

GAHC010150322020



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

Case No. : Cont.Cas(C)/504/2020

GS-173517H SRI C CHANDRA KUMAR, J.E. (CIVIL)
S/O LT. C. CHEILATHURAI, 1444 BCC(GREF) (PRESENTLY DEPLOYED AT 95
RCC(GREF) AS I/C DETT PT. 141 UNDER 478 RMPI(GREF), C/O 56 APO, PIN
930095) C/O 99 APO, PIN-931444

VERSUS

DR AJAY KUMAR AND 5 ORS.
THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF DEFENCE, SENA
BHAWAN, NEW DELHI, PIN-110001

2:DR. AJAY BHUSAN PRASHAD PANDEY
THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF EXPENDITURE
NORTH BLOCK
NEW DELHI-110001

3:DR. C CHANDRAMOULI
THE SECRETARY TO THE GOVT. OF INDIA
DEPARTMENT OF PERSONNEL AND TRAINING
NORTH BLOCK
NEW DELHI-110001

4:LT. GENERAL HARPAL SINGH
THE DIRECTOR GENERAL
BORDER ROADS ORGANISATION (BRO)
SEEMA SADAK BHAWAN
RING ROAD
DELHI CANTT.
NEW DELHI-110001

5:SATISH SINGH
JOINT SECRETARY
BORDER ROADS
SECRETARY
BORDER ROADS DEVELOPMENT BOARD
B WING
4TH FLOOR
SENA BHAWAN
DHQ PO
NEW DELHI-1100011

6:SMT. DEVIKA RAGHUVASHI
THE PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS (BORDER
ROADS)
SEEMA SADAK BHAWAN
RING ROAD
DELHI CANTT.
NEW DELHI-110001

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : MR. R K D CHOUDHURY

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 08.05.2024

Heard Mr. I.H. Saikia, learned counsel for the petitioner.

2. Mr. R.K.D. Choudhury, learned counsel appearing for the respondents has produced a copy of written instruction dated 07.05.2024, issued by the Assistant Adm. Officer, Officer-in-Charge, Regional Legal Cell (Eastern Sector), C/o. HQ 99 APO stating that the order of this Court dated 18.02.2020, passed in WP(C) No. 1537/2015 has been complied with by crediting a sum of Rs. 86,462/- in favour of the petitioner. A copy of the pay-slip for the month of March, 2023 is attached thereto.

3. It is further stated therein that the petitioner has been removed from

service w.e.f. 10.08.2023 under Rule 11(viii) of CCS (CC&A) Rules, 1965 due to willfully overstaying leave w.e.f. 22.11.2021.

4. The learned counsel for the petitioner has submitted that the calculation done is incorrect and he is entitled to a higher amount of arrear salary. In the said context, the Court is of the considered opinion that if the calculation is incorrect, the petitioner has to challenge the same. However, the respondents have released all the pay and emoluments receivable by the petitioner.

5. Notwithstanding the delay in implementing the order of the Court, as the order of the Court has been complied with, the Court has no reason to pursue this contempt petition.

6. Accordingly, this contempt petition stands closed, however, with liberty to the petitioner to assail the calculation of pay and emoluments due to him and/or to pursue his remedy in accordance with law.

7. Instruction produced by the learned counsel for the respondents along with photocopy of the pay-slip for the month of March, 2023 is kept as a part of record.

JUDGE

Comparing Assistant