

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI
....

ORDER SHEET

Original Application No : _____
Misc. Petition No. _____
Contempt Petition No. 35 / 02 mo. A / 26 / 01
Review Application No. _____

Applicant (s) Jivan Ch. Das

-Vs-

Respondent (s) Union of India & Ors

Advocate for the Applicant (s) Mr. S. Sarmah, Min U. Das

Advocate for the Respondent(s) Mr. A. Deb Roy, A.C.G.S.C

Notes of the Registry

Date

Order of the Tribunal

This Contempt petition has been filed by the counsel for the petitioner praying for wilful and deliberate violation of the Judgement and order dated 11.10.2001 passed in O.A. 126/01.

11.10.02

Issue notice to show cause as to why contempt proceeding shall not be initiated against the alleged contemnors. Returnable by four weeks.

List on 27.11.02 for filing reply and orders.

Filed before the Hon'ble Court for further orders.

pg

27.11.2002

K. K. Sharma
Member

Vice-Chairman

Issue notice.

Vice-Chairman

bb

3.11.2002

Due to vacation, the case is adjourned to 24/1/2003.

Section Officer

PA2

Notice issued and sent to Ofc for filing the Respondent No 1 & 3 by Regd. A/D. 18/10/02
D/No 2891/93 dtd. 21/10/02

No. reply has been
biked

24
26.11.02

Notices returned in bfo
Respondent No. 1 & 2 due
to Not known & No Such
Person.
10/12

No. reply has been
biked

23
23.1.03

① Notices returned unserved
on R.No-1 & 2 not known
& No - Such person

② No. Reply has been
biked

24
24.2.03

Notices already sent vide
D/No 289/1593 dtd 21.10.02
27/2/03

No. reply has been
biked

13
13.3.03

Slips taken sent vide
D/No 585
25/3/03 dtd 28/3/03

24.1.03 Present : The Hon'ble Mr. Justice
D.N. Chowdhury,
Vice-Chairman.

The Hon'ble Mr. S.K.
Hajra,
Administrative Member.

Service complete on
respondent No.3. Notices on respond-
ent Nos. 1 and 2 sent through the
postal department was returned as
there is no such person. Mr. A. Deb
Roy, learned Sr. C.G.S.C. for the
respondents is requested to bring the
notice of the concerned authority
so that no such thing occurred.

List again on 25.2.03
for orders.

Sum
Member

[Signature]
Vice-Chairman

mb
25.2.2003 Seven days time allowed to the
applicant to take necessary steps.
List on 5.3.2003 for orders.


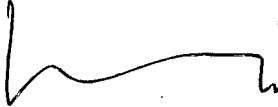
[Signature]
Vice-Chairman

5.3.2003 Court did not sit today
The case is adjourned to
17/3/2003
mlo
[Signature]

17.3.2003 The applicant is allowed
further two weeks time to take necessa-
ry steps on the matter. List on
1.4.2003 for orders.

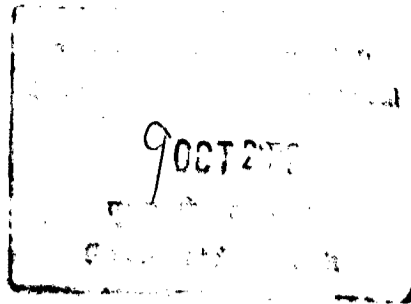
[Signature]
Vice-Chairman

mb

Notes of the Registry	Date	Order of the Tribunal
<p><i>Steps not taken.</i> <i>on 16/4/03.</i></p>	1.4.2003	<p>Put up on 1.5.2003 for service of notice on respondent No.1. In the meantime, the applicant may take necessary steps for issue notice on respondent No.2 by giving proper address.</p> <p> Vice-Chairman</p>
<p><i>5.5.2003</i> <i>Copy of the order has been sent to the office for issuing the same to the L/Adv. for the parties.</i> <i>SES</i></p>	1.5.2003	<p>Miss U. Das, learned counsel appearing on behalf of the applicant stated that the order passed by the Tribunal on 11.10.2001 in O.A. No. 126/2001 is duly complied with and order to that effect was passed vide order No. STAFF/9-61/2001 dated 4.4.2003 by the Chief Postmaster General, Assam Circle. In the circumstances, the C.P. stands closed.</p> <p> Vice-Chairman</p>

mb

mb



5
Filed by
the petitioner through
Alsha Das
Advocate
9/10/2002

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

C.P. NO. 55/02

In O.A. NO. 126/01

Sri Jiwan Ch. Das.

.....Applicant

-VERSUS-

Union Of India & Ors

.....Respondents

IN THE MATTER OF

An application under section 17 of
the Administrative Tribunal
Act, 1985, for willful and deliberate
violation of the judgment and order
dated 11.10.2001 passed in OA NO
126/2001.

-AND-

IN THE MATTER OF

An application Under Rule 24 of the
Central Administrative Tribunal (Procedure) Rule 1987 for effective
implementation of the aforesaid
order dated 11.10.2001.

-AND-

IN THE MATTER OF

Sri Jiwan Ch. Das.

Retd. Asstt. Manager,

Postal Store Depot, Guwahati.

.....Petitioner.

-versus-

1. ~~Mr. G. S. Grover~~, *Mr. M. K. Banerjee*

The Director of Postal Services,

Office of the Chief Post Master

General, Assam Circle, Guwahati.

2. Sri V. K. Rai.

The superintendent of Postal store
Depot, Guwahati.

3. Sri S. Kamei.

The Senior Superintendent of Postal
Offices, Assam Circle, Guwahati.

.....Contemners/Respondents

The humble petitioner above named:

Most Respectfully sheweth:

1. That the petitioner assailing the legality and correctness of the order dated 9.1.2001 preferred this above noted OA 126/01 before this Hon'ble Tribunal. The Hon'ble Tribunal after hearing the parties to the procedure was pleased to disposed of the OA by he judgment and order dated 11.10.2001 directing the Respondents to dispose of the appeal filed by the applicant as early possible, preferably within four weeks from the receipt of the order, if not already

*Corrected vide order
dttd. 21/3/03 passed on
MR No 28/03. by
25/3.*

disposed of.

A copy of the judgment and order dated 11.10.2001 is annexed herewith and marked as Annexure -1.

2. That after the pronouncement of the aforesaid judgment the applicant on 19.10.2001 submitted the certified copy of the same to the concerned authority with a prayer to implement the same at an early date. The Respondents knowing fully well about the judgment, were sitting over the judgment and did not take any step to implement the same.

3. That the humble applicant begs to state that the Hon'ble Tribunal held that the applicant had already preferred an appeal before the Director of Postal Services, Assam Circle, Guwahati, and the appeal is pending for consideration. Apprising the above fact on 12.6.2002 the applicant again sent a legal notice through his counsel to implement the Hon'ble Tribunal's judgment, but till date the contemnors have not taken any steps to comply with the same.

A copy of the Legal Notice dated 12.6.2002 is annexed herewith and marked as ANNEXURE-2.

4. That the petitioner begs to state that the Annexure-1 judgment left no ambiguity in understanding the direction contained therein and thus there should not have been any difficulty for the contemnors knowing fully well about the direction contained in the

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judgment have been kept on dishonoring the same and as such they are liable to be punished for their willful and deliberate violation of the same.

5. That the petitioner begs to state that through this petition he also prays for a direction towards the Respondents for implementation of the Annexure-1 judgment invoking Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987.

6. That this petition has been filed bonafide and to secure ends of justice.

In the premises aforesaid it is most respectfully prayed that Your Lordships would graciously be pleased to draw up contempt proceeding against the contemnors for their willful and deliberate violation of the judgment and order dated 11.10.2001 passed in OA No. 126/01 passed by is Hon'ble Tribunal and be further pleased to pass an appropriate direction towards the Respondents for implementation of the same and / or be pleased to pass my such order / orders as Your Lordships deemed fit and proper considering the facts and circumstances of the case.

And for this act of kindness the humble petitioner as in duty bound shall ever pray.

- 5 -

DRAFT CHARGE

Whereas Sri G.S Grover, The Director of Postal Services, Office of the Chief Post Master General, Assam Circle, Guwahati, Sri V.K. Rai, The Superintendent of Postal Store Depot, Guwahati and Sri S. Kamei, The Senior Superintendent Of Postal Offices, Assam Circle, Guwahati, have willful and deliberately violated the Judgment and order dated 11.10.2001 passed in O.A. NO 126/2001 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench and as such they are liable to be punished under the provision contained in Contempt of Court's Act for such act of willful and deliberate violation.

AFFIDAVIT

I , Shri Jiwan Ch. Das, aged about 61 years, son of Late Phanidhar Das , retired Asstt. Manager , Postal Depot, Guwahati-21, do hereby solemnly affirm and state as follows ;

1. That I am the Petitioner in accompanying application and as such fully acquainted with the facts and circumstances of the case and hence competent to swear this affidavit.
2. That the statements made in this affidavit and in the accompanying petition in paragraphs... 1 to 6 are true to my knowledge and the rests are my humble submission before the Hon'ble Tribunal and I have not suppressed any material facts of the case.

And I sign this affidavit on this the 8th day of october, 2002.

Jiwan Chandra Das.

DEPONENT

Identified by me
Usha Das.
Advocate

Solemnly affirmed and stated by
the deponent on this the ...
day october of 2002 who is
identified by U.Das, Advocate.

Meinal Kante Majumdar
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.126 of 2001

Date of decision: This the 11th day of October 2001

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

Shri Jiwan Chandra Das,
Retc. Assistant Manager,
Postal Store Depot,
Guwahati.

.....Applicant

By Advocates Mr B.K. Sharma, Mr S. Sarma and
Ms U. Das.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Communication,
New Delhi.
2. The Director of Postal Services,
Office of the Chief Post Master General,
Assam Circle, Guwahati.
3. The Superintendent of Postal Store Depot,
Guwahati.
4. The Senior Superintendent of Post Offices,
Assam Circle, Guwahati.

.....Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 assailing the legality and correctness of the order dated 9.1.2001, whereby the respondents ordered for recovery of an amount of Rs.16,000/- from the pay of the applicant, who was at the relevant time working as Assistant Manager, Postal Store Depot, Guwahati, with effect from January 2001 on instalments of Rs.2000/- per month.

2. We have heard Mr S. Sarma, learned counsel for the applicant and also Mr B.C. Pathak, learned Addl. C.G.S.C. In course of hearing it transpired that the applicant had already preferred an appeal before

*Attested
by
Advocate*



- 8 - : 2 :

the Director of Postal Services, Assam Circle, Guwahati, respondent No. 2, and the appeal is pending for consideration.

3. In view of the above, we are of the opinion that ends of justice will be met if the respondents are directed to dispose of the appeal filed by the applicant as early as possible, preferably within four weeks from the date of receipt of the order, if not already disposed of. The order of recovery dated 9.1.2001 shall remain suspended till disposal of the appeal and till the appellate order is communicated to the applicant.

4. With the above direction the application stands disposed of.
No order as to costs.



Sd/VICE CHAIRMAN

Sd/MEMBER (A)

Certified to be true Copy
प्रमाणित प्रतिलिपि

18/8/2001
Section Officer (J)
आयुक्त (अ) (जनसिफ सचिव)
Central Administrative Tribunal
Guwahati Bench, Guwahati-8
गुवाहाटी बेंच, गुवाहाटी-8

Attested
by
Advocate

ADHARTHA SARMA

Advocate

M. A. Road, Rehabari.

Guwahati - 781008

Phone No.- 522995

Date...12/06/02.....

Ref:.....

✓
To

The Director of Postal Service
Office of the Chief Postmaster General.
Assam Circle, Guwahati-1.

Sub.: Legal Notice

Sir,

Upon authority and as per instruction of my client Sri Jiwan Ch.Das, Retd.Asstt.Manager, Postal Store Depot, GHY, I give you this notice as follows:

That my client being aggrieved by the order dated 9.1.01 by which an amount of Rs.16,000/- has received from his salary approached the Hon'ble Central Administrative Tribunal, Guwahati Bench by way of filing OA No.126/01. The aforementioned OA No.126/01 was disposed of on 11.10.01 directing you to dispose of the appeal dated 30.1.01 within a period of 4 weeks from the date of receipt of this order. The aforementioned order has already been communicated to

Attested
by
Advocate

you by the Registry of this Hon'ble Tribunal but till date you have not taken any decision in the aforementioned appeal. The appeal dated 30.1.81 preferred by my client is yet to be disposed of. Several months have passed away but till date nothing has been communicated to my client violating the direction contained in the judgement. That apart the guideline contained in the office memorandum issued by the concerned Ministry regarding settlement of financial matters within 6 months have also been violated by you keeping the matter pending undisposed. My client being a retired employee now facing tremendous hardship.

In that view of the matter I on behalf of my client, give you this notice making a demand that the appeal preferred by the applicant be disposed of dropping all the charges with a direction to release the amount (Rs.16,000/- only) with interest @21% p.a. within a period of 15 days from the date of receipt of this notice failing which instruction of my client is to take appropriate legal remedy before appropriate Forum.

I hope and trust that there would be no such occasion for any further litigation unnecessarily dropping you into the same.

Thanking you.

Sincerely yours

(S. Sarma, Advocate)

Copy to:

1. The Superintendent of Postal Store Depot
Guwahati.

Attested
as
Advocate