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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A/T.A No. 192/2000

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SECTION OFFICER (Judl.)

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

APPLICATION NO. 192 of 2000 OF 199

Applicant(s) Sri Pranab Kumar Goswami

Respondent(s) Union of India & Ors.

Advocate for Applicant(s) Chittaranjan Goswami

Advocate for Respondent(s) B.S.Basumatary, Addl.C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>Application form and within time F. M. R. 50 deposited vide IPO BD No 497257 dated 17.5.2000</p> <p>My 28/6/00 M. Registrar</p> <p>Requisites filed 23/6/2000</p> <p>5/7/00 Notice prepared and sent to D.B. for issuing the Recd. No 1 to 5 vide S/No 1778/1782 dtd 6/7/00.</p>	<p>4.7.00</p> <p>1m 28/6/2000</p> <p>3.8.00</p>	<p>Present: Hon'ble Mr.S.Biswas, Administrative Member.</p> <p>Heard learned counsel Mr.C.Goswami, learned counsel for the applicant and Mr.B.S.Basumatary, Addl.C.G.S.C. for the respondents.</p> <p>Application is admitted. Issue notice on the respondents. List on 3.8.00 for written statement and further orders.</p> <p>S. Biswas Member(A)</p> <p>There is no Bench. Adjourn to 22.8.00</p> <p>18/0 h</p>

Notes of the Registry	Date	Order of the Tribunal
<p>Noticed by learned on 28.10.00 No 285.</p> <p>13/7/00</p> <p>No. written statement has been filed.</p> <p>28/11/00</p> <p>No. written statement has been filed.</p> <p>28/11/00</p> <p>12-1-2001</p> <p>① A) Statement has been filed by the respondents.</p> <p>No. Rejoinder has been filed.</p> <p>26/4/01</p>	<p>27.10.00</p> <p>mk</p> <p>28.11.00</p> <p>pg</p> <p>1.1.2001</p> <p>mk</p> <p>22.1.01</p> <p>lm</p>	<p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman</p> <p>Heard Mr.C.Goswami, learned counsel for the applicant.</p> <p>Four weeks time is granted to the respondents to file written statement on the prayer of Mr.B.S. Basumatary, learned Addl. C.G.S.C.</p> <p>List on 28.11.00 for written statement and further orders.</p> <p>Vice-Chairman</p> <p>Four weeks time is granted to file written statement on the prayer of Mr A.Deb Roy, learned Sr.C.G.S.C.</p> <p>List on 1.1.2001 for order.</p> <p>Vice-Chairman</p> <p>Heard Mr.C. Goswami, learned counsel for the applicant. Three weeks time is granted to the respondents to file written statement on the prayer of Mr.B.C. Pathak, learned Addl. Central Govt Standing Counsel for the respondents.</p> <p>List on 22.1.01 for written statement and further orders.</p> <p>Vice-Chairman</p> <p>The respondents have filed the written statement. The applicant may file rejoinder if any, within 2 weeks. List on 27.4.01 for hearing.</p> <p>Member Vice-Chairman</p>

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O.A.No.192/2000

Notes of the Registry	Date	Order of the Tribunal
	27.4.2001	<p>On the prayer of Mr Ch. Goswami, learned counsel for the applicant, the case is adjourned till 24.5.01 in order to enable him to file rejoinder, if any.</p> <p><i>CCU Sharma</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>nkm</p>
	24.5.01	<p>None appears for the applicant when call. List on 17.7.01 for hearing.</p> <p><i>CCU Sharma</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>lm</p> <p>17.7. These is arrears. LMT again on 13/8/2001</p>
	13.8.01	<p>None appears for the applicant to press the application. List again on 14.8.2001 for hearing.</p> <p><i>CCU Sharma</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>bb</p>
	14.8.01	<p>None appears for the applicant. List again on 16.8.2001 for hearing.</p> <p><i>CCU Sharma</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>pg</p>

Notes of the Registry	Date	Order of the Tribunal

4 4 4  
GA. 192/00

Notes of the Registry	Date	Order of the Tribunal
	16.8.01	None appears for the applicant to press the application. List on 17.8.2001 for hearing. K. K. Sharma Member Vice-Chairman
	17.8.01	None appears for the applicant when called upon. The case is accordingly dismissed for default. Member Vice-Chairman
	12.9.2001	The case was dismissed for default on 17.8.2001 as the learned counsel for the applicant did not appear on that day when the case was called. Mr C. Goswami, learned counsel for the applicant appeared thereafter and expressed his inability to be present at the time when the matter was taken up. Since Mr Goswami agreed to argue the matter we decided to hear the case of the applicant on merits by setting aside the order dated 17.8.2001. The case is accordingly taken up for hearing on merits. Heard Mr C. Goswami, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. at some length. Mr Deb Roy prayed for sometime to produce the relevant documents. Prayer allowed. List the case on 4.10.01 for further hearing. K. K. Sharma Member Vice-Chairman

Written statement  
has been filed.

3/10/01

h

5

O.A.M. 192/2000

Notes of the Registry

Date

Order of the Tribunal

4.10.01

Written Statement  
Filed by the  
Respondents

By  
23.11.01

mb

On the prayer of learned counsel for the applicant, the case is adjourned. List on 26/11/01 for hearing.

ICU Sharma  
Member

[Signature]  
Vice-Chairman

26.11.2001

List this case again on 4.12.01 for hearing.

ICU Sharma  
Member

[Signature]  
Vice-Chairman

nk m

4.12.2001

list on 19.12.2001 for hearing.

By

19.12.2001

Heard ~~xxx~~ Mr. A. Deb Roy, learned Sr. C.G.S.C for the respondents. Hearing concluded. Judgment delivered in open Court kept in separate sheets. The application is disposed of in terms of the orders. No order as to costs.

ICU Sharma  
Member

[Signature]  
Vice-Chairman

bb

8.1.2002

Copy of the orders  
along with the copy  
of Application & Writ  
has been sent to  
the D/Sec. for 192  
the case to the Chief  
P.G. & General Secy.

AS

[Signature]  
21/1/02

X

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No: 192 of 2000.

Date of Decision..19.12.2001..

----- Sri Pranab Kumar Goswami ----- Petitioner(S)

----- Mr. Chittaranjan Goswami. ----- Advocate for the  
----- Versus ----- Petitioner(s)

----- Union of India & Others. ----- Respondent(s)

----- Mr.A.Deb Roy, Sr.C.G.S.C. ----- Advocate for the  
----- Respondent(s)

THE HON'BLE - MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN  
THE HON'BLE MR K.K.SHARMA, 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.

} NO  
↓



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 192 of 2000.

Date of Order : This the 19th December, 2001.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

Sri Pranab Kumar Goswami  
Son of Late Sarat Chandra Goswami  
Village : Balikaria  
P.O : Balikaria  
District : Nalbari, Assam. . . . applicant.

By Advocate Mr. Chittaranjan Goswami.

- Versus -

1. Union of India  
Represented by the Secretary  
Deptt. of Post, Govt. of India  
New Delhi-1.
2. The Regional Director of Postal Service  
Chief Post Master General  
Assam Circle, Meghdoot Bhawan  
Guwahati-1.
3. Superintendent of Post Offices  
Nalbari.
4. Inspector of Complain Post Offices  
Nalbari.
5. Sri Khagen Dutta  
Son of Sri Ranidhar Dutta  
P.O : Balikaria  
District : Nalbari, Assam. . . . Respondents.

By Mr.A.Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C.) :

The post of Extra Departmental Branch Post Master, Balikaria Sub-Office fell vacant since the permanent EDBPM was put off from duty. To fill up the post provisionally the authority notified the vacancy to the District Employment

Exchange, Nalbari to sponsor the candidates. The Employment Exchange nominated 17 candidates and all the 17 candidates including the applicant were called for the selection. The applicant also appeared before the interview on 7.10.1999 alongwith the documents. In this application the applicant contended that he passed the HSLC examination securing 66.4% marks and his marks was higher than the respondent No.5 and as per the rules he was to be appointed. Instead, the official respondents in a most arbitrary fashion appointed the respondent No.5, who passed the HSLC examination in II division. The applicant submitted his representation dated 17.4.2000 before the respondent No.2 narrating all his grievances. Failing to get remedy the applicant approached this Tribunal assailing the legality of the action of the respondents.

2. The respondents submitted its written statement and stated that the applicant was also called to submit his original documents for verification, but he failed to submit original documents. The respondents, however, submitted that the income certificate of the applicant issued by the Circle Officer, Nalbari Circle was produced which did not satisfy the authority. In this circumstance, the respondents chose the respondent No.5 who <sup>also</sup> possessed the necessary qualification and also submitted the

original documents and hence his selection was as per law.

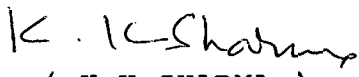
3. On consideration of the materials on record and also records produced by Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents, it appears that the respondents preferred the respondent No.5 only on the plea that he possessed the document for acquiring of land of his own name. The respondents in the written statement did not dispute the fact Annexure-6 i.e. the certified copy of the Jamabundi in which the applicant Pranab Kumar Goswami also possessed the land of 2 bigha, 1 katha, 7 lecha at Dag No.891/892 in K.P.Patta No.181 containing the statement to the effect that the said land was mutated in his name. The respondents in its written statement did not dispute as to the fact that the applicant secured higher marks than the respondent No.5. If the applicant had produced the land document as mentioned in Annexure-6, there was no justification for overlooking his case, more so in view of the fact that the applicant was of higher merit than the respondent No.5.


4. Considering the materials on record, we are of the view that the matter requires further probe by evaluation of facts. In these circumstances, the send back the matter to the Chief Post Master General, Assam Circle, who shall examine the same through a responsible officer entrusted by him, on giving

opportunity to the applicant, the respondent No.5 as well as respondent No.3 and thereafter take a appropriate decision on the matter with utmost expedition preferably within three months from the date of receipt of the order. Office is directed to send a copy of the application and the written statement to the respondent No.2 i.e. Chief Post Master General, Assam Circle shall treat this application as a copy of the representation and deal with the matter as indicated above and pass a reasoned order thereon.

Subject to the observations made above, the application stands disposed of.

There shall, however, be no order as to costs.

  
( K.K.SHARMA )  
ADMINISTRATIVE MEMBER

  
( D.N.CHOWDHURY )  
VICE CHAIRMAN

bb

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19 JUN 2000

गुवाहाटी बेंच

IN THE CHIEF ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

( An application under section 19 of the Administrative Tribunal Act 1985.)

Original Application No. 192/2000

Sri Pranab Kumar Goswami,

.... Applicant.

- Versus -

Union of India and others,

.... Respondents.

I N D E X

<u>Sl No.</u>	<u>Documents</u>	<u>Pages</u>
1.	Application	1 to 8
2.	Verification	9
3.	Annexure - A	10
4.	Annexure - A1	11
5.	Annexure - A 2	12
6.	Annexure - A 3	13
7.	Annexure - A 4	14
8.	Annexure - A 5	15
9.	Annexure - A 6	16
10.	Annexure - A 7	
11.	Annexure - B	17

For use in the Office :-

Signature.

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

( An application under Section 19 of the  
Administrative Tribunal Act )

O.A. No. 192 / 2000

SRI PRANAB KUMAR GOSWAMI

Son of Late Sarat Chandra Goswami

Village : Balikaria

Post Office : Balikaria

District : Nalbari, Assam

Applicant.....

- Versus -

1. Union of India.

represented by the Secretary,  
Deptt. of Post, Govt. of India,  
New Delhi - 1.

2. The Regional Director of Postal  
Service, Chief Post Master  
General, Assam Circle, Meghdoot  
Bhawan, Guwahati - 1

3. Superintendent of Post Offices,  
Nalbari.

Complain  
4. Inspector of Post Offices, Nalbari.

Contd ... 2

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Filed by:  
SRI PRANAB K. GOSWAMI  
THROUGH:  
Chittaranjan Goswami  
Advocate 19-6-2000  
Sri Pranab Kumar Goswami

5. Sri Khagen Dutta,  
Son of Sri Ranidhar Dutta  
Village : Balikaria  
Post Office : Balikaria  
District : Nalbari , Assam

... Respondents ...

1. PARTICULARS OF ORDER AGAINST WHICH THIS APPLICATION IS MADE :

This application is made against the appointment order passed by the Superintendent of Post Offices, Nalbari, by which the Respondent No. 5 is appointed as Extra Departmental Branch Post Master at Balikaria Post Office under Nalbari district. The Respondent No. 5 joined in his post on 28/29 March 2000. The copy of the joining letter could not be obtained by the applicant as such, same could not be produced by the applicant.

2. JURISDICTION :

That the applicant declares that the subject matter of the application is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

That the applicant declares that since the cause of action arose in the last week of March 2000, this application is made within the period of limitation as has been prescribed Under Section 21 of the Administrative Tribunal Act. 1985.

4. FACTS OF THE CASE :

- i) That the Respondent No. 3 invited applications through the District Employment Exchange, Nalbari for the post of E.D.B.P.M. ( Extra Departmental Branch Post Master) of Balikaria Branch Post Office. The The applicant could not collect the aforesaid invitation letter as such, the same could not be annexed herewith. The Hon'ble Tribunal may be pleased to direct the Respondent No. 3 to produce the same before the Hon'ble Tribunal.
- ii) That in pursuence of the aforesaid invitation letter, ~~xxxxx~~ considering the terms and conditions, the the name of the applicant has been recommended alongwith others by the District Employment Exchange Nalbari.
- iii) That in view of the above, the applicant was called for interview vide letter dated 21.9.99 and asked to appear on 7.10.99 before the Office of the Respondent No. 3 along with the following documents in original.
  1. Certificate showing age.
  2. Certificate of having passed the HSLC Examination alongwith Marksheet.
  3. Certificate showing that you are a permanent resident of the village.
  4. Document showing that you are ~~xxxxx~~ able to provide accomodation for functioning the Branch Post Office.
  5. Documents showing your annual income.
  6. Documents showing landed property in your name.
  7. Any other documents/certificates of sports etc.



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Sri Prasad Kumar Goswami

- iv) The applicant accordingly appeared before the interview on 7.10.99 alongwith all the documents from No. 1 to 7 as mentioned in the call letter dated 21.9.99 and copies of the documents were submitted before the Interview Board.

(Copy of the aforesaid letter dated 21.9.99 and copies of the aforementioned documents as mentioned in the letter dated 21.9.99 are annexed herewith and marked as ANNEXURES- B and B1, B2, B3, B4, B5, B6 and B7 respectively.)

- v) That the applicant came to know that on 28/29.1.2000, Respondent No. 5 was appointed as EDBPM at Balikaria Post Office by the Respondent No. 3 in violation of the terms and conditions as mentioned in the letter inviting applications.
- vi) That the applicant begs to state that the Respondant No. 5 passed the HSLC examination in 2nd division, whereas the applicant passed the HSLC examination in 1st division securing 66.4% marks. Therefore, in view of the clause 4 of the letter inviting application, the applicant is in the better footing than the Respondent No. 5 for selection.
- vii) That it is also pertinent to mention here that one Inspector of Nalbari Post Office with the Lat Mandal of the area made a spot verification in regards to the fulfillment of the conditions No. 3, 4 and 6 mentioned in the letter inviting application, in respect of the applicant.

viii) That on being aggravated by the process of decision adopted by the Respondent No. 3 in respect of the appointment of E.D.B.P.M. of Balikaria Branch Post Office, the applicant narrating all the facts and grivances in detail filed a representation dated 17.4.2000 before the Respondent No. 2. The aforesaid representation is still pending before the Respondent No. 2.

( A copy of the aforesaid representation dated 17.4.2000 is annexed herewith and marked as ANNEXURE - B ).

5. GROUND'S FOR RELIEF :

- i) For that the applicant is in better footing for selection and appointment for the aforesaid post than the Respondent No. 5 in view of the terms and conditions of the advertisement letter. Therefore, the appointment of Respondent No. 5 is liable to be set aside and quashed and the applicant shall be appointed in the said post.
- ii) For that in the clause no 4 of the advertisement letter, clearly stated that selection will be based on the merits and marks secured in the HSLC Examination or its equivalent examination. The applicant secured 1st Division in the HSLC examination and whereas the Respondent No. 5 has secured 2nd Division. Therefore, as per clause 4 of the advertisement, the applicant is entitled for the post and therefore the appointment of Respondent No. 5 is liable to be set aside and quashed.

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Shri Pranab Kumar Gyanam

- (ii) For that the action of the Respondents is in violation of Post and Telegraphs Extra Departmental (Conduct and Service ) Rules, 1964 and Method of Recruitment under section III of the Rules. Therefore the appointment of Respondent No. 5 in violation of the above Rules is liable to be quashed.
- iv) For that the interview was taken by the then Superintendent of the Post Offices, Nalbari and the selection and appointment has been made by the new Superintendent without following the due process of law and without applying his mind. Therefore, the appointment of Respondent No. 5 is bad in law and hence it is liable to be set aside and quashed.
- v) For that the appointment has been <sup>made</sup> arbitrarily, and in extreneous consideration which is in violation of the recruitment Rule as well as the terms ~~and~~ of the advertisement. Hence the appointment of Respondent No. 5 is liable to be quashed.
- vi) For that the action of the Respondents in non considering the claim of applicant is very much illegal and unsustainable.
- vii) For that the action of the Respondents is illegal, un-reasonable, unjust and whimsical and in violation of service jurisprudence.
- viii) For that the action of the Respondents is not maintainable at any rate and is liable to be set aside and quashed.

6. DETAIL OF REMADIES AVAILABLE :

That the applicant declares that he has already made one representation before the Respondents and has taken all the remedies available to him but failed to get justice and hence there is no other alternative efficacious remedy open to him other than to approach this Hon'ble Tribunal.

7. MATTER NOT PREVIOUSLY FILED AND/OR PENDING BEFORE ANY COURT :

That the applicant further declares that he has neither previously filed any application, writ petition or suit regarding the matter before any court, authority or any other bench of this Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR :

Under the facts and circumstances stated above the applicant prays for the following relief :-

- (i) To direct the Respondents to cancel the appointment of Respondent No. 5 in the post of Extra Departmental Branch Post Master at Balikaria branch post office.
- (ii) To direct the respondents to appoint the applicant as E.D.B.P.M. at Balikaria Post Office.
- (iii) Cost of litigation.
- (iv) And any other relief/reliefs as the Hon'ble Tribunal deem fit and proper.

9. INTERIM RELIEF IF ANY :

Hon'ble Tribunal may be pleased to stay the appointment of Respondent No. 5.

10. PARTICULARS OF INDIAN POSTAL ORDER :

- i) I.P.O. No. :- OG 497251
- ii) Date of Issue :- 17.5-2000
- iii) Payable at :- Guwahati

11. LIST OF ENCLOSERS :

As stated in the Index.

V E R I F I C A T I O N

I, Sri Pranab Kumar Goswami, son of Late Sarat

Chandra Goswami, aged about 26 years, resident of village Balikaria, under Nalbari Police Station, in the district of Nalbari do hereby verify that the contents of the paragraphs 1 to 11 of the application are true to my personal knowledge and belief and that I have not suppressed any material facts of the case.

And I sign this verification on  
this 19 day of June, 2000 at Guwahati.

Place : Guwahati

Date : 19.6.2000

Sd/- Pranab Kumar Goswami.  
Signature of applicant.

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DEPARTMENT OF POSTS :: INDIA  
Office of the Superintendent of Post Offices :: Nalbari-Barpeta Division  
NALBARI-781335

No. A/81- /EDA

Dated at Nalbari the 21-09-99

To

Sri/Miss Pranab Kr. Goswami  
S/O Sarat Goswami  
Vill + PO = Balikarib  
U.S. = Kazipara  
Recruitment for the post of EDBPM, Balikarib Bo  
via Kazipara Dist. Nalbari

Sub:

You are hereby requested to report to this office on 7-10-99  
the Thursday 7-10-99 1100 A.M. along with the following documents in  
original.

1. Certificate showing your age.
2. Certificate of having passed the HSLC Examination along with Marks Sheet.
3. Certificate showing that you are a permanent resident of your village.
4. Document showing that you are able to provide accommodation for functioning the Branch Post Office.
5. Document showing your annual income.
6. Document showing landed property in your name.
7. Any other documents/certificates of sports etc. if you have.

2. Failure to attend this office on the stipulated date without valid reason may invalidated your candidature for the post which will be at your own risk. No TADA etc. will be granted for this purpose.

(G.G.SINGHA)  
Superintendent of Post Offices

certified to be  
true copy

Q  
19-6

Office of the  
**Balikaria Basudev Bidyapeeth (H. E.)**

P. O.—BALIKARIA, Via—GOPALBAZAR  
Dist— NALBARI Pin—781335

Sl. No.— 46

Date 11-7-90

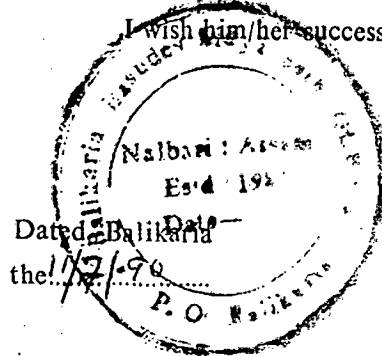
B.B.B/c-16/90

Certified that Sri... Pranab Kr. Goswami ...  
son/daughter of Sri Late Sateat Chandra Goswami ...  
an inhabitant of Balikaria ... in the district of Nalbari passed  
the High School Leaving Certificate Examination, held in the year 1990 ...  
as Regular ... candidate from this school and was placed in the 1st ...  
Division under Roll X 297 No 424 ...

His/Her date of birth is 1-10-74 ...

He/She bears good moral character and conduct.

I wish him/her success in life.



*[Signature]*

Headmaster,

Balikaria Basudev Bidyapeeth (H. E.)

Balikaria Basudev Bidyapeeth (H. E.)

*certified to be  
true copy  
On  
19.6.2000*



Form No. 37

Board of Secondary



Education, Assam

ANNEXURE - A<sub>2</sub>

GUWAHATI

Date \_\_\_\_\_ 1990

No. 303424

## MARKS SHEET

This is to certify that Poornab Kr. Goswami Roll X 297 No. 424 of Bali Kania

B. B. H.

School has secured marks as detailed below, in the High School Leaving Certificate Examination, 1990.

CORE SUBJECTS										Elective			750 225	Addl.—I			Grand Total 850	WORK EXPERIENCE (Core Subject) Grade	Addl.—II Not to be added			1st Division : 450 and above 2nd Division : 337—449 3rd Division : 225—336	Remarks						
First Language					Languages in lieu of first Language		Second Language ENGLISH			With Practical				With Practical					With Practical										
FIRST PAPER Full marks 100	SECOND PAPER Group A Full marks 50	SECOND PAPER Group B/C Full marks 50	SECOND PAPER TOTAL Full marks 100	TOTAL Full marks 200 Pass marks 60	Full marks 100 Pass marks 30	Full marks 100 Pass marks 30	FIRST PAPER Full marks 75	SECOND PAPER Full marks 75	TOTAL Full marks 150 Pass marks 45	GENERAL SCIENCE Full marks 100 Pass marks 30	GENERAL MATHEMATICS Full marks 100 Pass marks 30	SOCIAL STUDIES Full marks 100 Pass marks 30		Without Practical Full marks 100 Pass marks 30	Theoretical	Practical			Total Pass marks 100 30	Without Practical Full marks 100 Pass marks 30	Theoretical			Practical	Total Pass marks 100 30	Excess over 30% (Added to Total)	*Total marks secured with the excess over 30% of the addl.		
61	35	26	—	132	—	—	47	40	87	66	86	49	60				480	51				21	501	B				I	

Marks entered

Marks compared

Work Experience Grade denotes:

A—Excellent.

B—Good.

C—Fair.

D—Average.

E—Poor (needs improvement)

HOME SCIENCE:

Theoretical—

Practical—

CRAFTS &amp; Adv. Sc

Theoretical—

Practical—

Pass marks

70 21

30 9

50 15

50 15

AGRICULTURE:

Theoretical—

Practical—

DANCE, MUSIC &amp; FINE ARTS:

Theoretical—

Practical—

Pass marks

60 18

40 12

30 9

70 21

Controller of Examinations i/c

\*Full marks of the Additional to be added to the total marks secured out of 750 to get correct P. C. of marks secured out of 850.

Certified &amp; Co

True copy

Q

10.6.2000

-12-2

GOVT. OF ASSAM  
OFFICE OF THE DEPUTY COMMISSIONER: NALBARI.  
(ADMINISTRATION BRANCH)

- A<sub>3</sub>

NO. NO. NA:-7/93/287

Dt..7/7/93...

This is to certify that Sri/~~Sati~~ Pranab  
Kr. Goswami Son/Daughter/Wife of Mr. Sarat Ch.

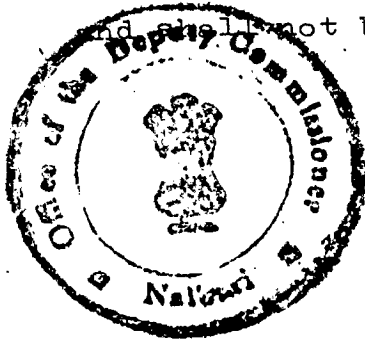
Goswami.....is a permanent residence of Vill:-

Balikaia.....Under P.S.: Nalbari.....

Mouza:- Balahgita.....of Nalbari Dist.

This certificate is applicable only for the  
purpose of admission for Higher Education.....

and shall not be valied for any other purpose.



certified to be  
true & correct  
O  
12.6.2002

8/7  
Deputy Commissioner;  
Deputy Commissioner  
Nalbari.  
Nalbari

-14-20

ANNEXURE - A 4

( ENGLISH TRANSLATED COPY )

C E R T I F I C A T E

Certified that Sri Pranab Kumar Goswami a  
permenent resident of village Balikaria, in the  
district of Nalbari, is abbe to provide necessary  
accommodation for functioning Post Office at  
Balikaria.

*certified to be  
true copy  
13.6.2000*

Sd/- Sri BIPIN BARMAN

15.9.99

Gaon Burah, Balikaria.

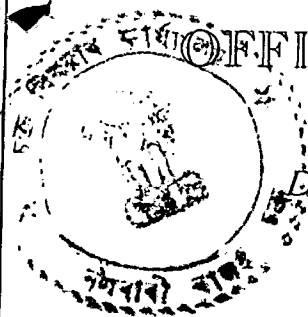
**GOVERNMENT OF ASSAM**

# OFFICE OF THE CIRCLE OFFICER

# NALBARI CIRCLE

SL. No. 1408

Dated Nalbari the 4-7- 1998



TO WHOM IT MAY CONCERN

Certified that total annual income from all sources of Sri/  
Srimsti... P. Shanab... Kumar... E. S. Swami.....  
Son/Daughter/Wife/Husband/Mother/Guardian/Father of Sri/Smt/Late... Sarat... E. S. Swami..... an inhabitant of  
village. B. A. K. Kasaria..... in.... B. A. Tah. Gila.....  
mouza under this circle has been estimated Rs. 25,000/- 98-98..  
(Rupees Twenty.. Five Thousand) Only as per report of the L.M. & S.K.

Place- Nalbari

Date:--4-7-98

**Circle Officer**  
**Circle Officer**

Nalbari Circle

certified to  
be the copy  
1965-2000

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ANNEXURE - A 6

( ENGLISH TRANSLATED COPY )

28.9.99 28.9.999 28.9.999 28.9.99 28.9.99

Certified copy of the Jamabundi of K.P. Patta No. 181  
of village - Balikaria, Mouza - Batahgila.

Patta No. Old New		Name of Pattadar Father's Name	Dag No.	Area of Dag			Class of land	Revenue/ Loc Tax	
				B	K	L		Rs	P
181		1. Sri Durga Priya Goswami S/O Mukunda Goswami	891	1	-	6		1.08	
		2. Sri Kumud Chandra Sarmah s/o Madan Ch. Sarmah	892	1	1	1		1.11	
		3. Sri Pranab Kr. Goswami	1766	2	1	16		3.14	
Total =				4	3	3		5.33	
								23.15	

O P I N I O N

(KA) In pursuance of the order dated 1.12.87 passed by the Sub-Deputy Collector on Chitha, the name of Sri Kumud Ch. Sarma, son of Late Madan Ch. Sarma is mutated with Sri Durgapriya in the area of 2 K 2 Lecha at Dag No. 1766 by virtue of purchasing.

(KHA) In pursuance of the order dated 2.8.81 passed by the Sub-Deputy Collector on Chitha, the name of Sri Pranab Kumar Goswami, son of Late Sarat Ch. Goswami is mutated in place of Sri Durgapriya by virtue of purchasing in the area of 2 bigha, 1 katha, 7 lecha at Dag No. 891/892 of this patta.

Sd/-

31.5.98

Copy by - Sri Pranati Dutta,  
28.9.99

certified to be  
true copy  
19.6.99  
a

9  
- 17 -

ANNEXURE - 13

( ENGLISH TRANSLATED COPY )

To  
The Chief Post Master General, Assam

Dt. 17.4.2000.

Sub:- Application for investigation of entire process of appointment for non appointing the E.D.B.P.M. at Balikaria Branch under Barpeta-Nalbari Division, on the basis of merit and cancellation of the same.

Sir,

Most respectfully beg to submit that I am a resident of village Balikaria in the district of Nalbari. In 1990 I passed the H.S.L.C. examination securing 66.8% with letter marks in Mathematics. Thereafter I passed HSSLC examination securing 57.8% and after passing B.Sc. I am still unemployed.

In the month of September 1999, in view of the invitation of application by the Employment Exchange, Nalbari for a vacant post of EDBPM at Balikaria, I applied for the post

Pursuant to the letter No. A/8-1-EDA, dated Nalbari the 21.9.99 issued by Sri G.G. Singha, in the capacity of Superintendent, Nalbari-Barpeta Division, I appeared in the interview. But due to sudden transfer of Sri Singha, the process of appointment was held up.

I most cordially submit before you that ~~xxxxxx~~ in the merit list I was ~~xxx~~ at the top amongst the candidates. But another person was appointed in violation of all the norms of recruitment.

Merit being dishonoured in the process, I become disheartened and request your kind intervention in the matter and by an impartial investigation, the appointment be cancelled.

Sd/- Sri Pranab Kr Goswami  
s/o Lt Sarat Ch. Goswami  
Vill.&PO : Balikaria  
Dist: Nalbari, Assam

attached to  
the copy  
be O - -



categorically denied.

3. That before the traversing the parawise reply to the O.A. this answering respondents beg to state a brief background of the appointment of applicant.

That the post of EDEPM, Balikaria BO has fallen vacant on the occasion of placing the permanent BPM under put off duty for the cause of misappropriation of Govt. money and the criminal case as well as disciplinary case is pending for disposal.

An arrangement for continuance of the functioning of the office, the charge of BPM was temporarily entrusted to the EDDA, Kazipara SO with the award of combined duty allowance. But for the exigencies of services, when it was considered that a provisional appointment of the BPM is to be made an advertisement was made to the District Employment Exchange, Nalbari on 19-08-99 for sponsoring 5 candidates with conditions as prescribed on the notification.

Accordingly, the District Employment Exchange, Nalbari had submitted at random nomination of 17 candidates with or without all documents against the wanted 5 candidates only. However in the said list the position of the applicant was not within the serial of the 5 candidates. Any way all the 17 candidates have been called for to produce their original documents for verification which have been done on on 07-10-99.



On perusal of the records and documents, departmental rules and procedures, the selection of the candidates as BPM was made on merit of the matriculate candidates and who fulfilled the conditions and selected accordingly.

4. That as regards the contents of paragraph 1 of the O.A. this answering respondents respectfully states that the respondent No. 5 has been appointed as Extra Departmental Branch Post master, Balikaria EDBO in account with Kazipara SO provisionally subject to the merit and conditions of the disciplinary case pending against the permanent incumbent, Shri Dinesh Dutta, who is now on put off duty, as per Rules and Regulation of the department in the exigencies of the services. He has joined and is working with satisfaction.

5. That as regards the contents of para 2 & 3 of the O.A. this answering Respondent does not make any comments.

6. That as regards the contents of paragraph 4(i) of the O.A. this answering Respondent respectfully states that the post of EDBPM Balikaria under Kazipara SO has fallen vacant, on the occasion of the permanent EDBPM, being placed under put off duty. The EDDA Kazipara was also temporarily ordered to act as BPM Balikaria for some time. But for the exigencies of the services, it was further decided to appoint the BPM, provisionally under the provisions of the Rules. Accordingly a notification was given on the vacancy to the District Employment Exchange, Nalbari, to sponsor at least

5(five ) candidates fulfilling the condition as notified. However, the said Employment Exchange has nominated 17 candidates at random, with or without document. However all the 17 candidates have been called for to produce the original documents, which have been verified. The selected candidate has been appointed as BPM Balikaria provisionally subject to the let off, on the settlement of the disciplinary case on merit or otherwise decided. The appointment letter is enclosed.

7. That as regards the contents of paragraph 4(ii) of the O.A. this answering Respondent respectfully states that the District Employment Exchange, Nalbari had submitted at random nomination of 17 candidates with or without documents including the applicant without documents in full.

8. That as regards the contents of paragraph 4(iii) of the O.A. this answering Respondent respectfully states that ~~the~~ all the candidates have been called for to produce their original documents and those have been checked and verified at this office on 07-10-99.

9. That as regards the contents of paragraph 4(iv) of the O.A. this answering Respondent respectfully states that the said applicant of O.A. No. 192/2000 was called to submit and also to produce the original documents on 07-10-99 for examination and record. But he failed to submit the vital document for acquiring of land in his own name, even though he has submitted a document in Annexure A-6 to this O.A. 192/2000.

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Therefore, the information of the said document appears to be a mutation of facts.

10. That as regards the contents of paragraph 4(v) of the O.A. this answering Respondent respectfully states that on perusal of records, documents, merit list of candidates having qualification of Matriculation and other equal examination, the candidate and respondent No. 5 with qualification of passed HSLC examination submitting all the documents has been considered and selected as EDBPM, Balikaria BO provisionally subject to the letting off, on the merit of settlement of the disciplinary case pending against the permanent EDBPM or otherwise decided. The applicant of O.A. No. 192/2000 though secured I<sup>st</sup> Division in HSLC and has had merit of high marks, has had also higher qualification being passed B.Sc. as admitted in his representation dated 17.04.2000 address to the Chief PMG, Assam Circle, Guwahati ( A copy enclosed ). Since the applicant was holding higher qualification and failed to submit the required documents and on the other hand, there was eligible candidates of Matriculation from where a candidate, being right best was selected and appointed. He is working nicely and his works are being examined to maintain his suitability. There was, therefore, no violation of the terms and conditions as mentioned in the letter inviting the applications keeping in view the details of the condition against para I.

That the conditions have been carried from the departmental Recruitment Rules of Extra Department Agents,

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where there is specific mention and guide line that the qualification of the candidate of EDBPM should be Matriculation or equivalent examination passed only. Therefore, the consideration is being primarily given to the candidates with Matriculation or equivalent examination provided with submission of all the require documents. Failure of such conditions by such candidates, will forfeit their claim and the next consideration is shifted to those candidates of higher qualification, on the basis of the merit in the Matriculation or equivalent examination only, provided further that all the documents have been submitted by any of such candidates of higher qualification who may be selected on certain cases.

11. That as regards the contents of paragraph 4(vi) of the O.A. this answering Respondent respectfully states that the applicant may be securing Ist Division with higher marks than the Respondent no.5 having passed HSLC examination in 2nd Division securing little less marks has had otherwise eligibility on merit among the candidates of Matriculation or equivalent examination and with submission of all required documents in support of his candidature. Thus the Respondent No. 5 was choiced right for the selection on merit and the candidature of the applicant of O.A. No. 192/2000 had no scope for consideration.

12. That as regards the contents of paragraph 4(vii) of the O.A. this answering Respondent respectfully states that it appears that the Public Relation Inspector (Postal) of Nalbari Post Office was never deputed to meet the Iat - Mandal for verification of the documents beyond what have been done on 07.10.99 at this office.

13. That as regards the contents of paragraph 4(viii) of the O.A. this answering Respondent respectfully states that a copy of the representation dated 17.04.2000 address to the Chief PMG, Guwahati of the applicant of OA No. 192/2000 had been forwarded to this office and a detailed report had also been submitted to the said higher office on 04.05.2000 followed by another letter dated 09.06.2000 from this office to that higher office. The case is being examined at right angles and a reply may be had by the applicant at any moment with contents of expression to his satisfaction.

14. That as regards the contents of paragraph 5(i) of the O.A. this answering Respondent respectfully states that there was no ground of the applicant to be considered for selection and appointment for the aforesaid post to which the Respondent No.5 in view of his rightful eligibility and merit was appointed as right best candidate within the rules and regulation of the department.

15. That as regards the contents of paragraph 5(ii) of the O.A. this answering Respondent respectfully states that the condition of clause 4 of the advertisement letter dated 14.8.99 stands mutatis mutandis, with the details as

explained under para 4(i)(vi) above.

16. That as regards the contents of paragraph 5(iii) of the O.A. this answering Respondent respectfully states that there was no violation of Method of Recruitment under section IV of the Rules of P & T EDA (conduct & service) Rules, 1964, to the extent of this appointment is concerned.

17. That as regards the contents of paragraph 5(iv) of the O.A. this answering Respondent respectfully states that the process was on the papers and documents examined and verified earlier and the selection was only made by going through the papers, documents and conditions, provisions of Rules and Regulations, Roster position etc. and therefore, there was no violation on following due process of law and applying his mind. The selection was therefore, made to the right best candidate, who is working nicely, being examined with the condition of services.

18.. That as regards the contents of paragraph 5(v) of the O.A. this answering respondent respectfully states that there was no mention to the cause of arbitration and extraneous conditions and so, this statement of ground is illusory.

19. That as regards the contents of paragraph 5(Vi) of the O.A. this answering respondent respectfully states that the statement is illusory, keeping the consideration on the above facts and information.

Verification , , , , ,

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V E R I F I C A T I O N

I, N. Das, Superintendent of Post Offices,  
Nalbari Barpeta Division, Nalbari, being authorised  
do hereby solemnly declare that the statements made  
in this written statement reply is true to my knowledge,  
information and believe.

And I sign this verification on this 23<sup>rd</sup> day  
of November, 2000.

*Niranjana Das,*

Declarant

Superintendent of Post Offices,  
Nalbari, Barpeta Division  
Nalbari-781236