

GAHC010049622023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Cont.Cas(C)/156/2023

GS-173517H C CHANDRA KUMAR
JE (CIVIL),
S/O- LT. C CHEILATHURAI,
1444 BCC (GREF), C/O- 99 APO,
PIN-931444
(PRESENTLY DEPLOYED AT 95 RCC (GREF),
JAISALMER, RAJASTHAN, C/O- 56 APO, PIN-930095

VERSUS

GIRIDHAR ARAMANE AND 5 ORS
MINISTRY OF DEFENCE , SENA BHAWAN, NEW DELHI-110001

2:T V SOMANATHAN
IAS
THE SECY. TO THE GOVT. OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF EXPENDITURE
NORTH BLOCK
NEW DELHI-110001

3:DEEPAK KHANDEKAR
IAS
THE SECY. TO THE GOVT. OF INDIA
MINISTRY OF PERSONNEL AND TRAINING
NORTH BLOCK
NEW DELHI-110001

4:LT. GENERAL RAJEEV CHOUDHURY
THE DIRECTOR GENERAL
BORDER ROADS ORGANISATION
SEEMA SADAK BHAWAN

RING ROAD
DELHI CANTT.
NEW DELHI-110001

5:DR. AJAY KUMAR
JOINT SECRETARY
BORDER ROADS
SECRETARY
BORDER ROADS DEVELOPMENT BOARD
B WING
4TH FLOOR
SENA BHAWAN
DHQ PO
NEW DELHI-110001

6:DEVIKA RAGHUVANSHI IDAS
THE PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS (PCDA BORDER
ROADS) 3RD FLOOR
SEEMA SADAK BHAWAN
RING ROAD
DELHI CANTT.
NEW DELHI-11000

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : MR. R K D CHOUDHURY

BEFORE
HONOURABLE THE CHIEF JUSTICE (ACTING)
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

O R D E R

10.01.2024

(L.S. Jamir, C.J(Acting))

Heard Mr. I.H. Saikia, learned counsel for the petitioner. Also heard Mr. R.K.D. Choudhury, learned counsel for the respondent No. 4.

Respondent No. 4 has filed affidavit wherein at paragraph 4, it is stated that:-

“4. That with reference to the direction issued vide Judgment dated 18.02.2020 delivered in WP(C) No. 1537/2015, the deponent begs to submit that in the facts and circumstances as stated above, the petitioner has already been granted revised pay scaled of Rs. 5000-8000/- with arrears w.e.f. 01.01.1996 in terms of recommendation of 5th CPC and the corresponding arrears of recommendation of 5th CPC and the corresponding arrears of benefit w.e.f. 01.01.2006 in terms of recommendation made by the 6th CPC to the post of Superintendent Grade-II and nothing is outstanding for payment on the part of respondents/contemnors.”

Mr. I.H. Saikia, learned counsel for the petitioner submits that the respondents are yet to pay the subsequent pay hike after completion of 5 years of service and 15 years of service till date.

On consideration of the submission made by the learned counsel for the petitioners, we are of the opinion that the same constitutes a fresh cause of action and accordingly the petitioner is given liberty to approach the appropriate forum agitating his legal right.

After considering the affidavit filed by the respondent No. 4, we are of the considered opinion that substantial compliance has been made by the respondents to the direction passed by this Court and accordingly, contempt petition is closed with liberty to the petitioner to approach the appropriate forum, if any further grievances subsists.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant