

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No.75/2024

Date of Order: 27.05.2024

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1. The Chief Postmaster General Secretariat Hills, Shillong, Meghalaya-793001.
 2. The Director of Postal Service Superintendent of Post Offices Meghalaya, Division, Shillong-793001, Meghalaya.
 3. The Chief Postmaster General, Bihar Circle, Patna, Hardinge Rd. Veerchand Patel Road Area, Patna, Bihar-800001.
 4. Government of India, Ministry of Communication, Department of Posts, Dak Bhavan, Sansad Marg, New Delhi-110001.
- Petitioners

Vs.

Shri Ashok Paswan

..... Respondent

Coram:

Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance

For the Petitioners

: Dr. N. Mozika, DSGI with
Ms. L.M.D. Marak, Adv

For the Respondent

: Mr. R. Choudhury, Adv

ORDER

(Made by the Hon'ble Chief Justice)

Though the respondent has contended that the petitioners herein are procrastinating the proceedings and the order of the Tribunal has not been complied with and that the period of six weeks' time granted by the Tribunal has already expired, now the petitioners came knocking at the door of this Court challenging the order of the Tribunal

belatedly and tried to defeat the contempt proceedings which would amount to abuse of the process of court. Hence, the writ petition is not liable to be entertained but to dismiss the same.

2. Learned counsel for the petitioners reiterated the contention made on 20.03.2024 and submitted that if six weeks' time is granted they will pass orders and comply with the order of the Tribunal. The order dated 20.03.2024 is extracted below:

“When the matter is taken up for hearing, it is represented by Dr. N. Mozika, learned DSG appearing for the petitioners that the applicant in the Original Application No. 043/00248/2023 has sought for transfer from the North-East Circle, Meghalaya Division to Bihar Circle and when the applicant's request was not acceded to then he approached the Central Administrative Tribunal, Guwahati Bench, Circuit Court at Shillong, seeking relief. He further submits that during the course of hearing before the Central Administrative Tribunal, learned counsel appearing for the applicant stated that a representation dated 02.02.2023 may be considered in which the Tribunal has directed that the said representation shall be disposed of within a period of six weeks from the date of receipt of a copy of the order.

2. Though a decision was taken by the Bihar Circle initially to absorb and accommodate the applicant at Bihar, the said communication has not been communicated to the North-East Circle, Meghalaya Division, therefore, no decision could be taken from its end.

3. According to learned DSG, both Units/Circles should take a common decision for the purpose of transferring and accommodating the person which is absent in this case on account of non-receipt of communication from the Chief Postmaster General, Bihar Circle. He further states that even though the petitioner wanted to relieve the respondent to Bihar Circle, there is a communication dated 23.02.2024 from the Chief Postmaster General, Bihar Circle, Patna, which indicates that the post in which the respondent sought to be accommodated was not available.

4. In addition, since a decision has not been taken by the Department within the period prescribed, the applicant before the Tribunal has initiated contempt proceedings against the Department. Learned DSG also submits that the Department is willing to dispose of the representation dated 02.02.2023, if further time is granted.

5. Since without hearing the other side, no order can be passed in this writ petition, notice is ordered upon the respondent. However, the contempt proceedings before the Tribunal shall be kept in abeyance until further orders of this Court.

6. Post the matter on 24.04.2024.”

3. In response, learned counsel for the respondent would submit that granting further time is going to defeat the purpose of the order of the Tribunal and that the Court may consider grant of time to the respondent to file objection to the writ petition filed by the petitioners. When this Court posed a question as to whether any purpose is going to be served as the respondent was seeking time to pass orders on the representation dated 02.02.2023, it is submitted that the time sought for by the petitioners may not be allowed and lesser time may be granted so that it will give quietus to the matter.

4. Taking note of the submissions of both the parties, we expect the petitioners to pass orders on the representation dated 02.02.2023 within a period of two weeks from the date of receipt of this order and after hearing the applicant before the Tribunal. We also make it very clear that on the specified date, the applicant before the Tribunal is expected to appear before the authority. In case the respondent is unable to appear, he may file his additional representation, if any,

within five working days which has to be taken note of and orders shall be passed within two weeks from the date of receipt of the additional representation. The additional representation may be sent by RPAD/Speed Post Acknowledgement Due apart from sending it in email. The petitioner is expected to furnish the email address within 72 hours from the date of receipt of a copy of this order. The Tribunal may proceed with the contempt proceedings in accordance with law in case of failure to adhere time limit of passing the order as per the order of this Court.

4. In view of the above, the writ petition stands disposed of.

(W. Diengdoh)
Judge

(S. Vaidyanathan)
Chief Justice

Meghalaya
27.05.2024
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