

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

G1

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 : ----- / 2009 in O.A. No. ----- (O.A. 199/2009)
5. Review Application No : ----- / 2009 in O.A. No. -----
6. Execution Petition No : ----- / 2009 in O.A. No. -----

Applicant (S) : Sri Tapan Kr. Dutta Roy

Respondent (S) : Mrs. R. Dasgupta & Ors

Advocate for the  
(Applicant (S)) : Mr. M. Chanda, Ms. U. Dutta

Advocate for the  
(Respondent (S)) : CWS

| Notes of the Registry  | Date       | Order of the Tribunal   |
|--|------------|---|
| This cp. is filed by<br>Mrs. U. Dutta, Adv.<br>on behalf of the<br>applicant, praying for<br>initiation of a contempt<br>proceeding against<br>the alleged contemnor<br>for non-compliance<br>of the order dt'd- 18.9.2009<br>passed in O.A. 199/2009. | 11.08.2010 | Vide order dated 18.09.2009 in<br>O.A.No.199/2009 respondents were<br>directed to consider and dispose of<br>applicant's pending representation by<br>passing speaking order within a time frame.<br>The contention raised is that despite<br>further representation made on 07.10.2009<br>followed by reminder dated 05.05.2010, no<br>concrete steps have been taken to comply<br>said direction. Prima facie contempt is<br>made out. Notice to respondent No.3 alone<br>at this stage returnable on 20.09.2010. |
| Wait Before The<br>Hon'ble Court for<br>favour of order.   |            | List on 20.09.2010.   |

Section Officer (J)  
11.8.2010 nkm

M  
11.8.2010

  
(Mukesh Kumar Gupta)  
Member (J)

copy of this order  
dt. 11-8-2010 c.p. 30/2010  
in no. 199/2010 has  
been prepared & sent  
to the Section for  
Vetting to the RMO3  
by Speed post A/c

Memo no. 1663

dt- 19-8-2010

2010  
19-8-2010

20.09.2010

Mrs. M. Das, enters appearance for Respondent No.3 and undertake to file vakalatnama, also seeks time to file compliance report.

List on 5<sup>th</sup> October 2010.

① Service report awaited.  
② No compliance report filed.

33  
4.10.2010

  
(Madan Kumar Chaturvedi) Member (A)

  
(Mukesh Kumar Gupta) Member (J)

/pb/

05.10.2010

Neither vakalatnama has been filed nor compliance report, as directed vide order dated 20.09.2010. Let respondent no.3 appear in person to answer as to why charge be not framed against him. List on 28.10.2010.

Vakalatnama filed by  
Mrs. M. Das, on behalf  
of R. No - 3.

33  
15.10.10.

  
(Mukesh Kumar Gupta) Member (J)

/bb/

28.10.2010

Mrs. M. Das, learned counsel for respondent no.3 has placed on record an affidavit sworn in by B.P. Pant, Assistant Director General (SGP), Office of the Director General, Department of Posts, New Delhi stating that in compliance of direction contained vide order dated 18.09.2009 necessary orders have been passed on 05.10.2010, wherein applicant has been allowed the benefits of retrospective promotion with all consequential benefits. Learned counsel seeks time to apprise the Bench as to whether necessary benefits has in fact been released and paid to applicant or not, if not paid, the time limit within which same shall be complied with.

No compliance  
report filed.

33  
26.10.2010

Compliance report  
filed by the Contemnor

RLO - 3.

33  
28.10.10

On request, list on 29.10.2010.

  
(Madan Kumar Chaturvedi) Member (A)

  
(Mukesh Kumar Gupta) Member (J)

CP 30-10 (OA 199/2009).

29.10.2010 Present: Mr.M.Chanda for contempt petitioner and Mrs.M.Das for respondents.

Present contempt petition was instituted alleging willful disobedience of directions contained vide order dated 18.09.2009, whereby respondents were directed to consider and dispose of applicant's representation within a time frame provided therein. It was stated that despite reminders no effective steps have been taken to comply the directions.

Since no compliance report was filed despite notice issued and served, respondent no.3 was directed to appear in person to answer as to why charge be not framed against him vide order dated 05.10.2010. In purported compliance thereof, an affidavit has been filed by the said official placing on record an order dated 05.10.2010, to the effect that applicant would be entitled to retrospective promotion to the grade of Assistant Director (Rectt.) GCS Group 'B' Post w.e.f. 28.02.2003 to 31.03.2005 with full retiral benefits.

Mrs.M.Das, learned counsel appearing for respondents today pointed out that as far as arrears of pay is concerned, same shall be released by the concerned authority within a period of three weeks from today. However, his pension would have to be revised by the competent authority, which may take upto three months time.

Noticing aforesaid aspect, contempt petition is disposed of. Notice is discharged.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

/bb/

11 AUG 978

Guwahati Bench

102  
Filed by the petitioner  
through M. Dulla, advocate  
on 11.08.2010

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

(An application under Section 17 of the Administrative Tribunal Act, 1985)

CONTEMPT PETITION No. 30 /2010

In O.A No. 199/2009

In the matter of:

Shri Tapan Kumar Dutta Roy.

... Petitioner.

-Versus-

Union of India & Ors.

... Respondents/  
Alleged contemnors.

-And-

In the matter of:

An application under Section 17 of the Central Administrative Tribunals Act, 1985, praying for initiation of a Contempt proceeding against the alleged contemnors for non-compliance of the order dated 18/9/2009 passed in O. A. No. 199/2009.

-And-

In the matter of:

Shri Tapan Kumar Dutta Roy,  
S/O Late Dr. S.C. Dutta Roy,  
Retd. Office Supdt, (HSG-I)  
O/O the Chief Post Master General,  
North Eastern Circle, Shillong,

Tapas Kumar Dutta Roy.

C/o "MADHURIMA" Aarbuthnot Road,  
Shillong - 11, Meghalaya

..... Petitioner.

-Versus-

1. **Mrs. R. Doraiswamy.**  
Secretary & Director General,  
Department of Posts, Dak Bhawan,  
Sansad Marg, New Delhi-110 001.
2. **Shri A.N.D. Kachari,**  
Chief Post Master General,  
North Eastern Circle,  
Shillong - 01, Meghalaya.
3. **Shri B.P. Part,**  
Assistant Director General, (SPG).  
Office of the Director General  
Department of Posts, Dak Bhawan,  
Sansad Marg, New Delhi- 01.

... Respondents/  
Alleged contemnors.

The humble petitioner above named

Most respectfully sheweth:-

1. That your applicant being aggrieved for non consideration with promotion to the Grade of Assistant Director (Rectt) with retrospective effect with all consequential benefit approached this Hon'ble Tribunal through original application 199 of 2009. However the said original application was disposed of by the Hon'ble Tribunal on 18.09.2009 with a direction to the applicant to put up a consolidated/comprehensive representation projecting all the grievances before the respondents within one month from the date of receipt of this order and the respondents

*Tapas Kumar Datta Ray*

11 AUG

3

Subahit Datta Roy

should consider and dispose of the said representation within a time frame of 3 months from the date of receipt of the same by a speaking order

A copy of the judgment order dated 18.9.2009 is enclosed herewith and marked as Annexure-1.

2. That your applicant immediately thereafter submitted a detail representation address to Secretary and Director General i.e. Contemnor No. 1 on 07.10.2009. However, finding no response applicant again submitted another representation on 05.05.2010, but to no result.

It would be evident from letter bearing No. Staff/158-8/2001(L) dated 11.05.2010 the Chief Post Master General, NE Circle, Shillong, wrote a letter addressed to the Dy. Director General (P), Postal Directorate, New Delhi, wherein it has been requested to take further action in the matter at the earliest for consideration of prayer of the applicant for promotion to the grade of Assistant Director (Rectt) with restrictive effect from 28.2.2003 to 31.3.2005 with full retirement benefit. But in spite of such reminder no action has been taken on the representation of the applicant as directed by the Learned Tribunal, as such there is a willful violation of the order of the Learned Tribunal, dated 18.9.2009 passed in O.A. 199 of 2009.

Copy of the representations dated 07.10.2009 and 05.05.2010 and letter dated 11.05.2010 are enclosed herewith and marked as Annexure- II, III & IV respectively.

3. That the humble applicant begs to state that more than 11 months have been elapsed since the passing of the judgment and order by this Hon'ble Tribunal but the alleged contemnors have not initiated any action for implementation of the direction passed by this Hon'ble Tribunal in its judgment and order dated 18.09.2009 as such action of the respondents is amount to contempt of court and the Hon'ble Tribunal be please to initiate

Tapas Konar Datta Roy.

necessary contempt proceeding against the willful, deliberate, violation of the Hon'ble Tribunal dated 18.9.2009.

4. That it is stated that the alleged contemnors deliberately and willfully did not initiate any action for implementation of the judgment and order dated 18.09.2009 passed in O.A. No. 199/2009. Therefore, the Hon'ble Tribunal be pleased to initiate a Contempt proceeding against the alleged contemnors for willful violation of the order dated 18.09.2009 in O.A. No. 199/2009 of this Hon'ble Tribunal and further be pleased to impose punishment upon the alleged contemnors in accordance with law.

Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate Contempt proceeding against the alleged contemnors for willful non-compliance of the judgment and order dated 18.09.2009 passed in O.A. No. 199/2009 and be pleased to impose punishment upon the alleged contemnors in accordance with law and further be pleased to pass any other order or orders as deemed fit and proper by the Hon'ble Court.

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

*Tapas Kumar Dutta Ray*

1 AUG

AFFIDAVIT

I, Shri Tapan Kumar Dutta Roy, S/O Late Dr. S.C. Dutta Roy, Retd. Office Supdt, (HSG-I) O/O the Chief Post Master General, North Eastern Circle, Shillong, , aged about 65 years, Resident of Madhurima Aarbuthnot Road, Shillong-793 001, Meghalaya, do hereby solemnly declare as follows: -

1. That I am the applicant in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statements made in paragraph 1 to 4 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing contempt petition before this Hon'ble Tribunal, Guwahati Bench, Guwahati for non-compliance of the Hon'ble Tribunal's order dated 18.09.2009 passed in O.A. No. 199/2009.

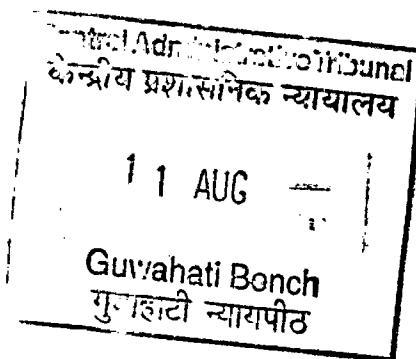
And I sign this Affidavit on this 5th day of August, 2010.

Identified by

T. Dutta  
Advocate.

*Tapan Kumar Dutta Roy.*

Signed before me.  
*Hridip K. Das*  
5/8/10  
Advocate.



DRAFT CHARGE

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati Bench for initiating a contempt proceeding against the contemnors for willful disobedience and deliberate non-compliance of the order of the Hon'ble Tribunal dated 18.09.2009 passed in O.A. No. 199/2009 and further to impose punishment upon the alleged contemnors for willful disobedience and deliberate non-compliance of the Hon'ble Tribunal's order dated 18.09.2009 passed in O.A. No. 199/2009.

ANNEXURE - 1

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: RAJGARH ROAD  
BHANGA GARH :: GUWAHATI - 05.

O.A. No. 199 of 2009.

Shri T.K. Dutta Roy

Applicant.

- Versus -

U.O.I. & Ors.

Respondents.

MEMO NO. \_\_\_\_\_

DATED \_\_\_\_\_

Comt to :-

1. Shri Tapan Kr. Dutta Roy,  
S/O Late Dr. S.C. Dutta Roy,  
Retd. Office Supdt. (HSG-I)  
O/O the Chief Post Master General,  
North Eastern Circle, Shillong,  
C/O Madhurima Aarbutnot Road,  
Dist. - East Khasi Hills,  
Shillong - 11, Meghalaya.

Applicant.

2. The Secretary & Director General,  
Department of Posts, Dak Bhawan,  
Sansad Marg, New Delhi - 110 001.

3. The Chief Post Master General,  
North Eastern Circle,  
Shillong - 01, Meghalaya.

4. The Assistant Director General, (SPG)  
Department of Posts, Dak Bhawan,  
Sansad Marg, New Delhi - 01.

Respondents.

5. Mr. M. Chanda, Mr. S. Nath, Mrs. U. Dutta &  
Mr. S. Choudhury Advocate for Applicant.

6. Mr. M.K. Bora, Addl. CGSC.

Please find enclosed herewith a copy of the order  
dated 18/09/2009 in O.A. No. 199 of 2009 passed by  
this Tribunal and do needful.

By Order,

*18/09/2009*  
SECTION OFFICER (J).

Enclos:-

*Attested  
Dutta Roy*

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

O.A. Nos. 199 of 2009.

Date of decision : 18.09.2009

HON'BLE MR. M.K. CHATURVEDI, ADMINISTRATIVE MEMBER

Shri Tapan Kumar Dutta Roy,  
S/o Late Dr. Subodh Chandra Dutta Roy,  
Retd. Office Superintendent (HSG-I)  
Office of the Chief Post Master General (CPMG)  
North Eastern Circle, Shillong,  
C/o "Madhurima" Aarbuthnot Road,  
Shillong-11, District East Khasi Hills,  
Meghalaya

Central Administrative Tribunal  
কেন্দ্ৰৰ প্ৰশাসনিক ব্যালোন

11 AUG

Guwahati Bench

.....Applicant

By Advocate Mr M.Chanda, S.Nath Mrs U.Dutta & Mr S.Choudhury

Versus

1. The Union of India  
represented by the Secretary and Director General,  
Department of Posts, Dak Bhawan, Sansad Marg,  
New Delhi-110001.

2. The Chief Post Master General,  
North Eastern Circle, Shillong-793001.

3. The Assistant Director General (SPG)  
Department of Posts,  
Dak Bhawan, Sansad Marg,  
New Delhi-110001.

..... Respondents

By Advocate Mr M.K.Boro, Addl.C.G.S.C.

ORDER (ORAL)

M.K.CHATURVEDI, MEMBER(A)

By this O.A. Applicant makes a prayer that his seniority be maintained qua Shri M. Sanaullah and Sri Harbans Singh Bhatia in the cadre of Office Superintendent HSG-I and Respondents be directed to modify the promotion order dated 28.02.2003 in order to grant

Attested  
M.K. Chanda

✓

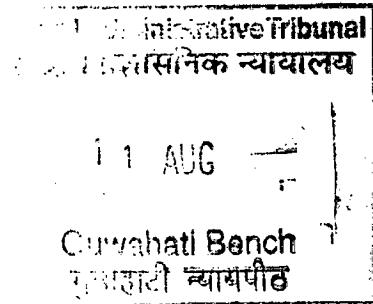
promotion to the Applicant to the grade of Assistant Director (Rectt)

Group B with arrear pay and consequential benefits.

2. Mr M.Chanda, learned counsel appeared for the applicant and Mr M.K.Boro, learned Addl. Standing counsel appeared for the Respondents. I have heard the rival submissions.

3. Applicant initially joined as Postal Clerk in Shillong Postal Division on 13.07.1965 and was promoted on 23.01.1973 as Upper Division Clerk in the office of the Post Master General, N.E.Circle, Shillong. Thereafter, he was promoted as LSG Clerk with effect from 01.01.1988 in the same office and was further promoted as HSG-II with effect from 26.06.1993. On 01.09.1995 he was promoted as Office Superintendent (HSG-II) on regular basis and was placed in the scale of pay of Rs.1600-2660/-, a scale of HSG-II which he has been drawing earlier also. Eventually the Applicant was promoted from Office Superintendent (HSG-II) to Office Superintendent (HSG-I) in the pay scale of Rs.6500-10500/- (classified as Non-gazetted class II post after pay revision) and continued in the same post till his retirement on 31.03.2005 on attaining the age of superannuation.

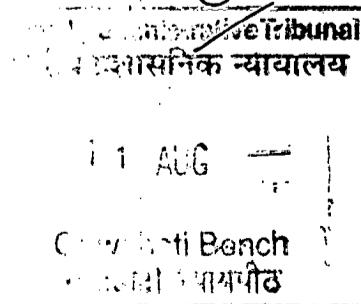
4. The Respondent issued letter proposing for holding DPC to the post of Assistant Director (Rectt), GCS Group-B reserved for Office Superintendent/Deputy Office Superintendent working in the circle offices in the country who were in the zone of eligibility in the seniority list. The date of regular appointment of the Applicant was shown 01.09.1995 as Deputy Office Superintendent. It was alleged that the applicant at no point of time served as Deputy Office Superintendent



and moreover there was no such post in the NE Circle, Shillong. He served as Office Superintendent with effect from 01.09.1995. This apart in the All India seniority list as on 01.01.2001, two incumbents namely, Shri M.S.Parmar (Sl.No.7) and Shri G.K.Parman (Sl.No.8) have been shown appointed as Office Superintendent, HSG-I on regular basis on the same date i.e. 06.03.1997, both holding the same post whereas the Applicant being the lone incumbent working as office Superintendent has been shown as Deputy Office Superintendent. Further vide Sl.No.15 of the said seniority list as on 01.01.2001 Shri L.C.Saini of the Haryana circle was shown as Office Superintendent HSG-I with effect from 01.09.2000, whereas the post of Office Superintendent came into existence in Haryana circle only after 30.03.2001 and applicant was working since 1981.

5. Learned counsel invited our attention to the judgment rendered in O.A.152/2002 by this Tribunal wherein the respondents were directed to grant promotion to the applicant as Office Superintendent HSG-I with retrospective effect. It was also stated before the Tribunal that Applicant made representation in this regard to the concerned officer. The representation is still pending before the authority concerned. It was prayed that Respondents be directed to expedite disposal of the representation. As to this prayer learned Standing counsel did not raise any objection.

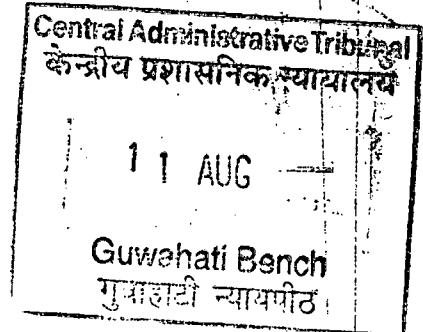
5. In the above premises, without entering into the **merits of** the matter I dispose of this application, with a direction to the Applicant to put up a consolidated/comprehensive representation (by



way of raising all the relevant grounds) projecting all the grievances before the Respondents within one month from the date of receipt of this order and the Respondents shall consider and dispose of the said representation within a time frame of 3 months from the date of receipt of the same by a speaking order.

Send copy of this order to the Applicant and Respondents in the address given in the O.A. Free copies of the order be handed over to the counsel appearing for both the parties.

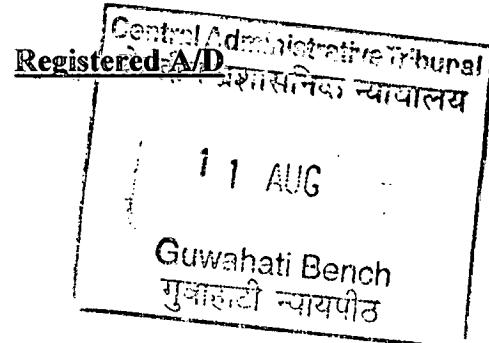
Sd/-  
M.K. Chaturvedi  
Member (A)



605909

To

Mrs. R. Doraiswamy,  
Secretary and Director General  
Department of Posts,  
Dak Bhawan, Sansad Marg,  
New Delhi - 110 001.



Subject: Prayer for the grant of promotion to the grade of Assistant Director (Rectt) GCS Group-B with retrospective effect from 28-2-2003, from the date from which my juniors Sri M. Sanaulah of J&K Circle and Shri Harbans Singh Bhatia of Punjab Circle were promoted to the grade of Asstt. Director (Rectt) GCS Group-B and payment of arrear pay and allowances of Assistant. Director (Recruitment) with retrospective effect from 28-2-2003 to 31-3-2005 with full retirement benefits.

1. 12-3/2001-SPG dated 25-9-2001 and  
2002-SPG dated 28-2-2003 / 3-3-2003.

LAITUMKRAH S.O. <793003>  
RLAD A B747  
Counter No:1, DP-Code:KIFS  
To: MRS R DORAI SHAMY, DAK BHAWAN SANSAD MA  
NEW DELHI, PIN:110001



Wt:44grams,  
PS:35.00, 07/10/2009, 13:54  
<>>

mit a few lines before your honour for favour of  
ation and favourable orders.

ection I beg to draw your kind attention to my  
to Mrs. P.B. Subramanian, the then Secretary  
ts, Dak Bhawan, Sansad Marg, New Delhi sent

RL NO.957 dated 7-3-2003 under which a Xerox copy of my  
representation dated 29-1-2003 addressed to Shri P.K. Chatterjee, the then Chief  
Postmaster General, North Eastern Circle, Shillong together with a Xerox copy of the  
certified copy of the judgement of the Hon'ble CAT Guwahati Bench, Guwahati dated 2-  
12-2002 passed in the case No. OA No.152 of 2002 were sent to the Directorate followed  
by second representation dated 7-3-2003 sent under Shillong GPO RL No.4688 dated 7-  
3-2003, but no reply was received.

3) That Madam, further in this respect, a kind reference is invited to my third  
representation dated 16-4-03 addressed to Mrs. P.B. Subramanian, the then Secretary and  
Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi sent  
under Shillong GPO RL No. C 9814 dated 16-4-2003 followed by fourth representation  
dated 21-4-2004 addressed to Sri Vijoy Bhusan, the then Secretary and Director General,  
Department of Posts, Dak Bhawan, Sansad Marg, New Delhi sent under Shillong GPO  
RL No. B 2796 dated 21-4-2004 followed by fifth representation dated 12-4-2006  
addressed to Sri U.S. Raghavan, the then Secretary and Director General, Department of  
Posts, Dak Bhawan, Sansad Marg, New Delhi sent under Shillong GPO RL No. B 6368  
dated 12-4-2006, followed by sixth representation dated 19-6-09 addressed to your  
honour and sent vide Laitumkhrah S.O. RL A/D No.2915 dated 22-6-09 on the above  
subject, but until today no reply was received.

4) That Madam, I beg to mention here that the Circle Administration,  
Shillong instead of implementing the judgement order dated 2-12-2002 of the Hon'ble  
CAT Guwahati Bench, Guwahati passed in the case No. OA No.152 of 2002, so  
submitted on 29-1-2003 had suppressed the fact and preferred a writ appeal bearing No.

Attested  
Dipti  
Date  
2010

WP (C) No.51 (SH) 2003 before the Hon'ble Guwahati High Court, Shillong Bench (Division bench) Shillong by resisting the orders of the Hon'ble CAT Guwahati bench, Guwahati dated 2-12-2002 passed in the above case just to deprive me of my legitimate promotion of Office Superintendent HSG-I with retrospective effect from 1-12-1995. as well as the promotion to the grade of Assistant Director (Rectt) with effect from 28-2-2003. Whereas the Hon'ble Guwahati High Court, Shillong Bench (Division bench) Shillong vide their judgement order dated 7-4-2005 passed in the WP (C) No.51 (SH) 2003 has upheld the judgement order dated 2-12-2002 of the Hon'ble CAT Guwahati bench, Guwahati passed in the OA No.152 of 2002 and the writ appeal above so filed by the department was dismissed.

5) That Madam, I beg to mention here that as per the Directorate's letter No.12-3/2001-SPG dated 25-9-2001 circulating the seniority list of Office Superintendent / Deputy Office Superintendent for holding DPC for promotion to the grade of Assistant Director (Rectt) GCS Group-B wherein at para-1 of the said letter it was mentioned that the seniority list is provisional and subject to change on receipt of omissions / corrections, if any, yet to be received from various circles.

6) That Madam, I beg to mention here that the Circle Administration, Shillong on receipt of the judgement order dated 2-12-2002 of the Hon'ble CAT Guwahati bench, Guwahati passed in OA No.152 of 2002 on 29-1-2003 as mentioned at para-2 above ought to have been issued the promotion order to the upgraded post of Office Superintendent HSG-I with retrospective effect from 1-12-1995 in the month of February 2003 as directed by the Hon'ble CAT Guwahati bench, Guwahati in the above OA case. But it is regret to mention here that instead of complying with the orders dated 2-12-2002 of the Hon'ble CAT Guwahati bench, Guwahati passed in the above OA case, the Circle Administration, Shillong by suppressing the fact had rather preferred a writ appeal bearing No. WP (C) No.51 (SH) 2003 before the Hon'ble Guwahati High Court, Shillong Bench, Shillong, while the Hon'ble Guwahati High Court, Shillong Bench, Shillong by their judgement order dated 7-4-2005 have dismissed the writ appeal of the department by upholding the judgement of the Hon'ble CAT Guwahati Bench, Guwahati dated 2-12-2002 passed in the OA No.152 of 2002, then in compliance of the judgement order dated 7-4-05 of the Hon'ble Guwahati High Court, Shillong Bench, Shillong passed in the WP (C) No.51 (SH) 2003, upholding the judgement order dated 2-12-2002 of the Hon'ble CAT Guwahati Bench, Guwahati passed in OA No.152 of 2002, the Circle Administration, Shillong after a long gap of 3 years 10 days from the date of judgement of the Hon'ble CAT, Guwahati Bench, Guwahati passed in the above OA case vide Circle office, Shillong Memo No. Staff/158-8/2001 (L) dated 7<sup>th</sup> / 13<sup>th</sup> December 2005 have granted me the promotion to the cadre of Office Superintendent, Circle Office, Shillong to the grade of HSG-I with retrospective effect from 1-12-1995 by correcting and protecting my all India seniority to the cadre of Office Superintendent HSG-I with retrospective effect from 1-12-1995 and thereby the provisional seniority list so circulated under the Directorate's letter No. 12-3/2001-SPG dated 25-9-2001 as mentioned at para-5 above automatically stood corrected, and as per orders of the Hon'ble CAT Gauhati dated 2-12-2002 passed in the OA No.152 of 2002 my position in the interse-seniority list of Office Superintendent HSH-I / HSG-II as on 1-1-2001 circulated under the Directorate's letter No. 12-3/2001-SPG dated 25-9-2001 has been changed and finalized from serial No.18 to serial No.5 and I was even senior to Shri M. Sanaulah, the then Office Superintendent of J&K circle and Shri Harbans Singh Bhatia, the then Office Superintendent of Punjab Circle, who were later promoted as Assistant Director (Rectt) and both of them since retired from service. The Circle Office memo No. Staff/158-8/2001(L) dated 7<sup>th</sup> / 13<sup>th</sup> December 2005 was also endorsed to the Postal

Directorate having a reference to the Directorate's D.O. No. 4-14/2003-SPB-II dated 25-11-2005.

7) That Madam, in this respect, I beg to mention here that as per the revised judgement and order dated 22-4-2009 of the Hon'ble Guwahati High Court, Shillong Bench (Division Bench) Shillong passed in the review petition bearing No. 5 (SH) 2008 wherein the Hon'ble Guwahati High Court, Shillong Bench (Division Bench) Shillong has passed a revised judgement and order to make payment of the arrear duty pay and allowances of the Office Superintendent HSG-I, with retrospective effect from 1-12-1995 to 21-5-2001 to me by modifying the judgement and order dated 7-4-2005 passed in the Writ Petition bearing No. WP (C) No. 51(SH) of 2003. A Xerox copy of the aforesaid revised judgement and order dated 22-4-2009 was submitted to the Circle Administration, Shillong on 11-5-2009 vide my letter dated 11-5-2009 followed by reminder dated 5-6-09. The Circle Office Shillong vide letter No. Staff/158-8/2001 (L) dated 1-6-09 has sanctioned the arrear back-salary in terms of the pay scale of HSG-I from 1-12-1995 to 21-5-2001 and as per letter No. AP/46-226/04 dated 10-06-2009 passed orders to make payment of the arrear back-salary for the above period and finally the payment was made on 11-6-2009 and consequent upon the payment of arrear back-salary in terms of the pay-scale of HSG-I from 1-12-1995 to 21-5-2001 my promotion to the grade of Assistant Director (Rectt) becomes due with effect from 28-2-2003, since my juniors namely Sri M. Sanaulah, the then Office Superintendent, J&K Circle, and Shri Harbans Singh Bhatia, the then Office Superintendent of Punjab Circle were promoted in the grade of Assistant Director (Rectt) with effect from 28-2-2003.

8) That Madam, I beg to point out here that consequent on the retirement of Shri B.R. Meena, the then Assistant Director (Rectt) Rajasthan Circle, Jaipur on 31-7-02 and Smti A. Vasugi, the then Assistant Director (Rectt) Karnataka Circle, Bangalore on 31-10-02, two posts of Assistant Director (Rectt) had fallen vacant on 1-8-2002 and 1-11-2002 respectively, and as per verdict dated 2-12-2002 of the Hon'ble CAT Guwahati bench, Guwahati passed in the OA No.152 of 2002, I was eligible to get the promotion to the grade of Assistant Director (Rectt) in the above two retirement vacancies of the Assistant Director (Rectt) those had fallen vacant during the year 2002. But it is regret to mention here that despite submission of the representations addressed to both the Circle Administration, Shillong on 29-1-2003 and to the Postal Directorate on 7-3-2003 through proper channel and under registered post accompanying the esteemed order dated 2-12-2002 of the Hon'ble CAT Gauhati Bench, Gauhati, passed in the OA No.152 of 2002 as referred to above and to grant me the promotion to the cadre of Office Superintendent HSG-I with effect from 1-12-1995 and also to grant me the promotion in the grade of Assistant Director (Rectt) GCS Group-B but the same were utterly ignored and instead my juniors namely Shri M. Sanaulah, the then Office Superintendent of J&K Circle and Shri Harbans Singh Bhatia, the then Office Superintendent of Punjab Circle were granted promotion to the grade of the Assistant Director (Rectt) in GCS Group-B with effect from 28-2-2003 vide Directorate's Notification No. 9-84/2002-SPG dated 28-2-2003 / 3-3-2003 by depriving me of my legitimate promotion of Assistant Director (Rectt).

9) That Madam, I beg to mention here that, when according to the orders of the Hon'ble CAT Gauhati Bench dated 2-12-2002 my seniority position to the best knowledge of the Administration had changed in the cadre of Office Superintendent HSG-I for such promotion in the grade of Assistant Director (Rectt) as on 1-1-2001, then the officials so promoted vide Directorate's order dated 28-2-2003 as mentioned at para-8 above, were junior to me being on the previous post of Office Superintendent HSG-I with

effect from 1-9-1996 and 11-10-1996 respectively while your humble petitioner in the similar post with effect from 1-12-1995.

10) That Madam, I do hope and believe that your honour will surely agree with me that non-implementation of the judgement order dated 2-12-2002 of the Hon'ble CAT Guwahati Bench passed in OA No.152 of 2002 in time, and suppression of facts and resisting the case before the Hon'ble Guwahati High Court, Shillong Bench (Division Bench) Shillong and at last the issue of promotion order to the cadre of Office Superintendent HSG-I with retrospective effect from 1-12-1995 after a long gap of 3 years 10 days as mentioned at para-6 above, are completely and exclusively the administrative lapses on the part of the Circle Administration, Shillong and for such lapses a Government servant cannot suffer lose his future promotion, lose of pay and allowances and retirement benefits.

11) That Madam, I beg to mention here that from the date of judgement of the Hon'ble CAT Gauhati Bench dated 2-12-2002 passed in the OA No.152 of 2002, the case is suffering delay by 6 years 8 months, while from the issue of the Circle Office, Shillong Memo No. Staff/158-8/2001(L) dated 7<sup>th</sup> / 13<sup>th</sup> December 2005 my promotion to the grade of Assistant Director (Rectt) is suffering delay by 3 years 9 months, although in para-1 of the Directorate's letter No. 12-3/2001-SPG dated 25-9-2001, it was categorically mentioned that the seniority list circulated under letter dated 25-9-2001 is provisional and subject to change on receipt of omissions / corrections, if any, yet to be received from the various Circles, but it is regret to mention here that despite receipt of correction from the Circle Office, Shillong neither the seniority list was modified nor my promotion to the grade of Assistant Director (Rectt) was settled.

12) That Madam, I would like to mention here that every time, I am being forced to approach the Court of law for the realization of my arrears due from the Government and as a senior citizen, I am losing 9% compound interest for the last 3 years on the arrear payment which is yet to be received from the office due to the delay in settlement of the promotion of Assistant Director (Rectt).

13) That Madam, I beg enclose herewith a xerox copy of the order dated 18-9-2009 by the Hon'ble CAT Gauhati Bench, Gauhati passed in the OA No.199 of 2009 wherein the Hon'ble CAT above has passed orders to consider my case for promotion to the grade of the Assistant Director (Rectt).

14) Now in terms of the orders dated 18-9-2009 of the Hon'ble CAT Gauhati bench, Gauhati passed in the OA No.199 of 2009 and judgement dated 2-12-2002 of the CAT Gauhati in OA No.152 of 2002 as well as in terms of the revised judgement and order dated 22-4-2009 of the Hon'ble Gauhati High Court Shillong Bench (Division Bench) Shillong passed in the review petition bearing No.5 (SH) 2008 and in terms of the orders issued under Circle Office, Shillong Memo No. Staff/158-8/2001 (L) dated 7<sup>th</sup> / 13<sup>th</sup> December 2005, I therefore fervently beg to appeal to your generous-generosity to be gracious enough kindly to consider my case with sympathy and kindness and kindly pass necessary orders to grant me the promotion to the grade of Assistant Director (Rectt) with retrospective effect from 28-2-2003,i.e. from the date from which my juniors Shri M. Sanaulah of J&K Circle, and Shri Harbans Singh Bhatia of Punjab Circle were granted promotion to the grade of Assistant Director (Rectt) vide Directorate's Notification letter No. 9-84/2002-SPG dated 28-2-2003 / 3-3-2003 and to pay me the arrear pay and allowances in the grade of Assistant Director (Rectt) with retrospective effect from 28-2-

2003 to 31-3-2005 with full retirement benefits and for this act of your kindness I shall remain ever grateful to you.

An early action into the matter is solicited.

With kind regards,

Yours faithfully,



(Tapan Kr. Dutta Roy)

Retired. Office Superintendent

C/O "MADHURIMA" Arbuthnot Road  
P.O. Assam Rifles,  
Shillong - 793 011.

DA - As said above  
Dated at Shillong  
The 7th October 2009.

Under receipt

Copy to:- Shri A.N.D. Kachari, Chief Postmaster General, North Eastern Circle, Shillong for favour of kind information and necessary action. A Xerox copy of the order dated 18-9-2009 of the Hon'ble CAT Gauhati Bench passed in the OA No.199 of 2009 is enclosed for favour of kind perusal.

With kind regards.

Yours faithfully,

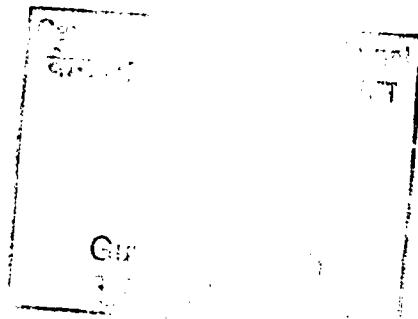


(Tapan Kr. Dutta Roy)

Retired. Office Superintendent

C/O "MADHURIMA" Arbuthnot Road  
P.O. Assam Rifles,  
Shillong - 793 011.

DA - As said above  
Dated at Shillong  
The 7th October 2009.



प्राप्ति-स्वीकृति (रसीद) / ACKNOWLEDGEMENT

रजिस्टर्ड  
बीमा

\* एक पत्र/पोस्ट कार्ड/पैकट/पार्सल प्राप्त हुआ

\* Received a Registered Letter/Postcard/Packet/Parcel No. 61510

पाने वाले का नाम

Addressed to Mrs. R. D. Dalmia } Secretary and Director General

Department of Posts

● बीमा का मूल्य (रुपयों में) Dak Bhawan, Sansad Marg  
● Insured for Rupees NEW-DELHI-110001

बितरण की तारीख

Date of Delivery } पाने वाले के हस्ताक्षर/Signature of addressee

\* अनावश्यक की काट दिया जाये / Score out the matter not required.

\* केवल बीमा वस्तुओं के लिए / For insured articles only.

आर. पी. 54

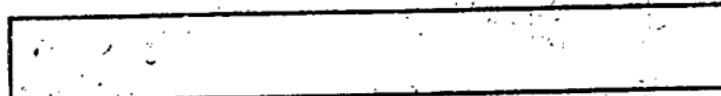
R.P.-54

भारतीय डाक-विभाग

DEPARTMENT OF POSTS, INDIA

प्रेषक डाकघर की नाम-मोहर

Name-Stamp of office of posting



तारीख-मोहर



भेजनेवाले का पता / Sender's Address

Sri Tapan Kumar Dutta Roy

Refd. Office Suptd. 40 MADHURIMA

Arbilhat Rd. PO- ASSAM RIFLES

SHILLONG-11

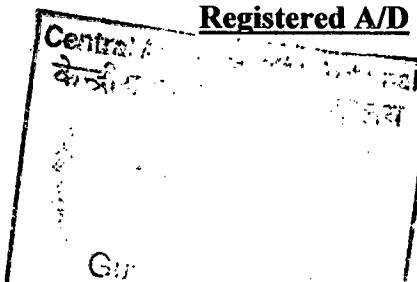
MEGHALAYA

पिन/Pin 293011

To

Mrs. R. Doraiswamy,  
Secretary and Director General  
Department of Posts,  
Dak Bhawan, Sansad Marg,  
New Delhi – 110 001.

Registered A/D



Subject: Prayer for the grant of promotion to the grade of Assistant Director (Rectt) GCS Group-B with retrospective effect from 28-2-2003 from the date from which my juniors sri M. Sanaulah of J&K Circle and Sri Harbans Singh Bhatia of Punjab Circle were promoted to the grade of Assistant Director (Rectt) GCS Group-B and payment of arrear pay and allowances of Assistant Director (Rectt) with retrospective effect from 28-2-2003 to 31-3-2005 with full retirement benefits.

Reference: (1) Directorate's letter No. 12-3/2001-SPG dated 25-9-2001 and  
(2) Notification No. 9-84/2002-SPG dated 28-2-2003 / 3-3-2003,

Respected Madam,

Kindly permit me to submit a few lines before your honour for favour of your kind perusal, sympathetic consideration and favourable orders.

2) That Madam, in this connection, I beg to draw your kind attention to my representation dated 7<sup>th</sup> October 2009, accompanying the order dated 18-9-2009 of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati passed in the OA No. 199 of 2009, sent under Laitumkhrah S.O. RL No. A 8747 dated 7-10-2009 and said RL was delivered to the Directorate on 12-10-2009, wherein a direction was issued to the Applicant to put up a consolidated / comprehensive representation (by way of raising all the relevant grounds) projecting all the grievances before the Respondents within one month from the date of receipt of this order and the Respondents shall consider and dispose of the said representation within a time frame of 3 months from the date of receipt of the same by a speaking order.

3) That Madam, in this respect, I beg to point out here that although a considerable period of 6 months is already over, but it regret to mention here that neither the case above was considered nor any reply was received within the time frame so fixed by the Hon'ble CAT Guwahati Bench, Guwahati which tantamount to the contempt of court.

Now in view of the facts above, once-again I therefore fervently beg to appeal to your generous-generosity to be gracious enough kindly to look into the matter personally and kindly consider my case with sympathy and kindness and pass necessary orders to grant me the promotion to the grade of Assistant Director (Rectt) with retrospective effect from 28-2-2003 i.e. from the date from which my juniors Shri M.

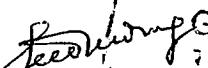
*Attested  
Banta  
A.D.*

Sanaullah of J&K Circle and Shri Harbans Singh Bhatia of Punjab Circle were granted promotion to the grade of Assistant Director (Recst) vide Directorate's notification letter No. 9-84/2002-SPG dated 28-2-2003 / 3-3-2003 and to pay me the arrear pay and allowances in the grade of Assistant Director (Recst) with retrospective effect from 28-2-2003 to 31-3-2005 with full retirement benefits and for this act of your kindness, I shall remain ever grateful to you.

An early action into the matter is solicited.

With kind regards,

Yours faithfully,

  
(Tapan Kr. Dutta Roy)  
Retired. Office Superintendent  
C/O "MADHURIMA" Arbuthnot Road

P.O. Assam Rifles,  
Shillong - 793 011.

Dated at Shillong  
The 5th May 2010.

#### Under Receipt

Copy to:- Sri A.N.D. Kachari, Chief Postmaster General, North East Circle, Shillong for favour of kind information and necessary action. This is in continuation of my letter dated 7<sup>th</sup> October 2009. Although a considerable period of 6 months is already over, but it is regret to mention here that neither the case above was considered nor any reply was received within the time frame so fixed by the Hon'ble CAT Guwahati Bench, Guwahati, which tantamount to the contempt of court. His honour is therefore requested kindly to look into the matter personally and kindly to ensure settlement of the case. An early action into the matter is solicited. With kind regards.

Yours faithfully,

  
(Tapan Kr. Dutta Roy)  
Retired. Office Superintendent  
C/O "MADHURIMA" Arbuthnot Road

Dated at Shillong  
The 5th May 2010.



भारतीय डाक विभाग

Department of Posts: India

कार्यालय मुख्य पोस्टमास्टर जनरल, उत्तर पूर्व परिमंडल, शिलांग-793009

Office of the Chief Postmaster General, North East Circle, Shillong-793001

No. Staff/158-8/2001 (L)

Dated at Shillong the 11<sup>th</sup> May, 2010

Under Entry

To

The Deputy Director General (P),  
Postal Directorate,  
Dak Bhawan, Sansad Marg,  
New Delhi- 110116

Subject: Reminder Representation i/c/w prayer for grant of promotion to the grade of Asstt. Director (Rectt), GCS Group 'B' with retrospective effect from 28/02/2003- case of Shri Tapan Kumar Dutta Roy, Ex-OS, C.O., Shillong.

Reference: This office letter of even no. 09/04/2010.

On the captioned subject, kindly find herewith a copy of reminder letter dated 05/05/2010 addressed to D.G (Posts), New Delhi received from Shri Tapan Kumar Dutta Roy, Ex-OS, C.O., Shillong for promotion to the grade of Assistant Director (Rectt) with retrospective effect from 28/02/2003 to 31/03/2005 with full retirement benefits.

2. In this connection a report was submitted to the DTE vide this office letter of even no. dated 09/04/2010. The case was dealt earlier in Vigilance Branch of DTE. and their case file no. 4-8/2010-Vig.
3. It is requested to take further action in the matter at the earliest.
4. This issues with approval of CPMG, N.E.Circle, Shillong.

Enclosure: As stated above.

*SDT*

(K.Ashok Kumar)

Assistant Postmaster General (Staff),

For Chief Postmaster General,

N.E.Circle, Shillong-793001

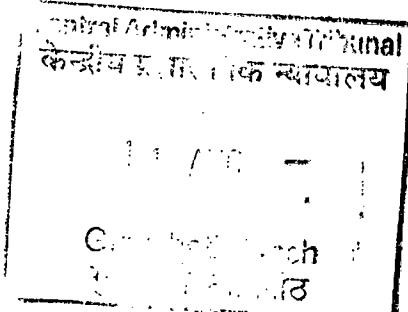
Copy to:-

Regd Post

1. Shri Tapan Kr. Dutta Roy, Retired Office Superintendent, C/O "MADHURIMA" Arbutnot Road, P.O: Assam Rifles, Shillong-793011 w.r.t his letter dated 05/05/2010 for information.

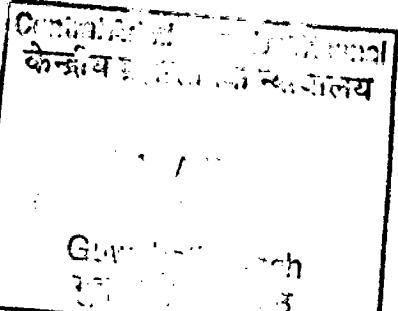
*ew*

For Chief Postmaster General,  
N.E.Circle, Shillong-793001



*Attested  
Dutta  
Adm*

FORM NO. 12  
(Form Rule 67)



FORM OF THE VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH: GUWAHATI

O.A/RA/CP/MA/PT \_\_\_\_\_ No. \_\_\_\_\_ of 2010

Tapan Kr. Dutta Roy

.....Applicant(s)

vs  
Union of India

.....Respondents

I, Tapan Kr. Dutta Roy Applicant No. \_\_\_\_\_ /Respondents  
No. \_\_\_\_\_ in the above application/petition do hereby appoint Manik Chanda,  
\_\_\_\_\_ and U. Dutta Advocate/s to appear 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: 05.08.2010

Tapan Kumar Dutta Roy

Signature of the Party  
"Accepted"

Executed in my presence  
\*Signature with date  
(Name and Designation)

Dutta

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)



## VAKALATNAMA

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

1167 9  
5 OCT 2010

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

OA/RA/CP/MA/PT/No. 30 of 2010 in OA No. 199/2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

Shri Tapan Kumar Dutta Roy

.....Applicant/Petitioner

Vs

Union of India & Ors

..... Respondents/Contemnors

I, Sri Bimal Parkash Pant, Contemnor no. 3 in the above application do hereby appoint and retain Ms. Manjula Das, Sr. CGSC, Central Administrative Tribunal, Guwahati Bench, Advocate to appear, plead and act for me in the above application and to conduct and prosecute all proceedings that may be taken in respect thereof including Contempt of Court Petitions and Review Applications arising therefrom and applications for return of documents. Enter into compromise and to draw any moneys payable to me/us in the said proceedings.

Place : New Delhi

Date :

B. P. Pant  
Signature of Party

"Accepted"

And Accepted

Manjula Das  
Advocate 4/10/2010

( श्री. पी. पन्त )  
( B. P. PANT )  
सहायक सहायिता  
Assistant Director General  
राज विभाग/Dept. of Posts  
नई दिल्ली/New Delhi-110001

Name and address of the  
Advocate for Service:

Executed in my presence:

\*Signature with date  
(Name and designation)

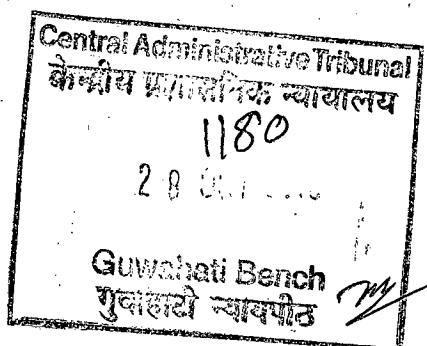
\*the following certification to be given when the party is unacquainted with the language of the Vakalath or is blind or illiterate:

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

Signature with date  
(Name and Designation)

-20-

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



**IN THE MATTER OF:**

C.P. no. 30/2010

O.A.no.199/09

Sri T.K.Dutta Roy

**...Applicant**

**-Vs-**

Smt. Radhika Doraiswami & Others

**...Contemnors.**

**-AND-**

**IN THE MATTER OF:**

Order dated 05.10.2010 passed by this Hon'ble Tribunal in C.P.No.30/10 arising out of O.A. No.199/07 whereby this Hon'ble Tribunal was pleased to direct the Contemnor No 3 to appear in person on 29.10.2010.

**-AND-**

**IN THE MATTER OF:**

Order dated 05.10.2010 under no F.No 11-11/2010-SPG whereby the Contemnor no 3 Sri B.P.Pant disposed of the representation dated 07.10.2009 made by the applicant Sri T.K.Dutta Roy and granted the benefit of promotion of the applicant to the grade of Asstt Director (Rectt.) GCS Group "B" (Rs 6500-200-10,500) with retrospective effect from 28.02.2003 to 31.03.2005 with full retirement benefits.

**-AND-**

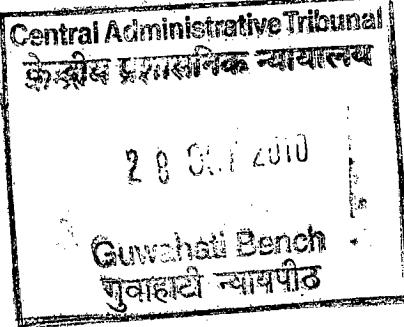
**IN THE MATTER OF:**

Order dated 07.10.2010 passed by the Assistant Postmaster General (Staff) N.E.Circle, Shillong whereby the applicant was the benefit of promotion to the grade of Asst. Director (Rectt) GCS Group "B" with retrospective effect from 28.02.2003 to 31.03.2005 with full retirement benefits.

Received copy of the Decision  
on behalf of the Department  
of Posts  
Shillong  
28/10/2010

R. D. Roy

Filed (Concurred in) by  
Smt. Radhika Doraiswami & Others  
in C.P. no. 30/10  
28.10.2010



21

-AND-

IN THE MATTER OF

Compliance report filed by the contemnor  
no 3

**(COMPLIANCE REPORT FILED BY THE CONTEMNOR NO 3)**

I, Sri Bimal Parkash Pant, S/o Shri C.S.Pant, aged about 50 years presently working as the Assistant Director General(SPG), Office of the Director General, Department of Post, Dak Bhawan, Sansad Marg, New Delhi do hereby solemnly affirm and state as follows:

1. That the humble deponent begs to state that he is presently working as the Assistant Director General(SPG), Office of the Director General, Department of Post, Dak Bhawan, Sansad Marg, New Delhi and have been impleaded as the Contemnor no. 3 in the instant Contempt Petition.
2. That the humble deponent begs to state Applicant filed this Contempt Petition alleging non-compliance of the order dated 18.09.2009 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A. No. 199/2009 (Sri T.K.Dutta Roy v. Union of India & Others).
3. That the humble deponent begs to state that the deponent on receipt of the aforesaid notice entered appearance through his counsel by filing Vakalatnama and also has taken steps for implementation of the order passed by this Hon'ble Tribunal vide order dated 18.09.09 in O.A. No 199/09.
4. That the humble deponent begs to state that infact the disposal of the representation dated 07.10.09 was in process by the respondent authority and the same was disposed of vide order dated 05.10.10 under no F.No 11-11/2010-SPG whereby the petitioner disposed of the representation dated 07.10.2009 made by the applicant Sri T.K.Dutta and allowed the benefit of promotion of the applicant to the grade of Asstt. Director (Rectt.) GCS Group "B" (Rs 6500-200-10,500) with retrospective effect from 28.02.2003 to 31.03.2005 with full retirement benefits. The said order copy was forwarded to the applicant Sri Dutta Roy.

Accordingly Order dated 07.10.2010 passed by the Assistant Postmaster General (Staff) N.E.Circle, Shillong whereby the applicant was the benefit of promotion to the grade of Asst. Director (Rectt) GCS Group "B" with retrospective effect from 28.02.2003 to 31.03.2005 with full retirement benefits.

*B.P. Pant*

Copies of the said order dated 05.10.2010 and 07.10.2010 are annexed herewith and marked as **Annexure-1 & 2** respectively.

4. That the humble deponent begs to state that on the same very day i.e. 05.10.2010 this Hon'ble Tribunal was pleased to direct the petitioner (Contemnor No 3) to appear in person on 29.10.2010 in respect of the above Contempt Proceedings.

5. That the humble deponent begs to state that respondent authority has complied with the Hon'ble Tribunals order dated 18.09.09 passed in O.A. No 199/09. The deponent humbly state that there is no willful negligence/disobedience on the part of the humble deponent and delay occurred for disposal of the representation was not deliberate and intentional.

6. That the petitioner begs to state that he tendered unconditional apology for non compliance of the order of this Hon'ble tribunal by disposing the representation of the applicant within the stipulated period.

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

8. That under the circumstances explained above the humble deponent humbly pray before this Hon'ble Tribunal that this Hon'ble Tribunal would be pleased to dispense with the personal appearance of the humble deponent /Contemnor no 3 and further be pleased to drop the aforesaid Contempt petition.

9. That the statements made in paragraphs 1,4 & 5 of this affidavit are true to my knowledge and belief, those made in paragraphs 2 & 3 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 26<sup>th</sup> day of October, 2010 at New Delhi.

**Identified by:**

B. P. Pant

**DEPONENT**

( श्री. पी. पन्त )

( B. P. PANT )

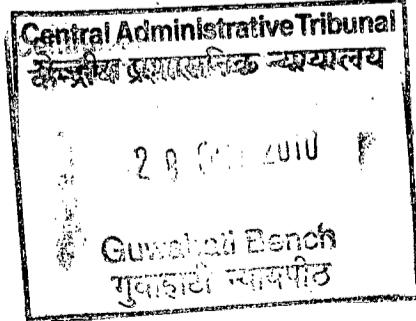
सहायक महानिदेशक

Assistant Director General

ग्राम पत्रगां/Dept. of Posts

ग्राम पत्रगां/New Delhi-110011

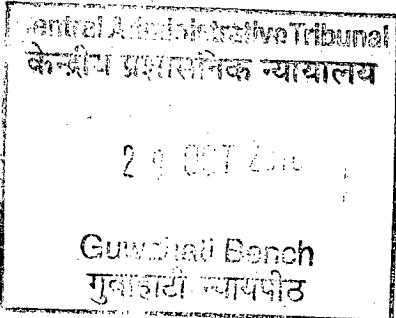
**Advocate:**



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By FAX  
TIME BOUND



F.No. 11-11/2010-SPG  
Government of India  
Ministry of Communications & IT  
Department of Posts

Dak Bhawan, Sansad Marg,  
New Delhi-110116.

Dated: 05-10-2010.

To

The Chief Postmaster General,  
NE Circle,  
Shillong-793001.  
( Kind Attn.: Shri A.N.D. Kachari )

Subject: Contempt Petition No.30/2010 in OA No. 199/2009 in the matter of Shri Tapan Kumar Dutta Roy V/s Union of India & Others. (Listed for hearing on 20-9-2010 & 5-10-2010 at 10.30 A.M. in CAT, Guwahati Bench)

Sir,

I am directed to refer to CPMG, NE Circle, Shillong's, the latest communication No. Vig./LC-9/09 (CAT) dated 1-10-2010 on the above mentioned subject and to convey that the Competent Authority has considered the representation submitted by Shri Tapan Kumar Dutta Roy dated 7-10-2009 for giving him the benefit of promotion to the grade of Asstt. Director (Rectt.) GCS Group 'B' with retrospective effect from 28-2-2003 to 31-3-2005 with full retirement benefits as per directions given by CAT, Guwahati Bench, Guwahati in OA No. 199 of 2009 vide order dated 18-9-2009.

Competent Authority taking into consideration all relevant aspects/facts and circumstances of the case as mentioned in the Court's Judgements has come to the conclusion that in view of effecting the date of promotion in HSG-I Cadre from 1-12-1995, Shri Tapan Kumar Dutta Roy had become senior to Shri N. Sanaulah ( date of appointment in the grade of OS as 1-9-96 ) and Shri Harbans Singh Bhatia ( date of appointment in the grade of OS as

*B. P. Pant*  
( श्री. श्री. पन्त )  
सहायक महानिदेशक  
Assistant Director General  
डाक विभाग/Dept. of Posts  
ग्राम दिल्ली/New Delhi-110011

*B. P. Pant*

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11-10-96 ) and allowed him the benefit of promotion to the grade of Asstt. Director (Rectt.) GCS Group 'B' (Rs. 6500-200-10500) with retrospective effect from 28-2-2003 to 31-3-2005 with full retirement benefits. Accordingly, admissible retirement benefits may be calculated and paid to Shri Tapan Kumar Dutta Roy expeditiously.

Yours faithfully,

B.P. Pant

B. P. Pant

( बी. पी. पन्त )

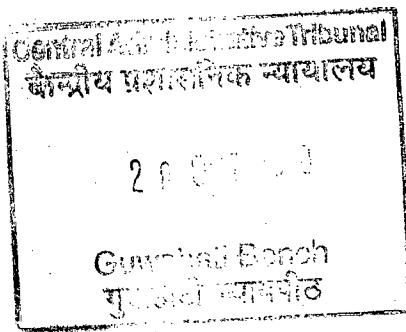
( B. P. Pant )  
Asstt. Director General (SGP)

सहायक महानिदेशक

Assistant Director General  
लाल विभाग/Dept. of Posts  
नई दिल्ली/New Delhi-110011

Copy to Shri Tapan Kumar Dutta Roy, Retired Office Supdt. C/o "Madhurima" Arduthnot Road Post Office, Assam Rifles, Shillong-793011 for kind information.

Dissolution  
6.X.2010



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## भारतीय डाक विभाग

Department of Posts: India

कार्यालय मुख्य पोस्टमास्टर जनरल, उत्तर पूर्व परिमंडल, शिलांग-793009

Office of the Chief Postmaster General, North East Circle, Shillong-793001

Under Entry

Memo no: Staff/158-8/2001 (L)

Dated at Shillong the 7<sup>th</sup> October, 2010

In pursuance of the Postal Directorate 11-11/2010-SPG dated 05/10/2010 and as per directions given by CAT Guwahati Bench, Guwahati in OA No. 199 of 2009 vide order dated 18/09/2009, the competent authority is pleased to issue the orders as follows:-

Order

Shri Tapan Kumar Dutta Roy, EX-Office Superintendent, Circle Office, Shillong (Retired on superannuation on 31/03/2005 A/N) allowed the benefit of promotion to the grade of Asstt. Director (Recrt), GSC Group 'B' (Rs.6500-200-10500) with retrospective effect from 28/02/2003 to 31/03/2005 with full retirement benefits.

(K.Ashok Kumar)

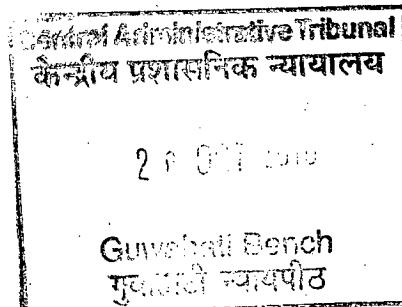
Assistant Postmaster General (Staff),

For Chief Postmaster General,  
N.E.Circle, Shillong-793001

Copy to:-

Regd. AD

1. Shri Tapan Kumar Dutta Roy, Retired Office Supdt., "MADHURIMA" Arbuthnot Road, Shillong-793011.
2. The Accounts Officer (Accounts), Circle Office, Shillong for immediate necessary action. Admissible retirement benefits may be calculated and paid to the retired officer immediately and compliance reported.
3. Pension Share, Circle Office, Shillong for necessary action.
4. The AAO (BGT), Circle Office, Shillong for necessary action.
5. The DA (P), Shillong-793001 for necessary action.
6. Shri B.P.Pant, ADG (SGP), Postal Directorate, Dak Bhawan, Sansad Marg, New Delhi-110116 w.r. to letter no. 11-11/2010-SPG dated 05/10/2010.
7. The APMG (Vig & Est), Circle Office, Shillong w.r.t letter no. VIG/LC-9/09 (CAT) dated 06/10/2010.
8. OC.

For Chief Postmaster General,  
N.E.Circle, Shillong-793001Guwahati Bench  
गुवाहाटी न्यायपीठ