

GAHC010196332025



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**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/5995/2025**

1: UNION OF INDIA AND 2 ORS. REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF COMMUNICATION AND IT, DEPARTMENT OF POSTS, DAK BHAWAN, NEW DELHI- 110001.

2: THE SECRETARY TO THE GOVT. OF INDIA MINISTRY OF COMMUNICATION AND IT DEPARTMENT OF TELECOMMUNICATION SANCHAR BHAWAN NEW DELHI-110001.

3: THE CHIEF POST MASTER GENERAL  
ASSAM CIRCLE MEGHDOOT BHAWAN GUWAHATI-781001

VERSUS

DR. NIRANJAN DAS  
(RETIRED SR. POST MASTER, SILCHAR H.O.) S/O LATE TARAK CHANDRA  
DAS, 6, KALIMANDIR PATH, DHIRENPARA, GUWAHATI-781025

**For the Petitioner(s) : Mr. B. Chakravarty, Advocate.**

**For the Respondent(s) : Mr. D.N. Sarma, Advocate.**

**– B E F O R E –**

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR**  
**HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**18.03.2026**

***(Ashutosh Kumar, CJ)***

Pursuant to the notice dated 07.01.2026, Mr. D.N. Sarma, learned Advocate has appeared on behalf of the sole respondent.

The challenge in this writ petition is to the order dated 04.06.2024 passed by the Central Administrative Tribunal, Guwahati Bench, Guwahati (*hereinafter to be referred as the "Tribunal"*) in Original Application No.040/167/2020, in which a direction has been issued to the petitioners/Department to give to the respondent notional promotional benefits in the Accounts cadre as per the order passed by the Tribunal in the year 2001 and to pay an additional amount of Rs.20,000/- (Rupees Twenty Thousand) as cost.

It appears from the records that the respondent had joined the Postal Department on 09.06.1964 as a Time Scale Clerk. He rose to the rank of Inspector of Post Offices in the year 1973 and thereafter, worked in the administrative line. However, during his service tenure, the respondent had passed the P&T Accounts Service Part-II Examination in the year 1975 but because of the Departmental Proceedings pending against him for the last 10(ten) years from 1975 to 1985, he could not be posted in the line of Accounts, a different stream than the administrative line posting. The respondent continued in the administrative stream and in that stream, he was promoted to the post of Assistant Superintendent of Posts in the year 1985. Thereafter, the respondent was accorded Postal Service Group-B (Gazetted) category in the year 1996. He retired as Senior Post Master, Silchar Head Post Office on 28.02.2005.

Before the respondent had retired, in the two Departmental Enquiries initiated against him, he was found to be guilty of misconduct and was served with two penalties of withholding of 15% of his monthly pension for two years and five years respectively. The afore-noted penalty orders were upheld by the Tribunal in two separate cases when

the respondent had challenged those before the Tribunal.

Those orders of the Tribunal were challenged by the respondent before this Court also via writ petitions.

Another fact, which is required to be noted here is that in the year 1999, the respondent had filed an application before the Tribunal vide Original Application No.135/1999 demanding promotion in the Accounts Cadre. In that instance, the Tribunal way back in the year 2001, had directed the petitioners/Department to consider his claim. The challenge to such order by the petitioners/ Department before this Court was dismissed. However, the respondent did not clammer for consideration of such a request notwithstanding the order passed by the Tribunal and upheld by the High Court for about 17(seventeen) years, except for filing representations which were perhaps replied by the petitioners/Department in the negative. Neither contempt petition nor any writ petition was filed to give effect to such directions in his favour.

In the year 2018, the respondent appears to have filed a representation and then an Original Application (Original Application No.46/2019). In that original application, the Tribunal directed the Department to pass a speaking order. The petitioners/ Department rejected the claim of the respondent for giving him notional promotion in the Accounts stream primarily for the reason of his having voluntarily chosen to remain in the administrative side for so many years and having enjoyed all the benefits in the administrative line as also for the reason that the records relating to the service of the respondent was missing from the Office.

The respondent again filed a fresh Original Application (Original

Application No.167/2020) in the year 2020 challenging such speaking order passed by the petitioners/Department. That Original Application was decided on 04.06.2024 by the Tribunal, allowing the application and directing the Department to implement the 2001 direction with all consequential notional benefits within a period of 2(two) months.

Mr. Sarma, learned Advocate for the respondent seeks some time to address this Court properly on facts.

However, looking at the nature of the order which has been passed by the Tribunal on 04.06.2024 in Original Application No.040/167/2020, which was filed in the year 2020, we deem it necessary, in the meanwhile, to stay the operation of the afore-noted impugned order.

We order accordingly.

Let this matter come up for consideration again on **09.06.2026**.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**