 31 others

-Versus-

Union of India & others

- AND -

IN THE MATTER OF:

T/70 Labour D.D. Bhattacharjee
Office of the Commanding Officer
310 Station Workshop EME,
C/o 99 A.P.O. ... Petitioner

(Contd.)

D.D. Bhattacharjee

-Versus-

1) Shri Ajit Kumar

Secretary Defence, Government of
India, New Delhi.

2) ^{Major} Shri N.K. Gupta, Commanding Officer,
xCommandant, 310 Station Workshop,
E.M.E., C/o 99 A.P.B.

... Respondents/Contemners.

The humble petition of the above
named Petitioner :

MOST RESPECTFULLY SHEWETH :

1) That your applicant and 31 others have
filed the Original Application No. 280 of 1996 before
this Hon'ble Tribunal Praying for payment of Field
Service Concession for which the petitioner & 31
others are legally entitled.

2) That the Hon'ble Tribunal after hearing on
both sides was pleased to pass the Judgment & Order
dated 10-06-97 directing the Respondents/Contemmers
to pay the Field Service Concession to the applicants
of the Original Application No. 280 of 1996 as
early as possible at any rate within a period of
3(three) months from the date of receipt of the
order.

(Contd.)

Abha Hothi

Annexure- 1 is the photocopy of Hon'ble Central Administrative Tribunal's Judgment in O.A. No. 280 of 1996.

3) That your petitioner begs to state that the Respondents/Contemners received the copy of the Judgment & Order dated 10-06-97 of the above case from the Hon'ble Tribunal Registry and from ^{No 1} the applicant of the case .

4) That your petitioner begs to state that the Respondents/Contemners after expiry of date of implementation of the above mentioned Judgment of this Hon'ble Tribunal the Respondents/Contemners filed a Misc. Case before this Hon'ble Tribunal praying for extension of another 3(three) months for implementation of the Hon'ble Tribunal Judgment dated 10-06-97 . Accordingly the Hon'ble Tribunal granted 3(three) months time to the Respondents/Contemners . In this period of extension of time the Respondents/Contemners did not take any steps for implementation of the judgment. But they filed another Misc. Case Numbering 84 of 1998 before this Hon'ble Tribunal praying for another Three months time for implementation of the Hon'ble Tribunal judgment . The Hon'ble Tribunal after hearing the both parties on 06-04-98 passed the Order that two months time will be sufficient for implementation of the Judgment dated 10-06-97 by the Respondents. Accordingly the Hon'ble Tribunal

(Contd.)

R B Shekhar

8

granted two months time from 06-04-98 to implement the Judgment & Order and it is also held by the Hon'ble Tribunal that no further extension will be granted to the Respondents/Contemners.

Annexure- 2 is the photocopy of the Hon'ble Tribunal such order in Misc. Case dated 6-4-98.

- 5) That your petitioner begs to state that inspite of a clear direction given by this Hon'ble Tribunal the Respondents/Contemners have deliberately not complied with the judgment & order with a motive behind and no steps has yet been taken for payment of the allowance given by this Tribunal.
- 6) That it may be worth to mention that in similar cases filed by the similarly situated persons regarding payment of Field Service Concession the Hon'ble Supreme Court of India affirmed the judgment of this Hon'ble Tribunal vide Civil Appeal No. 1572 of 1997 dated 17-2-97.
- 7) That your petitioner begs to state that the Respondents/Contemners have shown complete disregard, disobedience to this Hon'ble Tribunal and have not cared to carry out the judgment/order passed by the Hon'ble Tribunal and this amount to serious Contempt of Court and as such, they deserve the punishment for disobedience/disregard shown to

(contd.)

D. Bhattacharya

this Hon'ble Tribunal by not implementing the Judgment of this Hon'ble Tribunal in C.A. No. 280 of 1996 -

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

9) That your petitioner submits that all the Respondents/Contemners deliberately and intentionally disobeyed and dishonoured the judgment and order passed by this Hon'ble Tribunal and hence all of them are liable to be punished under the provision of Contempt of Court proceedings .

10) That your petitioner submits that he has filed this petition bona fide and for the ends of justice .

Under the facts and circumstances mentioned above, it is, therefore, respectfully prayed that your Lordship may be pleased to admit this petition and issue contempt Notice to the Respondents/Contemners to show cause as to why they should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass

Dinesh Acharya

(Contd.)

such any other order or orders as the Hon'ble Tribunal may deem fit and proper.

Further, it is also 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 petitioners in duty bound, shall ever pray .

ABhattchary

DRAFT CHARGE

The applicants aggrieved for non-compliance and non-payment of Field Service Concession in terms of the Hon'ble Tribunal Judgment & order dated 10-06-97 passed in O.A. No. 280/96. The Contemners/Respondents has wilfully, deliberately violated the judgment & order passed in O.A. No. 280/96 by not implementing the direction contained therein till date. Accordingly the Respondents/Contemners are liable for contempt of Court proceeding and severe punishment thereof as provided for under the law. They may also be directed to appear in person and reply the charge of this Hon'ble Tribunal.

... Affidavit.

DR. H. H. Heck

Affidavit

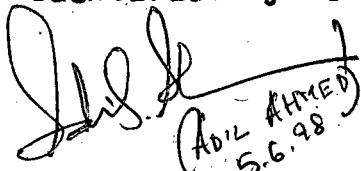
I, T/70 D.D. Bhattacharjee, Labour serving under the Commanding Officer, 310 Station Workshop, EME, C/o 99 A.P.O. do hereby solemnly affirm and declare as follows :

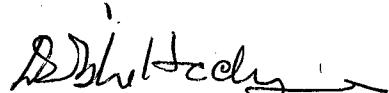
1) That I am the applicant No.1 in O.Y.A. No. 280/96 and also petitioner of the above Contempt Petition and as such, I am fully conversant with the facts and circumstances of the case also being authorised I am Competent to swear this affidavit on behalf of the applicants of the O.Y. A. No. 280/96.

2) That the statements made in this petition in paragraphs-1, 3, 4, 5, 6, 7 - are true to my knowledge, those made in paragraphs - 2, - are being matters of record are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this affidavit on this 5th day of June, 1998 at Guwahati.

Identified by me


Adil Ahmed
Advocate . 5.6.98



Deponent

Solemly affirmed before me by the Deponent who is identified by Mr. Adil Ahmed , Advocate .

Sukumar Sarma
Advocate
5/6/98

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 267 of 1996 (Series)

Date of decision : This the 10th day of June, 1997.

Hon'ble Mr. Justice D.N. Baruah, Vice Chairman.

Hon'ble Shri G.L. Sanglyine, Administrative Member.

O.A. No. 267 of 1996.

Ram Bachan & 14 Ors.

By Advocate Mr. A.Ahmed.

....Applicants

-versus-

Union of India & Ors.

...Respondents

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

O.A. No. 280 of 1996.

D.D.Bhattacharjee & 31 Ors.

....Applicants

By Advocate Mr. A.Ahmed

-versus-

Union of India & Ors.

....Respondents

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

O.A. No. 17 of 1997.

Shri Hari Krishna Mazumdar & 24 Ors.

....Applicants

By Advocate Mr. A.Ahmed.

-versus-

Union of India & Ors.

....Respondents

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

O.A. No. 12 of 1997.

Sri Jatin Chandra Kalita & 19 Ors.

....Applicants

By Advocate Mr. A.Ahmed.

-versus-

Union of India & Ors.

....Respondents

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

....O.A.

Attested
Sifat Ali
15/6/2000

O.A. No. 269 of 1996.

Nomal Chandra Das & 94 Ors.
By Advocate Mr. A.Ahmed.

...Applicants.

-versus-

Union of India & Ors.

...Respondents

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

O R D E R

BARUAH J. (V.C.).

The above applications involve common questions of law and similar facts therefore we are disposing of all the applications by this common order. The facts are;

2. All the applicants are Group III & IV Civilian Employees serving under the Defence Department since long time. They are now posted in Nagaland. The applicants state that Central Government by various circulars gave directions that the Civilian Employees serving under the Defence Department in Nagaland are eligible for certain benefits for taking risk of their life. They further state that as per the various Government circulars and Office Memorandum the Civilian Employees are entitled to get the benefit of Field Service Concession. As per the Government letter No. 372/AG/PS 3(u)/D(Pay)/Services dated 13.1.1994, the applicants being Civilian Employees under the Defence Department and at present posted in Nagaland are entitled to the benefit of Field Service Concession. In spite of
...repeated

Attested
for Barua G

repeated requests and demands, the respondents have refused to give the said benefit. Hence the present application.

3. We have heard learned counsel appearing on behalf of the applicants and Mr. S.Ali, learned Sr. C.G.S.C. Learned counsel for the applicants submits that the present cases are covered by the decision of this Tribunal namely, the decision of O.A. Nos. 124 & 125 of 1995 dated 24.8.1995. By the said order this Tribunal directed the respondents to give the benefit of Field Service Concessions to the applicants of the above two Original Applications. The present applicants are also similarly situated and so they are also entitled to the said benefit. Learned counsel for the applicants further submits that in spite of repeated requests and demands respondents have till now denied such benefit to the present applicants which is not only arbitrary, discriminatory but also unreasonable and unfair. Mr. Ali, learned Sr.C.G.S.C. very fairly concedes that this Tribunal in similar facts and circumstances of the case directed the authority to give such benefit to those applicants and Mr. Ali also confirms that the present is covered by the said order.

4. On hearing the counsel for the parties and on perusal of the records we are of the opinion that the present cases are covered by the decision of this Tribunal passed in O.A. Nos. 124/95 and 125/95 and therefore we direct the respondents to pay Field Service Concession to the present applicants. This

...must

Shahid Ali Khan

- 4 -

must be done as early as possible at any rate within 3 (three) months from the date of receipt of the copy of this order.

5. The application is allowed.

6. Considering the entire facts and circumstances of the case, however we make no order as to posts.

Sd/- Vice-Chairman

Sd/- Member (s)

Certified to be true Copy

महाराष्ट्र विधान सभा

23/1/97

Deputy Registrar (D)

Central Administrative Office

Government of Maharashtra

23/9

After
Signature
Present

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. MP. 84 OF 1998
CA 280/96

Applicant(s) Union of India & ORS
-VS-

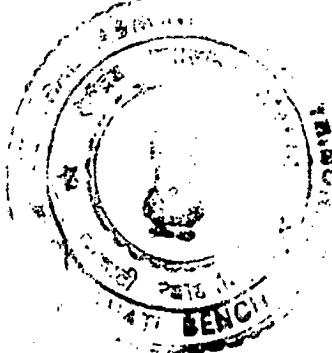
Respondent(s) D. T. Bhattacharjee & ORS

Advocate for Applicant(s) Mr. S. Ali, Sr.
C.G.S.C

Advocate for Respondent(s) Mr. A. Ahmed

Notes of the Registry	Date	Order of the Tribunal
	6.4.98	<p>This Misc. Petition has been filed by the petitioner/respondents praying for extension of time to implement the order dated 10.6.1997 passed by this Tribunal in O.A.No.280/96. Mr S. Ali, learned Sr. C.G.S.C. submits that the respondents have accepted the judgment. However, it requires three months more time from today to implement the judgment. Mr A. Ahmed, learned counsel for the opposite party/applicants, on the other hand, opposes the prayer. He submits that already one extension was given for three months and another three months will be too long a period. He further submits that if at all the Tribunal is inclined to grant time it may be for one</p>

*Reftd
T.S.
Dharm*



6.4.98

month only.

Considering the submission of the learned counsel for the parties, we feel that two months will be sufficient for implementation of the order. Accordingly we grant two months time from today to implement the order. No further extension will be granted.

The Misc. petition is accordingly disposed of.

Sd/VICECHAIRMAN

Sd/MEMBER (A)

Memo. No. 102811

Dated 22/4/98

Copy for information and necessary action to :

1. Mr. S. Ali, Sr. C. G. S. C., CAI, Guwahati Bench,
2. Mr. A. Ahmed, Advocate, Gauhati High Court, Guwahati.

*1. Submited
20/4/98*
SECTION OFFICER (S)

17/4