

FORM NO. 4  
(See Rule 42)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
ORDERSHEET

1. ORIGINAL APPLICATION No : ----- / 2009
2. Transfer Application No : ----- / 2009 in O.A. No. -----
3. Misc. Petition No : ----- / 2009 in O.A. No. -----
- ✓ 4. Contempt Petition No : 29/2010 / 2009 in O.A. No. 145/2007
5. Review Application No : ~~29~~ / 2009 in O.A. No. -----
6. Execution Petition No : ----- / 2009 in O.A. No. -----

Applicant (S) : Sri Nalini Prasad Sharma Baruah,

Respondent (S) : Smt. Radhika Deyaiswami & Ors

Advocate for the : Mr. H.K. Das, Mr. S. Sarma  
(Applicant (S))

Advocate for the : -----  
(Respondent (S))

Notes of the Registry

Date

Order of the Tribunal

This cp. is filed by  
Mr. H.K. Das, Advocate,  
on behalf of the applicant,  
praying for drawing  
up contempt proceeding  
against the contemnors  
for their willful and  
deliberate violation  
of the judgment & order  
Dtd-21-8-2009 passed  
in O.A. 145/2007.

05.08.2010

Heard Mr.H.K.Das, learned counsel for  
the applicant, Prima facie, contempt has been  
made out. Notice to respondent no.3 alone,  
returnable on 06.09.2010. Personal presence  
dispensed with.

/bb/

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

06.09.2010

Time is extended to file compliance  
report, as prayed for by Mrs.M.Das, learned  
counsel for respondents.

List on 01.10.2010.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

/bb/

~~Laid for favour~~  
Laid before the  
Honble court for  
favour of order.

Section officer (J)

24.8.2010

Copy of Notice

Order of 5-8-2010  
CP. 29/10 in no. 145/07  
has been prepared &  
sent to B/section  
for issuing to the  
R-No 3 by Regd. A/D  
P.S.R.

Memo No. 1884

21- 16-8-2010

12/8/2010

- ① Service report  
awaiteed.
- ② No Compliance  
report b/leed.

30.9.2010

Time is extended to file compliance  
report as moved by MAMDA record  
to be filed by 30.9.2010.

(Member (A) involved) (Member (A) involved)

Member (A)

Member (A)


1001

01.10.2010 Compliance report has not been filed by the respondents. Proxy counsel appearing for respondents seeks further time.

List on 6.10.2010.

*No compliance  
report filed.*

*27  
5-10-2010*

  
(Madan Kumar Chaturvedi)  
Member (A)

  
Mukesh Kumar Gupta  
Member (J)

/pg/

06.10.2010 No compliance report has been filed despite the fact that time was extended to do so vide order dated 06.09.2010 as well as 01.10.2010. O.A. was allowed vide order dated 21.08.2009 requiring respondents to make payment of differential backwages to applicant, after adjusting the amount already paid to him with all consequential benefits. More than a year has passed but said direction remains uncomplied.

Let Chief Post Master General, Assam Circle, Guwahati appear in person to answer why a charge be not framed for willful and deliberate disobedience of direction of this Tribunal passed vide aforenoted.

List on 28.10.2010. Aforesaid officer need not appear if compliance is made prior to said date.

  
(Mukesh Kumar Gupta)  
Member (J)

C.P.No.29/2010


(C.A. = ~~147/07~~)

195/07

28.10.2010

Mr H.K. Das, one of the counsel appearing in present C.P. has filed a request of his absence. Another counsel Mr S. Sarma for applicant, according to Ms U. Das, proxy counsel is in some difficulty.

In the circumstances list on 29.10.2010.

  
(Madan Kumar Chaturvedi)  
Member (A)

nikm

  
(Mukesh Kumar Gupta)  
Member (J)

CP 29-10 (OA 145-07)

29.10.2010 Present: Mr.G.Goswami, proxy counsel for contempt petitioner and Mrs.M.Das for respondents.

Alleging willful disobedience of the directions contained vide order dated 21.08.2009 in OA No.145/2007, present contempt petition was preferred. Vide said order, respondents were required to confer all the consequential benefits, by deeming him to have continued in Group D service since his date of initial appointment i.e., 07.12.1993.

As per affidavit filed by the respondent no.3 writ petition (c) no.5715/2010 was preferred before Hon'ble Gauhati High Court. Though finding no merits Union of India writ petition was dismissed vide order dated 11.10.2010, however, petitioner therein (Union of India) was granted "two months time to fully implement the order of the Tribunal". Said period, as on date, has not expired.

In this view of the matter, as on date, there is no willful disobedience of the directions issued by this Tribunal, particularly when the time limit has been fixed by Hon'ble Gauhati High Court for implementing order of this Tribunal. Accordingly, contempt petition is disposed of. Notice is discharged.

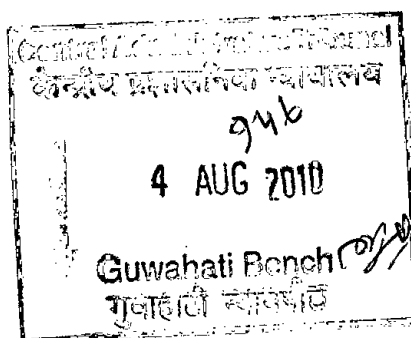
(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

Received for Mrs. M. Das.  
S. C. G. S. C.  
Nimshin Vashum  
(Advocate)  
8/11/10

Received Copy for CPMS, Assam Code  
Ghy  
9/11/10

12.11.2010 /bb/  
Final order dated 29.10.2010  
send to Sh. SLS for issuing  
need A - no -



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

**C.P. No. 29 of 2010  
In O.A. No. 145/07**

Sri Nalini Prasad Sharma Basuah

...PETITIONER

- Vs -

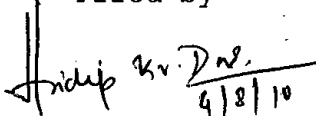
Smt. Radhika Doraiswami & Others.

...CONTEMNORS

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Filed by

  
4/8/10

(Hridip Kumar Das)  
Advocate

(X.1)  
4 AUG 2010  
Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ  
Filed by  
The Petitioner -  
through  
Mr. Adv. Advocate  
4/8/10

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

**C.P.No. 29 of 2010**

**In O.A. No. 145/07**

Sri Nalini Prasad Sharma Baruah.

-vs-

Union of India & Ors.

**IN THE MATTER OF:**

An application under Section 17 of the Central Administrative Tribunal Act' 1985 for drawing up contempt proceeding against the contemnors for their willful and deliberate violation of the judgment and order dated 21.08.09 passed in O.A. No. 145/07 by this Hon'ble Tribunal.

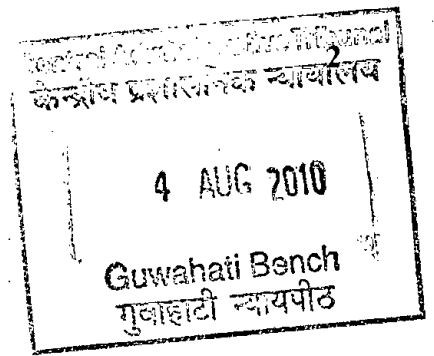
- AND -

**IN THE MATTER OF:**

An application praying for appropriate execution of the judgment and order dated 21.08.09 passed in O.A. No. 145/07 by the Hon'ble Tribunal invoking Rule 24 of the Central Administrative Tribunal (Procedure) Rules' 1987.

- AND -

*Nalini prasad Sharma Baruah.*



**IN THE MATTER OF:**

Sri Nalini Prasad Sharma Baruah,  
Son of late Satya Prasad Sarma Baruah,  
Resident of Village Patidarang, P.O.  
Deomornoi, District- Darrang.

**PETITIONER/APPLICANT**

**- VS -**

1. Smt. Radhika Doraiswami,  
Secretary to the Government of India,  
Ministry of Communication, Department of  
Posts, New Delhi -110001.

2. Smt. Kalpana Tiwary,  
The Director General, Department of  
Posts, New Delhi- 110001.

3. Sri Monojit Kumar,  
The Chief Postmaster General, Assam  
Circle, Meghdoot Bhawan, Guwahati- 1.

4. Sri Jag Jiban Sarma,  
The Superintendent of Post Offices,  
Darrang Division, Tezpur.

5. Sri Sishutush Barman,  
The Superintendent of Post Offices,  
Nagaon Division, Nagaon- 782001.

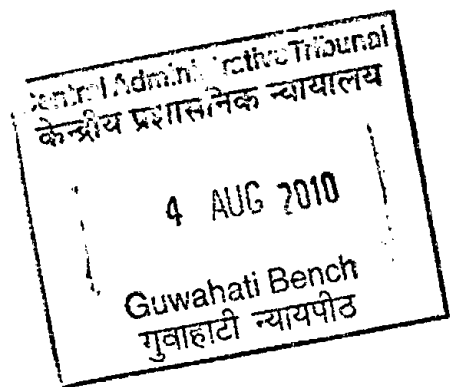
6. Sri Sushanta Majumdar,  
The Inspector of Posts, Hojai Sub  
Division, Hojai.

**CONTEMNORS/RESPONDENTS**

The humble petition on behalf of the petitioners above  
named **MOST RESPECTFULLY SHEWETH:**

*Nalini prasad sarma Baruah*





1. That the petitioner had approached the Hon'ble Tribunal by way of filling O.A. No. 145/07, praying for fixation of his seniority w.e.f. 07.12.1993 in the cadre of Group- D and differential back wages along with all consequential benefits.

2. That the Hon'ble Tribunal after hearing the petitioner and Sri G.Baishya, the then Sr. CGSC appearing for the respondents was pleased to allow the aforesaid O.A. vide judgment and order dated 21.08.10 directing the respondents to pay the differential back wages after deducting the amount already paid to the petitioner and to fix his seniority since the date of his initial appointment i.e. 07.12.1993 in the cadre of Group- D.

A copy of the order dated 21.08.09 passed in O.A. No. 145/07 is annexed herewith and marked as **ANNEXURE- 1**.

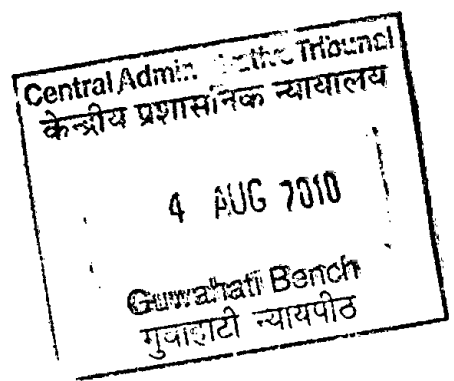
3. That the petitioner immediately on receipt of the copy of the order submitted a representation dated 31.08.09 by registered post enclosing the copy of the said judgment to the contemnors praying for implementation of the order dated 21.08.09. However, the respondent authorities have not implemented the Hon'ble Tribunal's order till date.

Copy of the representation dated 31.08.09 and postal receipt are annexed herewith and marked as **ANNEXURE- 2** Colly.

4. That the contemnors received the judgment and order of the Hon'ble Tribunal on 11.09.09, 14.09.09 and 15.09.09 respectively which is crystal clear from the acknowledgement issued by the Department of Posts.

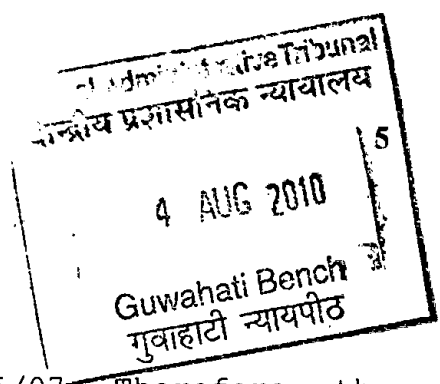
Copies of the acknowledgements are annexed herewith and marked as **ANNEXURE- 3** Colly.

Salini Prasad Sarma Baruah.



5. That the petitioner begs to state that the contemnors/respondents have full knowledge about the direction passed by the Hon'ble Tribunal vide judgment and order dated 21.08.09 in O.A. No. 145/07. However, in spite of this the respondents have acted in a contemptuous manner and have not done anything for compliance of the directives issued by the Hon'ble Tribunal which is a clear case of contempt. The contemnors/respondents by such action/inaction have shown complete disregard to the directive given by the Hon'ble Tribunal. The respondents for such inaction and willful and deliberate violation of the said order dated 21.08.09 made them liable to be punished under the Contempt of Courts Act.
6. That the petitioner begs to state that the contemnors have acted in violation of the order dated 21.08.09 by not releasing the differential back wages as well fixing seniority w.e.f. 07.12.93. Hence, they are liable to be punished severely for their such action invoking the power under Section 17 of the Administrative Tribunal Act, 1985 read with provision under the Central Administrative Tribunal (Contempt of Court's) Rules, 1992 as well as the provisions contained in the Contempt of Court's Act' 1971.
7. That the respondents/contemnors have received the copy of the order dated 21.08.09 passed by the Hon'ble Tribunal in O.A. No. 145/07 but in spite of that nothing has been done to implement the directions of this Hon'ble Tribunal. The respondents acted in a contemptuous manner and are liable to be punished severely for willful and deliberate violation of the order of the Hon'ble Court.
8. That the petitioner begs to state that the contemnors are top ranking officials of the Union of India with clear and specific knowledge about the sanctity of the Hon'ble Tribunal's order. As such they ought to have complied with the Hon'ble Tribunal's directions in the judgment and order

Nalini Prasad Sarma Barnah



dated 21.08.09 passed in O.A. no. 145/07. Therefore, the inaction on the part of the contemnors/respondents amounts to willful contempt of the Hon'ble Tribunal's order and liable to be prosecuted.

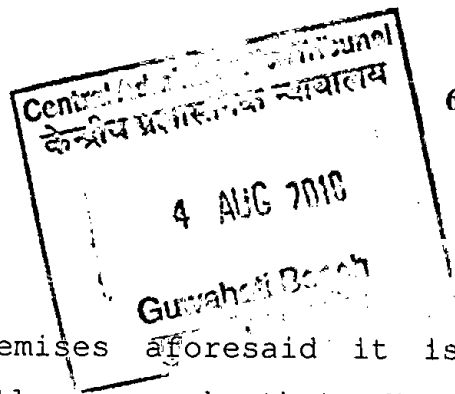
9. That the petitioner begs to state that the respondent's willful disobedience of the direction given by this Hon'ble Tribunal of which they had full and specific knowledge have the effect of diminishing the authority and prestige of the this Hon'ble Tribunal in the minds of the public and is likely to disturb the confidence of the public in the unquestioned effectiveness of the order of the Hon'ble Tribunal. As such, the respondents/contemnors are liable to be punished for their disobedience of the Hon'ble Tribunal's order dated 21.08.09 passed in O.A. No. 145/07.

10. That the petitioner begs to state that the respondents are flouting with the order of the Hon'ble Tribunal only to malign the prestige of the Hon'ble Tribunal by willfully disregarding the said direction of this Hon'ble Court and as such are liable to be prosecuted under the Contempt of Courts Act' 1971 and be punished accordingly.

11. That the petitioner begs to state that the respondents/contemnors have not yet filed any writ petition against the order dated 21.08.09 and as such same has attained its finality. It is therefore, the respondents are bound to follow the said order dated 21.08.09 passed by this Hon'ble Tribunal in its true spirit. In case of any deviation from the said judgment it will amount to committing contempt of Court's order and for the same the contemnors are liable to be punished in accordance with law.

12. That the petitioner has filed this petition bonafide and secure ends of justice.

*Naliniprasad Sarma Barnah.*

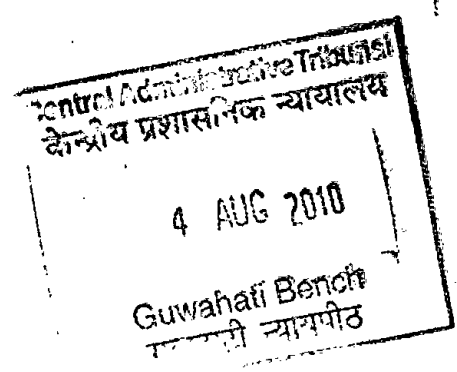


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In the premises aforesaid it is most respectfully prayed that Your Lordships would graciously be pleased to admit this petition, call for the records of the case and issue notices to the contemnors calling upon them to show cause as to why appropriate contempt proceeding shall not be drawn up against them and punish them severely and after perusal of records and after hearing the parties on the cause or causes that may be shown, be further pleased to draw up appropriate contempt proceeding against each of the contemnors and to punish them severely for their willful and deliberate violation of the order dated 21.08.09 passed in O.A. No. 145/09 with a further direction to comply/implement the said order forthwith without further delay refunding all the recovery from salary of the petitioner and/or pass any such order/orders as may be deemed fit and proper considering the facts and circumstances of the case.

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

Nalini Prasad Sarma Baruah.



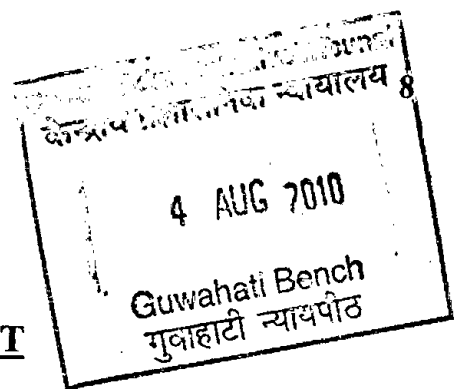
**DRAFT CHARGE**

Whereas 1. Smt. Radhika Doraiswami, Secretary to the Government of India, Ministry of Communication, Department of Posts, New Delhi -110001, 2. Smt. Kalpana Tiwary, the Director General, Department of Posts, New Delhi- 110001, 3. Sri Monojit Kumar, The Chief Postmaster General, Assam Circle, Meghdoot Bhawan, Guwahati- 1, 4. Sri Jag Jiban Sarma, the Superintendent of Post Offices, Darrang Division, Tezpur, 5. Sri Sishutush Barman, the Superintendent of Post Offices, Nagaon Division, Nagaon- 782001, 6. Sri Sushanta Majumdar, the Inspector of Posts, Hojai Sub Division, Hojai, have willfully and deliberately violated the order dated 21.08.09 passed in O.A. No. 145/07, by this Hon'ble Tribunal and as such they are liable to be punished severely for committing contempt of Court's order.

*Nalini Prasad Sarma Barman*

25

**AFFIDAVIT**



I, Sri Nalini Prasad Sharma Baruah, son of late Satya Prasad Sarma Baruah, Resident of Village Patidarang, P.O. Deomornoi, District- Darrang, do hereby solemnly affirm and state as follows:

1. That I am the petitioner in the instant contempt petition. I am well conversant with the facts and circumstances of the case and as such I am competent to swear this affidavit.
2. That the statements made in this petition in paragraphs 1, 5, 6, 7, 8, 9, 10 & 11 are true to my knowledge and those made paragraphs 2, 3 & 4 being matters of records are true to my information derived there from and also contains information to the best of my knowledge. The rest are my humble submissions before this Hon'ble Court.
3. The Annexures are true copies of their originals and I have not suppressed any material facts.

And, I sign this affidavit on this the 4<sup>th</sup> day of August, 2010.

Identified by me

  
Advocate

Nalini prasad Sarma Baruah.  
**DEPONENT**

Sworn/ solemnly affirmed before me  
on this the 4<sup>th</sup> day of August'10.

  
**SIGNATURE**

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH, GUWAHATI :**

**O.A. No. 145 of 2007**

**Date of Decision : 21<sup>st</sup> day of August, 2009.**

**HON'BLE MR. M.R. MOHANTY, VICE-CHAIRMAN**  
**HON'BLE MR. M.K. CHATURVEDI, ADMINISTRATIVE MEMBER**

**Shri Nalini Prasad Sarmah Baruah**  
**Resident of village Patidarang,**  
**P.O. Deomornoi, Dist. Darrang**

**.....Applicant**

**By Advocate Shri S.Sarma, Mrs B.Devi & H.K.Das**

**-Versus -**

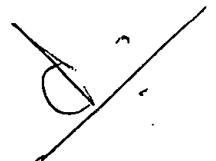
1. **Union of India represented by  
Secretary to the Govt. of India,  
Ministry of Communication,  
Deptt. of Posts, New Delhi.**
2. **The Director General,  
Deptt. of Posts, New Delhi.**
3. **Chief Postmaster General,  
Assam Circle, Meghdoot Bhawan,  
Guwahati-1.**
4. **The Superintendent of Post Offices,  
Darrang Division, Tezpur.**
5. **The Superintendent of Post Offices,  
Nagaon Division, Nagaon-782001.**
6. **The Inspector of Posts,  
Hojai Sub Division, Hojai**

**..... Respondents**

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

**Attested**

  
**Advocate**



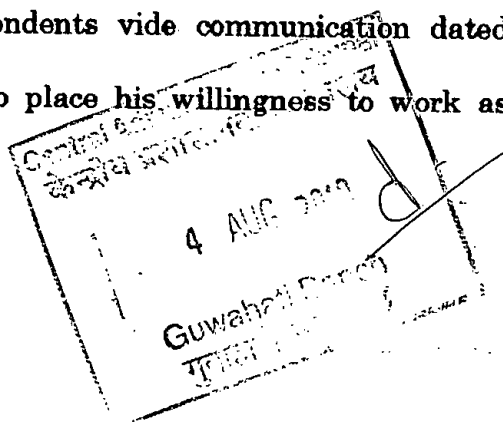
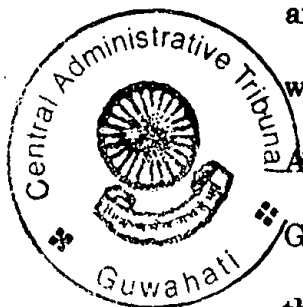


ORDER

M.K.CHATURVEDI, MEMBER(A)

The Applicant was initially appointed in a Group D post (vide order dated 07.12.1993) in the office of the SDI(P). On 16.11.1994 he was posted as Mail Peon cum Packer at Tangla and he worked there till 22.04.1998. The Respondents, by an order dated 22.04.1998 terminated the service of the Applicant. The Order dated 22.04.1998, by which the services of the Applicant were terminated, was assailed before this Tribunal under O.A.89/1998. The Tribunal allowed that O.A vide order dated 08.12.2000 by setting aside the order of termination and Respondents were directed to reinstate the Applicant forthwith with full backwages. On the strength of the aforesaid judgment, the Applicant made a prayer before the Respondents to reinstate him in Group 'B' post. But the Respondents did not implement the judgment of the Tribunal. Consequently the Applicant filed Contempt Petition No.13/01. The Respondents challenged the order of the Tribunal passed in O.A.89/98 before the Hon'ble Gauhati High Court and the Hon'ble Court vide order dated 27.06.2001 (rendered in W.P.(C) No.4456/2001) admitted the Writ Petition and, at the same time, directed the Applicant not to press the Contempt Petition, which order was subsequently modified vide order dated 21.02.2003 rendered in M.P.683/2002. In view of the pendency of the Writ Petition, Contempt Petition No.13/01 was dropped by the Tribunal.

3. Meanwhile, the Respondents vide communication dated 24.08.2001 asked the Applicant to place his willingness to work as

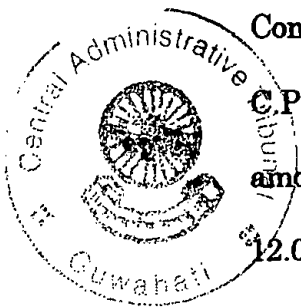




against a post in GDS Organisation; which carried a lower remuneration comparing to the post the Applicant was holding. The Applicant accepted the post (in GDS Organisation) without prejudice to the aforesaid pending legal proceeding. The Applicant joined the post in GDS Organisation of GDSM on 13.09.2002. This was stated to be a stop gap arrangement till the availability of suitable Group D post.

3. The Applicant made various prayers for implementation of the judgment of the Tribunal but Respondents maintained silence. After dismissal of the Writ Petition on 16.11.2004 the Hon'ble High Court by order dated 04.09.2006, the Applicant was accommodated (by the Respondents) in a Group D post. The Applicant, again, filed a Contempt Petition being C.P. No.11/05 and during pendency of the said C.P.11/05 the Respondents issued orders releasing back wages amounting to Rs.1,99,583/- for the period between 23.04.1998 and 12.09.2002 by treating him to be in service as a Group D and the said petition was closed with liberty to the applicant to approach appropriate forum for redressal of his grievances. On the above factual backdrop it was prayed that seniority of the Applicant in Group D service to be counted from the date of his appointment and all the differential back wages and service benefits be given to him.

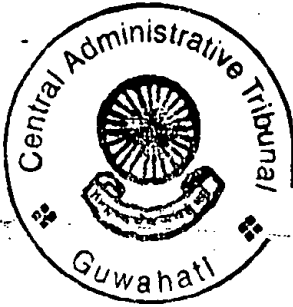
4. Having regard to the facts, we are inclined to accept the prayer of the Applicant, which is consistent with the order dated 08.12.2000 of this Tribunal rendered in O.A.No.89/98 of the Applicant. Accordingly we direct the Respondents to make payment of differential backwages to the Applicant, after deducting the amount which was



*[Handwritten signature and date]*

paid to him as GDS staff. All the consequential benefits be conferred on the Applicant and he should be deemed to have continued in Group D service since his date of initial appointment i.e. 7.12.1993.

6. In the result, the O.A stands allowed.



Sd/-  
M.R. Mohanty  
Vice Chairman  
Sd/-  
M.K. Chaturvedi  
Member (A)

TRUE COPY  
प्रतिलिपि  
अनुभाग अधिकारी  
Section Officer (Judl)  
Central Administrative Tribunal  
गुवाहाटी न्यायपीठ  
Guwahati Bench  
गुवाहाटी/Guwahati-5

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
4 AUG 2010  
Guwahati Bench

The Chief Postmaster General,  
Assam Circle, Meghdoot Bhawan,  
Panbazar, Guwahati- 1.

Date: 31.08.09

Sub:- Order dated 21.08.09 passed in O.A. No. 145/07.

Sir,

With due deference and profound submission I beg to lay the following few lines for your necessary action thereof:

1. That making a prayer for refixation of seniority, refixation of pay, release of arrear salary etc. I have approached the Hon'ble Central Administrative Tribunal, Guwahati Bench Guwahati by way of filing O.A. No. 145/07.
2. That the Hon'ble Tribunal on 21.08.09 after hearing the parties to the proceeding was pleased to allow the aforesaid original application. The Hon'ble Tribunal while allowing the aforesaid O.A. vide judgment and order dated 21.08.09 is pleased to direct the respondents to pay the differential back wages to the applicant after deducting the amount which was already been paid to me as GDS staff along with all consequential service benefits with a further direction fix my seniority in the Group- D w.e.f. 07.12.1993 i.e. from the date of initial appointment. [Copy enclosed].
3. Therefore, I pray before Your Honor to refix my seniority w.e.f. 07.12.1993 as Group- D, refix my pay w.e.f. 07.12.1993 along with increments etc., pay the differential back wages deducting the amount already paid as GDS staff along with all consequential service benefits as per the direction of the Hon'ble Tribunal.

Thanking you

Yours faithfully

sd

Copy to:

1. The Secretary, Govt. of India, Deptt. of posts, New Delhi- 1.
2. The Director General, Department of Posts, New Delhi- 1.
3. The Superintendent of Post Offices, Darrang Division, Tezpur.
4. The Superintendent of post offices, Nagaon Division, Nagaon- 782001.
5. The Inspector of Posts, Hojai Sub-Division, Hojai.

Naliniprasad Sarma Baruah  
Qr (D) Nagaon H.P.O  
10/9/09

Attested

  
Advocate

HAIBARGAON SO <782002>

SP-FOD EE 782166555 IN

Counter No:1, CP-Code:02

To: SECY GOVT OF INDIA, DEPTT OF POST

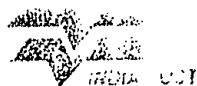
New Delhi, PIN:110001

From: NALINI PR SARMAH BARUAH, NAGAON

Wt:20grams,

Amt:36.00, 10/09/2009, 12:59

Taxes:Rs.4.00<<Have a nice day>>



HAIBARGAON SO <782002>

SP-FOD EE 782166595 IN

Counter No:1, CP-Code:02

To: CFMO, ASSAM CIRCLE

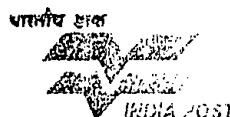
Guwahati, PIN:781001

From: NALINI PR SARMAH BARUAH, NAGAON

Wt:20grams,

Amt:36.00, 10/09/2009, 13:00

Taxes:Rs.4.00<<Have a nice day>>



HAIBARGAON SO <782002>

SP-FOD EE 782166445 IN

Counter No:1, CP-Code:02

To: DIRECTOR GENERAL, DEPTT OF POST

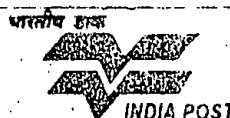
New Delhi, PIN:110001

From: NALINI PR SARMAH BARUAH, NAGAON

Wt:20grams,

Amt:36.00, 10/09/2009, 13:00

Taxes:Rs.4.00<<Have a nice day>>



HAIBARGAON SO <782002>

SP-FOD EE 782166480 IN

Counter No:1, CP-Code:02

To: SUPDT OF FOS, DARRANG DN

Tezpur

From: NALINI PR SARMAH BARUAH, NAGAON

Wt:20grams,

Amt:36.00, 10/09/2009, 13:01

Taxes:Rs.4.00<<Have a nice day>>



HAIBARGAON SO <782002>

SP-FOD EE 782166520 IN

Counter No:1, CP-Code:02

To: SUPDT OF FOS, NAGAON DN

Nagaon, PIN:782001

From: NALINI PR SARMAH BARUAH, NAGAON

Wt:20grams,

Amt:24.00, 10/09/2009, 13:01

Taxes:Rs.3.32<<Have a nice day>>



HAIBARGAON SO <782002>

SP-FOD EE 782166564 IN

Counter No:1, CP-Code:02

To: INSPECTOR OF POSTS, HOJAI SUB DN

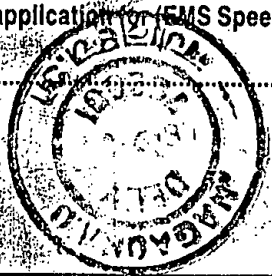
Nagaon

From: NALINI PR SARMAH BARUAH, NAGAON

Wt:20grams,

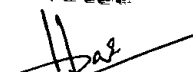
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Date mailed Year Month Day			5 Time mailed Hour Minutes		20 A Despatch charge	
					20 B Office of origin	
Customer Declaration						
21 Description of contents application for EMS Speed Post only						
						
27 Name in print of the person taking delivery of the item						
28 Signature						
4 Date mailed Year Month Day						
30 Time of delivery Hour Minutes						
Sender						
8 Name and address of Sender						
Nolini Prasad Sarmah Baruah.						
Group 'D'						
Hogam H.P.O						
8 Sender's postal code						
782001						
Addressee						
12 Name and address of Addressee						
The Supdt of Pos.						
Darrang Division, Tezpur.						
12 Addressee's postal code						

Central Judicial Tribunal  
 केन्द्रीय न्यायालय  
 4 AUG 2010  
 G. B. P. O.

Attested

  
 Advocate

4 Date mailed Year Month Day			5 Time mailed Hour Minutes			20 A Despatch charge 20 B Office of origin		
Customer Declaration								
21 Description of contents application for (EMS Speed Post only)								
								
Code No.						R. No.		
27 Name in print of the person taking delivery of the item								
28 Signature Date General Reg.								
Date Mailed Year Month Day						30 Time of delivery Hour Minutes		
Sender								
8 Name and address of Sender Dalini Prasad Sarmah Baruah Group "D" Nagaon H.P.O. Nagaon, Assam								
8 Sender's postal code 782001						12 Addressee		
12 Name and address of Addressee The Director General Dept. of Pos. New Delhi								
12 Addressee's postal code								

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
4 AUG 2010  
Court of Appeal

4 Date mailed			5 Time mailed		20 A Despatch charge 20 B Office of origin
Year	Month	Day	Hour	Minutes	



Customer Declaration :

21 Description of contents application for (EMS Speed Post only)

Code No.

R. No.

27 Name in print of the person taking delivery of the item

Signature

28

Date

4

Date mailed

30

Time of delivery

Year Month Day

Hour Minutes

Sender :

Addressee :

8 Name and address of Sender

12 Name and address of Addressee

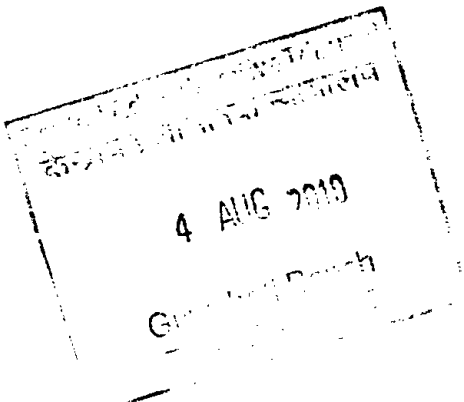
Nalini Prasad Sarmah Baruah  
Group D  
Nagaon H.P.O  
Assam



The Inspector B. P. S.  
Hojai Sub Division

8 Sender's postal code

12 Addressee's postal code

8 2 0 0 1



4 Date mailed Year Month Day			5 Time mailed Hour Minutes			20 A Despatch charge									
						20 B Office of origin									
Customer Declaration															
21 Description of contents application for (EMS Speed Post only)															
												Code No.		R. No.	
												27 Name in print of the person taking delivery of the item			
28 Signature															
Date															
4 Date mailed Year Month Day						30 Time of delivery Hour Minutes									
Sender															
8 Name and address of Sender															
Malini Prasad Sarmah Baruah Group 'D' Nagan H.P.O.															
8 Sender's postal code															
782001															
Addressee															
12 Name and address of Addressee															
The Secretary to P.O.S. Govt. of India, New Delhi.															
12 Addressee's postal code															

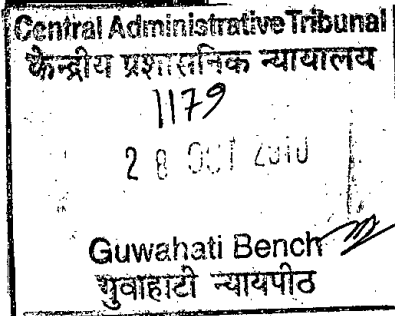
Central Administrative Tribunal  
 केन्द्रीय प्रशासनिक न्यायालय  
 4 AUG 2010  
 Gurukul



4 Date mailed Year Month Day			5 Time mailed Hour Minutes			20 A Despatch charge 20 B Office of origin		
Customer Declaration								
21 Description of contents application for (EMS Speed Post only)								
Code No.						R. No.		
27 Name in print of the person taking delivery of the item						Signature Superintendent of Post Office		
28 Date						Nagaon-782001		
4 Date mailed Year Month Day						30 Time of delivery Hour Minutes		
Sender						Addressee		
8 Name and address of Sender Nalini Prasad Sarmah Baruah Group 'D' Nagaon S.P.O.						12 Name and address of Addressee The Supt of Pos Nagaon Division - Nagaon Assam		
8 Sender's postal code 782001						12 Addressee's postal code 782001		

**EMS SPEED POST**

आधिकारिक दस्तावेजों के लिए  
नगरपालिका न्यायलय  
4 AUG 2010  
Nagaon Branch



-20-

Filed/for  
(Mayada Jan),  
Sh. C. S. C., CAT  
Guwahati Bench  
28/10/10

Manojit Kumar

**Manojit Kumar**  
Chief Postmaster General  
Assam Circle, Guwahati-781 001

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.**

**IN THE MATTER OF:**

C.P. no. 29/2010

In O.A.no.145/07

Sri N.P.S. Baruah

**...Applicant**

**-Vs-**

Smt. Radhika Doraiswami & Others

**...Contemnors.**

**-AND-**

**IN THE MATTER OF:**

Order dated 06.10.2010 passed by this Hon'ble Tribunal in C.P.No.29/10 arising out of O.A. No.145/07 directing the Chief Postmaster General, Assam Circle to file Compliance Report or to appear before this Hon'ble Tribunal in person.

**-AND-**

**IN THE MATTER OF:**

Order dated 11.10.2010 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 5715/2010  
Union of India & others

**...Petitioners**

**-Vs-**

Sri N.P.S. Baruah

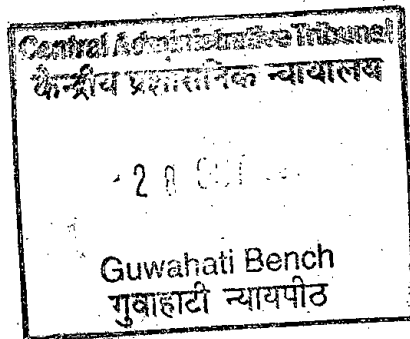
**...Respondent**

**-AND-**

**IN THE MATTER OF:**

Compliance report filed by the Contemnor No 3 i.e.Chief Postmaster General, Assam Circle, Meghdoot Bahwan, Guwahati.

- 2 -  
- 21 -



28  
Monojit Kumar  
Chief Postmaster General  
Assam Circle, Guwahati-781 001

**(AFFIDAVIT IN TERMS OF COMPLIANCE REPORT ON BEHALF OF  
THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE, GUWAHATI)**

I, Sri Monojit Kumar, S/o R K Kumar, aged about 58 years presently working as the Chief Postmaster General, Assam Circle, Meghdoot Bahwan, Guwahati, do hereby solemnly affirm and state as follows:

1. That the humble deponent begs to state that he is presently working as the Chief Postmaster General, Assam Circle, Meghdoot Bahwan, Guwahati, and have been impleaded as the Contemnor no. 3 in the instant Contempt Petition.

2. That the humble deponent begs to state that the applicant filed the above Contempt Petition alleging non-compliance of the order dated 21.08.2009 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A. No. 145/2007 (Sri NPS Baruah v. Union of India & Others).

3. That the humble deponent begs to state that the respondents in the O.A. had approached the Hon'ble Gauhati High Court by filing writ petitions being no. W.P.(C) No. 5715/2010 (Union of India & others -Vs- Sri N.P.S. Baruah) against the order dated 21.08.2009 passed by this Hon'ble Tribunal in O.A.No.145/07 (Sri NPS Baruah v. Union of India & Others)

4. That the humble deponent begs to state that the Hon'ble Division Bench of the High Court, vide 11.10.2010 was pleased to dismiss writ petition i.e. W.P.(C) No. 5715/2010 (Union of India & others -Vs- Sri N.P.S. Baruah) . It is pertinent to mention here that while dismissing the above writ petition the Hon'ble Division Bench, was pleased to grant two months more time to fully implement the order of the tribunal. In other words, time has been extended by two more months for implementation of the order of this Hon'ble Tribunal in O.A.No 145/2007 (Sri NPS Baruah v. Union of India & Others).

A copy of the said order dated 11.10.2010 is annexed herewith and marked as **Annexure-1**.

5. That the humble deponent begs to state that immediately on receipt of the aforesaid order dated 11.10.2010 passed by the Hon'ble High Court he immediately took steps to implement the order dated 21.08.2010

passed by this Hon'ble Tribunal in O.A. No 145/2007 (Sri NPS Baruah v. Union of India & Others). The humble deponent issued order dated 18.10.2010 directing the concerned authority to implement the order of the Hon'ble Court.

The humble deponent complied with the order passed by the Hon'ble Tribunal as well as the Hon'ble Court and directed the Superintendent of Post Offices, Darrang Division to release the differential back wages after deducting the salary/back wages already paid as GDS/Gr.D as per the direction of the Hon'ble Tribunal.

A copy of the said order dated 18.10.2010 is annexed herewith and marked as **Annexure-2**.

6. That the instant affidavit is filed bonafide and in the interest of justice.

7. That under the circumstances explained above the humble deponent humbly pray before this Hon'ble Tribunal that this Hon'ble Tribunal will be pleased to dispense with the personal appearance and to drop the aforesaid Contempt Petition.

8. That the statements made in paragraphs 1,2 & 6 of this affidavit are true to my knowledge and belief, those made in paragraphs 3,4 & 5 being matters of records of the case, are true to my information derived therefrom which I believe to be true and the rests are my humble submission before the Hon'ble Court.

And I sign this affidavit on the ..... day of October, 2010 at .....

Identified by:

Advocate:

*Monojit Kumar*

DEPONENT

**Monojit Kumar**  
Chief Postmaster General  
Assam Circle, Guwahati-781 001



# THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court Of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh)

PRINCIPAL SEAT AT GUWAHATI

Page No. 1

CASE NO : WP(C) 5715/2010

District : Kamrup

Category : 10057 (Order of the Appellate or Revisional authority. )

1 UNION OF INDIA  
REPRESENTED BY THE CHIEF POSTMASTER  
GENERAL, ASSAM CIRCLE, MEGHDOOT BHAWAN,  
GUWAHATI-1.

Petitioner/appellant/applicant

Versus

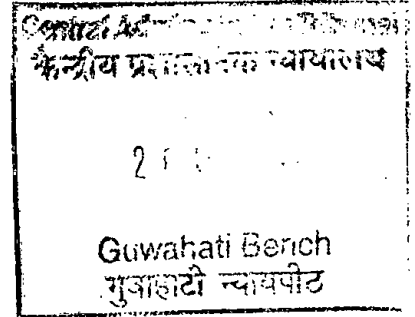
1 NALINI PRAŠAD SARMAH BARUAH  
RESIDENT OF VILLAGE PAATIDARANG, P.O.  
DEOMORNOI, DIST.- DARRANG, ASSAM

Respondent/Opp. Party

Advocates for Petitioner/appellant

1 R BORAH  
2 SC, C.G.C.

Advocates for Respondents



Summary Of Case And Prayer In Brief

## CERTIFIED COPY OF JUDGEMENT / ORDER

DATE OF FILING APPLICATION	DATE WHEN COPY WAS READY	DATE OF DELIVERY
11/10/2010	12/10/2010	12/10/2010

BEFORE

HON'BLE THE CHIEF JUSTICE MR. MADAN B. LOKUR

HON'BLE MR. JUSTICE H. N. SARMA

DATE OF ORDER : 11/10/2010

The petitioner is aggrieved by an order dated 21.8.2009 passed by the Central Administrative Tribunal, Guwahati Bench, Guwahati (for short "Tribunal") in O.A. No.145/07.

The respondent was initially appointed in a Group D post with effect from 7th December, 1993 in the office of the Sub-Divisional Inspector of Post Offices, Darrang Division, Mangaldoi.

Subsequently, by an order dated 22.4.1998, the services of the respondent were terminated by the petitioner.

Feeling aggrieved, the respondent preferred Original Application being OA No.89/98 before the Tribunal. This Original Application was allowed by the Tribunal by an order dated 8th December, 2000. The operative portion of the order passed by the Tribunal reads as follows:-

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ADVOCATE

"In the facts and circumstances of the case the removal of the applicant was unjustified. The grounds relied for removal of the applicant therefore cannot be legally sustained. For the reasons mentioned above the order of removal of the applicant issued under letter No.B-2/Staff/Gen/98 dated 22.4.98 is liable to be set aside accordingly the order of removal of the applicant from service dated 20.2.98 (Annexure-6) is set aside. The applicant shall now be reinstated in service forthwith with full back wages."

The purport of the order of the Tribunal is that the respondent was to be reinstated with full back wages.

The petitioner challenged the order of the Tribunal by filing a writ petition being WP(C) No.4456 of 2001 before this Court. That writ petition was dismissed as infructuous on 16th November, 2004.

In the meanwhile, the respondent moved a contempt petition being Contempt Petition No.13 of 2001 in the Tribunal seeking implementation of the order passed by the Tribunal dated 8th December, 2000. This contempt petition was not proceeded with by the Tribunal in view of the pendency of the writ petition in this Court.

After the writ petition was dismissed as infructuous on 16th November, 2004 the petitioner accommodated the respondent in a Group D post. However, the order for payment of back wages was still not complied with.

The respondent then moved a contempt petition being Contempt Petition No.11/2005 in the Tribunal seeking release of the back wages. However, by an order dated 28th February, 2006 the Tribunal disposed of the contempt petition giving liberty to the respondent to agitate his grievance of non-payment of back wages and seniority in an appropriate forum.

Thereafter, the respondent moved OA No.145/2007 (out of which this present proceeding arises) in which he sought implementation of the order

passed by the Tribunal, including payment of back wages and seniority.

Having regard to the facts of the case, the Tribunal was of the view that the order passed on 8.12.2000 in OA No.89/98 ought to be complied with and therefore, the petitioner was directed to grant all consequential benefits to the respondent on the basis that he was deemed to have been appointed in Group D post from the date of his initial appointment i.e. 7.12.1993.

The petitioner has challenged this order on the ground that during the pendency of the proceedings before the various forums, including this Court, the Respondent had accepted another assignment with the petitioner. Our attention in this regard has been drawn to a few orders particularly an order dated 12th August, 1994 whereby the respondent has accepted an engagement offered by the petitioner.

101

Central Administrative Tribunal  
पुणे न्यायालय  
2007  
Guaranteed Bench  
पुणे न्यायालय

The contention of learned counsel for the petitioner appears to be that the respondent had given up his rights to reinstatement and back wages.

Unfortunately, we are not in agreement with the submission of learned counsel for the petitioner. The Respondent had filed an Original Application before the Tribunal against his termination and succeeded in that Original Application. The Tribunal directed his reinstatement with full back wages. The petitioner challenged the order of the Tribunal by filing a writ petition. However, the writ petition was not carried to its logical end and the petitioner did not press it on the ground that it had become infructuous. In fact, the petition had not become infructuous inasmuch as the petitioner had neither granted full back wages to the respondent nor had he been reinstated in the post he was holding on his termination.

Be that as it may, the respondent was compelled to initiate further proceedings for the implementation of the order passed by the Tribunal in his favour, which had attained finality. Merely because, during the interregnum, the respondent was financially or otherwise compelled to take up another assignment with the petitioner, does not deprive him of the right to seek implementation of the order of the Tribunal given in his favour.

We do not find any error in the impugned order of the Tribunal. The earlier order passed by the Tribunal on 8th December, 2000 must be implemented by the petitioner in letter and spirit. This is what has been ordered by the Tribunal in the order under challenge.

There is no merit in this writ petition and as such, it is dismissed. The petitioner is granted two months time to fully implement the order of the Tribunal.

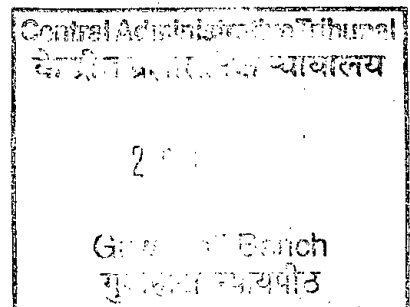
Sd/- H.N. Sarma  
Judge

Sd/- Madam B. Loken  
Chief Justice

GEN. 152305  
11/10/10

CERTIFIED TO BE TRUE COPY  
Date.....  
Superintendent (Copying Section)  
Gauhati High Court  
Authorised U/S 76, Act 1, 1872

12/10/10



CERTIFIED TO BE TRUE COPY

ADVOCATE

भारतीय डाक विभाग

Department of Posts : India

कार्यालय मुख्य पोस्टमास्टर जनरल, असम परिमंडल, गुवाहाटी - 781 001

Office of the Chief Postmaster General, Assam Circle, Guwahati - 781 001

No. VIG/5/XVII/2007

Dated at Guwahati the 18<sup>th</sup> October, 2010.

To

The Supdt. of Post Offices  
Nagaon Division,  
Nagaon- 782001.Sub:- OA No. 145/07 filed by N.P.S. Baruah-Vrs-UOI & Ors.  
Ref:- Your file mark CAT.OA.No. 145/07.

With reference to the subject cited above, I am directed to intimate that the Competent Authority has decided to implement the CAT Order dated 21.08.2009 passed by Guwahati Bench, Guwahati. Therefore you are requested to make the remaining part of payment of the back wages to Sri Nalini Prasad Sarma Baruah immediately with consultation with the Supdt. Of Posts Offices, Darrang Division, Tezpur. It is also requested to furnish an action taken report to this end for perusal of Chief PMG. The salary/wages already paid as GDS/Gr D on stop gape arrangement should be adjusted.

Please treat the matter as most urgent.

Encl:- 1) Order dated 11.10.2010 passed by Hon'ble High Court in WP(C) No. 5715/10.  
2) Order dated 21.08.2010 passed by CAT, Guwahati.

(R.K. Basumatary)

Asstt. Director (VIG)

O/o the Chief Postmaster General

Assam Circle, Guwahati-781001

Copy to:- 1) The Asstt. Director (VIG), O/o the Postmaster General, Dibrugarh Region, Dibrugarh for information and necessary action alongwith a copy of Order dated 11.10.2010 and 21.08.2010 passed by Hon'ble High Court and CAT, Guwahati respectively.

2) The Supdt. of Post Offices, Darrang Division, Tezpur for information and necessary action. He will also take needful to implement the CAT/Court Order. A copy of Order dated 11.10.2010 and 21.08.2010 passed by Hon'ble High Court and CAT, Guwahati respectively are enclosed. The service particulars and due to Shri N.P.S. Baruah in the wake of the CAT/Court order should be furnished to SPOs, Nagaon for preparation for arrear pay Bill.

3) Sri Nalini Prasad Sarma Baruah, Gr. "D", Nagaon HPO, Nagaon- 782001, for information.

For the Chief Postmaster General  
Assam Circle, Guwahati- 781001.

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ADVOCATE

