

FORM NO. 4
 (SEE RULE 12)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH

ORDER SHEET

Org. App./Misc Petn/Cont. Petn/Rev. Appl..... 26/04 (O.A. 166/03).....
 In O.A.....
 Name of the Applicant(s) ... S. B. Hazarika.....
 Name of the Respondent(s) ... S. B. Borthakur. 1.03.03.....
 Advocate for the Applicant ... J. M. Purohit.....
 Counsel for the Railway/CGSC ... A. Deb Roy, Jr. CASL.....

OFFICE NOTE DATE

ORDER OF THE TRIBUNAL

20.7.04.

Present: Hon'ble Mr. K. V. Sachidanandan
 Judicial Member,
 Hon'ble Mr. K. V. Prahladan,
 Administrative Member.

When the matter came up for hearing
 the Court Officer is find out that notice
 has been already sent to the Respondents.
 he is not sure as to whether notices were
 served or not. Registry is directed to
 enquire the same.

Post the

Issue notice to the parties.

Post the matter before next available
 Division Bench.


 Member (A)

Member (J)

20.7.04.

9.11.2004

None is present for the applicant

In this application the applicant
 seeks for contempt proceedings be ini-
 tiated against the respondents for not
 having complied with orders of this
 Tribunal dated 23.12.2003 passed in O.A.
 166/2003. By the said order the disci-
 plinary authority was directed to expe-
 dite and finalise the disciplinary
 proceedings within four months, provi-
 ded the applicant cooperated with

13/7/04
 This contempt petition
 has been filed by the
 applicant with a prayer
 for contempt of Contempt
 Act, 1971 (Act 70 of 1971)
 Read with Section 7
 of the C.A.T. Act 1985.
 for initiating action
 for wilful disobedience
 of the orders of the
 Hon'ble Tribunal in
 O.A. NO. 166/03.

13/7/04
 1m
 Section Officer

1. e. comply order
 dated 20/7/04.

N.S
 26/7/04

contd.

Contd.

Notice of order
Sent to D/Section
for issuing to
resp. Nos 1 to 4,
by regd. with A/D
post.

~~Cas~~~~28/7/04~~

D/Memo No - 1157 to 1160

DT - 29/7/04.

~~16/8/04~~

Notice duly served
on resp. Nos 1 to 4.

~~Cas~~~~20/8/04~~27-9-04

Reply filed by the
Comptroller No. 3.

P.M.8-11-04

✓ Notice duly served
09-11-04 (ADP)

✓ Reply has been filed

Dr29.11.04

Copy of the order
has been sent to the
D/Secy. for issuing
same to the applican
as well as to the
A.C.G.S. in the
Region.

9.11.2004 them. The directions are qualified
on the applicant cooperating with
the authorities for the purpose of
finalising the disciplinary proce-
dings within four months.

In the reply filed by the respon-
dents it is stated that the applicant
appeared in the enquiry proceedings
on 31.1.2004 and submitted his sta-
tement of defence only on 6.4.2004
i.e. to say three months and fifteen
days after the date of order dated
23.12.2003. Thus for the delay in
for disposal of the disciplinary
proceedings within the given time
frame, the applicant has to blame
himself since he took three months
and fifteen days to file defence
statement. Therefore, the further
procedure in the disciplinary proc-
eedings continued. The findings of
the disciplinary authority have been
communicated to the applicant on
17.7.2004 which was received by the
applicant on 29.7.2004. The applicant
sent telegram for extension of fif-
teen days time from 14.8.2004, which
was allowed.

The delay is mainly on the part
of the applicant. The application for
initiating contempt proceedings is,
thus, misconceived and is liable to
be dismissed. The Contempt petition
is accordingly dismissed.

J.C. Parashar
Member

bb

R
Vice-Chairman

19/7/04

Central Administrative Tribunal

1. 3. 2004

গুৱাহাটী বিধায়ক

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI - 5

3

CONTEMPT PETITION

U/S 23 OF THE CONTEMPT OF COURTS ACT, 1971 READ WITH SECTION 17 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985 AND FURTHER READ WITH RULE 3 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL (CONTEMPT OF COURTS) RULES, 1992.

TITLE

SRI S. B. HAZARIKA

VS

THE UNION OF INDIA & OTHERS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH : GUWAHATI-5.

Contempt Petition (Civil) No. 26 /2004
Original Case No. O.A. 166 of 2003

(Decided on 23/12/03)

Title :- S. B. Hazarika -Vs- Union of India & Others.

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Place:- CAT, Guwahati

Date :- 12.7.04


(Signature of the petitioner)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH : GUWAHATI-5, ASSAM.

Shanti Bhushan Hazarika

Contempt Petition (Civil) No. 1/2004
Original Application No. 166 of 2003

(Decided on 23rd December, 2003)

In the matter of :

Sri S. B. Hazarika

C.I. (Postal), Divisional Office (U/S)

Kohima, Nagaland, PIN-797001. ----- Petitioner.

(By the petitioner in person)

- Vs -

1. The Union of India

Represented by - Sri Biju Bhushan,
The Secretary, Department of Posts,
Ministry of Communications,
Dak Bhawan, Samsad Marg,
New Delhi - 110001.

2. The Chief Postmaster General, Sri A. K. Gopal Dashtader
N. E. Circle, Shillong,
Shillong - 793001.

3. Sri Rakesh Kumar,

Director of Postal Services,
Nagaland, Kohima, PIN-797001.

4. Sri M. K. Das (Inquiry Officer)

Supt. of Postal Stores Depot,
P.O. Arunachal-788025,
Silchar-25. ----- Respondents.

- 2 -

- AND -

In the matter of :

A petition U/S. 23 of the Contempt of Courts Act, 1971 (Act 70 of 1971) read with Section 17 of the Central Administrative Tribunal Act, 1985 (Act 13 of 1985) and further read with Rule 3 of the Central Administrative Tribunal (Contempt of Courts) Rules, 1992 for initiating action for wilful disobedience of the orders of the Hon'ble Central Administrative Tribunal, Guwahati Bench vide orders dated 23rd November, 2003 in O.A. No. 166 of 2003.

The petitioner most humbly and respectfully begs to state that the Contempt Petition has arisen in the following facts and circumstances :-

1.1 That, while the petitioner was working as the Inspector of Post Offices (Complaints) commonly known as C.I. in the office of the Respondent No.3, the petitioner was deemed to have been placed under suspension by the respondent No.3 following the detention of the petitioner in custody exceeding 48 hours w.e.f. 8.11.99. The petitioner was also proceeded against departmentally and a charge-sheet was served on him under Rule 14 of the CCS (C.C.A)

X
Chaiti Bhushan Shrivastava

Rules, 1965 vide Memo No. F3/VII-02/99-2000 dated 6.1.2000. The proceeding could not be completed within 6 (six) months by the respondent No. 3 and the suspension continued beyond 6 (six) months as the petitioner could not attend the inquiry for non-payment subsistence allowances in time. The petitioner prayed for enhancement of subsistence allowances from 50% to 75% under FR-53 as the suspension prolonged beyond 3 months for reasons not directly attributable to the petitioner; but the respondent No. 3 refused to increase the subsistence allowances. Therefore, the petitioner preferred an appeal to the ~~Respo~~ Respondent No. 2 against the orders of Respondent No. 3; but the appeal was also rejected by the respondent No. 2. The petitioner, being not satisfied at the appellate orders, approached this Hon'ble Tribunal with his O.A. No. 166 of 2003 for adjudication. The Hon'ble Tribunal disposed of the application on 23/12/03 and directed the respondent No. 3 to finalise the disciplinary proceeding within 4 months from the date of receipt of the orders.

A copy of the Hon'ble Tribunal's orders dated 23/12/03 is annexed herewith as
Annexure P-2.

1.2 That, the copy of the orders dated 23/12/03 was forwarded by the Hon'ble Tribunal to the Resp. No. 3 through the Sr. C.G.S.C. Sri A. Debroy on

20/1/04 and the same was received by the Respondent No. 3 in time within 31.1.04.

A copy of the Hon'ble Tribunal's office covering letter dated 20/1/04 supplying the copy of the CAT's order is annexed herewith as Annexure P-3.

1.3 That, the 4 months-time allowed by the Hon'ble Tribunal in their orders dtd. 23/12/03 to the respondent No. 3 for complying with the orders expired on 31.5.04.

1.4 That, before the expiry of time-limit of 4 months on 31.5.04, the petitioner made a representation on 20/5/04 to the Respondent No. 3 to comply with the Hon'ble CAT's order as the hearing of the departmental inquiry was completed with the submission of written brief on 6/4/04 by the petitioner following which the Inquiry Officer also was expected to submit his inquiry report to the Respondent No. 3 in view of the Hon'ble CAT's order without delay; but to no result.

A copy of the representation dated 20/5/04 to the Respondent No. 3 is enclosed as Annexure P-4.

1.5 That, the petitioner made also a representation to the respondent No. 2 on 22.6.04 for causing compliance of the Hon'ble CAT's order by

Shankar Bhushan Hegde

the Respondent No. 3; but to no effect.

A copy of the representation dated 22.6.04 to the Respondent No. 2 is enclosed as Annexure P-5.

1.6 That, the petitioner also made a representation to the Inquiry Officer, Respondent No. 4 on 21/5/04 to intimate the petitioner whether the inquiry report has since been submitted and, if so, the date of submission of the Inquiry Report; but the reply of the Inquiry Officer does not clearly indicate whether the Inquiry report has since been submitted as the representation of the petitioner was just forwarded to the Respondent No. 3 for disposal. It is, however, guessed from his reply dated 4.6.2004 that the Inquiry Report was submitted to the Respondent No. 3 on 29.4.2004, under his letter No. SSD/Rule-14/04 dtd. 29.4.04.

A copy of the representation to the I.O. dated 21/5/04 is enclosed as Annexure P-6.

And
A copy of the reply of the Inquiry Officer dated 4.6.2004 is attached as Annexure P-7.

1.7 That, the petitioner, thus making representations here and there without fruits, has got frustrated and reasonably apprehends that the Resp. No. 3 who is a refractory one is hardly expected to comply with the Hon'ble CAT's order unless his wilful and deliberate disobedience to comply with

9
Clarke Bhushan Bhagatwala

the CAT's order is taken cognizance of and he is enforced to implement the order and to show cause of his negligence and disobedience.

Chandru Bhushan Agarwal

G R O U N D S

2.1. That, this is an act of wilful disobedience on the part of the respondent No. 3 as it is not a casual, accidental, bonafide or unintentional act of genuine inability to comply with the terms of the order which will be excluded from the conception of wilful disobedience. Even negligence and carelessness can amount to wilful disobedience particularly when the attention of the person is drawn to Court's order. Disobedience of Court's orders strikes at the very root of the rule of law on which the system of Govt. is based in our Country. Punishment for Contempt of Court is necessary for the maintenance of effective legal system and to prevent perversion of the course of justice.

- Case law relied upon :- Supreme Court Case of Kapildeo Prasad Sah -Vs- State of Bihar (1999) 7 SCC 569; 1999 SCC (L & S) 1357 (1361).

2.2. That, the respondents are despotic and arbitrary; and have no regards towards the law of the land and follow the rules of law more in breach than in observance.

2.3. That, the orders of the Hon'ble Tribunal

dated 23.12.2003 has neither been appealed against nor any review or revision petition has been filed against by any of the respondents till date.

Chandi Bhushan Agarwal

**NATURE OF THE ORDERS SOUGHT
FROM THE TRIBUNAL.**

3. That, the petitioner humbly prays for the following orders from the Hon'ble Tribunal :-

- (1) An order directing the compliance of the Tribunal's order dated 23/12/03 within a week of the receipt of the orders on the contempt petition;
- (2) An order punishing the respondents under contempt of Court's Act, 1971 for wilful disobedience of Hon'ble CAT's order dated 23/12/03;
- (3) An order allowing the petitioner the cost of petition as is considered reasonable by the Hon'ble Tribunal.

DRAFT CHARGES

4. That, the draft charges against the respondents are furnished in a separate sheet attached to this petition at the end as Annexure P-1.

12
Shanti Bhushan Bhattacharya

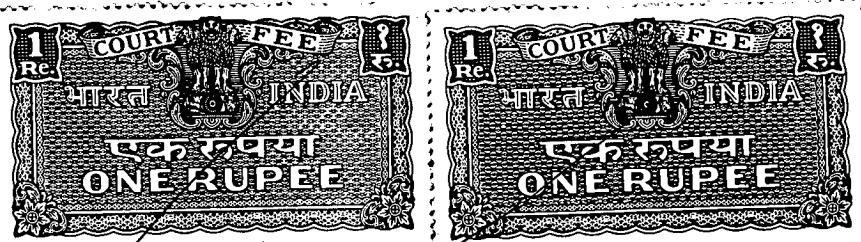
- 8 -

5. That, the petition is made bonafide and for the end of justice.

In the premises it is most humbly prayed that this petition may kindly be admitted and notice may be issued to the respondent Nos. 1 & 2 to appear in person or through a duly authorised advocate and to the respondents Nos. 3 & 4 to appear in person and upon hearing, further be pleased to pass necessary orders as prayed for ;

and for this act of kindness the petitioner, as in duty bound, shall ever pray.

AFFIDAVIT.... 9



- 9 -

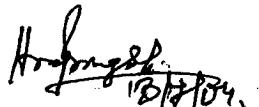
AFFIDAVIT

I, Shri Shanti Bhushan Hazarika, S/o. Late Khareswar Hazarika, aged about 55 years, by profession- C.I. (Postal), Divisional Office, Kohima (U/S) and resident of village- Bhaluckmari, P.O. Goshaibari, P.S. Nagaon (Sadar), District- Nagaon (Assam) do hereby solemnly affirm and declare as follows :-

1. That, I am the petitioner in the instant petition and as such I am 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 paragraphs 1.1 to 1.7 are true to my knowledge, and those made in paras 2.1 to 2.3 & 4 are matters of records and are true to my informations and the rest are my humble submissions before the Hon'ble Tribunal.

And I sign this Affidavit on this 13th day of July, 2004 at Guwahati.

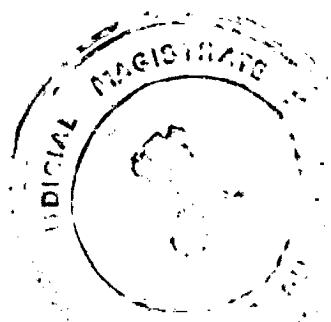
Identified by me,


H. R. Bhonge
Advocate/Appraiser,
Guwahati.


Shanti Bhushan Hazarika

(Deponent)

Solemnly affirm and declared before me by the deponent, who is identified by Sri H. R. Bhonge, on this 13th day of July, 2004 at Guwahati.




13/1/04
MAGISTRATE/OATH COMMISSIONER/
ANY AUTHORITY EMPOWERED TO
TAKE OATH.

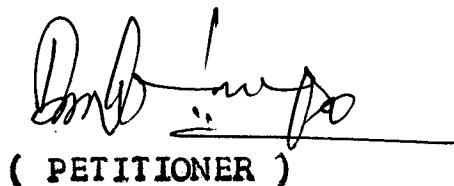
13/1/04
13/1/04

ANNEXURE - I

DRAFT CHARGES AGAINST THE RESPONDENTS.

(Kindly See Para-4 of the petition).

1. That, the delay is deliberate on the part of the respondents. Having acknowledged the receipt of the Hon'ble Tribunal's order dated 23.12.2003 the respondents attempted nothing for implementation of the same.
2. That, respondents on not a single occasion neither considered single of the representations of the petitioner nor communicated with their intention thereto.
3. That, delayed justice is no justice on the last stage of the service and the petitioner has been suffering a lot for the negligence of the respondents.
4. That, wilful delay in implementing the Hon'ble Tribunal's order clearly indicates the disobedience of the Tribunal's order by the respondents.
5. That, the complete silence of the respondents on the Hon'ble Tribunal's order proves the misuse of executive powers and contempt of Court.



(PETITIONER)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.166 of 2003

Date of decision: This the 23rd day of December 2003

The Hon'ble Mr Justice B. Panigrahi, Vice-Chairman

The Hon'ble Mr K.V. Prahaladan, Administrative Member

Shri S.B. Hazarika
C.I. (Postal)
Divisional Office,
Kohima, Nagaland.

.....Applicant

The applicant appears in person

- versus -

1. The Union of India, represented by
The Secretary (Posts)
Dak Bhawan, New Delhi.

2. The Member (Personnel),
Postal Services Board,
Dak Bhawan,
New Delhi.

3. The Postmaster General,
N.E. Circle,
Shillong.

4. The Director of Postal Services,
Nagaland, Kohima.

5. The Postmaster,
Kohima, Nagaland.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

ORDER (ORAL)

PANIGRAHI, J. (V.C.)

Heard the applicant in person and also Mr A. Deb Roy, learned Sr. C.G.S.C.

2. In this case the applicant has challenged the order passed by the authorities whereby his prayer for enhancement of subsistence allowance from 50% to 75% has

*Attended
Proposed*

been negatived. The fact situation emerging to this application is as follows:

The applicant was placed under suspension since he was in custody on 8.11.1999 over a period of fortyeight hours. It is also on the ground that there was embezzlement of Government fund. In the meanwhile, departmental proceedings have been initiated against the applicant for misappropriation of Rs.65,400/- and Rs.10,000/-. Since the departmental proceedings is not yet finalised we abstain ourselves from making a thorough discussion regarding the merits of such departmental proceedings. But, be it stated that the applicant has been facing grave charges of misappropriation. During the pendency of the disciplinary proceedings, the applicant was given 50% of His salary as subsistence allowance. The disciplinary proceeding is still pending, awaiting final disposal.

3. From the submissions of the applicant it is ascertained that the applicant has been already reinstated in service. But, he has claimed the subsistence allowance to the tune of 75% during the period of suspension as it could not be completed within the normal period of six months from the date of initiation of the proceedings.

Mr A. Deb Roy, learned Sr. C.G.S.C. has stated that such delay can be attributed to the applicant, inasmuch as he did not cooperate with the Inquiry Officer, as a result, it could not be completed in time. Since the applicant has been reinstated in service, the further question with regard to the payment of subsistence allowance at an enhanced rate ^{or not} ~~earner~~ it shall be addressed at the time of conclusion of the departmental proceedings. It is

premature.....

Attached
17/10/00

premature to deal with that matter at this stage. The Disciplinary Authority is hereby asked to deal with the aspect of payment of the subsistence allowance at the enhanced rate or not at the time of finalisation of the disciplinary proceedings. Since the disciplinary proceedings is pending for quite sometime, we hope and trust the Disciplinary Authority shall expedite and finalise the disciplinary proceedings within four months, provided the applicant cooperates with them.

The application is accordingly disposed of. No order as to costs.

Sd/ VICE-CHAIRMAN

Sd/ MEMBER (A)

nkm

Copy to the concerned
Officer
Section Officer (J)
C.A.T. GUWAHATI BANCH
Guwahati-781005

Attn: Dr. B. K. Deka
12/10/05

BY SPEED POST/BY POST

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATIDESPATCH NO. CAT/GHY/JUDL./ 108 DATED GUWAHATI THE 20-1-07✓ ORIGINAL APPLICATION NO. 166/2007MISC. PETITION NO. 200CONTEMPT PETITION NO. 200REVIEW APPLICATION NO. 200Shri S.B. Hagarika

APPLICANT (S)

- VERSUS -

U.O.I. v. M/S.

RESPONDENT (S).

TO

Shri S.B. Hagarika, C.I. (Postal)Divisional Office,Kohima, Nagaland.

Please find herewith a copy of Judgment/Order dated 23.12.07 passed by the Bench of this Hon'ble Tribunal comprising of Hon'ble Mr Justice B. Panigrahi Vice-Chairman and Hon'ble Sri K. V. Prahaladam Member(A) in the above noted case for information and necessary action, if any.

Please acknowledge the receipt of the same.

Enclo.: As above.

By Order
16.1.08
SECTION OFFICER (J)

Memo No.

dated 16/1

Copy to :

1. Mr./Mrs. A. Deb Roy, F.R.C.S.C.
2. Mr./Mrs.
3. Mr./Mrs.
4. Mr./Mrs.

Attached
D.P.O.C.P.
ASL

SECTION OFFICER (J)

Forwarder P-4.

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To

The Director of Postal Services,
Nagaland, Kohima - 797001.

Sub-Finalisation of Rule-14 case written April/2004;
as per CAT's order dtd. 23rd Dec/2003 in
OA. No. 166 of 2003.

Ref:- DPs, Kohima's Case No. F3/VII-01/99-2000/II

Sir,

Most humbly and respectfully I beg to state that the Hon'ble Central Administrative Tribunal, Guwahati Bench passed orders on 23/12/03 in OA.No. 166 of 2003 that the Disciplinary Proceeding u/s R-14 of the CCS (CCS) Rules, 1965 for taking orders of Suspension from 8.11.99 should be finalised within 4 months, a copy of which has already been received by the Div. office.

The hearing of the inquiry has been completed with the submission of written briefs by both the sides and perhaps the inquiry report also has already been submitted by the Inquiry officer, in view of the CAT's order.

I have, therefore, requested you kindly to finalise the disciplinary proceeding as early as possible and regularise the period of Suspension, so that no occasion arises to the cause of a contempt petition.

A copy of the Hon'ble CAT's order dtd. 23/12/03 is again furnished herewith for ready-referance.

Thanking you.

Enclo:- Copy of CAT's order
Dated, 23/12/03.

Yours faithfully,

D. D. Singh

Place - Jorhat -
Date - 20/5/04

Attested

10/5/04
Atto

(S. B. RAXARIA)
C/ Nagaland, Kohima
WS at Jorhat.

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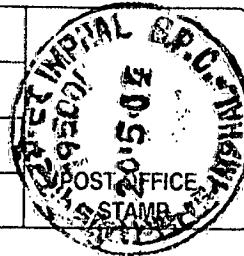
Name 4



No. **ED850631718IN**

DATE	20/5
TIME	HRS
WEIGHT	20 GMS
CHARGE	25/-
SIGNATURE	

CUSTOMER COPY



**DEPARTMENT OF POSTS - INDIA
SPEED POST RECEIPT**



TO	D. P. S.	
	Kotiling	
TEL.	<input type="text"/>	
SENDER	G. B. Hogarika	
TEL.	<input type="text"/>	

For enquiry, please contact your Speed Post Centre.

To

The Chief Postmaster General,
N. E. Circle, Shillong-1
Shillong - 793001.

1.

Sub:- Non-finalisation of another disciplinary proceeding by the DPs, Nagaland, Kohima as per orders of CAT, Guwahati dtd. 23/12/2003.

2.

Ref:- DPs, Nagaland, Kohima's Disciplinary Proceeding No. F3/VII-02/99-2000 dated 06-01-2000.

Sir,

Most humbly and respectfully, I beg to draw your kind attention to the following few lines on the above subject for favour of your kind perusal and sympathetic orders please.

1. That, the DPs, Nagaland, Kohima issued a Charge-sheet under Rule-14 of the CCS(CCA) Rules, 1965 vide his Memo No. as referred to above; but the proceeding was not completed within 6 months for reasons more than one inclusive of non-payment of subsistence allowance in time resulting in failure to attend the inquiry.
2. That, the Hon'ble Central Administrative Tribunal, on being moved ordered in their orders dated 23/12/2003 in O.A. No. 166 of 2003 that the disciplinary proceedings be finalised within 4 months from the date of receipt of the orders of the Tribunal.
3. That, the copy of the Hon'ble Tribunal's order was supplied to the DPs, Nagaland by the Hon'ble Tribunal on 20/1/04 which was received by the DPs, Nagaland in time.

contd... 2

Attested
M. P. Singh
1/2/04

Annexe R-5/ii

17

- 2 -

4. That, the hearing of the departmental inquiry was completed and written brief was submitted by me on 6/4/2004 and the Inquiry Officer submitted his report to the DPs, Nagaland without delay on 29.4.04 in view of the Hon'ble CAT's order vide his No. SSD/Rule-14/04 dated 29.4.04 as intimated in his letter dated 4.6.04.

5. That, the 4 months' time allowed by the Hon'ble Tribunal to the DPs, Nagaland expired 4 months on 31/5/04 counting from 1.2.2004 assuming the date of receipt of Hon'ble CAT's order within 31.1.2004.

6. That, I made a representation to the DPs, Nagaland on 20/5/04 just before completion of 4 months time on 31/5/04 to finalise the disciplinary proceeding as per orders of the Hon'ble Tribunal dated 23/12/03 as I have been suffering a lot. But the DPs, Nagaland is maintaining complete silence on the matter and does not feel it necessary to communicate its reply or otherwise intimate me and so I have been prompted to refer the matter to you for your kind intervention.

7. That, till today I have heard nothing from the DPs, Nagaland as to the fate of the proceeding, the pendency of which has cost me dearly as I have been junior to my juniors who have already been promoted as ASPOS.

I have, therefore, earnestly requested you kindly to interfere into the matter so that the proceeding is finalised without delay as I may have to run a marathan race for clearance of all hurdles in the event of any adversity because, being the seniormost Inspector of the Circle, I have very limited years of service at hand before superannuation.

A copy of the Hon'ble CAT, Guwahati's order dated 23/12/03 is enclosed for your kind perusal please.

Thanking you,

Enclo:

1. A copy of CAT's order dated 23/12/03.
2. Representation to Respondent No. 3 dated 20/5/04.

Date: 22/6/04.

Yours faithfully,


(S. B. HAZARIKA)
C.I. (Postal), Divl. Office
(U/S)
Kohima, Nagaland.

Attested
17/6/04
ABP

Forwarded.

18

2/5

To

Sri A.K. Das (Inquiry officer),
Supdt. of Postal Stores Dept.,
Arunachal - 788 025
Silchar - 25.

Sub:- Submission of Inquiry Report of Inquiry
app-14 of the CES(CEA) Rules, 1965 against Sri
S.B. Nagarka, C.I. (CIVS), Nagaland, Kohima.

Sir,

The Hon'ble Central Administrative Tribunal, Guwahati
Bench passed orders on 23/1/2003 in O.A. No. 168 of 2003
that the disciplinary proceeding involving suspension from
8.11.97 should be finalised within 4 (four) months
which expired on 30-4-2004. The disciplinary proce-
dure has not yet been finalised by the Disciplinary
Authority i.e. the Director of Postal Services, Nagaland,
Kohima though hearing of the case was completed and
written brief was submitted before long back on Submi-
ssion of written brief by the Disciplinary officer.

As I have received nothing either the copy of
the Inquiry Report or else from the Disciplinary Authority till
date, it is presumed that the Disciplinary Authority is
becoming negligent as Inquiry Report is not yet received
from the Inquiry officer.

I have, therefore, earnestly requested you kindly
to intimate the date of Submission of Inquiry Report, if
the Inquiry Report has since been submitted, so as to
enable me to take up the matter with the appropriate
authority for expeditious finalisation of the proceeding.

Thanking you.

Yours faithfully,

D. B. Deka

21/5/04

(S.B. NAGARKA)

C.I./Nagaland, Kohima

C/o in C/o 4-Bakmonatap
Amts. Dangral-79101.

Copy to the D/o, Nagaland, Kohima
for information.

Attested

Attested

Forwarded

19

Regd A/D.

DEPARTMENT OF POSTS : INDIA :

OFFICE OF THE INQUIRY OFFICER
&
SUPERINTENDENT POSTAL STORES DEPOT
SILCHAR (ARUNACHAL) 788025

No. SSD/Rule-14/04

Dated at Arunachal the 4th June '2004.

To,

Shri Rakesh Kumar
Director of Postal Services
Nagaland Division, Kohima-797001.

Sub:- Rule-14 Inquiry Report – case of Shri S.B.Hazarika, C/I (U/S) Kohima.

Ref:- Inquiry Report of I.O. vide No. SSD/Rule-14/04 Arunachal dated the 29th April'2004.

The original representation of Shri S.B.Hazarika, SPS & C.I. (U/S) Kohima which will speak for itself is sent herewith for necessary action.

Enclo.

As above.

Seal
(M.K.Das)
Inquiry Officer
&
Superintendent
Postal Stores Depot, Silchar-25

Copy to :-

1. Shri S.B.Hazarika, SPS & C.I. Kohima (U/S) C/O U.Basumatary , ASPO's , Imphal – 795001 with reference to his above representation for information.

M.K.Das
(M.K.Das)
Inquiry Officer
&
Superintendent
Postal Stores Depot, Silchar-25

Attn: Adm

*12/2/04
ASB*

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

27 SEP 2004

अधिकारी दस्तावेज
Guwahati Bench

Placed by
A.Y. 27/9/04
T.A. D.B. 2004
Sr. C.G. S.C. 26
C.A.T. Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

CP. NO. 26 OF 2004
IN O.A. NO. 166 OF 2003

Shri S.B. Hazarika

- Vs -

Union of India and others.

- And -

In the matter of :

Shri Mukesh Kumar

..... Contemner No.3

- Vs -

Shri S.B. Hazarika

..... Petitioner
Opposite Party

- And -

In the matter of :

Reply affidavit of alleged

Contemner No. 3.

I, Mukesh Kumar, Director of Postal Services,
Nagaland, Kohima, alleged Contemner No.3 do hereby solemnly
affirm and say as under :-

Contd

-2-

1. That I have gone through the Contempt petition and understood the contents thereof. Save and except whatever is specially admitted in this reply, rest of the averments will be deemed to have been denied and the petitioner be put to strict proof of whatever he claims to the contrary.
2. That the alleged contemner No.3 most respectfully submits that he has the highest regard for the orders of this Hon'ble Tribunal and that there is no wilful a intentional disobedience of the orders of this Hon'ble Tribunal.
3. That the Hon'ble Tribunal by its order dated 23.12.2003 directed the respondents to expide and finalise the disciplinary proceedings within four months provided the applicant co-operates with them.
4. That the petitioner did not appear before the Inquiry Officer for more than three years different dates fixed during the year 2001, 2002 and 2003 on one pretext or another.

He appeared before the inquiry only on 31.01.2004 and submitted his defence statement only on 06.04.2004, which is 3 months and 15 days from the date of Judgment and Order dated 23.12.2003 and thus he had taken almost 90% of time of four months given to the disciplinary authority to comply with the Hon'ble Tribunal's a order.

5. That the respondent No.3 received unsigned report of the Inquiry Officer on 12.05.2004 and signed

-3-

report was received on 11.06.2004.

6. That the respondent No.3 being the disciplinary authority forwarded a copy of report of the Inquiry Officer and a copy of the findings of the disciplinary authority on Inquiry Officer's report to the petitioner on 17.07.2004 at petitioner's Imphal address, which he received on 29.07.2004.

Copy of receipt dated 29.07.2004 is annexed hereto and marked as Annexure-1.

7. That the petitioner has not submitted his representation on I.O's report and findings of the disciplinary authority on I.O's report till date, although he received the same on 29.07.2004.

Thus it is sum that the petitioner did not appear before the Inquiry for more than three years and now he has not his representation on I.O's report and findings of the disciplinary authority on I.O's report and so delay in finalisation of disciplinary proceedings against him is entirely attributable to him.

8. That the petitioner sent a telegram dated 13.08.2004 to the Director of Postal Services, Nagaland, Kohima praying for extension of fifteen days time from 14.08.2004 with reference to memo dated 17.07.2004.

Copy of the telegram dated 13.08.2004 is annexed hereto and marked as Annexure-II.

-4-

9. That the Director of Postal Services, Nagaland, Kohima (respondent No.3) acceded the request and the petitioner has been directed to submit his representation latest by 28.08.2004 vide No. F3/VII-02/99-2000 dated 16.8.2004.

Copy of letter dated 16.08.2004 is annexed
hereto and marked as Annexure-III.

10. That the alleged delay made by the petitioner against the respondents is fully attributable to the petitioner.

- PRAYER -

In view of the submissions made in the preceding paragraphs, the alleged Contemner No.3 respectfully prays that the present contempt proceeding is liable to be dismissed by discharging the notice issued to the respondents.

It is further prayed that keeping in view that contempt petition has been filed on frivolous grounds fully knowing that the petitioner is entirely responsible for the delay, cost of litigation as deemed fit needs to be awarded and/or any other action as deemed fit and proper needs to be taken against the petitioner.

-5-

11. That the statements made in paras 1 to 5, 7
and 10 are true to my knowledge and belief, those made
in paras 6, 8, 9 being matter of records are true
to my information and the rest are my humble submission
before the Hon'ble Tribunal. I have not suppressed or
concealed any material fact.

Identified by

Laksh Kumar
Deponent

Advocate

Solemnly affirmed and declared before
me by the deponent who is identified
by Sri A. Deb Roy, Advocate, on this

th day of , 2004.

Advocate.

10-AUG-2004 10:30

DPS-MANIPUR

(6)

3852443844

(25)

P. 01

ANNEXURE

171C

76

(U. P. G. S. S. M. D. P. S.)
State (N.E.) Singrauli

30

Received Khasiwa No. 9812
dated 17/7/04 on 29/7/04.

On behalf of
(S. R. HAZARIKA)

(7)

ANNEXURE-11

(26)

(3)

ZCZC ETRKSAD032 BBB EKOKOC
0 1145 A 11 IMPHAL 13 19

RAKESH KUMAR
DIRECTOR POSTAL SERVICE
KONIMA

(S) 14

REF. MEMO DATED 17/07/04 FIFTEEN DAYS EXTENSION GRANTED FROM 14-8-04

S. B. HAZARIKA
COL A-11 NNCTS-
EGHOCAD030 ESHMSS0119

ANNNN

Sh - 1 Dus
26/8

(8) 32

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA - 797001

No. F3/VII-02/99-2000

Dated, Kohima the 16.08.2004

To,

Shri.S.B.Hazarika
 C.I.Div. Office, Kohima (u/s)
 C/O U.Basumatary
 ASPOs (HQ)
 Imphal - 795 001

Sub : **Extension of 15 (Fifteen) days time**

This is with reference to your Telegram No.01145A11 Imphal, requesting extension of time frame by 15 days for submission of defence statement on findings of disciplinary authority on I.O's report & I.O's report on Rule-14 chargesheet served vide this office memo No.F3/VII-02/99-2000 Dtd. 16-1.2000 vide R.L No.B 9812 Dtd.17-7-2004 & received by you on 29-7-2004

2. Your request is acceeded & you are directed to submit your representation latest by 28-8-2004. You are given to understand that no further extension of time will be given & in case you fail to submit your representation by 28-8-2004, it will be presumed that you have no representation to make & appropriate decision will be taken exparte.


 (Rakesh Kumar)

Director of Postal Services
 Nagaland : Kohima-797001

Copy to:-

*The Chief Post Master General N.C. circle, Shillong
 for confirmation. Enclosed Photo copy of Telegram*