

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDER SHEET

1. Original Application No : -----/2009
2. Misc. Petition No : ----- in O.A. No.-----
3. Contempt Petition No : 10/09 in O.A. No. 72/2009
4. Review Application No : ----- in O.A. No.-----
5. Execution Petition No : ----- in O.A. No.-----

Applicant (S) : Sri Dipak Mehti
 Respondent (S) : Mrs. Radhika Doraiswami Mops.
 Advocate for the : Mr. S. Sarmo
 {Applicant (S)} Mr. H.K. Das

Advocate for the :
 {Respondent (S)}

Notes of the Registry	Date	Order of the Tribunal
<p><u>4.11.2009</u></p> <p>This Contempt Petition has been filed by the Applicant Sri Dipak Mehti, through his Advocate on application under Section 17 of the CAT Act, 1985 for drawing up Contempt proceeding against the contemnors for their willful and deliberate violation of the order dated 21.4.09 passed in O.A. No. 72/09 by this Hon'ble Tribunal.</p> <p>Laid before the Hon'ble Court for favour of release.</p> <p><i>(Signature)</i> Section Officer (S). 4/11/09</p>	05.11.2009	<p>M.A. No.119 of 2009 has been filed by the Respondents seeking modification of our order dated 05.10.2009 whereby Respondents were directed to release salary to the Applicant of Postal Assistant latest by 26.10.2009. It is contended that Applicant is, in fact, not working as Postal Assistant, but working as Postman. Thus, it was emphasized that the order dated 05.10.2009 needs correction and the word "Postal Assistant" needs to be substituted by word "Postman".</p> <p>C.P. 10/2009 has been preferred by the Applicant alleging that aforesaid order dated 05.10.2009 has been contumaciously ^{continuously} violated as no salary has been paid to him till date. Mr.M.K.Boro, learned Addl. C.G.S.C. seeks time to obtain instructions.</p> <p style="text-align: right;">List on 09.11.2009.</p> <p style="text-align: right;"><i>(Signature)</i> (Madan Kumar Chaturvedi) (Mukesh Kumar Gupta) Member (A) Member (J)</p>

C.P.No.10/2009

09.11.2009

None appears for parties. Adjourned to

11.11.2009.

(Madan Kumar Chaturvedi)

10 km

(Mukesh Kumar Gupta)

Member (J)

01.12.2009

Call this matter on 07.12.2009 along

~~with O.A.No.72 of 2009.~~

~~Madan Kumar Chaturvedi)~~
Member (A)

~~(Mukesh Kumar Gupta)~~
Member (N)

/lm/

1942, the following recommendations were made:
1. To hold a joint annual conference of the
National Council of Negro Women and the
National Council of Negro Men, to be held in
Washington, D. C., during the spring of
each year, to discuss the problems of Negro
men and women in the United States and
to determine how best to meet these problems.
2. To establish a Negro Women's Service
Bureau, to be located in Washington, D. C.,
and to be composed of Negro women who
have had experience in the field of
social work, to advise Negro women on
problems of social service, to furnish
information to Negro women on problems
of Negro women, and to furnish Negro
women with information on Negro
problems in the field of social service.
3. To establish a Negro Men's Service
Bureau, to be located in Washington, D. C.,
and to be composed of Negro men who
have had experience in the field of
social work, to advise Negro men on
problems of social service, to furnish
information to Negro men on Negro
problems in the field of social service,
and to furnish Negro men with information
on Negro problems in the field of social service.

SILVERMAN

11.11.2009

Mr M.K. Boro, learned counsel for the respondents has produced documents to show that applicant has been paid a sum of Rs.25,728/- bering the pay and allowances for the period July 2009 to September 2009 as well as Rs.8,936/- for the period October 2009. Mr H.K. Das, learned counsel for the applicant confirms the receipt of aforesaid payment by applicant. In this view of the matter learned counsel for applicant seeks withdrawal of C.P.No.10/2009 as well as M.P.No.119/2009.

Order accordingly.

As far as O.A.No.72/2009 is concerned, learned counsel for applicant seeks some time to argue the matter. Since the matter is already listed on 01.12.2009, it may be listed on 01.12.2009 accordingly.

Received and dt. 11/11/09
M. K. Boro
20/11/09
publicat

Received copy
Hab
29.11.10.

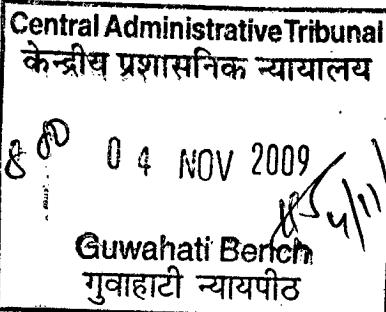
01.12.2009

Call this matter on 07.12.2009 along with O.A.No.72 of 2009.

Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/lm/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

C.P. No. 10 of 2009
In O.A. No. 72/09

Sri Dipak Medhi ...PETITIONER

- Vs -

Mrs. Radhika Doraiswami & Ors.CONTEMNORS

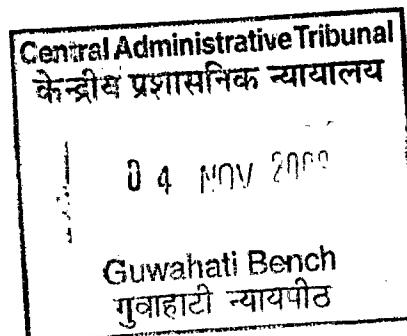
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I hereby undertake to
serve a copy upon the learned
Counsel,

Dipak Das
4.11.09.

Filed by
Dipak Das
4.11.09.
Advocate



1
File No:
The Petitioner
Through
Dipak Kr. Das,
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI::

C.P. No. 10 of 2009

In O.A. No. 72/09

Sri Dipak Medhi.

-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 21.04.09 passed in O.A. No. 72/09 by this Hon'ble Tribunal.

- AND -

IN THE MATTER OF:

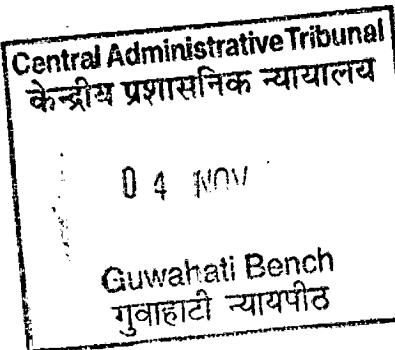
An application praying for appropriate execution of the judgment and order dated 21.04.09 passed in O.A. No. 72/09 by the Hon'ble Tribunal invoking Rule 24 of the Central Administrative Tribunal (Procedure) Rules' 1987.

- AND -

IN THE MATTER OF:

Sri Dipak Medhi,
Son of late K.C. Medhi
Fatasil Ambari, Near Kali Mandir,
Guwahati- 781025. **PETITIONER/APPLICANT**

Dipak Medhi



- VS -

1. Mrs. Radhika Doraiswami,
Secretary, Ministry of Communication,
Department of posts, New Delhi -110001.

2. Sri Monojit Kumar,
The Chief Postmaster General, Assam
Circle, Panbazar, Guwahati -1.

3. Sri Dwipendra Nath Sarma,
The Senior Superintendent of Post
offices, Guwahati Division, Meghdoott
Bhawan, Guwahati- 1.

4. Sri Nripen Deka,
The Assistant Superintendent of Post
offices, Guwahati Division, Meghdoott
Bhawan, Guwahati-1.

CONTEMNORS/RESPONDENTS

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

1. That the petitioner/applicant making grievance against
the discrimination meted out to him and praying for similar
benefit of absorbing him in the cadre of Postal Assistants as
has been done in the case of similarly situated persons
preferred the Original Application No. 72/09 before the
Hon'ble Tribunal. The Hon'ble Tribunal having found a prima
facie case and after hearing Mr. M.K. Boro, Addl C.G.S.C. was
pleased to pass an order dated 21.04.09 issuing notice to the
respondents with an ad-interim order directing the
respondents to maintain status-quo of the applicant until
further orders along with a direction to keep one post of
Postal Assistant/Sorting Assistant vacant out of 124 posts
notified in the year 2009.

Arup Kumar

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Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

A copy of the ad-interim order dated 21.04.09 is annexed herewith and marked as **ANNEXURE- 1**.

2. That the petitioner/applicant begs to state that immediately after passing of the interim order dated 21.04.09 the applicant submitted a representation dated 27.04.09 by registered post enclosing the copy of the order dated 21.04.09 to the Contemnor No. 2 along with a copy to the Contemnor no. 3 intimating the respondents about the passing of the interim order dated 21.04.09. Accordingly the respondents have received the communication.

A copy of the representation dated 27.04.09 is annexed herewith and marked as **ANNEXURE- 2**.

3. That the applicant begs to state that as per the interim order dated 21.04.09 the applicant is still serving as officiating Postman under the respondents and discharging his duties to the satisfaction of all concern. The respondents filed their written statement in O.A. No. 72/09 along with M.P No. 77/09 on 07.08.09 praying for vacation of the interim order dated 21.04.09. Accordingly, the applicant has also filed his rejoinder and objection to the M.P. No. 77/09.

4. That the petitioner/applicant begs to state that the last extension order pertaining to the officiating arrangement of the petitioner/applicant was up to 02.07.09. Thereafter, no order has been issued by the contemnors/respondents towards extension of the officiating arrangement of the petitioner. Although the order of the Hon'ble Tribunal dated 21.04.09 was crystal clear protecting the status of the petitioner/applicant, however the contemnors/respondents have interpreted the order of the Hon'ble Tribunal in their own way and have given a wider meaning stalling the month salary of the petitioner from the month of July' 09 onwards i.e. from the very next month of last extension. It is stated that the petitioner made several

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Guwahati Bench
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requests to the respondents for release of his salary. However the contemnors/respondents are denying the release of arrear as well as the current salary of the petitioner although the petitioner is still serving as Postman under the contemnors/respondents. It is stated that such an action on the part of the contemnors/respondents in making attempt to re-write the order of the Hon'ble Tribunal is contemptuous in nature. Therefore, due to such contemptuous action of the contemnors/respondents it has become impossible for the petitioner/applicant to manage two square meals for his family.

5. That the applicant begs to state that being aggrieved by illegal action on the part of the contemnors towards not releasing the arrear salary w.e.f. July' 09 onwards as well as current salary, the petitioner approached the Hon'ble Tribunal by way of filing M.P. No. 82/09. The Hon'ble Tribunal while taking up the matter on 01.10.09 was pleased to fix the matter on 05.10.09 along with the O.A. No. 72/09.

6. That the petitioner/applicant begs to state that the Hon'ble Court on 05.10.09 while taking up the matter after hearing the Learned C.G.S.C. was pleased to pass an order directing the respondents to release the arrear as well as the current salary of the applicant immediately latest by 26.10.09. The Hon'ble Court also observed that non payment of monthly salaries to the applicant amounts to commission of contempt by the respondents.

A copy of the order dated 05.10.09 is annexed herewith and marked as **ANNEXURE-**

3.

7. That the petitioner/applicant begs to state that immediately after passing of the order dated 05.10.09 the applicant submitted representation dated 06.10.09 by registered post enclosing the certified copy of the order dated 05.10.09. It is stated that the respondents have received the copy of the order dated 05.10.09 and they are

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Guwahati Bench
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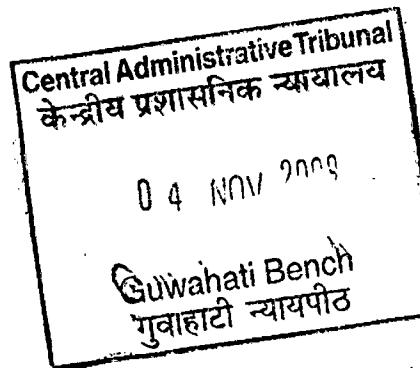
duty bound to comply with the order of the Hon'ble Court. However, even after receipt of the order and having full knowledge of the passing of the order the respondents are not releasing the salary of the petitioner causing willful and deliberate violation of the order of the Hon'ble Court.

A copy of the representation dated 06.10.09 is annexed herewith and marked as **ANNEXURE- 4**.

8. That the petitioner/applicant begs to state that after passing of the order dated 05.10.09 by the Hon'ble Court the petitioner was of the bonafide belief that the contemnors/respondents will his release the arrear as well as current salary because due to non release of the salary w.e.f. July' 09 it has become impossible for the petitioner to run his family and his family is in starvation. However, although the Hon'ble Court had directed to release the arrear as well as the current salaries of the petitioner before 26.10.09, the contemnors even after receipt of the order and having full knowledge of the passing of the order dated 05.10.09 are not releasing the salaries of the petitioner only for the reason that the petitioner has approached the Hon'ble Court praying for justice wherein the aforesaid contemnors are party to the proceeding. Therefore, being aggrieved by the contemptuous action on the part of the contemnors towards not releasing the arrear as well as current salary of the petitioner within the dated fixed by the Hon'ble Court i.e. 26.10.09, the petitioner served a legal notice dated 30.10.09 through his counsel demanding release of his arrear as well as current salary. However, even after serving of the legal notice the contemnors continued on the act of willful and deliberate violation of the order dated 05.10.09 passed by the Hon'ble Tribunal and sat over the matter.

A copy of the legal notice dated 30.10.09 along with the postal receipt is annexed herewith and marked as **ANNEXURE- 5**.

De'pam prashn'



9. That the petitioner/applicant begs to state that the contemnors/respondents have full knowledge about the direction passed by the Hon'ble Tribunal in the order dated 05.10.09. However, in spite of this the respondents have acted in a contemptuous manner and did nothing towards compliance of the order by releasing the arrear as well as current salary of the petitioner 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 05.10.09 made them liable to be punished under the Contempt of Courts Act.

10. That the petitioner/applicant begs to state that the contemnors have acted in violation of the order dated 05.10.09 by not releasing the arrear salary w.e.f. July' 09 as well as the current salary of the petitioner. 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.

11. That the respondents/contemnors have received the copy of the order dated 05.10.09 passed by the Hon'ble Tribunal but in spite of that did nothing for release of the salary of the petitioner and sat over the matter making the life of the petitioner miserable and forcing the entire family of the petitioner to face starvation. 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.

12. 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

Debankumar

Tribunal's order. As such they ought to have complied with the Hon'ble Tribunal's order and release the arrear as well as the current salary of the petitioner. However, 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.

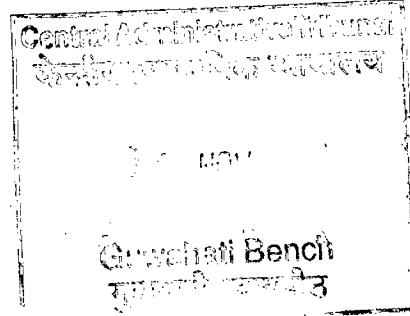
13. That the petitioner begs to state that the respondent's willful disobedience of the direction given by this Hon'ble Tribunal of which they had full and specific knowledge have the effect of diminishing the authority and prestige of the this Hon'ble Tribunal in the minds of the public and is likely 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 05.10.09 passed in O.A. No. 72/09.

14. That the petitioner begs to state that the respondents are flouting with the order if 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.

15. That the petitioner begs to state that the respondents/contemnors have not yet filed any writ petition against the order dated 05.10.09 and as such same has attained its finality. It is therefore, the respondents are bound to follow the said order dated 05.10.09 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.

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

Dipak Mehta



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 05.10.09 passed in O.A. No. 72/09 with a further direction to comply/implement the said order forthwith without further delay releasing the arrear salary w.e.f. July' 09 along with the current 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.

Arpan Mehta

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Guwahati Bench
गुवाहाटी न्यायपीठ

DRAFT CHARGE

Whereas, 1. Mrs. Radhika Doraiswami, Secretary, Ministry of Communication, Department of posts, New Delhi -110001, 2. Sri Monojit Kumar, The Chief Postmaster General, Assam Circle, Panbazar, Guwahati -1, 3. Sri Dwipendra Nath Sarma, The Senior Superintendent of Post offices, Guwahati Division, Meghdoott Bhawan, Guwahati- 1, 4. Sri Nripen Deka, The Assistant Superintendent of Post offices, Guwahati Division, Meghdoott Bhawan, Guwahati-1., have willfully and deliberately violated the order dated 05.10.09 passed in O.A. No. 72/09, by this Hon'ble Tribunal and as such they are liable to be punished severely for committing contempt of Court's order.

Dipak Deka

04/01/09

Guwahati Bench
গুৱাহাটী ন্যায়ালয়

AFFIDAVIT

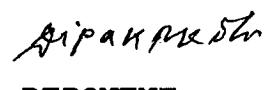
I, Sri Dipak Medhi, Son of Late Kanak Chandra Medhi, resident of Fatasil Ambari, Near Kali Mandir, P.O- Fatasil Ambari, Dist- Kamrup, Assam- 781025, do hereby solemnly affirm and state as follows:

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 4, 5, 9, 10, 11, 12, 13, 14, 15 and 16 are true to my knowledge and those made paragraphs 1, 2, 3, 6, 7 and 8 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.

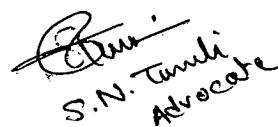
And, I sign this affidavit on this the 4th day of November, 2009.

Identified by me


Dipak Medhi
U. 11. 09.
Advocate


Dipak Medhi
DEPONENT

Sworn/ solemnly affirmed
before me on this the _____
day of May '09.


S.N. Tamuli
Advocate
SIGNATURE

ORDERSHEET

1. Original Application No: 72 /2009
2. Misc Petition No /
3. Contempt Petition No /
4. Review Application No /

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय

D. G. MCGEE

Guwahati Bench
गुवाहाटी न्यायपीठ

Applicant(s) Dipak Mehta

Respondant(s) Mr. & Mrs. F. Price

Advocate for the Applicant(s): S. Suman

H.K.-DAI

Advocate for the Respondant(s):6 C.B.C

Notes of the Registry	Date	Order of the Tribunal
	21.05.2009	Heard Mr. H. K. Das, learned counsel for the Applicant, and Mr. M.K. Boro, learned Addl. Standing Counsel for the Government of India (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.
55		
50		
59		
✓		2. Admit. Issue notice to the Respondents requiring them to file their written statement by 11.06.2009.
✓ clined		
✓		3. As an ad-interim measure, the Respondent should maintain the <u>status-quo</u> of the Applicant (who is continuing as temporary Post-man at Kharguli Sub-Post Office under Guwahati G.P.O.) until further orders.
Attested Hass		Contd. /

Atteléa

Das

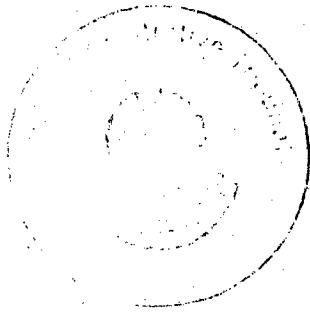
Advocat

Contd. / -

04 NOV

Guwahati Bench
गुवाहाटी न्यायपीठ

21.01.2009

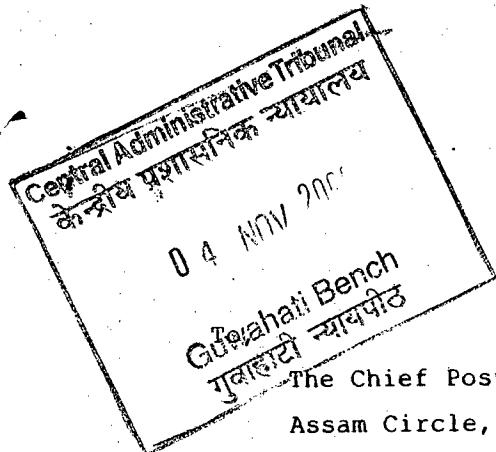


4. The Respondents should also keep vacant one post of Postal Assistant/Sorting Assistant (out of 124) vacant posts; which has been notified (to be filled up by a recruitment) under Annexure-A/19; so that the same can be given to the Applicant in the event of his success in this case.
5. While passing this ad-interim orders, liberty is hereby granted to the Respondents to file their objection, if any, to the interim prayer made in this O.A. and to this ad-interim order.
6. Send copies of this order to the Applicant and to the Respondents (along with notices) in the address given in the O.A.
7. Free copies of this order be also supplied to the counsel appearing for both the parties.

Sd/-
M.R. MOHANTY
VICE CHAIRMAN

TRUE COPY

Section Officer (Civil)
Central Administrative Tribunal
Guwahati Bench
Date: 04/11/2009



- 13 -

ANNEXURE - 2

Date: 27.04.09.

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

Sub:- Order dated 21.04.09 passed in O.A. No. 72/09 (Sri Dipak Medhi -Vs- U.O.I & Ors.)

Sir,

Being aggrieved by the inaction and discrimination on the part of the respondents I have approached the Hon'ble Central Administrative Tribunal, Guwahati Bench by way of filling O.A. No. 72/09. The Hon'ble Tribunal after hearing the parties to the proceeding at length is pleased to pass an order dated 21.04.09 directing the respondents to maintain status-quo towards my service with a further direction to keep 1 (one) post of Postal Assistant/Sorting Assistant (out of 124 vacant posts) vacant, which has been notified in the year 2009 (Annexure- 19 of the O.A.).

I therefore request your Honor to comply with the order passed by the Hon'ble Tribunal.

Thanking you.

Sincerely yours

Copy to:

1. The Senior Superintendent of Post Offices, Guwahati Division, Meghdoott Bhawan, Guwahati- 1.

*Affidavit
Hab
Advocate*

ORDERSHEET

1. Original Application No: 72 / 2009

2. Mise Petition No /

3. Contempt Petition No /

4. Review Application No /

Applicant(s) Dipak Medhli

Respondent(s) M. M. Boro

Advocate for the Applicant(s): S. Sharma

H. K. Das

Advocate for the Respondent(s): 6 C.R.C.

Notes of the Registry

Date

Order of the Tribunal

05.10.2009

In this case written statement and rejoinder have already been filed by the parties. In the rejoinder a point of law has been set up, for which, adjournment from 01.09.2009 till today was granted to the Respondents. Today Mr.M.K.Boro, learned Addl. Standing counsel representing the Respondents states that no written reply to the rejoinder is necessary to be filed and the point of law shall be unanswered at the hearing.

2. In the aforesaid premises, call this matter on 01.12.2009 for hearing.

3. By way of filing M.P. No.77/2009, Respondents sought vacation of the interim order, which was passed on 21.04.2009. Since the matter is now going to be listed for final hearing, prayers made in M.P. No.77/2009 shall be taken up on 01.12.2009 at the final hearing itself.



Attended

Das

Advocate

O.A. NO.

Guwahati Bench
गुवाहाटी न्यायपीठ

Conld.
05.10.2009

4. It has been stated, on behalf of the Applicant, in M.P. No.82/2009, that although (on the strength of the interim order) the Applicant is continuing to serve as Postal Assistant, he is not being paid monthly salary by the Respondents. Nonpayment of monthly salaries to the Applicant (who is continuing to serve on the strength of interim order) amounts to commission of contempt, by the Respondents, of the interim order dated 21.04.2009. Respondents should, therefore, make payment of monthly salaries to the Applicant in the post of Postal Assistant. Arrears salary of the Applicant, as on today, should be paid to him immediately latest by 26.10.2009.

5. Call this matter on 01.12.2009 for hearing.

6. Send copies of this order to the Applicant and to the Respondents in the address given in the O.A.

7. Free copies of this order be also supplied to Mr.H.K.Das, learned counsel for the Applicant and to Mr.M.K.Boro, learned Addl. Standing counsel representing the Respondents.

Sd/-

HANORANJAN MOKHANTY
VICE CHAIRMAN.

TRUE COPY
प्रतिलिपि
अनुमति अदान्तारी
Section Officer (Jr.DL)
Central Administrative Tribunal
गुवाहाटी न्यायपीठ
Guwahati Bench
गुवाहाटी/Guwahati-5

Date: 06.10.09

To,

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

Sub:-Order dated 05.10.09 passed by the Hon'ble Central
Administrative Tribunal, Guwahati Bench, Guwahati dated
O.A. No. 72/09.

Sir,

With due deference I would like to inform you that
praying for release of my arrear salaries as well as my
monthly salaries, I have approached the Hon'ble Central
Administrative, Tribunal, Guwahati Bench, Guwahati by way of
filling M.P. No. 82/09. The Hon'ble Tribunal after hearing
the parties to the proceeding was pleased to pass an order
dated 05.10.09 directing the respondents to pay my monthly
salaries as well as the arrear salaries immediately. The
Hon'ble Tribunal while passing the order also took note of
the fact that non payment of monthly salaries amounts to
commission of contempt by the respondents of the interim
order dated 21.04.09.

In the backdrop of above circumstances I pray before
Your Honor to comply with the order of the Hon'ble Tribunal
dated 05.10.09 and release my arrear salaries along with my
monthly salary.

Thanking you.

Your's faithfully

S. P. Mukherjee

Copy to:

✓ 1. The Sr. Superintendent of Post offices, Assam Circle
division, Meghdoot Bhawan, Guwahati-1.

2. The Assistant Superintendent of Post Offices, Assam Circle
Division, Meghdoot Bhawan, Guwahati-1.

Attached

Hand

Adviser

AMARI FATASIL SD 781025
FLAD A 1081
Counter No:1, OF-Code:AM
To:THE ASPOS, GHY WEST SUB-DN
GUWAHATI-1, PIN:781001

Wt:15grams,
Amt:25.00 , 07/10/2009 , 10:44
<Have a nice day>



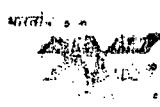
AMARI FATASIL SD 781025
FLAD A 1080
Counter No:1, OF-Code:AM
To:THE SSPOS, GHY-DN
GUWAHATI-1, PIN:781001

Wt:15grams,
Amt:25.00 , 07/10/2009 , 10:44
<Have a nice day>



AMARI FATASIL SD 781025
FLAD A 1081
Counter No:1, OF-Code:AM
To:THE DPMG, ASSAM CIRCLE,
GUWAHATI-1, PIN:781001

Wt:15grams,
Amt:25.00 , 07/10/2009 , 10:44
<Have a nice day>



-17-

ANNEXURE - 5

Sri Hridip Kumar Das.

Advocate.

Gauhati High Court, Guwahati.

Ref:

1015, Gokul Path, Pub Sarumataria

Dispur, Guwahati-781036

Ph: 9954055420

Date: 30.10.09

To,

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

Sub: Legal Notice.

Sir,

Upon authority and as per instruction of my client Sri Dipak Medhi, son of late K.C. Medhi, officiating Postman in Kharghuli S.O., resident of Fatasil Ambari, Near Kali Mandir, Guwahati- 781025, Assam, I give you this legal notice as under :-

1. That my client aforesaid making grievance against the discrimination meted out to him and praying for similar benefit of absorbing him in the cadre of Postal Assistants as has been done in the case of similarly situated persons preferred the Original application No. 72/09 before the Hon'ble Tribunal. The Hon'ble Tribunal having found a prima facie case was pleased to pass an ad-interim order dated 21.04.09 directing the respondents to maintain status-quo of the applicant until further orders with a further direction to keep one post of Postal Assistant/Sorting Assistant vacant out of 124 posts notified in the year 2009.

2. That my client aforesaid is still serving under your good office as postman in the Kharghuli s.o. However, after passing of the interim order by this Hon'ble Court, you have stopped the salary of my client aforesaid from July, 09 onwards.

3. That having found no alternative my client aforesaid has approached the Hon'ble Tribunal by way of filing M.P. No. 82/09 in O.A. No. 72/09 praying for appropriate direction for release of his arrear as well as current salaries. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to pass an order dated 01.10.09 directing the respondents to release the salary of the applicant expeditiously at latest by 26.10.09. The aforesaid order dated 01.10.09 has been communicated to you vide communication dated 06.10.09 by my client aforesaid and it was duly received by you. However, in spite of the clear cut direction of the Hon'ble Court to pay the salaries within 26.10.09, till date neither the arrear salary nor the current salary of my client aforesaid has been released by you as directed by the Hon'ble Court. Therefore, having full knowledge of passing of the order dated 01.10.09, till date you have not released the arrear as well as current salary of my client aforesaid and you have acted in a contemptuous manner by willfully and deliberately violating the order of the Hon'ble Tribunal dated 01.10.09 resulting in contempt of court.

9. In the backdrop of above circumstances I give you this legal notice making a demand to pay the arrear as well as current salary to my client aforesaid as per the order dated 01.10.09 immediately on receipt of this legal notice, failing which it is the instruction of my client to approach the Hon'ble Tribunal by way of initiating Contempt of Court proceeding against you for willful and deliberate violation of the order dated 01.10.09.

I hope and trust that there would be no occasion for any further litigation in respect this issue dragging you unnecessarily into it.

Sincerely Yours

H.K. Das
30.10.09.

H.K. Das

Copy to:

1. The Secretary, Ministry of Communication, Department of Posts, New Delhi-1.
2. The Sr. Superintendent of Post Offices, Guwahati Divi., Meghdoct Bhawan, Ghy-1.
3. The Asstt. Superintendent of Post offices, Guwahati Divi., Meghdoct Bhawan, Ghy-1.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

04 NOV

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Attelis

H.K.

Advocate