

30/100
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
Application filed in form and within time & F.O. of Rs. 10/- deposited vide IPO BD No. 497251 dated 17-6-2000 My S. Biswas	4.7.00	Present: Hon'ble Mr. S. Biswas, Administrative Member. Heard learned counsel Mr. C. Goswami, learned counsel for the applicant and Mr. B. S. Basumatary, Addl.C.G.S.C. for the respondents. Application is admitted. Issue notice on the respondents. List on 3.8.00 for written statement and further orders. S. Biswas, Member(A)
Legally filed 22/6/2000	1m 5/7/2000	3.8.00 There is no hearing adjourned to 22.8.00. S. Biswas

Notes of the Registry	Date	Order of the Tribunal
Noticeday heard on <u>27.10.00</u> No 285 <u>By 13/11/00</u>	27.10.00	Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman Heard Mr.C.Goswami, learned counsel for the applicant. 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. List on 28.11.00 for written statement and further orders.
No. written statement has been filed. <u>By 28.10.00</u>	mk	Vice-Chairman
No. written statement has been filed. <u>By 27.11.00</u>	28.11.00	Four weeks time is granted to file written statement on the prayer of Mr A.Deb Roy, learned Sr.C.G.S.C. List on 1.1.2001 for order.
<u>12-1-2001</u> ① a) Statement has been filed by the respondents. <u>By</u>	pg	Vice-Chairman
No. Rejoinder has been filed. <u>By 26.4.01</u>	1.1.2001	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. List on 22.1.01 for written statement and further orders.
	mk	Vice-Chairman
	22.1.01	The respondents have filed the written statement. The applicant may file rejoinder if any, within 2 weeks. List on 27.4.01 for hearing.
	lm	I.C.Ulhar Member
		Vice-Chairman

(3)

3

Notes of the Registry	Date	Order of the Tribunal
	27.4.2001	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.
nk m		<i>CC Ushan</i> Member
		<i>[Signature]</i> Vice-Chairman
	24.5.01	None appears for the applicant when called. List on 17.7.01 for hearing.
		<i>CC Ushan</i> Member
		<i>[Signature]</i> Vice-Chairman
lm		
17.7.01		There is appearance. List again on 13/8/2001 <i>CC Ushan</i> Member
		<i>[Signature]</i> Vice-Chairman
13.8.01		None appears for the applicant to press the application. List again on 14.8.2001 for hearing.
bb		<i>CC Ushan</i> Member
		<i>[Signature]</i> Vice-Chairman
14.8.01		None appears for the applicant. List again on 16.8.2001 for hearing.
pg		<i>CC Ushan</i> Member
		<i>[Signature]</i> Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal

(4)

(4)

4

8A. 192/00

Notes of the Registry

Date

Order of the Tribunal

16.8.01

None appears for the applicant to press the application.
List ^{again} on 17.8.2001 for hearing.

K C Shrivastava
Member

h
Vice-Chairman

bb

17.8.01

None appears for the applicant when called upon. The case is accordingly dismissed for default.

Member

Vice-Chairman

py

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.

written statement
has been filed.

3/10/01

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 C Shrivastava
Member

h
Vice-Chairman

nkm

5
O.A.M.192/2001

Notes of the Registry

Date

Order of the Tribunal

4.10.01

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

I C Usha

Member

L
Vice-Chairman

written statement
billed by the
respondents

By
23.11.01

26.11.2001

List this case again on 4.12.01 for hearing.

I C Usha

Member

L
Vice-Chairman

nkm

4.12.2001

list on 19.12.2001 for
hearing.

rgo

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.

I C Usha

Member

L
Vice-Chairman

bb

8.1.2002

copy of the orders
along with the copy
of application was
not been sent to
the office of the
lawyer to the
P.D.G. Gopalakrishna.

rgo
23.12.2001

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.

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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
Dept. 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 ^{also} 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 have 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
(K.K.SHARMA)
ADMINISTRATIVE MEMBER

D.N. Chowdhury
(D.N.CHOWDHURY)
VICE CHAIRMAN

bb

52

19 JUN 2000

गुवाहाटी स्थायी बैठक

IN THE CLERICAL 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,

Dept't. of Post, Govt. of India,

New Delhi - 1.

2. The Regional Director of Postal

Service, Chief Post Master

General, Assam Circle, Meghdoott

Bhawan, Guwahati - 1

3. Superintendent of Post Offices,

Nalbari

④ 4. Inspector of Post Offices, Nalbari.

Contd ... 2

13
Filed by :
SRI PRANAB KUMAR GOSWAMI
Applicant
Through :
Chittaranjan Goswami
Advocate 19-6-2000
Shri Pranab Kumar Goswami

- 2 -

5. Sri Khagen Dutta,

Son of Sri Ranidhar Dutta

Village : Balikaria

Post Office : Balikaria

District : Nalbari , Assam

.. Respondents ..

16. 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.

25. JURISDICTION :

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

35. 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 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 pursuance of the aforesaid invitation letter, ~~dated~~ considering the terms and conditions, 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 Marksheets.
 3. Certificate showing that you are a permanent resident of the village.
 4. Document showing that you are ~~able~~ able to provide accommodation 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.

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 Respondent 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 grievances 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. GROUNDS 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 ~~of~~ 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.

(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 ^{made} 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.

65. DETAIL OF REMADES 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.

76. 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 cancell the appointment of Respondent No. 5 in the post of Extra Departmental Brach 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.

95.

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 :- Amravati

11.

LIST OF ENCLOSERS :

As stated in the Index.

Sri Pranab Kumar Goswami

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 materials facts of the case.

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

Place : Guwahati

Date : 19.6.2000

Sri: Pranab Kumar Goswami.
Signature of applicant.

2

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

No. A/81-1/EDA

Dated at Nalbari the 21-09-99

To

Sri/Miss Prasab Kr. Goswami
SD. Sarat Goswami
Vill & PO = Balikaroi
via - Kazipara
 Sub: Recruitment for the post of EDBPM, Balikaroi Bo
Kazipara Nalbari
 via- Dist.

You are hereby requested to report to this office on
 the Thursday 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 invalidate your candidature for the post which will be at your own risk. No TA/DA etc. will be granted for this purpose.


 (G.G. SINGHA)
 Superintendent of Post Offices

*certified to be
 true copy
 O. 10. 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

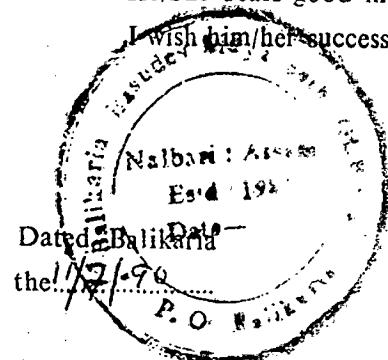
B.B.B/C-16/90

Certified that Sri Pranab Kr. Goswami son/daughter of Shri Late Sarat 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 No 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.



Headmaster,

Balikaria Basudev Bidyapeeth (H. E.)
Balikaria Basudev Bidyapeeth (H. E.)

certified to be
true copy
On
10.6.2000

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

- A₃

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

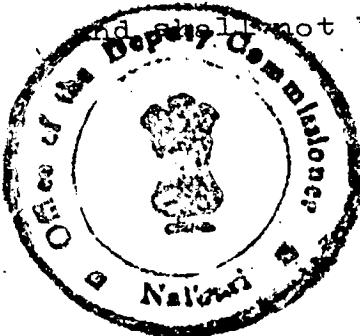
Dt. 7/7/93...

This is to certify that Sri/Sati Pranab
Kr. Goswami, Son/Daughter/Wife of U. Sarak etc.

.....Goswami.....is a permanent residence of Vill:-
Balikania.....Under P.S.:Nalbari.....

Mouza:-.....Balahgrila.....of Nalbari Dist.

This certificate is applicable only for the
purpose of admission for ... Higher Education.....
and shall not be valid for any other purpose.



8/7/93
Deputy Commissioner;
Deputy Commissioner
Nalbari
Nalbari

cit. bkt. b
dr. wpt
10.6.2000

ANNEXURE - A 4

(ENGLISH TRANSLATED COPY)

C E R T I F I C A T E

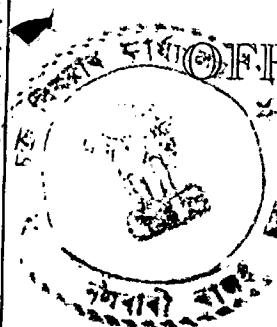
Certified that Sri Pranab Kumar Goswami a permanent resident of village Balikaria, in the district of Nalbari, is able to provide necessary accommodation for functioning Post Office at Balikaria.

Sd/- Sri BIPIN BARMAN

15.9.99

Gaon Burah, Balikaria.

certified to
copy
15.9.99
O. 6.2000
19



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/
Srimati... Pranab... Kumar... L.P.S. Swami.....
Son/Daughter/Wife/Husband/Mother/Guardian/Father of Sri/Smti/
Late... Sarat... L.P.S. Swami..... an inhabitant of
village. Bakikassia..... in... Batalgola.....
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.R.)

Place- Nalbari

Date:-- 4-7-98

Circle Officer
Nalbari Circle
Circle Officer
Nalbari Circle
B.M.

certified to
be true copy
19/6/2000

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	Name of Pattadar Father's Name	Dag No.	Area of Dag	Class of land	Revenue/ Loc Tax
					Rs P
		B K L			
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 mutuated 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 mutuated 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

*Subcribed & Verified
by G. G. G.
Copy by - Sri Pranati Dutta,
28.9.99*

ANNEXURE - B

(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.

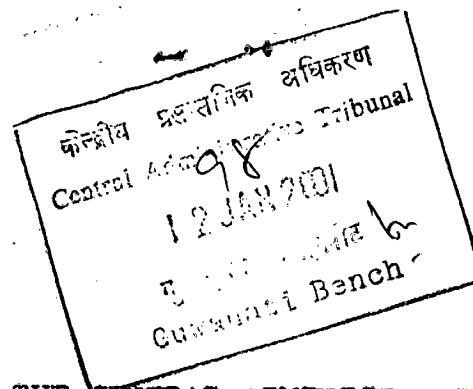
In the month of September 1999, in view of the invitation of application by the Employment Exchange, Nalbari for a vacant post of EDBPM at Balikaria, I applied for the post

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 ~~the~~ in the merit list I was ~~the~~ 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



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI

O.A. NO. 192/2000.

SHRI PRANAB KR. GOSWAMI

VS -

UNION OF INDIA AND OTHERS.

WRITTEN STATEMENTS FOR AND ON BEHALF OF
RESPONDENTS NO. 1, 2, 3 & 4.

I, Shri N. DAS, Superintendent of Post Offices,
Nalbari Barpeta Division, Nalbari, do hereby solemnly
affirm and state as follows :-

1. That I am the Superintendent of Post Offices,
Nalbari Barpeta Division, Nalbari and I have been impleaded
party respondents No. 3 in the instant O.A. I have received
the copy of the aforesaid O.A. gone through same and under-
stood the contents their of, as such I am competent to
verify and file this written statement for my own behalf
as well as for and on behalf of respondents No. 1, 2, 3 & 4.
2. That this answering respondents does not admit
any facts, at allegation statements and everments made in
the O.A. save and except those have been specifically admi-
tted here under in this written statement. Further this
statement which are not borne on records have been cate-

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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 EDBPM, 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 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.

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 "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,

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 1st 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.

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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.

20. That as regards the contents of paragraph 5(vii) of the O.A. this answering respondent respectfully states that these are the ornaments on the allegation of facts but in fact these are totally illusory.

21. That as regards the contents of paragraph 5(viii) of the O.A. this answering respondent respectfully states that it does not make any comments, being illusory.

22. That as regards the contents of paragraph 6 of the O.A. this answering respondent respectfully states that while the case is still under investigation of the department, it can not be said that he has exhausted all the remedies and has failed to get justice if there is lacking any.

23. That as regards the contents of paragraphs 7, 8, 9, 10 & 11 of the O.A. this answering respondent does not make any comments.

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VERIFICATION

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 23rd day
of November, 2000.

Niranjan Das,
Declarant
Superintendent of Post Offices,
Nalbari, Barpeta Division
Nalbari-781335