

FROM NO. 4
(SEE RULE 24)
CENTRAL ADMINISTRATIVE TRIBUNAL
CHHATTISGARH BENCH:

207

1. Original Application No. _____
2. Mice Petition No. _____
3. Contempt Petition No. 33/06 in O.A 124/06 in M.P.50/06
4. Review Application No. _____

Applicant(S) Smt. Th. Meena Devi

Respondent(S) Sh. P. Gopinathan
(U.O.D.) Notes

Advocate for the Applicant(S) B.C. Pathak.....

H.K. Sogol.....
Mr. G. Baidya

Advocate for the Respondent(S) In case.....

Notes of the Registry	Date	Order of the Tribunal
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This Contempt petition has been filed by the Counsel for the petitioner for willful and deliberate disobedience and non-compliance of Cont order dated 11.9.06 passed by this Hon'ble Tribunal in this case No. 50/06 in O.A 124/06.

Laid before the Hon'ble Cont for further orders.

for Section Officer.

07.12.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice - Chairman.

Learned Counsel for the Respondents is out of station. Post on 14.12.2006.

Vice-Chairman

When the matter came up for consideration, Mr. B.C. Pathak, learned counsel for the Applicant submitted that the orders of this Tribunal dated 11.9.2006 passed in M.P.50/2006 (O.A.124/2006) have not been fully complied with as yet. He further submitted that as far salary and place of posting are concerned, the Applicant have been protected by the last portion of the said order. The operative portion of the said order is reproduced herein below:-

Contd.P/2

-2-
CP. 33/06 (OA-124/2006)

204

14.12.2006

Pl. comply order
dated 14.12.06.

NS
20-12-06.

Steps not taken

11/11/07

8-2-07

No Steps to issue notice.
bm.

28-2-07

No steps to issue notice.
b.

"Chief Postmaster General can shift the post to Manipur, which is under his disposal at present lying vacant meant for Itanagar and will accommodate the Applicant in that post till December 2006 and if not, the Respondents shall consider the Applicant to be accommodated at Manipur on deputation basis for which immediate representation/request shall be filed by the Applicant to the concerned Respondent. In any case, the prayer of the Misc. Petition that the transfer order dated 17.04.2006 (Annexure-A1 to the O.A.) will be kept in abeyance so far the Applicant is concerned till the end of 2006 and the Applicant will be entitled for all consequential benefits."

Therefore, Mr. Pathak submitted that by the end of 2006 the protection that has been granted to the Applicant would be over.

Considering the said position issue notice to the Respondents, returnable by 12.1.2007.

Post on 12.1.2007.

✓
Vice-Chairman

/bb/

9.2.2007

Post the matter on 1.3.2007
alongwith the O.A.

h
Vice-Chairman

/bb/

1.3.07.

When the matter came up for hearing the learned counsel for the contempt petition has submitted that the applicant was allowed to join at Imphal Division and the order of the findings substantially complied with. It is further submitted that the applicant has joined at Itanagar on 10.2.07. Accordingly the C.P. is closed. Liberty is given to the applicant to approach this Tribunal with appropriate forum if she is still aggrieved.

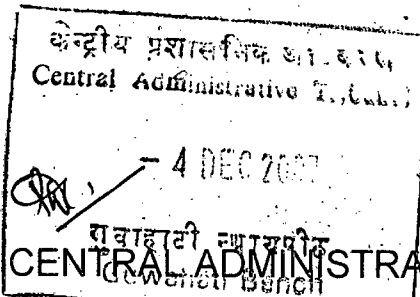
ce
Member

Vice-Chairman

1m

22/3/07

Copy of the order has been sent to the S/A for issuing the same to the L/Hdr. for the applicant as well as to the respondent by post.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

Filed by

206
Hemanta Kumar Gogoi
Advocate

C.P. No. 33 /2006

(In Misc. Case No. 50/2006
Arising in O.A. No. 124/2006)

In the matter of:

An application under Section 12 of the Contempt of Court Act, 1971 read with Section 17 of the Administrative Tribunal Act, 1985.

- And -

In the matter of:

Willful and deliberate disobedience and / or non-compliance of Court's order dated 11.9.2006 and deliberate and willful obstruction in compliance of the order passed by the Hon'ble Central Administrative Tribunal in Misc. Case No.50/2006 arising out of OA No.124/2006.

- And -

In the matter of:

Smt. Th. Meena Devi,
W/o Shri L. Priyokumar Singh,

Th. Meena Devi

Qtr. No.2, Postal Colony,
Imphal HPO Complex,
P.O. - Imphal HPO,
Dist. - Imphal West, (Manipur)

..... Petitioner

- Versus -

1. Smti. P. Gopinathan
Chief Post Master General,
North-East Circle, Shillong - 793001.
2. Smti. Champalika Bhattacharjee
Assistant Director (Legal Cell),
Office of the Chief Post Master General,
North-East Circle, Shillong - 793001.
3. Shri Lalhluna,
Post Master General,
North-East Circle, Shillong - 793001.

..... Respondents/Contemnors

The humble petition of the above named petitioner -

MOST RESPECTFULLY SHEWETH:

1. That the petitioner is a citizen of India and a permanent resident of Imphal, Manipur. Her husband is also an employee in the same Department and she is having two very minor children. The petitioner is entitled to all the privileges and protections under the Constitution of India and other laws framed there-under.

Jh. Meena Dev.

2. That while the petitioner was serving as Postal Assistant (PA) (SBCO) in Imphal she was transferred by an order dated 17.4.2006 to Itanagar, Arunachal Pradesh. She submitted representation to the competent authority requesting not to disturb her in the mid academic session till January 2007. So that the children's education would be over by that time. Her request was turn down and she approached this Hon'ble Tribunal by an application vide O.A. No.142/2006. In the said O.A. the petitioner raised, inter-alia the issue of mid academic transfer and also the spouse clause for retaining the husband and wife in the same station as provided in Office Memorandum issued by the Govt. of India from time to time.
3. This Hon'ble Tribunal heard the matter in detail, considered all the legal issues involved in the case and after hearing both the parties and perusing the records was also pleased to pass an order on 11.9.2006, in Misc. Petition 50/2006 (arising out of O.A. No.124/2006). By the said order this Hon'ble Tribunal held that the Chief Post Master General can shift one post to Manipur, which is under his/her disposal at present lying vacant which is meant for Itanagar and will accommodate the applicant in that post till December, 2006 and if not, the respondent shall consider the applicant to be accommodated at Manipur, Imphal on deputation basis for which immediate representation / request shall be filed by the applicant to the concerned respondent. It was also held that in case the prayer of the Misc. case that the transfer order dated 17.4.2006 (Annexure - A1 to the O.A.) will be kept in abeyance so far as the applicant is concern till the end of 2006 and the applicant will be entitled for all consequential benefits.

A copy of the said order dated 11.9.2006 is annexed as Annexure 1.

Th. Meena Devi

4. That after getting the certified copy from this Hon'ble Tribunal the petitioner made an application immediately to the concerned and competent authorities on 14.9.2006 as directed by this Hon'ble Tribunal. By the said representation / appeal the petitioner made a fervent request to retain her in any redeployed vacant post of PA (SBCO) or against any vacant post of PA in Manipur Division on deputation basis. The petitioner also submitted her joining report and reported for duty by addressing to the post Master, Imphal Head Post Office as on 29.9.2006 and she attended the Office. Although her joining report was accepted by the Postmaster, the same was forwarded for instruction to the Director of Postal Services, Imphal. Therefore the petitioner again on 30.9.2006 submitted another detailed representation to the Chief Post Master General, North- East Circle, Shillong and requested the said authority to consider her case and to treat her to be on duty as per her joining report and also to consider for all the consequential benefit in term of the Hon'ble Tribunal's order.

The copies of the representation dated 14.9.2006, 29.9.2006 and 30.9.2006 are annexed as Annexure 2, 3 and 4.

5. That in spite of the filling of the representations and appeals on the basis of the order passed by this Hon'ble Tribunal, the respondents / contemnors on the contrary issued a communication address to the Director of Postal services, Manipur Division. This was done on behalf of the Chief Postmaster General. By the said communication the contemnor No.1 instructed the contemnor No.3 not to allow the petitioner to resume duty in Imphal HPO at present. In this connection it is respectfully submitted that up till now the

Th. Meena Sen

said order dated 11.9.2006 has not been challenged in any higher Forum and the same is still holding the field. Therefore the communication No. Vig./LC-9/06 (CAT) dated 4.10.2006 is clearly an act of deliberate disobedience and willful violation of order dated 11.9.2006 passed by this Hon'ble Tribunal and therefore contemnors are liable to be punished under the provisions of law.

The copy of the said communication dated 4.10.2006 is annexed as Annexure - 5.

6. That it is a fit case in which this Hon'ble Tribunal would be pleased to exercise its power and jurisdiction to draw up a contempt proceeding against the contemnors in accordance with law.
7. That this petition has been made bona-fide and for the ends of justice.

In the premises aforesaid, it is therefore prayed that Your Lordships would be pleased to issue notice upon the respondents / contemnors directing them to appear personally and show cause as to why they should not be adequately punished as per the provisions of the Contempt of Court Act read with Section 17 of the Administrative Tribunal Act, 1985 and as to why they should not be given exemplary punishment for their deliberate and willful violation and disobedience of the order dated 11.9.2006 passed by this Hon'ble Tribunal in Misc. Case No.50/2006 arising out of O.A.

Jh. Meena Sen

No.124/2006 and upon cause or causes being shown, Your Lordships may further be pleased to initiate proceeding against the respondents / contemnors in accordance with law and impose exemplary punishment for their willful and deliberate disobedience of the Hon'ble Tribunal's order and for obstruction of administration of justice and / or pass any such further or other order that Your Lordships may deem fit and proper.

And for this act of kindness, your petitioner as in duty bound shall ever pray.

H. Meena Dai

Affidavit

I, Smti. Th. Meena Devi, aged about 36 years, wife of Shri L. Priyo Kumar Singh, Postal Assistant /SBCO, a resident of the Postal Colony, Qrt. No.II, Imphal, Manipur, do hereby solemnly affirm and state as under:

1. That I am the petitioner in this contempt petition and as such I am fully acquainted with the facts and circumstances of the case.
2. That the statements made in para 1 and 2 of the contempt petition are true to my knowledge and belief, those made in para 3, 4 and 5 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this affidavit on this ^{1st} day of ^{December} ~~November~~ 2006 at Guwahati.

Th. Meena Devi

Identified by me

Deponent


Advocate

Solemnly affirmed and declared before me by the deponent who is identified by Sri. B. C. Pathak, Advocate on this the 1st day of ~~November~~ ^{December} 2006 at Guwahati

Bishash Pathak
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH: AT GUWAHATI

C.P. No. /2006

Smt. Th. Meena Devi
W/o – Shri L. Priyokumar Singh
Qtr. No. 2, Postal Colony,
Imphal HPO Complex,
District: Imphal West, State – Manipur
.....Petitioner

-Vs-

1. Smti. P. Gopinathan
Chief Post Master General,
North-East Circle, Shillong – 793001.
 2. Smti. Champalika Bhattacharjee
Assistant Director (Legal Cell),
Office of the Chief Post Master General,
North-East Circle, Shillong – 793001.
 3. Shri Lalhluna,
Post Master General,
North-East Circle, Shillong – 793001.
-Respondents/Contemnors

DRAFT CHARGE

The Central Administrative Tribunal, Guwahati Bench hereby
charges you, 1.Smti. P. Gopinathan, Chief Postmaster
General, N.E.Circle, Shillong 2.Smti Champalika

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Bhattacharjee , Asstt. Director (Legal Cell) office of the Chief Postmaster General, N.E.Circle, Shillong and 3.Shri Lalhluna, Postmaster General, N.E.Circle, Shillong, as under:

That you on or about issued 4.10.2006 issued the letter No. Vig/LC-9/06(CAT) thereby stopping the lower authority from obeying and complying with the order dated 11.9.2006 issued by this Tribunal in order to frustrate / obstruct and also by disobeying the said order passed in Misc. Case No. 50/2006 arising out of O.A. No.124/2006 deliberately and willfully have committed contempt of this Tribunal punishable under Section 12 within our cognizance.

You are hereby directed to be tried by this Tribunal for the aforesaid charges.

Signature of Hon'ble
Member(s)
Presiding over the Bench

1. Do you plead guilty to the charge?
2. Do you have anything else to say?

Answer

Signature of the alleged
Contemnor (s)

ANNEXURE : 1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Misc. Petition No. 50 of 2006.

In

Original Application No. 124 of 2006.

Date of Order: This the 11th day of September 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

Smt. Th Meena Devi,
W/o - Shri L Priyokumar Singh
Qtr No, 2, Postal Colony,
Imphal HPO Complex,
P.O.: Imphal HPO
Distt. : Imphal West, State: Manipur.

Presently working as: Postal Assistant (SBCO),
Imphal H.P.O. - 795 001.

... Applicant

By Advocate Mr B.C. Pathak and Mr B.K. Talukdar.

- Versus -

1. Union of India,
Through:-
The Director General (Posts),
Dak Bhawan, Sansad Marg,
New Delhi - 110 001.

The Chief Post Master General,
North Eastern Postal Circle,
Shillong - 793 001.

3. Shri Lalhluna,
Post Master General,
N.E. Region, Shillong - 793 001.

4. The Director Postal Services,
Manipur, Imphal - 795 001.

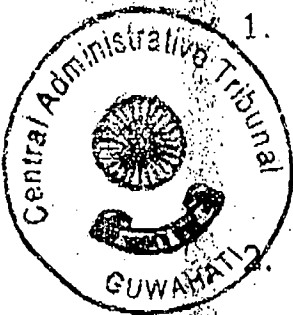
... Respondents.

By Advocate Mr G. Baishya, Sr. C.G.S.C.

.....

Certified to be true Copy

B. Bhaishya Pathak
Advocate

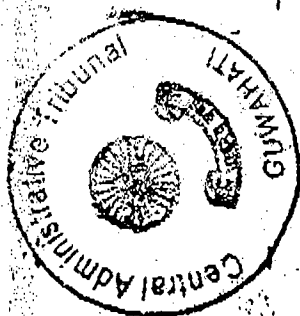


ORDERK.V. SACHIDANANDAN (V.C.)

This Misc. Petition has been filed by the Applicant praying for "issue a specific direction to the Respondents that the transfer order dated 17/04/2006 (ANNEXURE - A/1 to the O.A.), as regards the transfer of the present applicant from Imphal to Itanagar, is kept in abeyance till such time as the Hon'ble Tribunal may deem proper. Otherwise, both the O.A., as well as the interim relief granted by the Hon'ble Tribunal in its order dated 26/05/2006 will remain as infructuous."

2. The fact of the case is that the Applicant has challenged the transfer order dated 17.04.2006. The Representation of the Applicant was rejected in a most irregular and arbitrary manner without Application of mind. In the representation, the Applicant has made the following passage: -

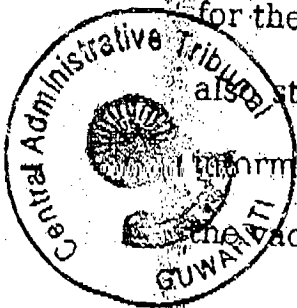
"Hence, with the above genuine facts and circumstances, I request your honour to kindly bestow your good wishes and Cause to keep the order of transfer in abeyance till Jan, 2007 when the Education carrier of my children will over and my small infant baby will also get recovery from her illness. At the time of my transfer, it may kindly be considered to transfer my husband to a same station simultaneously so that the proper care of my children are not disturbed."



It is borne out from the representation of the Applicant that she may not be disturbed till the mid academic session of the School till January 2007 since her first children is studying and the small infant baby will get recover from illness. This Court while hearing the O.A. on 26.05.2006 after considering various issues passed the following order:-

"Considering the entire issue involved, as an interim measure, this Court directs that status quo as on today shall be maintained till the next date."

3. When the matter came up for hearing on a subsequent date, learned Counsel for the Respondents submitted that the Applicant is on leave and the status quo order is maintaining by permitting her to continue on leave. It is quite obvious from the orders of the Tribunal mentioned above that the purport of the said order was to permit her to continue in the said post. It is also reported by the learned Counsel for the Respondents that the new incumbent has joined in her place and she has no other way to go. While so, this Petition was filed by the Applicant with the above prayer. This Court directed the Applicant to find out the vacancy, if available. The Applicant has filed an affidavit contenting that in the advertisement notice "1" One post of Postal Assistant under the disposal of the Chief Postmaster General Shillong and "2" Two posts of Postal Assistant in Manipur Postal Division, Imphal against O.C. categories were shown for the year 2003-04. The vacant post still unfilled. In the affidavit it is also stated that eleven (11) vacancies are available according to her information and requested that she may be accommodated in one of the vacancies till December 2006.

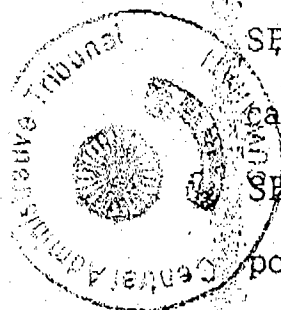


4. On 31.08.2006, learned Counsel for the Respondents produced a letter dated 28.07.2006, which was issued by the Assistant Postmaster General, stating that there is no vacant post at Imphal HPO or in Manipur State and the copy of the said letter was kept on record. However, considering the submission made by the learned Counsel for the Respondents, this Court passed the following order: -

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"However, considering the submission of the learned counsel for the respondents this Court is not convinced by the said letter of the Asstt. Post Master General (LC) dated 28th July, 06. Therefore, the Court directs that the Asstt. Post Master General (LC) to be present personally before this Court on 5.9.06 to explain/Report whether there are vacancies which has been mentioned in the affidavit or not. Registry will also send a letter to the said authority forthwith."

Finally when the matter came up on 05.09.2006, one of the Officer Smt. Sampalika Bhattacharjee, Assistant Director, Office of the Chief Postmaster General, N.E. Circle, Shillong was present before the Tribunal and she has also filed an affidavit stating that 11 vacancies that have been pointed by the Applicant, 10 vacancies belong to Postal Assistant operative category, whereas the Applicant belongs to SBCO category and though one (1) vacancy belongs to SBCO category, the Applicant is neither eligible to be posted as in-charge, SBCO, as she has not acquired such seniority, nor she applied for posting at Agartala Head Post Office. Therefore, it is cannot be considered to suit the Applicant and reiterated that there is no vacancy as such. But in the affidavit in support of the reply to the Misc. Petition it is also stated that *"Regarding the one (1) post of Postal Assistant (SBCO) the respondents beg to state that the same is under the disposal of CPMG, was declared vacant. The said post of Postal Assistant (SBCO) is meant for N.E. circle and not only for Manipur alone and the said post is allotted to Itanagar and the same is at present lying vacant in Itanagar."* It is further stated that the Applicant never raised the question of her deputation to elsewhere within the State of Manipur. She never applied for the same and her deputation to elsewhere is not a matter that has been agitated and pleaded and not a matter of issue before this Tribunal, but in the



2/8

Original Application the Applicant challenged the transfer order on the ground of academic mid session.

5. Two possibilities has come out in the affidavit, which are (i) the Respondents are empowered to keep the Applicant at Manipur on deputation basis and/or (ii) the vacancy said to be vacant at Itanagar under the disposal of Chief Postmaster General which is meant for N.E. Circle, not Manipur alone can also be shifted to Manipur at the discretion of the CPMG. It appears that the Chief Postmaster General can accommodate the Applicant at Manipur till December 2006. It is also ascertained from the Officer present in the Tribunal that Itanagar is being managed by one person at present.

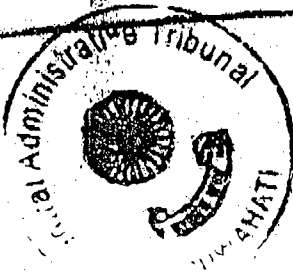
6. Considering the entire issue involved in this Misc. Petition, this Tribunal is of the view that the real purport of the status quo order dated 26.05.2006 was to accommodate the Applicant in the present station, and the Respondents cannot read the same in between the lines. Probably the Respondents' Counsel submission may be technically right in requesting the Applicant to continue on medical leave, interpreting the order of the status quo to the wisdom of the Respondents. But this Court never feels it fair and just and that interpretation cannot in its true spirit and purport of the Court Order. Therefore, this Court is of the view that Chief Postmaster General can shift the post to Manipur, which is under his disposal at present lying vacant meant for Itanagar and will accommodate the Applicant in that post till December 2006 and if not, the Respondents shall consider the Applicant to be accommodated at Manipur on deputation basis for which immediate representation/request shall be filed by the Applicant to the concerned Respondent. In any case, the prayer of the



Misc. Petition that the transfer order dated 17.04.2006 (Annexure - A1 to the O.A.) will be kept in abeyance so far the Applicant is concerned till the end of 2006 and the Applicant will be entitled for all consequential benefits.

The Misc. Petition stands allowed as above. In the circumstances, no order as to costs.

Sd/ VICE CHAIRMAN



RUE COPY

प्रतिरूपि

अनुभाग अधिकारी

Section Officer

Central Administrative Tribunal

गुवाहाटी न्यायाधीश

GUWAHATI BENCH

गुवाहाटी/Guwahati-5

13/9/06

Postal Colony, Imphal,
14th Sept 2006.

To

1. The Director General (Posts),
Dak Bhawan, Sansad Marg,
New Delhi - 110 001.
2. The Chief Post Master General,
N.E-Circle, Shillong - 793 001.
3. Shri. Lalhluna,
Post Master General,
N.E-Circle, Shillong - 793 001.
4. The Director Postal Services,
Manipur, Imphal - 795 001.

Sub: - Implementation of Hon'ble Central Administrative Tribunal, Guwahati Bench
Order dated 11th Sept 2006 in Misc. Petition No. 50 of 2006 in O.A No.124 of 2006.

Sir/Madam,

A copy of Hon'ble CAT/Guwahati Bench order dated 11th Sept 2006 in Misc Petition No.50 of 2006 in O.A No. 124 of 2006 is submitted herewith for favour of immediate compliance. The order of the Hon'ble Tribunal is self-explanatory that the transfer order dated 17-04-2006 in respect of the undersigned from Imphal HPO to Itanagar HPO has been kept in abeyance up to the end of the year 2006.

2. As per Para-6 of the order, the Respondents have to accommodate the applicant in Manipur either by adjustment of vacant post or on deputation basis. It is therefore submitted that the undersigned is willing to be accommodated in Manipur either against any redeployed vacant post in SBCO or against any vacant post of Postal Assistants in Manipur Division on deputation basis.

3. Hence, it is requested that the order for accommodating the undersigned may kindly be issued without any delay.

Yours faithfully,

D/A: Copy of Hon'ble CAT/Guwahati Bench Order
dated 11th Sept 2006 in M.P No.50 of 2006
in O.A No.124 of 2006.

Th. Meena Devi.

Certified to be true Copy.

Bishesh Pathak
Advocate

(Th. Meena Devi)
Postal Assistant (SBCO),
Imphal HPO [On Leave].

To,
The PostMaster,
Imphal H.O.

Sub: Implementation of Hon'ble Central Administrative Tribunal, Guwahati Bench order dated 11-09-2006 in Misc.Petition No. 50 of 2006 in O.A.No. 124 of 2006.

AND

11) Assumption of duty on expiry of Medical Leave at Imphal H.O. as per verdict of aforesaid Hon'ble CAT.

Madam,

A copy of CAT's order dated 11-09-2006 in Misc.Petition No. 50 of 2006 is enclosed herewith. The Hon'ble CAT espicifically and categorically has order to accomodate the undersigned in Manipur either against any redeployed vacant post in SBCO or against any vacant post of Postal Assistant in Manipur Division on deputation basis.

since I have already completed Medical Leave and due date of joining is today. I am submitting herewith Charge report forms dully filled in for allowing the undersigned to resume duty w.e.f. 29-09-2006 to aviod any further inconvenience and hardship.

Encls:

1. Fitness Certificate.
2. 4 copies of Charge Report forms.
3. Xerox copy of CAT's order dated 11-9-06.

Dated at Imphal
29-09-2006.

Your's faithfully,
Th. Meena Devi
(TH.MEENA DEVI)
P.A/S.B.C.O.
Imphal H.O.

Advance copy to:

The D.P.S., Manipur, Imphal for information and immediate necessary action so as to enable the undersigned to resume duty positively by today's F/N. This is in continuation of her application dated 14-09-06.

Certified to be true Copy.

Bishesh Nathali
Advocate

(TH.MEENA DEVI)

This kind of intervention into the matter is further not allowed.

29/9/06
Imphal H.O. - 70500

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To,

The Chief Post Master General,
North Eastern Circle
Shillong.

(Through proper channel)

Subject: Implementation of Hon'ble Central Administrative Tribunal, Guwahati Bench order dated 11-09-2006 in Misc. petition No. 50 of 2006 in O.A. No. 124 of 2006.

AND

ii) Assumption of duty on expiry of Medical Leave at Imphal H.O. as per verdict of aforesaid Hon'ble CAT.

Sir/Madam,

The Hon'ble CAT, Bench at Guwahati while disposing of Misc. petition No. 50 of 2006 in Original Application No. 124 of 2006 filed by the applicant passed a clean order dated 11-09-06 as follows:

Para 6 of the order

Considering the entire issue involved in this Misc. Petition, this Tribunal is of the view that the real purport of the status quo order dated 26.05.2006 was to accommodate the Applicant in the present station, and the Respondents cannot read the same in between the lines. Probably the Respondents' Counsel submission may be technically right in requesting the Applicant to continue on medical leave, interpreting the order of the status quo to the wisdom of the Respondents. But this Court never feels it fair and just and that interpretation cannot in its true spirit and purport of the Court Order. Therefore, this Court is of the view that Chief Postmaster General can shift the post to Manipur, which is under his disposal at present lying vacant meant for Itanagar and will accommodate the Applicant in that post till December 2006 and if not, the Respondents shall consider the Applicant to be accommodated at Manipur on deputation basis for which immediate representation/request shall be filed by the Applicant to the concerned Respondents. In any case, the prayer of the Misc. petition that the transfer order dated 17.04.2006 (Annexure- A1 to the O.A.) will be kept in abeyance so far the Applicant is concerned till the end of 2006 and the Applicant will be entitled for all consequential benefits.

ii) That, the Hon'ble CAT while passing the aforesaid order directed the Applicant to file an immediate representation/request to the Respondents for immediate accommodation on the line of verdict of the Hon'ble CAT.

Certified to be true Copy

Bhishesh Pathak
Advocate

Contd..2/-

iii) That, the Applicant in accordance with the above direction of the Hon'ble CAT submitted representation to all the Respondents including the Chief Postmaster General, Shillong on 14-09-2006 along with a copy of CAT's order dated 11-09-2006 which was transmitted both by Fax as well as by Speed-posts.

iv) That, the Applicant was thereafter expecting necessary order from the Chief Postmaster General, Shillong regarding her accommodation and assumption of duty at Imphal H.O. But no order of any kind what so ever was furnished to the Applicant either by Chief Postmaster General or by any other Respondents.

v) That, on expiry of Medical Leave on 28-09-2006 and again finding herself recovered from the illness the Applicant reported to Post Master, Imphal in the Forenoon of 29-09-2006 along with CAT's order, Fitness Certificate from attending Doctor and copies of Charge Reports showing assumption of duty at Imphal Head Post Office. But the Post Master, Imphal by ignoring the direction of the Hon'ble CAT instead of allowing the Applicant to resume duty forwarded her application to the next higher authority i.e. Director of Postal Services, Imphal. A copy of the application dated 29-09-2006 bearing remark and endorsement of Post Master, Imphal is enclosed for favour of ready reference and action in the part of Respondents.

Now, since the Hon'ble CAT has already made the Applicant entitled for all consequential benefits and the Applicant had already submitted the CAT's order as well as the copies of Charge Reports showing assumption of duty at Imphal, the Applicant is now entitled to be treated as on duty with all consequential benefits w.e.f. 29-09-2006 and the Respondents are accordingly to treat the Applicant as on duty w.e.f. 29-09-2006 to avoid any further inconveniences and hindrance to the Applicant.

Encls:

1. A copy of Hon'ble CAT's order dated 11-09-2006.
2. A copy of application dated 14-09-2006.
3. A copy of application dated 29-09-2006.

Your's faithfully,

Dated at Imphal
30-09-2006.

(TH. MEENA DEVI)
P.A/S.B.C.O.
Imphal H.O.

Advance copy forwarded to:

1. Smt. P. Gopinath, C.P.M.G., Shillong for information and necessary action.
2. Sri. Lalhluna, P.M.G., Shillong for kind similar action.
3. Post Master, Imphal H.O. for needful action. Copies of Charge Reports have already been furnished to his office along with Applicant's representation dt. 29.09.06.
4. Deputy Registrar, Central Administrative Tribunal, Guwahati for kind information.

Th. Meena Devi
(TH. MEENA DEVI)

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ANNEXURE : 5

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FROM : HPMG SHILLONG

FAX NO. : 03642223205

Oct. 05 2006 02:59PM P1

भारतीय डाक विभाग

FAX/Under Entry

DEPARTMENT OF POSTS: INDIA

कार्यालय मुख्य पोस्टमास्टर जनरल, उत्तर पूर्व परिमंडल, शिलांग 793 001

OFFICE OF THE CHIEF POSTMASTER GENERAL, NORTH EAST CIRCLE, SHILLONG - 793 001

No. Vig/LC-9/06 (CAT).

Dtd. at Shillong-1, the 4th October, 2006.

To
 ✓ The Director Postal Services,
 Manipur Division, Imphal- 795 001.

Subject: Implementation of the order of the Hon'ble CAT, Guwahati, dtd. 11.9.06, in MP No 50/2006 in O.A. No. 124 of 2006, filed by Smt. Th. Meena Devi, P.A. (SBCO), on leave.

Reference: Your letter No. B-17/CAT/O.A. -124/2006 dtd. 29.9.06.

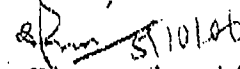
Sir,

On the captioned subject, I am directed to inform you that, the Department has decided to file appeal in the Hon'ble High Court, Guwahati, against the order of the Hon'ble CAT, Guwahati, dtd. 11.9.06 in M.P. No. 50/2006 in O.A. No. 124 of 2006, filed by Smt. Th. Meena Devi, P.A. (SBCO), on leave.

In view of the above and in view of non-availability of any vacant post in the cadre of P.A. (SBCO), at Imphal H.P.O., at present, it may not be proper to allow Smt. Th. Meena Devi, P.A. (SBCO), on leave, to resume duty at Imphal H.P.O., at present.

Necessary action may kindly be taken accordingly.

Yours faithfully,



Asst. Director (Legal Cell)
 for Chief Postmaster General.

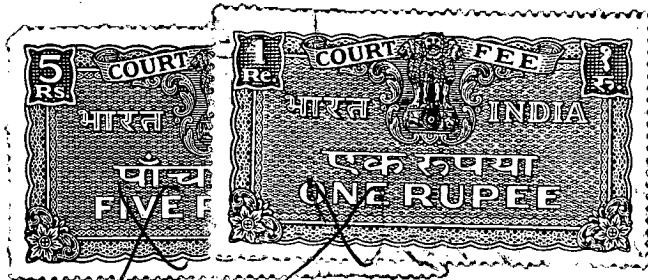
Registered

Copy to: Smt. Th. Meena Devi, Postal Asst. (SBCO) on leave at Postal Colony, Imphal. This disposes her representation dtd. 14.9.06 & 30.9.06.

Certified to be true Copy

Bishash Pathak
 Advocate

Asst. Director (Legal Cell)
 for Chief Postmaster General.



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

~~OA/RA/CP/PT~~

/ No: of 2006

Th. Meena Devi Applicant(s)

VERSUS

Smti. P. Gopinathan & 2015 Respondent(s).

1. Th. Meena Devi, petitioner Applicant No. /

Respondent No. in the above application / petition do hereby appoint and retain

Shri B.C. Patra, B. Patra, H.K. Gogoi

..... Advocate(s)

to appear, plead and act for me/us in the above application/petition and to conduct and prosecute all proceedings that may be taken in respect thereof including Contempt of Court Petitions and Review Applications arising there-from and applications for return of documents, enter into compromise and to draw any moneys payable to me/us in the said proceeding.

Place: Guwahati

Date: 1/12/06

Th. Meena Devi
Signature of the Party.

Executed in my presence.

*Signature with Date
(Name and Designation)

H.K. Gogoi

"Accepted"

Signature with date
(Name of the Advocate)

Name and address of the Advocate for Service

*The following certification to be given when the party is unacquainted with the language of the vakalath or is blind or illiterate: -

The contents of the vakalath were truly and audibly read over/translated into
language known to the party executing the vakalath and he seems to have understood the same.

Signature with date
(Name and Designation)