

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

ORDER SHEET

Org. App./Misc Petn/Cont. Petn/Rev. Appl. .... 26/04 (OA 166/03) .....

In O.A. ....  
Name of the Applicant(s) ... S. B. Hazarika .....  
Name of the Respondent(s) ... S. B. Borah & Ors .....  
Advocate for the Applicant ... J. P. Barman .....  
Counsel for the Railway/EGSC ... A. Deb Roy & Co. .....

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)

lm

9.11.2004

None is present for the applicant.  
In this application the applicant seeks for contempt proceedings be initiated 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 disciplinary authority was directed to expedite and finalise the disciplinary proceedings within four months, provided the applicant cooperated with

contd.

13/7/04

This contempt petition has been filed by the applicant with a prayer for contempt of Court & Act, 1971 (Act 70 of 1971) read with Section 17 of the C.A.T. Act 1985 for initiating action for wilful disobedience to the orders of the Hon'ble Tribunal in OA NO. 166/03.

Laid before Hon'ble Court for Order.

13/7/04  
Section Officer

Per comply order dated 20/7/04.

26/7/04

C.P.26/2004 (O.A.166/2003)

Contd.

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

28/7/04

D/Memo No-1157 to 1160

Dt-29/7/04.

16/8/04

Notice duly serve  
on resp. Nos 1 to 4.

20/8/04

22-9-04

Reply filed by the  
Contemner No. 3.

PAO

8-11-04

✓ Notice duly served

on-2-NO. 1 to 4.

✓ Reply has been filed

PAO

29.11.04

Copy of the order  
has been sent to the  
D/Sec. for issuing the  
same to the applicant  
as well as to the  
A.C.G.S.O. for the  
records.

HS

9.11.2004 them. The directions are qualified  
on the applicant cooperating with  
the authorities for the purpose of  
finalising the disciplinary proceed-  
ings 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.

Member

Vice-Chairman

bb

19/7/04

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গুৱাহাটী কেন্দ্ৰীয়  
Central Administrative Tribunal  
1. 3 JUL 2004  
গুৱাহাটী কেন্দ্ৰীয়  
Central Administrative Tribunal

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI - 5**

**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)

4  
Santi Bhushan Hazarika

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

Shanti Bhushan Hazarika

Contempt Petition (Civil) No. /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 Bijoy Bhukhar,*

The Secretary, Department of Posts,

Ministry of Communications,

Dak Bhawan, Samsad Marg,

New Delhi - 110001.

2. The Chief Postmaster General, *Sri A. K. Goel Dastidar*

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.

- 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)

6  
Shanbe Baidyan Hegareike

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 ~~Respondent~~ 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

X  
Shanti Bhushan Agarwal

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

2  
Shri. Bhusan Hagarika



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.

9  
Shanti Bhusan Singh

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

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.

Shankar Prasad Aggarwal

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.

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.

Shanti Bhusan Hagarika

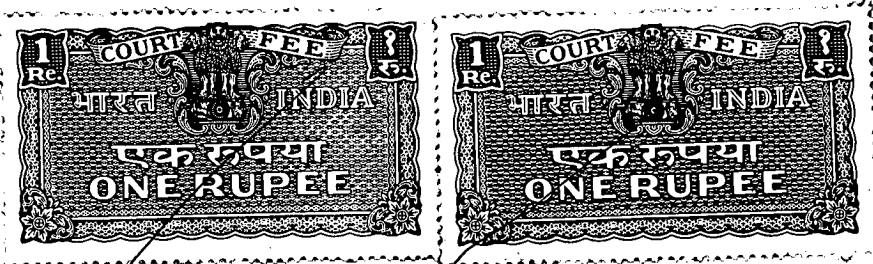
5. That, the petition is made bonafide and for the end of justice.

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

12  
Slavko Blustan H. G. G. G. G.



- 9 -

### A F F I D A V I T

I, Shri Shanti Bhushan Hazarika, S/o. Late Khargeswar 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 13<sup>th</sup> day of July, 2004 at Guwahati.

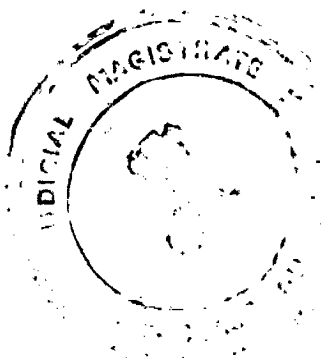
Identified by me,


  
Advocate/Appriser,  
Guwahati.



( Deponent )

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



  
MAGISTRATE/OATH COMMISSIONER/  
ANY AUTHORITY EMPOWERED TO  
TAKE OATH.

13  
Shanti Bhushan Hazarika

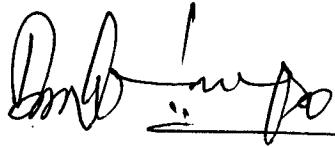
10/4  
Shanti Adarshan Hagarika

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 by  
12/10/03

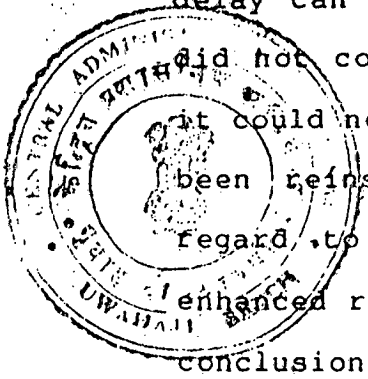
been negatived. The fact situation emerging to this application is as follows:

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 <sup>or not</sup> ~~earner~~ it shall be addressed at the time of conclusion of the departmental proceedings. It is

premature.....



*attached*  
12/10/99



Appendix P-2/iii

13

: 3 :

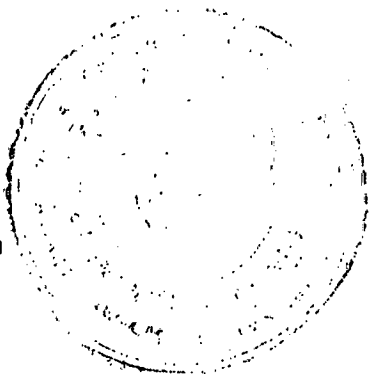
premature to deal with that matter at this stage. The Disciplinary Authority is hereby asked to deal with the aspect of payment of the subsistence allowance at the enhanced rate or not at the time of finalisation of the disciplinary proceedings. Since the disciplinary proceedings is pending for quite 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



RECEIVED  
6.1.04

Section Officer (J)  
C.A.T. GUWAHATI BRANCH  
Guwahati-781005

attache  
12/10/04  
ASP

Assam P-3

14

3

BY SPEED POST/BY POST

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI

DESPATCH NO. CAT/GHY/JUDL./ 108 DATED GUWAHATI THE 20-1-24

✓ ORIGINAL APPLICATION NO. 166/2007  
MISC. PETITION NO.       /200  
CONTEMPT PETITION NO.       /200  
REVIEW APPLICATION NO.       /200

Shri S.B. Hazarika

APPLICANT (S).

- VERSUS -

U. O. I. & P.S.

RESPONDENT(S).

To

Shri S.B. Hazarika, 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. Prabhakaran Member(A) in the  
above noted case for information and necessary action, if any.

Please acknowledge the receipt of the same.

Encls.: As above.

By Order

16.1.04  
SECTION OFFICER (J)

Memo No.        dated 16/1

Copy to :

1. Mr./Mrs. A. Deb Roy, H.C.G.S.C.
2. Mr./Mrs.
3. Mr./Mrs.
4. Mr./Mrs.

SECTION OFFICER (J)

Attache  
16/1  
16/1

To

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

Subj: - Finalisation of Rule-14 Case within 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 Honble Central Administrative Tribunal, Guwahati Bench passed orders on 23/12/03 in OA. No. 166 of 2003 that the Disciplinary Proceeding UR-14 of the CCS (CCA) Rules, 1965 forbidding orders of suspension from 8.11.99 should be finalised within 4 months, a copy of which has already been received by the Divt. 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 orders.

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 Honble CAT's order dtd. 23/12/03 is again furnished herewith for ready-reference.

Thanking you.

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

Yours faithfully,

*[Signature]*

Attested

*[Signature]*  
12/5/04  
ABP

Place - Imphal -

Date - 20/5/04

(S. B. HAZARINA)  
C. / Nagaland, Kohima  
WS at Imphal.

20


hand-4

**EMS SPEED POST**

DEPARTMENT OF POSTS - INDIA  
SPEED POST RECEIPT



No.   
ED850631718IN

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

CUSTOMER COPY

TO		D. P. S.	
		Kohima	
TEL.		PIN	
SENDER		S. B. Bazarika	
TEL.		PIN	

For enquiry, please contact your Speed Post Centre.

To

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

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

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  
17/1/04  
Aff

Amrinder P. S/Pi

17

22

- 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,

Yours faithfully,

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.

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

To

Sri M.K. Das (Inquiry officer),  
Suptd. of Postal Stores Depot,  
Dimapur - 788 025.  
Sitchar - 25.

Subj- Submission of Inquiry Report of Inquiry  
officer of the CES (CCA) Rules, 1965 against Sri  
S.B. Haxarika, C.I. (C/S), Nagaland, Kohima.

Sir,

The Hon'ble Central Administrative Tribunal, Guwahati Bench passed orders on 23/1/03 in O.A.No. 166 of 2003 that the Disciplinary proceedings forwarding suspended from 8.11.97 should be finalised within 1 (one) month which expired on 30.12.2004. The disciplinary proceeding 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 by me long back on submission of written brief by the forwarding 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 stagnant 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 expediting finalisation of the proceeding.

Thanking you.

Yrs. faithfully,

*(Signature)*

21/5/04

(S.B. HAXARIKA)

C.I. Nagaland, Kohima

C/S in Chd U. Baramatapur

Attns. Dimapur - 788 001.

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

*(Signature)*

*(Signature)*

Arunachal P-7.

19

24

**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 4<sup>th</sup> 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 29<sup>th</sup> 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.

*Sd/-*

**(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.**

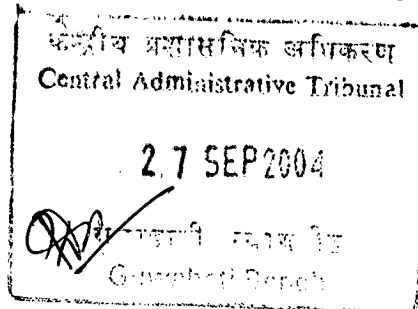
*M.K.Das*

**(M.K.Das)  
Inquiry Officer  
&**

**Superintendent  
Postal Stores Depot, Silchar-25**

*Attd  
b  
12/8/04  
A.D.*





Filed by  
27/9/04  
(A. DEB ROY)  
Sr. C. G. S. C.  
G.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 .....

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 or 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 expedite 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 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 respondents 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.

In 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 letigation as deemed fit needs to be awarded and/or any other action as deemed fit and proper needs to be taken against the petitioner.

Contd.....

-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.

And I sign this avvidavit on this      th day  
of      , 2004.

Identified by

Advocate

Laxmi Kumar  
Deponent

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.

(6)

(25)

ANNEXURE-1

17/C

30

To

U. Basumaty  
Deputy (HR) Inspector

Received Kallima U. No. 9812  
dated 17/7/04 on 29/7/04.

Deputy (HR) Inspector  
(S. B. HAZARIKA)

7

ANNEXURE-11

26

31

ZCZC ETRKSAD032 BBB EKOKOC  
O 1145 A 11 IMPHAL 13 19

RAKESH KUMAR  
DIRECTOR POSTAL SERVICE  
KONIMA

8/14

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

S B HAZARIKA  
COL A 11 NNCTB---  
EGHOCAD030 ESHMS0119

sh-10us  
26/8

NNNN

8

REGISTERED WITH AD

ANNEXURE - III

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

32

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 acceded & 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.

9

  
(Rakesh Kumar)

Director of Postal Services  
Nagaland : Kohima-797001

Copy to :-

The Chief Post Master General N.E. circle, Shillong  
for information. Enclosed photo copy of Telegram