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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

(1) MP 170/01 order page-1 to 2 dismission
(2) MP 134/01 order page-1 9.1.02
210 31.5.01

O.A/T.A No. 214/2000
R.A/C.P No.
E.P/M.A No.

1. Orders Sheet..... 64Pg. 1.....to. 6.....
2. Judgment/Order dtd. 9.1.2002Pg. 1.....to. 6 dismission
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 214/2000Pg. 1.....to. 16.....
5. E.P/M.P. 170/01Pg. 1.....to. 5.....
6. R.A/C.P..... 4Pg.to.
7. W.S.....Pg. 1.....to. 32.....
8. Rejoinder.....Pg.to.
9. Reply.....Pg.to.
10. Any other Papers.....Pg.to.
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Schits
19/12/17

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 214/2000 OF 199

Applicant(s) Sri Magesh Ramachandran.

Respondent(s) Union of India and others.

Advocate for Applicant(s) Mr. B.K. Sharma

Mr. S. Sarma

Advocate for Respondent(s) Mr. B.K. Talukder.

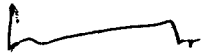
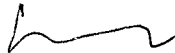
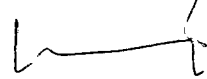
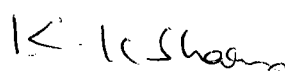
Mr. U.K. Gogoi

C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>File No. 4923/00 Form and within 10 days of F. of Rs. 500/- deposited vide IPO BD No. 4923/00 Dated 15/6/2000 nk</p> <p>22-00</p> <p>Steps are yet to be received to issue notices 29/9/01</p>	<p>16.6.2000</p> <p>5.7.00</p> <p>nk</p>	<p>Present : Hon'ble Mr.D.C. Verma, Judicial Member.</p> <p>On the prayer of Mr. S.Sarma, learned counsel for the applicant, the case is adjourned to 5.7.00.</p> <p>List it on 5.7.00 for considera- -tion of admission.</p> <p>Member (J)</p> <p>Present: Hon'ble Mr S. Biswas, Administrative Member</p> <p>At the request of the learned counsel for the applicant through Mr A. Ahmed the case is adjourned and posted for admission to 10.7.00. Mr B. S. Basumatary, learned Addl. C.G.S.C. is present.</p> <p>Member(A)</p>

nk

Notes of the Registry	Date	Order of the Tribunal
	10.7.00	Present: Hon'ble Mr.S.Biswas, Administrative Member. At the request of learned counsel for the applicant represented by Mr.M.Chanda case is adjourned and posted on 27.7.00 for Admission. LM s. Biswas Member(A)
	27.7.00	There is no Bench - Adjourned to 14.8.00 18/0 2
	14.8.00	There is no Bench - Adjourned to 12.9.00 18/0 2
	29.9.00	Consent: Hon'ble Mr.D.N.Chowdhury Vice-Chairman. Heard Mr.B.K.Sharma learned counsel for the applicant and Mr.B.S.Basumatary, Addl.C.G.S.C. for the respondents. Issue notice to show cause as to why application shall not be admitted. Returnable by six weeks. List on 16.11.00 for Admission. lm NS 31/10/2000 Vice-Chairman
	16.11.00	Heard Mr S.Sarma, learned counsel for the applicant and also Mr B.S.Basumatary learned Addl.C.G.S.C for the respondents The respondents has not shown any cause. The application is admitted. Call for the records. List on 18.12.2000 for further order Vice-Chairman
	15.11.2000	
Pl. comply order dtd 29.9.2000 NS 31/10		
Slips are received and Sent to D/S for issuing the Respondent No 1 to 3 vide D/No 2389 2391 dtd 31/10/2000 19/10/00		
① Service report are still awaited.		
② No. Show cause has been filed.		
NS 15.11.00 Notice duly served on RNs 1, 2 & 3 Service completed 11/11/01	pg A.K. Garg 16/11	

Notes of the Registry	Date	Order of the Tribunal
<p>No. written statement has been filed.</p> <p><u>30</u> 9.2.01</p>	<p>10.1.2001</p> <p>nkm</p> <p>9.2. no s.r. adjourned to 28.2.2001.</p> <p><u>Mr. A.K.B.</u> 9.2</p>	<p>Four weeks time allowed for filing of written statement on the prayer of Mr B.S. Basumatary, learned Addl. C.G.S.C. List it on 9.2.01 for orders.</p> <p></p> <p>Vice-Chairman</p>
<p>No. written statement has been filed.</p> <p><u>30</u> 27.3.01</p>	<p>28.2.2001</p> <p>nkm</p>	<p>Three weeks time allowed to the respondents to file their written statement. List it on 28.3.01 for orders.</p> <p></p> <p>Vice-Chairman</p>
<p>23.4.2001</p> <p>W/s has been submitted by the Respondent no. 1, 2 and 3.</p> <p><u>P.D.</u></p> <p>The case is in circuit sitting at Kohima.</p> <p><u>MS</u> 21/5/01</p> <p>No. rejoinder has been filed.</p> <p><u>30</u> 10.7.01</p>	<p>28.3.2001</p> <p>nkm</p> <p>31.5.01. (Kohima)</p> <p>nkm</p>	<p>Four weeks time allowed to the respondents to file written statement. List it for orders on 16.5.01.</p> <p></p> <p>Vice-Chairman</p> <p>Written statement has been filed. Three weeks time allowed to the applicant to file rejoinder. The respondents shall produce the records within five weeks from today.</p> <p>List on 11.7.2001 for hearing.</p> <p></p> <p>Member</p>

Notes of the Registry	Date	Order of the Tribunal
	11.7.01	<p>Ms.U.Das learned counsel for the applicant has stated that ^{in view of} there is some subsequent development ^{which took place after institution of} of the case of the applicant. The applicant ^{may} take some steps. Accordingly she prays for ^{some} time to take necessary steps. ^{Prayer is} List on 8.8.01 to enable the respondents to take necessary instructions.</p> <p style="text-align: right;">Vice-Chairman</p>
	lm	
	11.7.01	<p>Ms.U.Das learned counsel for the applicant has stated that in view of subsequent development that took place after institution of the case. The applicant is required to take some steps in the case and accordingly, she prays for sometime to take the necessary steps. Prayer is accepted. List on 8.8.01 to enable the respondents to take necessary instructions.</p> <p style="text-align: right;">By Order A.K. Das 11/2</p>
	8.8.2001	<p>On the prayer of the learned counsel for the applicant the case is adjourned till 5.9.01 for hearing.</p> <p style="text-align: right;">Vice-Chairman</p>
	nk m. 5.9.01	<p>On the request of Mr.S.Sarma, learned counsel for the applicant, the case is adjourned for one weeks.</p> <p>List on 12/9/01 for hearing.</p> <p style="text-align: right;">Member</p>
	mb	

copy has been filed.

By
7.8.01

Notes of the Registry

Date

Order of the Tribunal

12.9.2001

Request has been made by Ms.U.Das on behalf of Mr.S.Sarma, learned counsel for the applicant seeking adjournment on personal grounds of Mr.S. Sarma.

Prayer accepted. List the case on 3.10.2001 for hearing.

K.C. Sharma
Member

bb

3.10.01

This is a matter relating to Division Bench. Therefore the matter may be posted before the Division Bench, for hearing.

Vice-Chairman

pg

9.10.01

Adjourned on the prayer of learned counsel for the applicant.

List on 29/11/01 for hearing.

K.C. Sharma
Member

Vice-Chairman

mb

29.11.01

Prayer has been made by Mr.S.Sarma, learned counsel for the applicant for adjournment of the case. Prayer is allowed

List on 7.1.02 for hearing.

K.C. Sharma
Member

Vice-Chairman

mb

7/12

Heard Mr. S. Sarma, learned Counsel for the applicant Mr. A. Debroy, & C.G.S.C. for the respondent.

Hearing concluded,

Judgment reserved,

mb

A.K. Jey

7.12

Next date is not fixed for hearing in order dated 3.10.2001

RS
4/12/01

Notes of the Registry	Date	Order of the Tribunal
<p>✓</p> <p>16.1.2002</p> <p>Copy of the Judgment has been handed over to the 2 advocates for the parties.</p> <p>HS</p> <p>Received Copy B.K. Nishith A.D. Shinde 16-1-2002</p>	<p>9.1.02</p> <p>mb</p>	<p>Judgment delivered in open court, kept in separate sheets. The application is dismissed. No order as to costs.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 214 of 2000.

Date of Decision. 9.1.2002....

Sri Maneesh Kumar & others

Petitioner(S)

Mr B.K.Sharma, B.K.Talukdar, S.Sarma &
U.K.Goswami.

Advocate for the
Petitioner(s)

Versus-

Union of India & Ors.

Respondent(s)

Sri 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 : Admn. Member.

K. Ushay

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.214 of 2000.

Date of Order : This the 9th Day of January, 2002.

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

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

1. Shri Maneesh Kumar
2. Shri Akhilesh Kumar Singh
3. Shri Santosh Kumar
All C/O Shri Ram Naresh Singh
Friends Book House, Circular Road
Dimapur, Nagaland. . . . Applicants.

By Mr.B.K.Sharma, Mr.B.K.Talukdar, Mr.S.Sarma &
Mr.U.K.Goswami.

- Versus -

1. Union of India
Represented by the Secretary to the
Govt. of India, Ministry of Communications
Department of Posts, New Delhi.
2. The Chief Postmaster General
N.E.Circle, Shillong.
3. The Director of Postal Services
Nagaland, Kohima (Mr F.P.Solo) and
Chairman, Selection Committee for
Selection of Postal Assistants under
Nagaland Division. . . . Respondents.

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

ORDER

K.K.SHARMA (MEMBER ADMN.) :

In this application under Section 19 of the
Administrative Tribunals Act, 1985 the only issue raised
is regarding the non selection of the applicants for
appointment as Postal Assistant under the Nagaland Postal
Division.

K.K.Sharma

contd...

2. There are three applicants who have sought permission to file this single application by invoking the provisions of Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987. They have been allowed to pursue the single application as the cause of action is common.

3. The respondents have issued a notification dated 19.11.98 for filling up 9 vacancies (5 unreserved and 4 reserved for ST) of Postal Assistant in Nagaland Postal Division. The applicants submitted their applications and they were provisionally selected to appear in the written test. The written test which was scheduled to be held on 25.1.99 was postponed. A revised list was prepared in which the names of the applicants did not appear. The applicants filed O.A.121/99. Due to the intervention of this Tribunal the applicants were allowed to appear in the written test held on 18.4.99. The applicants were not allowed to appear in the typing test as they had not brought their own type writer. The applicants once again approached this Tribunal in the pending O.A.No.121/99 and because of a direction issued by this Tribunal the applicants were allowed to appear in the typing test. It is the applicants claim that selection for the post of Postal Assistant was marked by lot of irregularities and mala fide exercise of power by the respondent No.3 - Director, Postal Services, Nagaland Division, Kohima. In the selection 20 marks were assigned for interview and 5

10/11/99

contd...

each for typing and computer qualification test. 30 marks were assigned to written test and 40 marks for educational qualification. It is alleged that the Interview Board was headed by respondent No.3 as Chairman and did not include any general category member. The other two members of the Interview Board were subordinate to respondent No.3. It is also alleged that the applicants have been deprived of their selection though they scored maximum marks in written test and on the basis of educational qualification. The interview process was manipulated by respondent No.3 because of bias of respondent No.3. The interview was a total fraud. The applicants have challenged their non selection and have alleged among others racial discrimination.

4. The respondents have filed written statement. They have stated that 45 candidates were called for in the written test on the basis of percentage of marks obtained in the 10+2 examination. The earlier provisional list was modified for exclusion of some bogus candidates. The names of the applicants were excluded due to their failure to produce indigenous inhabitant certificate. The applicants obtained temporary resident certificate dated 30.3.99 from Additional Deputy Commissioner, Zunheboto. The Employment Officer refused to restore the employment registration of the applicants. The applicants approached the Gauhati High Court, Kohima which cancelled the order of DEO and restored the registration of the applicants. The Interview Board met on 21.5.2000 and the result announced through a press

10/11/2000

release and successful candidates have been inducted on completion of training and posted in different offices in Nagaland. The temporary resident certificate dated 30.3.99 was valid for one year. Apart from the temporary resident certificate all other documents including educational typing and computer proficiency certificates are from Bihar. The particulars submitted by the applicants do not appear to be correct. During the process of verification of certificates produced by the applicants the certificates were found to be bogus. It is stated that respondents gave weightage to educational qualification, written test, oral interview, computer and typing test as per recruitment rules. The interview was conducted by a Board consisting of DPS, Nagaland as Chairman and Superintendent of Post Offices, Nagaland and an Officer of circle office. The Board individually put questions to candidates and awarded marks separately. At the time of interview the Board did not take into account the marks secured by the candidates in other components of the recruitment test. The result of the test was neither declared nor made known to the interview board at the time of interview and as such there is no basis to allege arbitrary exercise of power to eliminate some candidates. The Board constituted for selection was constituted by SC and ST officers and there is a requirement that at least one member should be from the ST or SC community. There is no such rule that ^{to have} at least one member from the general

16/1/99

contd...

community. In the interview Board each member functions independently and none does function as subordinate to any other member. The applicants were not eliminated by awarding lower marks in the interview at the behest of respondent No.3 as alleged. The applicants were not able to answer any question put to them. They could not even make a sentence in English correctly. They knew nothing about the District of Nagalandⁱⁿ which they claimed to have lived for the last 20 years. If the applicants could not perform well in the interview they have themselves to blame. The interview board had no bias against the applicants.

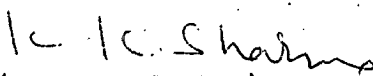
5. We have heard Mr S.Sarma, learned counsel appearing for the applicants and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents. The learned counsel^s have elaborated the pleadings made in the application as well as in the written statement. We have also perused the documents filed with the application.

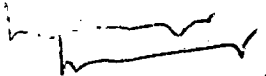
6. The main submission on behalf of the applicants is that too much weightage was given to the interview and that there was no member of general category in the interview board. The applicants could perform well in the written test but disqualified in the interview. They have also alleged bias on the part of respondent No.3. The allotment of 20 marks of interview out of 100 cannot be said to excessive. The respondents have stated that marks are allotted as per recruitment rules. It is difficult to infer that excessive marks have been

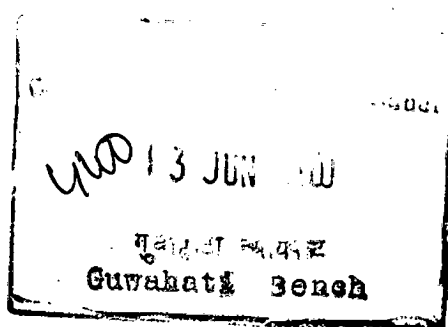
. K. U. Shaha

alloted for interview. The learned counsel for the applicants has not been able to show any rule in support of his contention that at least one member of general category should have been present in the interview board. The alleged biasness or mala fide on the part of respondent No.3 cannot be inferred for want of any material to support it. The interview board was constituted by the senior officers of Postal Department. The applicants have shown poor performance in the interview. After hearing the parties we do not find any illegality or irregularity in the selection process adopted in the selection of Postal Assistant for Nagaland.

The application is accordingly dismissed.
There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : DA No. 214/2000

BETWEEN

Shri Maneesh Kumar & Ors.

... Applicants

- versus -

Union of India & Ors.

... Respondents

I N D E X

<u>SL. No.</u>	<u>Particulars of the documents</u>	<u>Page No.</u>
1.	Application ...	1 to 11
2.	Verification ...	12
3.	Annexure-1 ...	13
4.	Annexure-2 ...	14 & 15
5.	Annexure-3 ...	16, 16A

Filed by :

Uk Gowan
Advocate

Filed by:
the Applicant
through
Mr. Gerson
Advocate

THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH
GUWAHATI

O.A. No. 214 of 2000

BETWEEN

1. Shri Maneesh Kumar,
son of Shri Raghunath Singh,
2. Shri Akhilesh Kumar Singh,
son of Shri Ram Briksha Singh,
3. Shri Santosh Kumar,
son of Shri Rajeswar Prasad Singh,

All C/O Shri Ram Naresh Singh,
Friends Book House, Circular Road,
Dimapur, Nagaland.

... Applicant

- AND -

1. The Union of India, represented by
the Secretary to the Government of
India, Ministry of Communications,
Department of Posts, New Delhi.
2. The Chief Postmaster General, N.E.
Circle, Shillong.
3. The Director of Postal Services,
Nagaland, Kohima (Mr. F.P. Solo) and
Chairman, Selection Committee for
selection of Postal Assistants under
Nagaland Division.

... Respondents

DETAILS OF APPLICATION

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

This application is directed against the non-
selection of the Applicants for appointment as Postal
Assistants under the Nagaland Postal Division results
of which have been published in the issue of Nagaland
Post dated 23.3.2000.

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①.
Vive. in
cont. 2 law
place

2. JURISDICTION OF THE TRIBUNAL :

The Applicants declare that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The Applicants further declare that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicants are all citizens of India and residents of the State of Nagaland and as such they are entitled to all the rights, protections and privileges

guaranteed under the Constitution of India. Since the cause of action and relief sought for by the applicants are similar, they pray to join together in a single application invoking Rule 4(5)(a) of CAT (Procedure) Rules 1987. 2

4.2 That the Respondent No. 3 had issued a recruitment notification vide No. B2/Recruitment/98 dated 19.11.98 and invited applications for filling up 9 vacancies (5 unreserved and 4 reserved for STs) in the cadre of Postal Assistant in the Nagaland Postal Division.

A copy of the recruitment notification dated 19.11.98 is annexed as ANNEXURE-1.

3/ 4.3 That in response to the said notification, the Applicants being eligible and having fulfilled all the criterias laid down in the said notification, submitted their respective applications, correct and complete in all respects to the Respondent No.3 well within the prescribed time limit.

4.4 That the Respondent No.3 on completion of scrutiny of the applications received by him published a list of provisionally selected candidates vide No. B2/Recruitment/98 dated 8.1.99 in which the names of the Applicants were included at Sl. No. 5, 14 and 23 respectively. The Applicants were thus selected to appear in the written test, typing test and computer test scheduled to be held on 24.1.99 and 25.1.99.

A copy of the list dated 8.1.99 is annexed as ANNEXURE-2.

4.5 That the above tests scheduled to be held on 24th and 25th January 1999 was suddenly postponed at the eleventh hour on the basis of the complaint by a candidate regarding the irregular method adopted in not taking into account the percentage of marks for typing and computer qualifications while preparing the Annexure-2 list. Thereafter, the Department of Posts issued certain guidelines for preparation of merit list and directed all the recruiting centres (Divisional Heads) to prepare fresh merit lists of candidates who were called earlier as well as those candidates who find place as per the clarification issued by the Department. Accordingly, the Respondent No. 3 prepared a fresh list of candidates in which the names of Applicants were intentionally not included.

4.6 That the Applicants being aggrieved by such arbitrary exclusion of their names from the provisional merit list by the Respondent No. 3 approached this Hon'ble Tribunal by way of filing O.A. No. 121/99. Due

to the intervention of the Hon'ble Tribunal, the Applicants were allowed to appear in the written test held on 18.4.99, but there was injustice caused to them when they were not allowed by the Respondent No. 3 to undergo the typing test held on the same date on the plea that the Applicants did not bring their own type-writers. Since the Applicants were residing in far off places and by the time the interim order could reach them, it was too late on the day to bring their own type writers, the Applicants while appearing in the written test on 18.4.99 made it known to the Respondent No. 3 that they would be using the type-writers of other candidates who had appeared in the first shift. Be it stated here that the interim order passed by this Hon'ble Tribunal in O.A. No. 121/99 on 13.4.99 and the Applicants could get their hall permits issued by the Respondent No. 3 only on 16.4.99. The Applicants requested the Respondent No.3 to allow to undertake the typing test with the borrowed type writers, but such a request was turned down by the said Respondent without adducing any reason.

4.7 That the Applicants situated with the above position, made a representation to the Chief Postmaster General, North Eastern Circle, Shillong who is the controlling officer of the Postal Department in the North Eastern Circle in which the Nagaland Postal Division also falls, but the representation of the Applicants dated 20.4.99 could not yield any result.

4.8 That the Applicants being left with no alternative, once again approached this Hon'ble Tribunal in the pending O.A. No. 121/99 and the Hon'ble Tribunal was pleased to issue a direction to allow the Applicants to take their typing test. Accordingly, the Applicants appeared in the typing test held on 14.12.99.

4.9 That the Applicants state that the selection for the post of Postal Assistants is marked by lot of irregularities coupled with the bias and malafide exercise of power by the Respondent No. 3. In the O.A., allegation of malafide was already there and accordingly, the said Respondent ought not to have taken the interview of the Applicants towards selecting the candidates for recruitment as Postal Assistants. The distribution of marks in the selection was as follows :

- | | | |
|------|--|-------------|
| i) | 40% weightage for the percentage of marks in educational qualification | - 40 marks |
| ii) | Written test | - 30 marks |
| iii) | Typing Qualification/Test | - 5 marks ✓ |
| iv) | Computer Qualification/Test | - 5 marks |
| v) | Interview | - 20 marks. |

4.10 That from the above, it will be seen that compared to the marks assigned for educational qualification and written test, the marks assigned for the interview was in the higher side and it was always possible to eliminate the chances of any candidate being selected on the basis of arbitrary exercise of

power towards awarding the interview marks. Be it stated here that the Interview Board was constituted by three persons headed by the Respondent No. 3 as the Chairman. Be it further stated that the Board consisting of three members did not include any general category member and two of the three members belong to ST community and the other one belongs to SC community. Thus there was no member to look after the interest of the general category candidates.

4.11 That the Applicants state that the Respondent No. 3 was the Chairman-Member of the Interview Board and other two members were directly subordinate to him and thus the said Respondent had opportunities to manipulate the marks for viva voce test. It is under these circumstances, the Applicants have been deprived of their selection although to the best of their knowledge they have scored maximum marks under category No.(i) and (ii) but they have been eliminated by awarding inconceivable lower marks in interview at the behest of the Respondent No.3. This has resulted in miscarriage of justice. The interview conducted by the Respondent No. 3 was a total farce and it is in this interview things were manipulated in such a way that the Applicants got eliminated. The Respondent No. 3 was totally bias against the Applicants for their approach to this Hon'ble Tribunal making allegations of malafide and colourable exercise of power by the said Respondent No.3.

4.12 That the Applicants state that in the instant case, the Respondent No. 3 has all along maintained a

22

bias attitude towards the Applicants through out the recruitment process and at every stage, attempts were made to eliminate the chances of selection of the Applicants.

4.13 That the Applicants state that the above O.A. was disposed of by the Hon'ble Tribunal by an order dated 2.3.2000 holding the same to have become infructuous in view of the fact that the reliefs sought for in the O.A. was already granted by way of interim orders.

A copy of the order dated 2.3.2000 is annexed as ANNEXURE-3.

4.14 That the Applicants state that the interview as conducted by the Respondent No. 3 was a total farce in which the marks were awarded in such a way so that the chances of getting selection by the Applicants are eliminated in view of the fact that they have secured highest marks under category No. (i) and (ii). By fixing 20 marks for interview, the Respondent No. 3 got a chance to award lesser marks to the Applicants than the others and thus the Applicants were deprived of their selection inspite of the fact that all of them have scored highest marks in other categories. In this connection, the Applicants pray for a direction to the Respondent No. 3 to produce the records pertaining to the selection, more particularly, the records pertaining to the interview conducted by the Respondent No.3.

4.15 That the Applicants under the above circumstances have once again come under the protective hands of this Hon'ble Tribunal by way of filing this O.A.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the interview that was conducted by the Respondent No. 3 being a total farce and the things having been manipulated towards elimination of the Applicants from the purview of selection, the said interview is required to be held afresh with the constitution of fresh Interview Board excluding the Respondent No.3.

5.2 For that the Applicants having secured highest marks in other categories, they could not have been eliminated from the purview of selection only on the basis of the interview marks which was in the higher side compared to the other categories.

5.3 For that malafide and colourable exercise of power being the foundation of the exclusion of the Applicants from the purview of selection, the interview conducted by the Respondent No. 3 is liable to be set aside and quashed.

5.4 For that the Applicants having been discriminated on the basis of their date of birth and there being racial discrimination in the matter of selection, the interview conducted by the Respondent No. 3 is liable to be set aside and quashed.

5.5 For that there being improper constitution of the Interview Board, the interview conducted by such a Board is liable to be set aside and quashed.

5.6 For that out of five candidates selected for appointment by the Respondent No. 3 against the unreserved vacancies, two candidates neither have typing nor computer qualification whereas all the three Applicants have got both typing as well as computer qualification.

5.7 For that the refusal on the part of the Respondent No. 3 to allow the Applicants to sit in the typing test only on the ground that they did not bring their own type writers establishes malafide on his part and but for the intervention of the Hon'ble Tribunal, the Applicants would not have been allowed to sit in the test.

5.8 For that the Respondent No. 3 ought not to have participated in the interview and for that matter in the entire process of selection so far as the Applicants are concerned, they having alleged bias and malafide against the said Respondent in the earlier O.A.

5.9 For that the things having been manipulated in the interview at the behest of the Respondent No.3 which has paved the way towards elimination of the Applicants from the purview of selection, the interview is liable to be set aside and a fresh interview comprising of different members is required to be ordered.

5.10 For that going by the sequence of events involving the Applicants in the entire process of selection, there is not even an iota of doubt that the Respondent No. 3 is instrumental towards exclusion of

the Applicants from being selected and as such, the case of the Applicants is required to be considered afresh disassociating the Respondent No. 3.

5.11 For that in any view of the matter, the selection in question is bad in law and liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicants declare that they have no other alternative and efficacious remedy except by way of filing this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicants further declare that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

7. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the Applicants pray that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be

pleased to grant the following reliefs :

8.1 To set aside and quash the impugned selection, more particularly, the interview conducted towards selection of Postal Assistants under Nagaland Division ;

8.2 To direct the Respondents to hold a fresh selection, more particularly, the interview for selection of Postal Assistants under Nagaland Division.

8.3 To direct the Respondents to declare the Applicants as successful in the selection if on scrutiny of records, it is found that the Applicants were illegally deprived of their selection.

8.4. Cost of this application.

8.5 Any other relief or reliefs to which the Applicants are entitled and as may be deemed fit and proper by the Hon'ble Tribunal..

9. INTERIM ORDER PRAYED FOR :

Under the facts and circumstances of the case, the Applicants pray for an interim direction to the Respondents, more particularly, the Respondent No. 3 to produce the entire records of selection including that of interview for selection of Postal Assistant that was conducted pursuant to the Annexure-1 notification dated 19.11.98.

10.

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

- i) I.P.O. No. : 497350 Dt. 6.6.2000
ii) Date :
iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

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

I, Shri Akhilesh Kumar Singh, aged about 23 years, son of Shri Ram Briksha Singh, C/O Shri Ram Naresh Singh, Circular Road, Dimapur, Nagaland, the Applicant No.2, do hereby solemnly affirm and verify that the statements made in paragraphs 1-4 and 5 to 12 _____ are true to my knowledge ; those made in paragraphs 5 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal. I am also competent and authorised to sign on behalf of the other Applicants.

And I sign this verification on this the 29th day of May 2000.

Interview - was a farce.

Maneesh Kumar

DEPARTMENT OF POST, INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND, KOHIMA: 797001

NO.B-2/Recruitment/98

Dated at Kohima 19.11.98

NOTIFICATION

Applications are invited from the eligible candidates for filling up 9 vacancies (5 unreserved and 4 reserved for Scheduled Tribes) of Postal Assistants in Nagaland Postal Division.

Scale of Pay - Rs.4000-100-6000 plus usual allowances.

Age - 18 to 25 years as on 1.7.98.
Upper age limit is relaxable by 5 years for Scheduled Tribe candidates, as per Govt. of India's rules.


Educational qualification - Minimum educational qualification is a pass in 10+2 Standard or 12th class from a recognised university or board.

Employment Registration - Intending candidates must be registered with any of the Employment Exchanges in Nagaland.

Application form - Application forms can be had from the office of Director Postal Services, Nagaland, Kohima-797001 on any working days during the office hours.

Last Date - Last date for receipt of applications is 21.12.98.

Method of selection - As per existing rule on the basis of percentage of marks obtained in 10+2 or higher examinations, only 45 candidates, ie. 5 times the number of vacancies will be called for written, computer, typing and personality tests.


(F.P.Solo)
Director of Postal Services
Nagaland, Kohima-797001

ANNEXURE-2

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA-797001

No.B-2/Recruitment/98

Dated at Kohima
8.10.99

The following candidates have been provisionally selected to appear in the written test for recruitment of Postal Assistants to be held on 24.01.99 and 26.01.99.

UNRESERVED CATEGORY

	NAME	COMMUNITY	PERCENTAGE
1.	Shri Libenthing Tsanglao	ST	85.20
2.	Shri Yhunsinto Magh	ST	75.60
3.	Shri Narendra Lal Bharan	OC	72
4.	Kum. Amongla	ST	70.58
5.	Shri Maneesh Kumar	OC	70.58
6.	Shri Ketholelie Oliver Solo	ST	69.79
7.	Shri R. Chanthungo Murry	ST	69.40
8.	Shri Manoj Kumar Prasad	OBC	68.89
9.	Shri Benrithung Murry	ST	68.88
10.	Shri Ram Babu Prasad	OC	68.33
11.	Shri Kekhriezetuo Solo	ST	67.89
12.	Kum. N. Nzanbeni Yanthan	ST	67.28
13.	Shri Swelul Pucho	ST	66.92
14.	Shri Akhilesh Kumar Singh	OC	66.89
15.	Shri Hubert Tamang	OC	66.62
16.	Kum. Madhobi Dey	OC	66.33
17.	Kum. Kajina Sote	ST	65.94
18.	Kum. Avungi Ezung	ST	65.80
19.	Shri Lunkhomang Singsit	ST	65.50
20.	Kum. Santana Purkayastha	OC	65.40
21.	Kum. B. Akala	ST	65.33
22.	Shri Bhushan Kr. Sharma	OC	65.33
23.	Shri Santosh Kumar	OC	65.11
24.	Shri Alemchuba	ST	64.17
25.	Shri Vitoi Sema	ST	63.89

Attest
Signature

-15-
= 2 =

30

RESERVED CATEGORY

	NAME	COMMUNITY	PERCENTAGE
1.	Shri Lansumekshi	ST	63.70
2.	Kum. Abeni Zuchamo	ST	63.56
3.	Kum. Zapune Zophic	ST	63.44
4.	Kum. Imtunenla Ao	ST	63.38
5.	Shri B. Rentsamo Lapon	ST	63
6.	Shri Rovovikho Hesielle	ST	62.78
7.	Kum. Chievitshu Nyuthe	ST	62.63
8.	Shri Hosazo Mekro	ST	62.33
9.	Kum. Ameno Peseyic	ST	62
10.	Kum. Asahuo Annie	ST	61.89
11.	Shri Nothuto Yoho	ST	61.21
12.	Shri Medovilhohu Tseikha	ST	61.11
13.	Shri Nukethol Kulnu	ST	60.83
14.	Shri Imtilepzung Yaden	ST	60.44
15.	Shri Avi Thakro	ST	60
16.	Shri T. Meyi Jamir	ST	59.73
17.	Shri Rodo	ST	59.60
18.	Shri Lanusenba	ST	59.40
19.	Kum. Kughau Syaj	ST	59.23
20.	Shri Zhovizeho	ST	59.13

The objective written test on General Knowledge and reasoning will be held from 10.00 hours to 11.00 hours on 24.01.99 at Savio KG School, (Catholic Publication Centre), Kohima Town, Typing Test for those who submitted proficiency certificate will be held from 11.30 hours on the same day at the same venue, Computer Test will be held on 25.01.99 at the office of the undersigned from 10.00 hours.

All the provisionally selected candidates will be individually informed and hall permits sent to them by registered post. However, the candidature of those who have not submitted complete documents is liable to be rejected if the wanting documents are not submitted before the written test.

Sd/-

8.1.99

(F.P. SOLO)

Director of Postal Services,
Nagaland Division-797001

Ateng
Adm.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 121 of 1999.

Date of Order : This the 2nd day of March, 2000.

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

The Hon'ble Mrs Lakshmi Swaminathan, Judicial Member.

1. Shri Maneesh Kumar, son of Shri Raghunath Singh, C/O Raju Stores, M.K.G. Road, Zunheboto, Nagaland.
2. Shri Akhilesh Kumar Singh, son of Ram Briksha Singh, C/O Amit Hotel, Zunheboto, Nagaland.
3. Shri Santosh Kumar, son of Rajeswar Prasad Singh, C/O Gajab Narayan Singh, Ration Shop, Zunheboto, Nagaland.

. . . Applicants

By Advocate S/Sri B.K.Sharma, B.K.Talukdar,
& S.Sarma.

- Versus -

1. Union of India represented by the Secretary to the Government of India, Ministry of Communications, New Delhi.
2. The Director General, Department of Posts, New Delhi.
3. The Chief postmaster General, N.E.Circle, Shillong.
4. The Director of Postal Services, (Shri F.P.Solo), Nagaland, Kohima.

. . . Respondents.

By Advocate Sri B.S.Basumatary, Addl.C.G.S.C.

O R D E R

L.SWAMINATHAN (J.M)

The 3 applicants in this application have filed the O.A. on the ground that they were not allowed to participate in the selection process which was to be held on 18.4.1999 for the posts of Postal Assistant by direct recruitment.

2. The applicants have also prayed for an interim direction to allow them to participate in the selection for

18/

contd.. 2

the aforesaid post. Admittedly, the applicants were allowed to participate in the selection which was held on 18.4.1999. The Tribunal by order dated 13.4.1999 had directed that the result of the selection should not be announced without leave of the Tribunal.

3. We have perused the pleadings and heard Mr.S.Sarma, learned counsel for the applicants and Mr.B.S. Basumatary, learned Addl. C.G.S.C. for the respondents.

4. It is seen from the above facts that the applicants have already been allowed to appear in the test which had been held on 18.4.1999 and 22.4.1999. In the circumstances the prayer of the respondents to vacate the interim order appears to be reasonable. Accordingly, the interim order dated 13.4.1999 stands vacated.

5. Mr. S. Sarma, learned counsel for the applicants has prayed that the respondents may exclude respondent No.4 i.e. Director of Postal Services, Nagaland, Kohima, from the above selection process. In view of the position narrated above, we find no merit in this prayer as the selection process is already over. Hence this prayer is rejected.

6. In view of what has been stated above, as the main relief prayed for in this O.A. has already been granted, the O.A. has become infructuous, and it is accordingly disposed of. No order as to costs.

Sd/MEBER (A)

Sd/ MEMBER (J)

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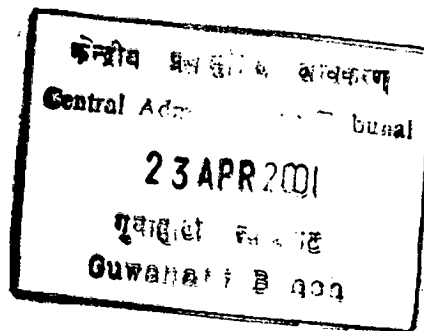
Section Officer (J)

अधिवक्ता (न्यायिक शाखा)
Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati
गुवाहाटी न्यायालय, गुवाहाटी-6

14/3/2002





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI.

O.A. NO. 214 OF 2000

Shri Maneesh Kumar & Others

- Vs -

Union of India & Others.

In the matter of :

Written Statement submitted by
respondents No. 1, 2 and 3.

The respondents beg to submit a brief history
of the case, which may be treated as part of the O.A.

(BRIEF HISTORY OF THE CASE)

Notification inviting applications from eligible
candidates for filling up 9 posts (5 unreserved and 4 ^{reserved} ~~reserved~~
for STs) of Postal Assistants in the scale of Rs. 4000-100-6000
in Nagaland was issued by Director of Postal Services, Nagaland
vide his notification no. B-2/Recruitment/98 dated 19.11.98

A copy of the letter dated 19.11.98 is annexed
hereto and marked as Annexure -1.

The notification was given wide publicity through
Director of Employment and Craftsmen Training. All India Radio,
Doordarshan Kendra and local newspapers in Nagaland.

2. Altogether 1216 applications were received. But
as per recruitment rule only candidates 5 times the number of

vacancies i.e. $5 \times 9 = 45$ candidates were to be selected for taking written test, oral interview, computer and type writing test. It was clearly mentioned in the notification dated 19.11.98 that for selecting 45 candidates only percentage of marks secured in 10+ 2 or higher examinations would be the basis. Weightage given for various components of the recruitment test is as follows.

	<u>Component</u>	<u>Weightage</u>
i)	Percentage of marks secured in 10 + 2 or above examination (whichever is higher)	40
ii)	Objective written test	30
iii)	Oral interview	20
iv)	Computer test	5
v)	Typewriting test	5
<hr/> Total		100

Final selection was made on the basis of marks obtained by the candidates in the aggregate .

3. As notified in the notification dated 19.11.98, selection of 45 candidates for appearing the recruitment test was made on the basis of percentage of marks secured by the candidates in 10 + 2 or above examination whichever is beneficial. Thus 25 candidates against unreserved category and 20 candidates against reserved category were provisionally selected to take the recruitment test. The list was published vide DPS Nagaland memo no. B-2/Recruitment/98, dated 8.01.99.

A copy of the letter dated 8.01.99 is annexed herewith and marked as Annexure - 2.

However, soon after publication of the provisional merit list, a candidate who produced proficiency certificates in computer and typewriting and who was not included in the merit list approached the higher authority for inclusion of his name in the merit list. While the appeal was being considered ~~by higher authority for inclusion of his name in the merit list~~ by higher authority action was initiated for verification of certificates produced by the provisionally selected candidates. During verification the educational certificates of 1 candidate from unreserved category and 2 candidates from reserved category were found to be bogus. Their names were, therefore, dropped from the merit list. The District Employment Office, Zunheboto vide his notification No.DEZ/SC-3/81(Pt.I)/74, dated 8.3.99

A copy of the notification dated 8.3.99 is annexed hereto and marked as Annexure-3.

and intimated that the Employment registrations of S/Shri Narendra Lal Bharati, Manecsh Kumar, Akhilesh Singh and Santosh Kumar were cancelled due to their failure to produce necessary Indigenous Inhabitant Certificates within the stipulated time. Hence, their names were also deleted from the merit list.

4. Meanwhile, Circle Office vide letter no. Staff/125-1/98 (Con). dated 5.3.99 (copy of Annexed hereto and marked as Annexure -4) issued clarification regarding weightage of 5 marks each for computer and typewriting to be included while preparing merit list. Accordingly against the seven candidates dropped as pointed out above, 9 candidates (5 to unreserved category and 4 to reserved category) were added to the provisional merit list.

Accordingly against the seven candidates dropped as pointed out above, 9 candidates (5 to unreserved category and 4 to reserved category) were added to the provisional merit list . No admit cards for taking the recruitment test were issued to the 7 dropped candidates.

S/Shri Maneesh Kumar, Akhilesh Kumar Singh and Santosh Kumar whose names figured at sl. No. 5, 14 and 23 in the first provisional merit list and who were not issued admit cards due to cancellation of their employment registration approached the Hon'ble C.A.T in O.A. No. 121/99 against non-invitation of the candidates to appear in the selection test scheduled to be held on 18.4.99. The Hon'ble CAT in its interim order dated 13.4.99 directed the respondents to allow the applicants to appear in the examination but not to declare the results without taking leave of the Hon'ble Court.

As per interim order dated 13.4.99 of the Hon'ble Court, the applicants were issued admit cards and allowed to take the written test on 18.4.99. It was very clearly mentioned in the admit cards that those who desired to be tested in type writing test should bring their own typewriters to the examination hall. But since the 3 applicants did not bring their own typewriters, the Telecom Officer who conducted the typewriting test did not allow them to take separate typewriting test by using other candidates' typewriters.

The 3 candidates filed Misc. Application no. 170/99 and Contempt Application no. 16/99 against Director Postal Services, Nagaland for not allowing them to take typewriting test on 18.4.99. Both the applications were disposed of the Hon'ble CAT in its order

dated 23.9.99 by directing DPS to give another chance of type-writing test to the petitioners within 2 months. However, copy of the judgement dated 23.9.99 sent by Regd. with AD No.299, dated 29.11.99 was received by DBS on 2.12.99 after expiry of the two months period. Nevertheless the 3 candidates were given typewriting test by an officer from Telecom Department on 14.12.99.

When the 3 candidates came to know that the reason for non issue of admit cards to them was due to cancellation of their employment registration by DEO, Zunheboto, they approached, Zunheboto District administration and even managed to get Temporary Resident Certificates No. JUD-34/93-94 dated 30.3.99.

copy^{Certificates} of the annexed herewith as Annexures 5, 6 & 7 issued by Additional Deputy Commissioner, Zunheboto. With the Temporary Resident Certificates which are valid for 1 year, the 3 candidates approached DEO, Zunheboto for restoration of their ~~em~~ employment registrations vide their common application dated ~~08.08.99~~ 10.8.99. Copy of the application dt. 10.8.99 is Annexure-8. DEO, Zunheboto vide his letter no. DEZ/SC-3/81(Pt-1)/234-35 dated ^{letter} 8.9.99 . Copy of the dated 8.9.99 is annexed herewith as Annexure-9. refused to accept the Temporary Residential Certificates and asked the applicants to surrender their employment exchange registration cards within 1 month. On refusal of DEO, Zunheboto to restore their employment registration it appears that the 3 applicants approached the Hon'ble Guwahati High Court, Kohima. In pursuance of the Hon'ble High Court's order no. W.P.(C) No. 133(K)/99/2237/39 dated 22.9.99 suspending the cancellation order of employment registrations, DEO Zunheboto vide notification No. DEZ/SC-3/81(Pt-1) dated 8.10.99 .

Copy of the letter dated 8.10.99 is annexed herewith and Annexure as-10. restored the Employment Registration of S/Shri Narendra Lal Bharati, Maneesh Kumar, Akhilesh Singh and Santosh Kumar.

In the meanwhile all the recruitment process was completed except declaration of results as per interim order dated 13.4.99 of the Hon'ble CAT in O.A. 121/99. The question for the written test were set and evaluated by an officer from Circle Office, Shillong. Typewriting test was conducted on 18.4.99 and 14.12.99 by officers from the Telecom Department. Computer test was conducted by an instructor from NIIT, Kohima on 19.4.99. The oral interviews were conducted on 21.4.99 and 22.4.99 by a ~~xxxx~~ board consisting of DPS, Nagaland as Chairman and Superintendent of Post Offices, Nagaland and an officer from Circle office as members .

Finally, the Hon'ble CAT in its order dated 2.3.2000 passed in O.A. 121/99 and MP No. 156/99 . Copy of the letter dated 2.3.2000 is annexed herewith and Annexed as 11 was pleased to vacate its interim order dated 13.4.99 and disposed of the case without order as to cost. The interview board also sat as the selection board which sat on 21.5.2000, tabulated the marks secured by the candidates in different components of recruitment test and prepared the final merit list for appointment.

A copy of the minutes of DPC is annexed as Annexure- 12.

The results were announced through a press release soon after and the candidates were also individually informed.

The selected candidates were given practical training in various post offices and induction training at Postal Training Centre, Darbhanga. On successful completion of practical and theoretical training, the selected candidates have been posted to different post offices in Nagaland.

The respondents beg to submit parawise written statements as follows :

1. That with regard to paras 1, 2, and 3 the respondents beg to offer no comments.
2. That with regard to para 4.1 the respondents beg to state that while the citizenship of the applicants cannot be challenged, it is doubtful if the applicants are bonafide residents of the state of Nagland as claimed by them. The only document on which the applicants base their claim as residents of Nagaland appears to be the Temporary Residents certificates No. JUD-31/93-94, dated 30.3.99 (Annexure - 5 to 7) issued by the Additional Deputy Commissioner, Zunheboto. The temporary resident certificates are ~~a~~ valid only for a period of 1 year from the date of issue. Whether the certificates are still valid or not is to be confirmed from the District Administration of Zunheboto. Based on Temporary Resident Certificates, the employment registrations of the applicants were ~~was~~ restored by the District Employment Officer, Zunheboto vide his notification no. DEZ/SC-3/81(Pt.D dated 8.10.99 (Annexure-10). Therefore, if the temporary Resident Certificates are no~~t~~ longer valid, the *validity* of their employment registration may fall through . Apart from the temporary resident certificates and the employment registration all the other documents

including the educational, typing and computer proficiency certificates are issued from Bihar.

3. That with regard to para 4.2 the respondents beg to offer no comment.

4. That with regard to para 4.3 the respondents beg to state that the applicants submitted their applications for the posts of postal assistants in Nagaland. However, it cannot be said that the applications were correct and complete in all respects at the time of submission the applications. The applications were provisionally accepted subject to verification of the eligibility conditions.

5. That with regard to para 4.4 the respondents beg to state that it is a fact that 45 candidates, 25 against unreserved category and 20 against reserved category were provisionally selected to take the recruitment test on the basis of the percentage of marks secured by the candidates in 10 + 2 or higher examination whichever is beneficial. The list was published vide DPS, Nagaland memo no. B-2 Recruitment/98, dated 8.1.99 (Annexure-2) The names of the applicants appeared at Sl. No. 4, 5, 11 and 23 of the said list as claimed by the applicants.

6. That with regard to para 4.5 the respondents beg to state that after publication of the provisional merit list, a candidate who produced proficiency certificates in computer and typewriting and whose name did not figure in the merit list approached higher authority for inclusion of his name in the merit list. On receipt of clarifications issued vide CO letter no. Staff /

Staff 125-1/98(Con). dated 5.3.99 (Annexure-4) weightage of 5 marks each for computer and typewriting were included while preparing fresh merit list. After issue of the 1st provisional merit list dated 2.1.99 action was initiated for verification of certificates produced by the provisionally selected candidates. During certification the educational certificates of 3 candidates were found to be bogus. The District Employment Office, Zunheboto vide his notification no. DEZ/SC-3/91(Pt.1) dated 8.3.99 (Annexure-3) intimated that the employment registration of S/Shri Narendra Lal-Bharati, Maneesh Kumar, Akhilesh Singh and Santosh Kumar were cancelled due to their failure to produce necessary indigenous inhabitant certificates within the stipulated time. Hence, the names of the applicants alongwith those candidates whose educational certificates were found to be bogus were dropped from the revised provisional merit list. As per clarifications issued by Circle Office, 9 more candidates, (5 to unreserved category and 4 to reserved category) were added to the revised provisional merit list.

7. That with regard to para 4.6 the respondents beg to state that the names of the applicants did not figure in the revised provisional merit list, no admit cards were issued to the applicants. The applicants approached the Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A. No. 121/99 against non invitation of the applicants to appear in the selection test scheduled to be held on 18.4.99. The Hon'ble Court in its interim order dated 13.4.99 directed the respondents to allow the applicants to appear in the examination but not to declare the results without taking leave of the Hon'ble Court. As per interim order of the Hon'ble Court the applicants were issued admit cards and allowed

to take the test on 18.4.99. It was very clearly mentioned in the admit card that those candidates who desired to be tested in typewriting test should bring their own typewriters to the examination hall. But since the applicants did not bring their own typewriters, the Telecom Officer who conducted the type writing test did not allow them to take separate typewriting test by using the typewriters of other candidates later on. Respondent no.3 had nothing to do with the typewriting test.

8. That with regard to para 4.7 the respondents beg to state that the applicants made a representation to the Chief Postmaster General, North Eastern Circle, Shillong. A report on the matter was submitted to the Chief Postmaster General, Shillong by Respondent no.3. After ascertaining the clear picture and position, the Chief Postmaster General did not yield to the demand of the applicants for affording another chance to the candidates to take the typewriting test.

9. That with regard to para 4.8 the respondents beg to state that the applicants filed one Misc. application no. 170 and Contempt application no. 16/99 against Director Postal Services, for not allowing them to take the typewriting test on 18.4.99. Both the application were disposed off by the Hon'ble CAT in its order dated 23.9.99 by directing DPS to give another chance of typewriting test to the petitioners within 2 months. However, copy of the judgement dated 23.9.99 was despatched only on 29.11.99 by Regd. Post no. 299 and the same was received by respondent no. 4 on 2.12.99 after expiry of the 2 months period. Nevertheless, the candidates were given typewriting test by an officer from Telecom Department

on 14.12.99.

- 27 -

~~10~~
- 11 -

10. That with regard to para 4.9 the respondents beg to state that the allegation that the selection process for the posts of Postal Assistants were marked by lot of irregularities coupled with bias and malafide exercise of power by the respondent no.3 is absolutely baseless. In the O.A. 121/99 the allegation of malafide on the part of respondent no.3 could not be established and the Hon'ble Court was pleased to dismiss the petition without order as to cost in the final judgement dated 2.3.2000 (Annexure-11).

11. That with regard to para 4.10 the respondents beg to state that the weightage of marks given to different components of the recruitments test like educational qualification. Written test, oral interview, computer test and typewriting test was given as per recruitment rules. The oral interviews were conducted by a board consisting of DPS, Nagaland as Chairman. Superintendent of Post Offices, Nagaland and an officer from Circle Office, as members. The board members individually put questions to the candidates and awarded marks differently. At the time of the interview the board members did not take into account the marks secured by the candidates in other components of the recruitment test. The results of the written test were neither declared nor known to the interview board at the time of the interview. As such there is no basis to allege arbitrary exercise of power to eliminate some candidates. No doubt the Chairman of the board and the officer from Circle Office belonged to ST community and the third member was from SC Community. The existing ruling on the constitution of such board or DPC is that at least a member should be from the ST or SC Community. But there is no ruling that there should be at least one from the

general community. The constitution of the interview board or selection board is, therefore, very much within the rule and instructions issued by the Government of India from time to time.

12. That with regard to para 4.11 the respondents beg to state that the selection board was constituted by Circle Office consists of respondent no.3 as Chairman, Superintendent of Post Offices, Nagaland and an officer from Circle Office as members. Even though Superintendent of Post Offices works under respondent no.3, the other member being from Circle Office does not work under respondent no.3. Moreover, as board members, each member functions independently and none does function as subordinates to any other member. The procedure followed in conducting the interviews was that all the board members would ask each candidate a few questions turn by turn. Simple questions on general knowledge like science, geography, history, current events, India, Nagaland and its people were asked. Depending on answers each member awards marks to the candidates. While the Chairman gets 8 marks, the other members get 6 marks each to award the candidates. Marks are awarded to as objectively as possible to the candidates. It is not a fact that the applicants scored the maximum marks in the academic and the written test. The applicants were not eliminated by awarding inconceivable lower marks in the interview at the behest of respondent no.3 as alleged. On the other hand even though the candidates scored more than 65% in 10 + 2 examination, they were not able to answer any question put to them beyond 'Yes' and 'no' during the interview. They could not even utter or make a sentence in English correctly. They knew nothing about the District of Nagaland they claimed to have lived for the last 20 years. If the applicants could not

-13-

score good marks in the interview because of their own disastrous performance, they cannot blame anybody other than themselves. Respondent no. 3 and the other two board members did not have bias against any candidate and as such the allegation of biasness and colourable exercise of power is totally baseless.

13. That with regard to para 4.12 the respondents beg to state that the applicants have been alleging biasness on the part of respondent no.3 but have nothing to substantiate their allegation.

14. That with regard to paras 4.13, 4.14 and 4.15 the respondents beg to offer no comments.

15. That with regard to para 5.1 the respondents beg to state that the interview was conducted in a fair, just and objective manner and not manipulated to eliminate some candidates from the purview of selection, as alleged by the applicants. There is no question of holding the interview afresh as the recruitment process had been completed and the final results announced following the judgement dated 2.3.2000 in O.A. no. 1212/99 by the Hon'ble Court.. The candidates who had been selected were also given practical training in various Post Offices and induction training at Postal Training Centre, Darbhanga. On successful completion of the training they have been posted as Postal Assistants at different Post Offices in Nagaland.

16. That with regard to para 5.2 the respondents beg to state that it is not a fact that the applicants secured the highest marks in other categories and were eliminated from the purview of selection on the basis of the interview marks.

Whether the interview marks were high or low compared to other categories, it was done as per the existing recruitment rule.

17. That with regard to para 5.3 the respondents beg to state that the allegation of malafide and colourable exercise of power is without any substance. As the selection process had already completed and selection finalized there is no question of setting aside the interview conducted by a legally constituted selection board under the law of the land. On the other hand there will be serious miscarriage of justice if some candidates who were already selected and are now on the job are displaced as a result of fresh interview board.

18. That with regard to para 5.4 the respondents beg to state that the allegation of racial discrimination is absolutely baseless. The interview conducted by a legally constituted inter board cannot be set aside or quashed.

19. That with regard to para 5.5 the respondents beg to state that the interview board was a legally constituted board under the law of the land and as such the interview conducted by such board cannot be set aside or quashed.

20. That with regard to para 5.6 the respondents beg to state that the weightage of 5 marks each for computer and typewriting were included for preparation of merit list of candidates 5 times the number of vacancies on mere production proficiency certificates in computer from recognized institutes and in typewriting. But for preparation of final merit list weightage in computer and typewriting was given only after conducting actual tests. Thus most of the candidates including two of the applicants

who produced proficiency certificates in typewriting scored zero in the actual typewriting test likewise all the applicants got less than 1/2 marks in actual computer test. Therefore, mere production of proficiency certificates does not entitle the candidates to full marks in computer and typewriting in the final merit list. Without typing and computer qualification, it is possible for a candidate to be on top of the final ~~marks~~ merit list provided he or she scores good marks in other components of the recruitment test.

21. That with regard to para 5.7 the respondents beg to state the respondent no. 3 had no role in conducting the typing test. The typing test was conducted by an officer from Telecom Department on 18.1.99. It was clearly instructed in the admit card that candidates wishing to take typing test should bring their own typewriters to the examination hall. But since the applicants did not bring their own typewriters, they were not allowed to take the test later on by using other candidates' typewriters by the Telecom Officer. For that no malafide can be attributed to respondent no.3.

22. That with regard to para 5.8 the respondents beg to state that in the absence of any allegation of bias or ~~malafide~~ malafide having been established, there is no reason as to why respondent no.3 who is the head of Nagaland Postal Division and the appointing authority of Postal Assistant should not be a member of the interview board.

23. That with regard to para 5.9 the respondents beg to state that the allegation that the interview was manipulated at the behest of respondent no.3 is totally baseless. All the board members had used their own independent minds and judgement

in awarding marks to the candidates. When selection process was completed and finalized by a legally constituted selection board, the question of reconstituting a fresh board comprising of different members does not arise.

24. That with regard to para 5.10 the respondents beg to state that the applicants had tried their best to manipulate the entire selection process by influencing respondent no.4 among others. But since respondent no. 4 had refused to bow down to their game plan, they stated levelling all kinds of baseless allegations against respondent no.4.

25. That with regard to para 5.11 the respondents beg to state that the selection done by a legally constituted board can neither be bad in law nor liable to be set aside or quashed.

26. That with regard to para 6 and 7 the respondents beg to offer no comments.

27. That with regard to para 8 the respondents beg to state that the O.A. No. 121/99 M.P. No. 170/99 and CP no. 16/99 filed by the applicants before the Hon'ble CAT having been disposed off by the Hon'ble Court, this application does not deserve to be admitted and the reliefs sought therein should not be granted.

28. That with regard to para 8.1 the respondents beg to state that the Hon'ble CAT was pleased to dispose off O.A. 121/99 vide its order dated 2.3.2000, the recruitment process was finalized and the final results declared. The selected candidates had also been trained and are now working in various

Post Offices in Nagaland. If their selection is set aside or quashed there will be miscarriage of justice. As such the selection process is not liable to set aside or quashed.

29. That with regard to para 8.2 the respondents beg to state that the entire selection process was finalized, there is no question of holding fresh interview.

30. That with regard to para 8.3 the respondents beg to state that all the 9 vacant posts for which notification was issued have been filled up. The applicants cannot be adjusted against non-existing posts.

31. That with regard to para 8.4 the respondents beg to state that the applicants are not entitled to any cost.

32. That with regard to para 8.5 the respondents beg to state that there is no merit in the case, no other relief or reliefs need to be granted to the applicants.

33. That with regard to para 9 the respondents beg to state that there is no merit in the case the interim relief as demanded by the applicants may not be granted.

Verification.....

-18-

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

I, Shri F.P. SOLO

being authorised do hereby solemnly declare that the statements made in this para wise reply is true to my knowledge, information and believe and I have not suppressed any material fact.

And I sign this verification on this ^{April} 23rd day of ~~March~~, 2001, at Guwahati.



Declarant.

(19)

-35-5

DEPARTMENT OF POST: INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND: KOHIMA: 797001

HO.B-2/Recruitment/98

Dated at Kohima 19.11.98

NOTIFICATION

Applications are invited from the eligible candidates for filling up 9 vacancies (5 unreserved and 4 reserved for Scheduled Tribes) of Postal Assistants in Nagaland Postal Division.

Scale of Pay - Rs.4000-100-6000 plus usual allowances.

Age - 18 to 25 years as on 1.7.98.
Upper age limit is relaxable by 5 years for Scheduled Tribe candidates, as per Govt. of India's rules.

Educational qualification - Minimum educational qualification is a pass in 10+2 Standard or 12th class from a recognised university or board.

Employment Registration - Intending candidates must be registered with any of the Employment Exchanges in Nagaland.

Application form - Application forms can be had from the office of Director Postal Services, Nagaland, Kohima-797001 on any working days during the office hours.

Last date - Last date for receipt of applications is 21.12.98.

Method of selection - As per existing rule, on the basis of percentage of marks obtained in 10+2 or higher examinations, only 45 candidates, i.e. 5 times the number of vacancies will be called for written, computer, typing and personality test.

(F.P. Saha)
Director of Postal Services
Nagaland, Kohima-797001

106/8

Annexure 2

36

20

5

DEPARTMENT OF POSTS INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND KOLIMA 737 001

No B-2/Recruitment/98

Date at Kohima
8-01-99

The following candidates have been provisionally selected to appear in the written test for recruitment of 155 Sub Assistants to be held on 24-01-99 and 25-01-99.

UNRESERVED CATEGORY

NAME	COMMUNITY	PERCENTAGE
1. Shri Libenthung Tsanglao	ST	85.20
2. Shri Yhunsialo Magh	ST	75.00
3. Shri Narendra Lal Bharati	OC	72
4. Kum. Amangla	ST	70.60
5. Shri. Mahesh Kumar	OC	70.46
6. Shri. Ketholelie Oliver Solo	ST	69.79
7. Shri. R. Chanthungo Murty	ST	69.40
8. Shri. Manoj Kumar Prasad	OC	68.69
9. Shri. Bentihung Murty	ST	68.38
10. Shri. Ram Babu Prasad	OC	68.33
11. Shri. Kekluezeluo Solo	ST	67.89
12. Kum. H. Nzanbeni Yanthan	ST	67.26
13. Shri. Swelul Pucha	ST	66.92
14. Shri. Akhilesh Kumar Singh	OC	66.89
15. Shri. Hubert Tamang	OC	66.02
16. Kum. Madhobi Dey	OC	66.48
17. Kum. Kajliha Sote	ST	65.44
18. Kum. Avungi Ezung	ST	65.80
19. Shri. Lunghomang Singdil	ST	65.56
20. Kum. Santana Purkayastha	OC	65.40
21. Kum. B. Akala	ST	65.38
22. Shri. Bhushan Kr. Sharma	OC	65.33
23. Shri. Sanjesh Kumar	OC	65.11
24. Shri. Alemchuba	ST	64.17
25. Shri. Vilei Sema	ST	63.86

RESERVED CATEGORY

COMMUNITY PERCENTAGE

NAME	ST	PERCENTAGE
1. Shu Lomukete	ST	63.70
2. Kum Abeni Zuchamo	ST	63.58
3. Kum Zapuna Saphie	ST	63.44
4. Kum Intimela Ao	ST	63.38
5. Shu B. Pentama Lapan	ST	63
6. Shu Re-kovil ho Hosiolo	ST	62.78
7. Kum Chiechulu Hapila	ST	62.63
8. Shu Hesaze Mekro	ST	62.58
9. Kum Ameno Desoyie	ST	62
10. Kum Asatuo Annie	ST	61.89
11. Shu Hethula Yaho	ST	61.21
12. Shu Medovilleodie Tseikha	ST	61.11
13. Shu Hukothel Puhau	ST	61.11
14. Shu Hethelpzund Yaden	ST	60.53
15. Shu Asi Hahuo	ST	60.44
16. Shu T. Mevi Janin	ST	60
17. Shu Bedo	ST	59.73
18. Shu Lantzenba	ST	59.60
19. Kum Kughali Sam	ST	59.48
20. Shu Zhoriz ho	ST	59.35

The objective written test on General Knowledge and English will be held from 10.00 hours to 11.00 hours on 24.07.2011 at the School of Catholic Publication Centre, Kallima Town, Taitung Province. Candidates who submitted proficiency certificates will be held from 11.30 hours on the same day at the same venue. Computer test will be held on 25.07.2011 from 10.00 hours to 11.00 hours.

All the provisionally selected candidates will be interviewed and their permits sent to them by registered post. However, candidates who have not submitted complete documents will not be interviewed and their permits will not be sent to them.

Director of Public Service
Nassau, Kallima 24/07/2011

(21)

Annexure-2

37
51

GOVERNMENT OF NAGALAND
OFFICE OF THE DISTRICT EMPLOYMENT OFFICER
KUMHAR-TO : KUMHAR-TO : KUMHAR-TO :
KUMHAR-TO : KUMHAR-TO : KUMHAR-TO :

NOTICE/BO-3/A (P-1) / 74
DE, DCE, the

NOTIFICATION

This is to refer to vide notice BO-3/A (P-1) / 74 dated the 18th Feb '94. That the following individuals were have to produce their INDIGENOUS / INHABITANT OF NAGALAND certificates within the specific time given to them. However they were fail to produce within the 15 days to the office.

When their Employment Registration Card is cancelled from today the 28th March 1994.

Name	Registration No.	Age
1. Harndakmal Murati	106/93	30.12.93
2. Haroon Kumar	137/93	30.5.94
3. Khillesh Singh	726/97	77.3.97
4. Santosh Kumar	134/94	30.5.94

Yours faithfully,

(Signature)
District Employment Officer,
Kumhar-TO, Nagaland.

NO. DE-2/BO-3/A (P-1) / 74
Copy to:-

✓ 1. The Director,
Central Office, Nagaland Sahing for information
and further necessary action please.

2. The Director,
Employment & Creation Training, Nagaland,
Kohima for interest only.

(Signature)
District Employment Officer

22

Annexure 4

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL : H.E. CIRCLE

Dated Shillong, 16-3-99

No. Staff/125 1/98(CON)

To

- 1) The D.P.S., Aizawl/Imphal/Dispur/Kohima
- 2) The Sr. Supdt. of P.Os, Shillong.
- 3) The Supdt. of P.Os, Pham Nagar.

Sub: Clarification regarding direct recruitment to the cadre of Postal/Sorting Assistants.

Ref: G.O. Reference No. Staff/125 1/98(CON) dated 20-1-99.

This is regarding direct recruitment to the cadre of Postal/Sorting Assistants etc., having reference to the G.O. letter quoted above.

2. In consultation with Directorate, it has been decided that for preparation of merit list (five times the number of vacancies), the prescribed weightage of marks each, will be given to the candidates who have submitted certificates from concerned coaching institutes in support of their knowledge of typing and computer data entry. In case of knowledge of computer data entry, the certificate from coaching institution listed in Directorate's letter No. 80-38/93-Spn.1 dated 20-2-98 will only be accepted. After merit list is prepared & candidates are subjected to prescribed tests, marks for typing and data entry will be determined as per actual marks obtained in the tests to be conducted by the Department for final selection.

3. Recruitment action as initiated by you for 1998 may be processed as per the above decision regarding preparation of merit list immediately. Revised pattern for holding written examination etc., are being communicated separately.

4. This receipt of this letter may be acknowledged.

(A.R. Dutta)
Asstt. Director (Staff)
For Chief Postmaster General,
H.E. Circle, Shillong.

Copy to: The D.P.S., Agartala - for information.

- 1) The D.P.S., Agartala - for information.
- 2) The Supdt. P.S.D., Silchar - for information.

(Signature)
For Chief Postmaster General,
H.E. Circle, Shillong.

Pl. forward
and list of marks quickly

up
16/3/99

and staff

cc: P.O. Staff

GOVERNMENT OF NAGALAND
OFFICE OF THE DEPUTY COMMISSIONER ZUNHEBOTO

23

38-

DE. ZUNHEBOTO, the 30th May/99.

TEMPORARY RESIDENT CERTIFICATE

This is to certify that Shri/Smt. Ashish Kumar Singh
an inhabitant of (village) NAIDORIKHA SINGH
KALYANPUR District WISHAKH State
has been residing at Zunheboto, in the state of Nagaland for
the last 20 (twenty) years.

His particulars and present address furnished below:

- | | |
|------------------|-----------------------|
| 1. Name | 1. Ashish Kumar Singh |
| 2. Father's Name | 1. Naidorikha Singh |
| 3. Home Address | 1. Pongpyi, Chikong. |
| 4. Nationality | 1. Indian |
| 5. Religion | 1. Hindu |
| 6. PO/PS | 1. Pongpyi, Chikong |
| 7. District | 1. Wishingakh |
| 8. State | 1. Nagaland |

This Certificate will remain valid for one year from
the date of issue of this certificate.



Deputy Commissioner
Zunheboto, Nagaland

(24)

Annexure-6

9391

GOVERNMENT OF NAGALAND
OFFICE OF THE DEPUTY COMMISSIONER, ZIMPHOTO

57

HO. 310-54/93-94/

DE. 3106, The 24th May/99.

TEMPORARY RESIDENT CERTIFICATE :

This is to certify that Shri/Smt SAA JOSH, KUNJAY
S/O Shri RAJASHANKAR D SAHA an inhabitant of (village)
LABURANGPUR District Wajiyani, Bihār State
has been residing at Zimphoto, in the State of Nagaland for
the last 20 (Twenty) years.

His particulars and present address furnished below :

- | | |
|------------------|-----------------------------|
| 1. Name | : <u>SAA JOSH, KUNJAY</u> |
| 2. Father's Name | : <u>RAJASHANKAR D SAHA</u> |
| 3. Home Address | : <u>Project Colony</u> |
| 4. Nationality | : <u>Indian</u> |
| 5. Religion | : <u>HINDU</u> |
| 6. PO/PS | : <u>ZIMPHOTO</u> |
| 7. District | : <u>Wajiyani</u> |
| 8. State | : <u>BIHAR</u> |

This Certificate will remain valid for one year from
the date of issue of this certificate.

18/5/99

Deputy Commissioner
Zimphoto, Nagaland

GOVERNMENT OF NAGALAND
OFFICE OF THE DEPUTY COMMISSIONER, ZUNHEBOTO

25

39-

10/03/94

At, Zunheboto, this 10th day of March 1994.

TEMPORARY RESIDENT CERTIFICATE

This is to certify that Shri/Smt. MAHESH KUMAR
s/o Shri RAGHUNATH SINGH an inhabitant of (village)
HARPAR BILWA District WISHAH State
has been residing at Zunheboto, in the state of Nagaland for
the last 20 (Twenty) years.

His particulars and present address furnished below :

1. Name	MAHESH KUMAR
2. Father's Name	RAGHUNATH SINGH
3. Home Address	Harpar Bilwa
4. Nationality	Indian
5. Religion	Hindu
6. PO/PS	Zunheboto
7. District	Zunheboto
8. State	Nagaland

This Certificate will remain valid for one year from
the date of issue of this certificate.



Deputy Commissioner

Annexure - 8

28 5-40-

To

The Employment officer,
Govt. of Nagaland,
Dimapur.



Subj- Alleged cancellation of Employment Registration
bearing No. 786/97 Dtd. 07.3.97, (11) No. 117/98
Dtd. 30.5.98 and (111) No. 127/98 Dtd. 30.5.98,
on the ground of non-production of Residential
certificates etc.

Sir,

It is learnt that Director of Postal Services,
Kohima, while submitting his statement to the Nagaland
Central Administrative Tribunal at Dimapur, has sub-
mitted photostat copy of your letter No. 0182/10-3/81
(Pt-1)/49 Dated. 18.2.89 and again Dtd. 08.03.89, stating
that our registration No. registered in your office
and referred to above, had been cancelled.

In this connection, we are really surprised
and at the same time strongly suspect about authenti-
city of such communication without our any knowledge
and notice. This is for your kind information that
at the material time we were out of Zhemshet and we
never received any such communication through any
source.

Hence, we earnestly request you to kindly
confirm the genuineness of above communication and
if the same at all stand genuine, the cause of can-
cellation may kindly be communicated to us. Here,
kindly recollect that our registration were made by
you after observing all formalities and confirming
our prolonged stay in Nagaland. We do not understand
how the registration number could be cancelled after
more than a year without any valid reasons.

However, for your satisfaction and office
record we are submitting herewith residential certi-
ficates granted by the Asst. Deputy Commissioner of
Zhemshet, and we request you to kindly take suitable
action so that our registration stands valid under
the rules of the Government.

A line of kind reply may kindly be communi-
cated at an early date. Presently we are residing in
Dimapur for very short period and doing the private
work to maintain the livelihood.

Yours faithfully,

(A. B. L. Choudhary)
(Asst. Secy. (Adm.))

(S. K. Choudhary)
(Asst. Secy. (Adm.))

Present address
170 Bar Barach Church
Friend's Book House
Circular Road Dimapur

The 10th April 99

(A. B. L. Choudhary)
(Asst. Secy. (Adm.))

Copy to:-

1. Mr. S. S. Sement, Chief Postmaster General, P.O. in Eastern Circle, Chilling for information. This is in continuation of our fax message dtd. 08.4.00 in which we had already intimated about denial by DPG/Kohima to allow us in the Typing Test held at Kohima, and again conducting of oral test with blinded native etc.
2. Mr. E. P. Nole, Director of Postal Services, Nagaland, Kohima for information. Copies of Residential certificates are enclosed for information and further action.
3. Mr. B. K. Sharma, Sr. Advocate, Main Head, Opp. Ashram, Shantipur, Dimapur - D. 3 (three) copies of residential certificates granted by Addl. Deputy Commissioner of Dimapur are enclosed for submission to Honble Tribunal.
4. The Director Employment & Craftsmen Training, Govt. of Nagaland, Kohima for information. He is requested kindly to take suitable action so that our registration remain valid to meet the end of justice.

1/2
1/2/00

my
1/2/00

1/2/00

28

945/1017 C Annexure-9

-41-
61

GOVERNMENT OF NAGALAND
OF THE DISTRICT EMPLOYMENT OFFICER
ZUNHABOTO, NAGALAND

NO. DEZ/80-3/81(11-1)/
Dt. 2nd, the 11th Sept/88.

Mr. Abhilesh Kumar, Singh
Mr. Santosh Kumar, Singh
Mr. Mahesh Kumar, Singh.

CANCELLATION OF EMPLOYMENT EXCHANGE REGISTRATION CARD
NUMBER REGARDING:

While referring your letter NO NIL et. NIL and referred to our letter of even number et. 18.2.88 and 18.3.88 which was the last date for all of you for the submission of the requisite documents to the UNDER-SIGNED. It was mentioned whether the meaning understand the UNDER-SIGNED.

Whereas the necessary action was taken against all of you and cancelled the registration as per condition given at the time of Employment registration for NON SUBMISSION OF INDIGENOUS INDIANITY CERTIFICATE OF NAGALAND till the last date of 6.1.89.

Moreover, all the correspondences were communicated through your brother Mr. A.K. Singh postal Assistant sub-post Office, Zunhaboto as per the address given at the time of registration since all of you are not even seen in Zunhaboto town and never been here at Zunhaboto.

Therefore, if there was any gap or delay of communication, Mr. A.K. Singh postal Asstt. is responsible.

In this connection, I would like to know that if you are the bonafide citizen of Nagaland why not produce indigenous inhabitant certificate of Nagaland within the stipulated time to this office please note that (TEMPORARY RESIDENTIAL CERTIFICATE) is not for the purpose of Employment.

Hence, all of you are hereby directed to surrender your Employment Exchange Registration Card to the undersigned within one month without fail for not fulfilling the conditions given.

This is for your information and necessary action.

(KIRUKIYI SIKHIM)
District Employment Officer,
Zunhaboto, Nagaland.

NO. DEZ/80-3/81(11-1)/254-33 /Dt. 2nd, the 11th Sept/88.

Copy to:-

1. The Director, Postal Services, Nagaland Kohima, for information and further necessary action please.
2. The Director, Employment & Craftsmen Training, Nagaland, Kohima for information please.
3. OFFICE COPY.

District Employment Officer,
Zunhaboto, Nagaland.

Annexure - 16

29

GOVERNMENT OF NAGALAND
OFFICE OF THE DISTRICT EMPLOYMENT OFFICER
ZUNHEBOTO, NAGALAND



RRR30

NO. DEZ/SC-3/01(Pt-1)/

/Dt. Zunheboto, the 06th Oct. 1998

NOTIFICATION

Consequent upon suspension order issued by the Gauhati High Court Kohima Bench vide NO. V.P.(C) NO. 18 (C) 99/2237/39 A Registration of names in respect of candidates are hereby restored with immediate effect.

Sl. NO.	NAME	REGISTRATION NO.	DATE
1.	Natendra Lal Bharati	468/98	15/12/98
2.	Manesh Kumar	157/98	30/5/98
3.	Akhilosh Singh	728/97	27/3/97
4.	Santosh Kumar	136/98	30/5/98

The above mentioned candidates shall retain their seniority with effect from the date their names were registered with District Employment Exchange, Zunheboto and their candidature shall be sponsored against suitable vacancies as per their seniority and eligibility.

Sd/- KHUKEYI SHIKHU
District Employment Officer
Zunheboto

Memo NO. DEZ/SC-3/01(Pt-1)/
Copy to :-

/Dt. Zunheboto, the 06th Oct. 1998

1. The Assistant Registrar, Gauhati High Court Kohima Bench.
2. The Director of Postal Services, Nagaland, Kohima.
3. The Director of Employment & Craftsman Training, Nagaland, Kohima.

(KHUKEYI SHIKHU)
District Employment Officer,
Zunheboto

Nagaland

(30)

-42-

b3

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI, HECHI.

Original Application No. 121 of 1999.

Date of Order : This the 2nd day of March, 2000.

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

The Hon'ble Mr. Lakshmi Swaminathan, Judicial Member.

1. Shri Hameesh Kumar, son of Shri Bagumath Singh, C/O Raju Store, M.K.G. Road, Zunheboto, Nagaland.
2. Shri Adillesh Kumar Singh, son of Pam Bricksa Singh, C/O Amit Hotel, Zunheboto, Nagaland.
3. Shri Santosh Kumar, son of Rajenwar Prasad Singh, C/O Gajah Narayan Singh, Ration Shop, Zunheboto, Nagaland.

Applicants.

By Advocate S/Sri N.R. Sharma, N.E. Talukdar,
S. Sharma.

- Versus -

1. Union of India represented by the Secretary to the Government of India, Ministry of Communications, New Delhi.
2. The Director General, Department of Posts, New Delhi.
3. The Chief postmaster General, N.E. Circle, Shillong.
4. The Director of Postal Services, (Shri F.P. Soto), Nagaland, Kohima.

Respondents.

By Advocate Sri N.S. Basumary, Advocate, S.O.

O R D E R

1. SWAMINATHAN (J-1)

The 1 applicant in this application had filed the O.A. on the ground that they were not allowed to participate in the selection process which was to be held on 10.4.1999 for the posts of Postal Assistant by direct recruitment.

2. The applicants had also prayed for an interim direction to allow them to participate in the selection for

31

64

the aforesaid post. Admittedly, the applicants were not to participate in the selection which was held on 10.4. The Tribunal by order dated 11.4.1999 had directed that result of the selection should not be announced without leave of the Tribunal.

3. We have perused the pleadings and heard Mr. S. S. learned counsel for the applicants and Mr. B. S. Bagumdar learned Advl. C.G.S.C. for the respondents.

4. It is seen from the above facts that the applicants have already been allowed to appear in the test which has been held on 10.4.1999 and 22.4.1999. In the circumstances the prayer of the respondents to vacate the order appears to be reasonable. Accordingly, the order dated 11.4.1999 stands vacated.

5. Mr. S. S. Bagumdar, learned counsel for the applicants prayed that the respondents may exclude respondent No. 4 applicant of Postal Services, Nagaland, Kohima, from the above selection process. In view of the position stated above, we find no merit in this prayer as the selection process is already over. Hence this prayer is rejected.

6. In view of what has been stated above, as the matter prayed for in this O.A. has already been granted O.A. has become infructuous, and it is accordingly dismissed. No order as to costs.

11
Sd/-
J. S. Bagumdar

TRUE COPY
of the

Order

(32)

Annexure - 12

43-

NOTES OF THE DPC MEETING HELD ON 21.5.00 AT KOHIMA IN CONNECTION WITH DIRECT RECRUITMENT TO THE CADRE OF POSTAL ASSISTANT FOR THE YEAR 1997.

The DPC constituted under the Chief Postmaster General, N.E. Circle, Shillong Memo no. Staff/125-1/98 (Con), dtd. 6.1.99 comprising of the following officers met in the office of the Director of Postal Services, Nagaland, Kohima on 21.5.00 at 11.00 hrs. to examine and consider selection of the candidates for recruitment to the cadre of Postal Assistant in Nagaland Division on the basis of their academic marks type test, computer test and written test as also their performance in the interview.

- | | | |
|------|---|----------|
| i) | Shri P.P. Solo,
Director Postal Services,
Nagaland, Kohima | Chairman |
| ii) | Shri T. Kharkongor,
DDM (PLD), O/o the Chief PMG,
N.E. Circle, Shillong | Member |
| iii) | Shri K.R. Das,
Dy. Supdt. of Post Offices,
Nagaland, Kohima | Member |

2. The DPC examined the calculation of percentage of academic marks and 40% of the result of type test, computer test and the marks obtained in the written test. The same committee acted as interview board on 21st and 22nd April 99.

3. The committee observed that there are 9 (nine) vacancies in the Division and the Director of Postal Services, Nagaland Divn. Kohima calculated the community wise break-up of vacancies as under:

UR 5
ST 4

4. The committee prepared merit list and recommended appointment of the following candidates as Postal Assistants in Nagaland Divn. on the basis of the marks scored by them in the recruitment test in order of merit

Sl No	Roll No	Name	Community
1	KHIM01	Shri Libenthung Tsanglao	ST
2	KHIM06	Shri Subodh Kr. Singh	OC
3	KHIM02	Shri Hubert Tamang	OC
4	KHIM28	Shri Vitoi Sema	ST
5	KHIM12	Shri Benithung Murty	ST
6	KHIM03	Shri Yhaocula Mugh	ST
7	KHIM41	Shri Aoi Thakro	ST
8	KHIM40	Shri Ketholelie Oliver Sola	ST
9	KHIM34	Kum Intimela Ao	ST

Against unreserved quota
Against reserved quota for ST

66

33

The above merit list is the common merit list for both unreserved and reserved categories. Therefore, in the case of dropout/ rejection by any candidate the position of the candidates below will move up accordingly and the resultant vacant position should be filled up by a candidate from the relevant category from among the candidates kept in the merit waiting list in order of merit.

i)

(Shri. F. P. Solo)
Director Postal Services,
Nagaland, Kohima

ii)

(Shri. T. Kharkongor)
DDM (201-63-00)
O/o the Chief PMG,
N.F. Circle, Shillong

iii)

(Shri. K. R. Das)
Dy. Supt. of Post Offices,
Nagaland, Kohima.