

O.A.No- 227 of 1997

DATE OF DECISION...2.6.1999.....

Shri Monoranjan Das (PETITIONER(S))

Mr N. Dhar and Mr P.B. Mazumder ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-


Union of India and others RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C. ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN  
THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.227 of 1997

Date of decision: This the 2nd day of June 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Monoranjan Das,  
Extra Departmental Delivery Agent, Latu,  
Extra Departmental Sub Post Office,  
Karimganj, Assam.

.....Applicant

By Advocates Mr N. Dhar and  
Mr P.B. Mazumder.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Communications, New Delhi.
  2. The Chief Post Master General, Assam Circle, Guwahati.
  3. The Senior Superintendent of Post Offices, Cachar Division, Silchar, Assam.
  4. The Sub-Divisional Inspector of Post Offices, Karimganj, Assam.
  5. Smt Sabita Malakar, Village & Post Office Latu, Karimganj, Assam.
- By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....Respondents

.....

O R D E R

BARUAH.J. (V.C.)

In this application the applicant has challenged the action of the respondents.

2. The facts are:

The applicant was looking for a job. On 12.2.1992 a post of Extra Departmental Sub-Post Master fell vacant at Latu Post Office. The authority issued a requisition

B

letter to the local Employment Exchange on 12.2.1992. The Employment Exchange sponsored the name of the applicant and the 5th respondent alongwith some other persons. On receipt of the names of the persons the authority took test/examination. Thereafter by Annexure 7 letter dated 13.5.1992 issued by the Senior Superintendent of Post Offices, Cachar Division, Silchar informed the applicant that his name was approved for appointment in the post of Extra Departmental Postmaster, Latu Post Office. This letter was received by the Sub-Divisional Inspector, Post Offices, Karimganj. A set of blank appointment letters were annexed<sup>to</sup> with the said letter. This was to be filled in by the applicant and thereafter to be returned to the authority. According to the applicant he completed all the formalities necessary for appointment. However, he was not appointed. On the subsequent date, i.e. on 2.7.1992 the 5th respondent- Smti Sabita Malakar was selected as Extra Departmental Sub Postmaster, Latu provisionally. She was sent for training. By Annexure 9 letter dated 19.7.1992 her services were also terminated. The 5th respondent approached this Tribunal by filing original application No.190/92. In that original application, the present applicant was respondent No.5. This Tribunal by Annexure 10 Judgment and order dated 25.10.1995 disposed of the said original application with direction to make an enquiry either by the Assistant Postmaster General (Vig) or the Inspector of Post Offices or the Special Superintendent of Post Offices as may be found appropriate after giving full opportunity of personal hearing to the applicant of the said original application. By the said judgment it was further observed that the respondents should allow the applicant to continue in the post and should.....



9

should pay her salary till the enquiry was completed. It was also observed that the respondent No.5 (present applicant) would be at liberty to agitate his grievance and seek legal redress if so advised independently and that order should be without prejudice to his such right.

3, However, to the knowledge of the applicant no enquiry was held. the applicant submitted Annexure 11 representation dated 8.3.1996 raising certain grievances. As the representation was not disposed of, the applicant approached this Tribunal by filing original application No.122/97. The said original application was disposed of by this Tribunal with direction to the respondent No.3- Senior Superintendent of Post Offices, Cachar Division, Silchar to dispose of the representation already filed by the applicant. By Annexure 13 order dated 14.8.1997 the said representation was disposed of rejecting the claim of the applicant. Hence the present application.


4. According to the applicant the order passed on the representation was not a speaking order. The points raised by the applicant in his representation were not considered; at least the Annexure 13 order does not indicate the position.

5. Heard Mr N. Dhar, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. The respondents have entered appearance but no written statement has been filed in spite of repeated extension of time. Records have also not been produced. On perusal of the Annexure 13 order dated 14.8.1997 it appears to us that it is not a speaking order. It is a cryptic order.

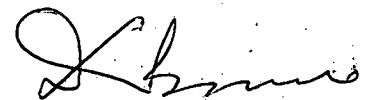
B →

6. In view of the above, we are very much pained to send back to the authorities concerned to consider the matter afresh and pass a reasoned order on the points raised by the applicant. The applicant may file yet another representation if so advised within a period of one month from the date of receipt of this order giving details of his claim. If such representation is filed the authority shall consider the same and dispose of the entire matter. This must be done as early as possible at any rate within a period of three months from the date of receipt of the representation. If no such representation is filed the authority shall dispose of the matter by a reasoned order on the representation that was already filed.

7. With the above direction, the application is disposed of. No order as to costs.



( G. L. SANGLYINE )  
ADMINISTRATIVE MEMBER



( D. N. BARUAH )  
VICE-CHAIRMAN