

( RULE - 4 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Original Application No. /

Misc. Petition No. /

Contempt Petition No. 15/03 m/o.A 21/03

Review Application No. /

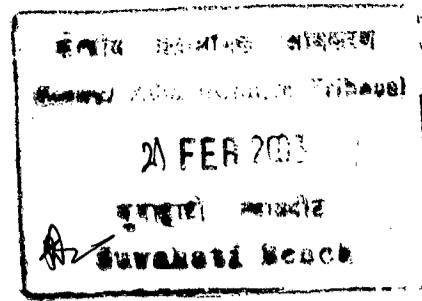
Applicant (s) Niteenjani Bas  
- vs. -

Respondent (s) U. O. I. Force

Advocate for the applicant (s) Mr. S. Sonma, U.K. Nair, Mrs. V. Das

Advocate for the respondent (s) C.G.S.

Notes of the Registry	Date	Order of the Tribunal
This Contempt petition has been filed by the applicant m/s 17 CAT Act, 1985 for drawal of Contempt proceeding against the Contemnors for their wilful and deliberate violation of the interim order dt. 7.2.03 passed in O.A 21/03	25.2.2003 27.2.2003	List the matter on 27.2.2003 alongwith O.A. 21/2003.
Laid before the Hon'ble Court for further orders.	28.2.2003	List again on 28.2.03 alongwith O.A. 21/03.
Recd copy AKC/Chmrt 21/3	nkm	Mr U.K. Nair, learned counsel for the petitioner stated that he is not pressing the Contempt Petition. The Contempt Petition accordingly stands dismissed as not pressed.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

C.P. NO. 15 /03

In OA NO. 21/03

Niranjan Das

Applicant

-VS-

Union of India & Ors.

Respondents

IN THE MATTER OF

An application under Section 17 of  
the Administrative Tribunal Act,  
1985 for drawal of Contempt  
proceeding against the Contemners  
for their willful and deliberate  
violation of the Interim order dated  
7.2.2003 passed in OA NO. 21/03.

-AND-

IN THE MATTER OF

Sir Niranjan Das  
Supdt. of Post Offices  
Nalbari Barpeta Division  
Nalbari

Petitioner

-VS-

1) Sri M.K.Benarjee

The Chief post Master General  
Department of Post  
Meghdoot Bhawan,  
Guwahati-1.

2) Sri V.C.Roy

The Director of Postal Service(HQ)  
Meghdoot Bhawan,  
Guwahati-1.

3) Sri. S. Shyam

The Ast. Post Master General (Staff)  
Meghdoot Bhawan,  
Guwahati-1.

-----Contemners

The humble petition on behalf of the petitioner  
above named.

MOST RESPECTFULLY SHEWETH

1. That the petitioner praying for setting aside of the transfer order dated 21.1.03 issued by the contemner No.2 preferred the above noted before the Hon'ble Tribunal. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to passed the interim order dated 7.2.03 suspending the operation of the said transfer order dated 22.1.03 alownwith another connected order dated 3.2.03.

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

2. That the petitioner immediately on receipt of the said

interim order dated 7.2.03 handed over a copy of the same to the contemner no.1 and as a measure of abandon condition he also forwarded the said copy vide his letter dated 9.2.03. However, the contemners inspite of the aforesaid interim order allowed one Mr. K.C.Sarma to hold the post Supdt., Nalbari Barpeta Division, Nalbari.

A copy of the forwarding letter dated 9.2.03 is annexed herewith and marked as Annexure-2.

3. That the aforesaid Annexure-i interim order dated 7.2.03 is very clear and the Hon'ble Tribunal by the said interim order has suspended the operation of the impugned orders dated 22.1.03 and 3.2.03. However, the contemners knowing fully well about the said interim order continued to violate the same restraining the petitioner to discharge his duty. This action on the part of the contemners is in direct contact with direction contained in the interim order passed by this Hon'ble Tribunal and in that view of the matter the said contemners are liable to be punished severely for their willful and deliberate violation of the said interim order.
4. That the interim order dated 7.2.03 was duly communicated by the petitioner and as such the aforesaid contemners are duty bound to follow the same. However, no action has been taken by the said contemners to implement the interim order and as such the petitioner prays before this Hon'ble Tribunal for drawal of appropriate contempt proceeding and to punish them severely for their willful and deliberate violation.
5. That this application 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 appropriate contempt proceeding against each of the contemners and to punish them severely for their willful and deliberate violation of the judgment and order dated 7.2.03 passed in OA no. 21.03 and/or pass such order/orders as Your Lordships deemed fit and proper.

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

AFFIDAVIT

I, Sri Niranjan Das, aged about 50 years, at present working as Supdt. of Post Offices, Nalbari-Barpeta Division, Nalbari, do hereby solemnly declare and state as follows:

1. That I am the petitioner in the accompanying petition and as such, well conversant with the facts and circumstances of the case. I am therefore competent to swear this affidavit.

3. That the statements made in this affidavit and in paragraph.....3-5..... of the accompanying application are true to my knowledge, those made in paragraph.....1,2..... are matters of records which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts. The Annexure are true copies of their original.

And I sign this affidavit on this the 21th day of Feb. 2003 at Guwahati.

Identified by me:

*Niranjan Das*,

*H.*  
Advocate

Deponent.

Solemnly declare and state by the deponent who is identified by Mr. S. Das Advocate.

*U. K. Nair*  
(U. K. NAIK)  
Advocate.

DRAFT CHARGE

Sri M.K.Benerjee, the Chief Post Master General, Department of Post Meghdoot Bhawan, Guwahati, Sri V.C.Roy, the Director of Postal Service, Head Quarter, Meghdoot Bhawan, Guwahati-1, Sri S,Shyam, The Asstt. Post Master General(Staff), Meghdoot Bhawan, Guwahati have willfully and deliberately violated the interim order dated 7.2.03 passed in OA No.21/03 and as such they are liable to be punished for their such willful and deliberate violation of the aforesaid interim order.

Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

Annexure-1 8

ORDER SHEETOriginal Application No : 21 /2003  
Misc. Petition No. \_\_\_\_\_  
Contempt Petition No. \_\_\_\_\_  
Review Application No. \_\_\_\_\_Applicant(s): Shri Niranjan Dm

- Vs. -

Respondent(s): U. G. E. 2012,Advocate for the Applicant(s): Mr. U.K. NairAdvocate for the Respondent(s): Mr. S.K. Dm.  
CASL

Notes of the Registry	Date	Order of the Tribunal
	7.2.2003	<p>Heard Mr.U.K.Nair, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why the application shall not be admitted, returnable by three weeks.</p> <p>Also issue notice to show cause as to why interim order as prayed for shall not be granted, returnable by three weeks.</p> <p>In the meantime, in the facts and circumstances of the case, the respondents are ordered not to give effect the order dated 22.1.2003 transferring and posting the applicant, SPOS, Nalbari Barpeta Division, Nalbari to the post of Supdt. NESD, Guwahati and order dated 3.2.2003 posting <del>the</del> Shri K.C.Sarma, DSRM (HQ) o/o the SSRM/GH to hold the charge of SPOS, Nalbari Barpeta Dvn, Nalbari <del>shall remain</del> till the next date.</p> <p>List on 7.3.2002 for admission.</p>



Sworn to be true copy

স্বাক্ষর কৰিব

Deputy Registrar (A.A.)  
Central Administrative Tribunal  
Guwahati

Sd/ VICE CHAIRMAN

Attested  
by  
Advocate

रेनीय डाक



- 8 -

Annexure - 2

कार्यालय  
डाक अधीक्षक  
नलबारी बरपेटा डाकमंडल  
नलबारी- 781335

OFFICE OF THE  
SUPERINTENDENT OF POST OFFICES  
NALBARI BARPETA DIVISION  
NALBARI-781335

To

The Chief Postmaster General  
Assam Circle, Guwahati-781001.

No. B/A-29/Ch-II

Dated at Nalbari the 09-02-2003

Sub: Forwarding of CAT's Order No. 21/2003 dated 07-02-2003 of Shri Niranjan Das -VS- U.O.I & Others.

Sir,

A copy of the Order Sheet of O.A. No. 21/2003 dated 07-02-2003 passed by the Hon'ble CAT, Guwahati Bench as stated on the subject is submitted herewith for favour of kind perusal.

Enclo: As above.

Yours Faithfully

  
( N. DAS )  
Supdt. of Post Offices  
Nalbari Barpeta Division  
Nalbari-781335

Attested  
by  
Advocate