

30/100

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

3

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

**In The Central Administrative Tribunal**

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 186/2000

OF 199

Applicant(s) *Shri Badal Sarma.*

Respondent(s) *Union of India and ors.*

Advocate for Applicant(s) *Mr. M. Chanda, Mr. G. N. Choudhary,  
Mrs. N. D. Goonmi, Mr. S. K. Ghosh*

Advocate for Respondent(s) *C.G.S.C.*

| Notes of the Registry   | Date  | Order of the Tribunal  |
|---|---|--|
| <p>THIS application is in form and within time. F. of Rs. 50/- deposited vide IPO/BI No. 4973/12 Dated 6.6.2000</p> <p><i>NY 16/6/2000</i></p> <p><i>Reqd: - Requise 4 copies B.W.</i></p> <p><i>Base</i></p> <p><i>NY 6/6/2000</i></p> | <p>7.6.00</p> <p>nkm<br/><i>MS 7/6/2000</i></p> | <p>Present: Hon'ble Mr D.C. Verma, Judicial Member</p> <p>Learned counsel Mr M. Chanda for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. for the respondents.</p> <p>The application is taken up for disposal at the admission stage itself.</p> <p>Heard the learned counsel for the parties. Hearing concluded. The application is disposed of as per order contained in separate sheets. No order as to costs.</p> <p style="text-align: right;"><i>[Signature]</i><br/>Member(J)</p> |

N

| Notes of the Registry  | Date | Order of the Tribunal |
|--|------|-----------------------|
| <p><u>9.6.2000.</u></p> <p>Copy of the judgment has been sent the d/sec. for issuing the same to the applicant as well as to the Sr. C.G.S-C. for the Respondents.</p> <p>HP</p> <p>Send vide nos. 1536 &amp; 1537. Dtd 12.6.2000.</p> <p>HP</p> |      |                       |

6  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A.No. 186 ..... of 2000

DATE OF DECISION..... 7.6.2000  
(At admission stage)

Shri Badal Sarma

PETITIONER(S)

Mr M. Chanda, Mrs N.D. Goswami,  
Mr G.N. Chakrabarty and Mr S.K. Ghosh

ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR D.C. VERMA, JUDICIAL MEMBER

THE HON'BLE

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 Judicial Member

7/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.186 of 2000

Date of decision: This the 7th day of June 2000  
( At Admission Stage)

The Hon'ble Mr D.C. Verma, Judicial Member

Shri Badal Sarma,  
Working as Sub-divisional Inspector, of Post Offices,  
Dhubri, Assam. .....Applicant

By Advocates Mr M. Chanda, Mrs N.D. Goswami,  
Mr G.N. Chakrabarty and Mr S.K. Ghosh.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Communication, Department of Post, New Delhi.
2. The Chief Postmaster General, Assam Postal Circle, Guwahati.
3. The Director of Postal Services, Assam Circle, Guwahati.
4. Shri A.N.D. Kachari, Director of Postal Services, Assam Circle, Guwahati. .....Respondents

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

.....

O R D E R

D.C. VERMA (JUDICIAL MEMBER)

The applicant's case is that by order, Annexure 2, dated 12.6.1998 the applicant was promoted to the post of Assistant Superintendent of Post Offices on regular basis. However, due to personal problem, the applicant sent a representation, Annexure 3 dated nil for deferment of his promotion for one year. The said representation was accepted by the respondents vide Annexure 4 dated 31.8.1998 and it was provided that the applicant would not be promoted for one year from the date of refusal and will lose seniority on eventual promotion under the existing rules. After completion



of the one year period the applicant made representation, Annexure 5 dated 22.11.1999. Subsequent thereto, another representation was sent on 21.3.2000. Copy of the representation dated 21.3.2000 is not on record. Mr M. Chanda, learned counsel for the applicant, states that none of the two representations have been decided by the respondents till date. The submission of the learned counsel for the applicant is that though two vacancies, one at Dhubri and one at Jorhat, are available still the respondents have not considered the representations of the applicant for promotion to any of the two posts.

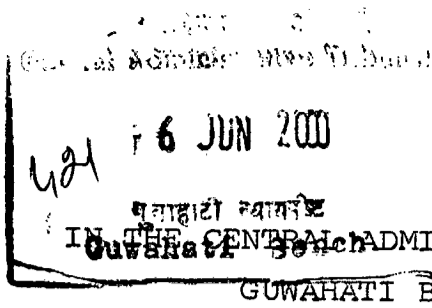
2. Heard the learned counsel for the parties.

3. At the admission stage the O.A. is decided with a direction to the respondents to consider the two representations, Annexure 5 dated 22.11.1999 and the other representation dated 21.3.2000 in the light of the existing rules on the subject and the respondents shall promote the applicant in case any vacancy exists. The representations shall be decided within a period of one month from the date of receipt of a copy of this order. The applicant shall send a copy of this order alongwith the copies of the representation, Annexure 5 dated 22.11.1999 and the subsequent representation dated 21.3.2000 to the respondents.

4. The O.A. is decided as per the direction given above.  
No costs.



( D. C. VERMA )  
JUDICIAL MEMBER



Filed by the  
Applicant through  
the Sigilghosh Advocate

(An Application under Section 19 of the Administrative  
Tribunals Act, 1985).

Title of the Case : O.A. No. 186/2000  
Sri Badal Sarma : Applicant  
-versus-  
Union of India & Ors. : Respondents

I N D E X

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|---------|----------|-----------------------------|----------|
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| 2       | -        | Verification                | 14       |
| 3       | 1        | Order dt. 12.6.98           | 15-16    |
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| 9       | 7        | Order dt. 27.4.2000         | 23       |
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Date : 5. 6. 2000

Filed by :  
*Sigilghosh*  
Advocate

*Sri Badal Sarma*

X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An Application under Section 19 of the Administrative  
Tribunals Act, 1985).

Original Application No. 186/2000

BETWEEN

Sri Badal Sarma  
Son of late Muniddralal Sarma  
Working as Sub-divisional Inspector  
of Post Offices,  
Dhubri.

....Applicant.

-AND-

1. The Union of India  
Represented through the Secretary  
to the Government of India,  
Ministry of Communication,  
Department of Post,  
New Delhi.
2. The Chief Postmaster General  
Assam Postal Circle  
Meghdoot Bhawan,  
Guwahati-781001
3. The Director of Postal Services,  
Assam Circle,  
Meghdoot Bhawan,  
Guwahati.
4. Sri A.N.D. Kachari  
Director of Postal Services,  
Assam Circle,  
Meghdoot Bhawan,  
Guwahati-781001  
σ

Respondents.

Contd.....



DETAILS OF APPLICATION

1. Particulars for which this application is made.

This application is made praying for a direction to the respondents to promote the applicant to the post of Assistant Superintendent of Post Offices on regular basis in the scale of Rs.6500/- 200-10,500/- in terms of Memo No. Staff/2-29/91 dated 12.6.98 in the existing available vacant post of Assistant Superintendent of Post Offices at Dhubri and Jorhat under the Chief Postmaster General, Assam Circle, Guwahati and also against the inaction of the respondents to consider the promotion of the applicant to the available post of Assistant Superintendent in terms of his representations dated 22.11.99 and 21.3.2000.

2. Jurisdiction of the Tribunal.

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

3. Limitation

The applicant further declares that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

That the applicant is a citizen of India and as such, he is entitled to all the rights, protections as guaranteed under the Constitution of India. The applicant is presently working as Sub Divisional Inspector of Post Offices Dhubri. The applicant was initially appointed

*B. K. Badal Sarma*

as postal Assistant in the year 1968. Thereafter he was qualified in the Examination of Inspector of Post Offices in the year 1980, after being qualified in the said Examination was appointed as Inspector of Post Offices, complaints Nagaon. Thereafter posted in different places such as Haflong, Silchar, Diphu, Hojai, Rangia. The applicant was posted at Dhubri from Rangia and reported for duty at Dhubri on 7.1.1997.

4.2 That your applicant while serving at Dhubri he was promoted to the post of Assistant Superintendent of Post Offices vide order issued under Memo No. Staff/2-28/91 dated 12.6.98. However, the applicant on the same date vide another Memorandum dated 12.6.1998 the applicant was ordered for posting at Nowgaon to the promotional post. The applicant however vide his representation dated 12.6.98 addressed to the Chief Postmaster General, Assam Circle, Guwahati prayed one year time for joining in the promotional post of Assistant Superintendent of Post offices. The Chief Postmaster General, Assam Circle, Guwahati vide his Memo bearing No. Staff/1-441/88 dated 31.8.1998 informed the applicant that Director of Postal Services was pleased to consider and accept the request as was made by the applicant and also observed that consequent on refusal of promotion the applicant will not be promoted for one year from the date of refusal i.e. 12.6.98 and he would lose seniority on eventual promotion in the extending rule.

Copy of the promotion order dated 12.6.98, posting order dt. 12.6.98 and representation dated 12.6.98 and reply dated 31.8.98 are annexed as Annexures-1, 2, 3 and 4 respectively.

*Shri. Badal Sarma*

4.3 That your applicant on receipt of the letter dated 31.8.98 submitted another representation addressed to the Director of Postal Services, Assam Circle, Guwahati on 22.11.99 praying inter alia that his case for promotion may be considered against the existing vacancy of Superintendent of Post Offices available at Goalpara Sub-division or alternatively applicant be allowed to complete his tenure as Sub-divisional Inspector of Post Offices, Dhubri.

Copy of the representation dated 22.11.99 is annexed as Annexure-5.

4.4 That most surprisingly the Chief Postmaster General issued a transfer and posting order in respect of the applicant vide his letter No. Staff/3-10/92/CH-II dated 13/20.12.99 whereby the applicant was sought to be transferred and posted from Dhubri to Guwahati in total violation of professed norm. In this connection it is categorically stated that the applicant is entitled to continue to stay till completion of four years at Dhubri as per the transfer and posting policy issued by the Department of Post whereby the tenure has been fixed for four years in a place/station in the cadre of Sub-divisional Inspector of Post Offices. In this connection it is stated that the applicant due to his domestic problems could not even avail the promotional benefit issued under order dated 12.6.98. In such a compelling circumstances and specially when the applicant is entitled to stay at Dhubri till completion of four years tenure, the respondents in total violation of the transfer policy and on extraneous consideration included the name of the applicant in the routine transfer order issued under letter dated 13/20.12.99. The

Sae Badal Samra

applicant has been picked up for transfer and posting as because he could not carry out the order of posting to the promotional post at Nowgaon. It is relevant to mention here that the promotion order was in fact issued by Shri A.N.D. Kachari, Director of Postal Services, Assam Circle, Guwahati. However after receipt of the application for inability to join at Nowgaon on promotion from the applicant Shri A.N.D. Kachari, respondent No.4 got annoyed with the applicant and in fact in colourable exercise of power included his name in the routine transfer order knowing well that the applicant due to domestic problems could not avail the promotional benefit granted under Memo dated 12.6.1998. It is also relevant to mention here that the applicant was sought to be transferred and posted at Guwahati vide impugned order dated 13/20.12.99 in the same cadre i.e. Sub-divisional Inspector of Post Offices without considering his case in the promotional post of Assistant Superintendent in terms of his representation dated 22.11.99. Therefore it is abundantly clear that the impugned order was issued on extraneous consideration and with a mala fide intention to harass the applicant as because the applicant could not avail the promotional benefit to the post of Assistant Superintendent of Post Offices which was issued under Memo dated 12.6.1998 due to his domestic problems.

A copy of the impugned order dated 13/20.12.99 is annexed as Annexure-6.

4.5 That your applicant begs to state that the applicant also submitted his representation dated 20.12.99 being a disciplined employee of the Department of Post, In the said representation the applicant inter alia prayed for

*Bire Badal Sarma*

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retention in his present place of posting at Dhubri. But unfortunately the applicant could not retain the copy of the said representation. However, the applicant did not receive any reply. In the compelling circumstances finding no other alternative the applicant approached the Hon'ble Tribunal praying for a direction to the respondents to allow the applicant to continue in his present place of posting till completion of four years of tenure at Dhubri. The said Original Application which was filed by the applicant before the Hon'ble Tribunal was registered as O.A. No. 69/2000. The said O.A. came up before the Hon'ble Tribunal for consideration for admission on 21.2.2000 and the Hon'ble Tribunal after hearing of the counsel of the parties was pleased to dispose of the said Original Application at the admission stage with direction to the competent authority that they shall consider the case of the applicant and communicate a speaking order within one month from the date of receipt of the representation if such representation is filed within one month from the date of the receipt of the order of the Tribunal. It is stated that the applicant was also directed to submit a detail representation before the competent authority regarding his grievances. The applicant accordingly submitted a detail representation<sup>on</sup> 21.3.2000 addressed to the Chief Postmaster General, Meghdoot Bhawan, Guwahati. In the said representation the applicant inter alia prayed that he may be allowed to continue in his present place of posting at Dhubri till completion of his tenure, alternatively the applicant requested for consideration of his promotion to the post of Assistant Superintendent of Post Offices. The applicant also categorically stated that he was allowed to

Su. Badal Sarma

stay at his present place of posting at Dhubri for a period of one year with effect from 12.6.98 vide order bearing No. Staff/1-441/88 dt. 31.8.98 by deferring the promotion to the post of Assistant Superintendent of Post Offices. He also stated that in terms of Order dated 31.8.98 the applicant is entitled to the benefit of promotion on expiry of one year. He also stated that due to his serious domestic problems he had no alternative but to agree to incur financial loss and future service benefits for a period of one year. But surprisingly he had received a order of transfer and posting dated 13/20.12.99 whereby the applicant was sought to be transferred and posted at Guwahati in the same capacity before completion of normal tenure period despite his representation dated 22.11.99 for consideration of his promotion to the vacant post of Assistant Superintendent of Post Offices available at the relevant time at Goalpara. The applicant also pointed out the relevant policy for posting under Rule 59 of the P & T Manual, Vol. IV (Swamys compilation) wherein it is stated that ordinarily the tenure of 4 years for Sub-divisional inspector or Assistant Superintendent of Post Offices. The decision of the authority in respect of his representation dated 21.3.2000 was communicated to the applicant vide their letter bearing No. Staff/3/10/92/CH-II dated 27.4.2000 whereby his order of transfer dated 13/20.12.99 has been modified and the applicant has been shifted from the post of Inspector of Post Offices to the post of Inspector of Post Offices (Complaints) in the same station at Dhubri. It is also relevant to mention here that one Shri A.J. Sarkar who was earlier working as Inspec-

*Su. Pradal Sarkar*

tor of Post Offices (Complaints) at Dhubri has posted in place of the present applicant as Inspector of Post Offices.

It is stated that this internal transfer has been made by the authority particularly by the Director of Postal Services Shri N.D.Kachari with an ulterior motive to remove the applicant from the post of Inspector of Post Offices, Dhubri as because the applicant approached the Hon'ble Tribunal and on the ground that the transfer policy is also support the case of the applicant for retaining him at Dhubri. But surprisingly the Director of Postal Services did not consider the case of the applicant for the post of Assistant Superintendent of Post Offices although there was a specific request made by the applicant on 22.11.99 for consideration of his promotion to the post of Assistant Superintendent of Post Offices in terms of promotion order dated 12.6.1998. But not step was taken by the Director of Postal Services although one year for which the applicant requested for deferment was expired long back, even then the respondents intentionally did not take any step to promote the applicant to the post of Assistant Superintendent of Post Offices.

A copy of the order dated 27.4.2000 is annexed as Annexure-7.

4.6 That your applicant further begs to state that the Superintendent of Post Offices, Goalpara vide his memo bearing No. B/H-9/111 dated 1.5.2000 informed the applicant that in pursuance of the order dated 27.4.2000 the following order of transfer and postings is issued to have immediate effect whereby the applicant is being relieved to join as Inspector of Post Offices (Complaint) Dhubri in place of

Sri Badal Sarma

Shri A.J.Sarkar. It is also stated that this has been done in pursuance of the Hon'ble Tribunal's order passed in O.A. No. 67 of 2000 for consideration of representation of the applicant in the matter of transfer.

A copy of order ~~of the Hon'~~ dated 1.5.2000 is annexed as Annexure-8.

4.7 That it is stated that as per the Government rule the validity of panel normally for a period of one year it ceases to be in force on the expiry of one year and six months till preparation of a fresh panel whichever is earlier. In this connection it is stated that the applicant in the instant case prayed for deferment of his promotion for a period of one year due to tide over his domestic problems which was duly accepted by the authority particularly by the Chief Postmaster General and he was also pleased to defer the promotion of the applicant for a period of one year with effect from 12.6.1998 vide Chief Postmaster General's letter dated 31.8.1998 under the existing rules. Therefore the one year period of deferment was completed on 11.6.99 whereas in terms of the rule regarding validity of panel is valid for one and half year i.e. upto 11.12.99. But the applicant made his request for promotion to the post of Assistant Superintendent of Post Offices in the existing <sup>to Post</sup> vacancy at Goalpara on 22.11.99. Therefore the applicant made the request well within the time of validity of panel for consideration for his promotion to the existing vacant post of Assistant Superintendent at Goalpara. But surprisingly the authority did not consider his promotion

Shri Badrol Samal



with an ulterior motive. It is pertinent to mention here that in the event of refusal of promotion there is no bar for the respondents to consider the promotion after expiry of six months or till the next vacancy arise, for an employee concerned who refuses promotion due to personal problems if the same is acceptable to the appointing authority. In the instant case it appears that the request for deferment of promotion of the applicant was accepted by the authority and immediately after expiry of period of six months the applicant is entitled to be considered for promotion or till the next vacancy arises. In the instant case a vacancy of Assistant Superintendent of Post Offices occurred at Goalpara but even then the case of the applicant was not considered in spite of his representation. As such the action of the respondents are highly arbitrary, illegal and unfair. Therefore Hon'ble Tribunal be pleased to direct the respondents to consider the case of the applicant for promotion to the post of Assistant Superintendent of Post Offices in terms of promotion order dated 12.6.1998 issued by the Director of Postal Services, Guwahati. In this connection it is relevant to mention here that at the moment there are two vacant posts of Assistant Superintendent of Post Offices are available one at Dhubri as well as another at Jorhat as such there is no difficulty on the part of the respondents to promote the applicant in terms of the order dated 12.6.98 since the period of one year of deferment has already been expired long back. Moreover the applicant submitted his representation during the validity of the panel and till filing of this application no fresh DPC has taken place for consideration of promotion of the applicant to the post of

Sri Radal Sarma

Assistant Superintendent of Post Offices. Therefore the Hon'ble Tribunal be pleased to direct the respondents particularly to the Director of Postal Services to promote the applicant to the post of Assistant Superintendent of Post Offices either in the vacant post at Dhubri or in the vacant post at Jorhat otherwise the applicant will ~~suffer~~ incur financial loss and future service prospects also.

4.8 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provisions

- 5.1 For that the representation for deferment of promotion for the post of Assistant Superintendent of Post Offices duly accepted by the respondents and was pleased to defer the promotion of the applicant for a period of one year with effect from 12.6.1998 vide order dated 31.8.1998.
- 5.2 For that the period of one year of deferment of promotion to the post of Assistant Superintendent of Post offices in respect of the applicant has already been expired on 11.6.1999.
- 5.3 For that the applicant has been declared selected for promotion to the post of Assistant Superintendent on regular basis vide order dated 12.6.1998.
- 5.4 For that the applicant submitted representation immediately after expiry of deferment for a period of one year vide his letter dated 22.11.99 for consideration of his promotion to the existing vacant post of Assistant Superintendent of Post Offices at Goalpara at the relevant point of time.

*Dr. Radal Barm*

- 5.5 For that the applicant made a specific request for consideration of his promotion to the post of Assistant Superintendent of Post Offices.
- 5.6 For that there are two vacant posts of Assistant Superintendent of Post Offices are available at Dhubri as well as another at Jorhat.
- 5.6 For that the applicant is incurring financial loss in every months as well as also for future service career.

6. Details of remedies exhausted.

The applicant states that he has no other alternative or other efficacious remedy than to file this application before this Hon'ble Tribunal for protection of his valuable right.

7. Matters not previously filed or pending before any other court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought for :

Under the facts and circumstances of the case the applicant prays that Your Lordships may be pleased to issue notice to the respondents to show cause as to why the relief sought for by the applicant shall not be granted, call for the records of the case and on perusal of

*Shri. Radal Sarma*

the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs :

- 8.1 That ~~the~~ the respondents be directed to promote the applicant in the existing vacant post of Assistant Superintendent of Post Offices in terms of promotion order issued under Memo No. Staff/2-29/91 dated 12.6.1998 (Annexure-1).
- 8.2 Costs of the Application.
- 8.3 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for :

During the pendency of this application the applicant prays for the following reliefs :

In this application the applicant does not pray for any interim order but prays before the Hon'ble Tribunal for early disposal.

10. ....

This application has been filed through advocate.

11. Particulars of I.P.O.

- i. I.P.O. No. : 02 497312
- ii. Date of Issue : 1/6/2000
- iii. Issued from : G.P.O., Guwahati.
- iv. Payable at : G.P.O., Guwahati

12. List of enclosures

As stated in the Index.

Dr. Radal Sarma

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

I, Sri Badal Sarma, son of late Munindralal Sarma, aged about 55 years working as Sub-divisional Inspector of Post Offices (Complaints) Dhubri, do hereby verify and declare that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 5th day of June, 2000.

*Sri. Badal Sarma*  
Signature

Annexure-1

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE  
MEGHDOOT BHAWAN, GUWAHATI-1.

Memo No. Staff/2-29/91 Dated at Guwahati the 12.06.98

The following order of transfer/posting is issued on promotion to the ASPOs cadre in respect of the following officials to have immediate effect.

1. Sri Ranjit Kr. Basumatary, IPOS (Inv.) C.O. Guwahati on promotion to ASPOs cadre is posted as ASPOs (Inv). R.O/Guwahati on regular basis against vacant post.
2. Sri Badal Sarma, IPOS, Dhubri on promotion to ASPOs, cadre on regular basis is transferred and posted as ASPOs (RW), Nagaon on termination of the local arrangement. The official may get relieved on local arrangement to join his assigned post.
3. Sri B.S. Choudhury, IPOS (PMI), O/o PMG, Dibrugarh on promotion to ASPOs cadre on regular basis is transferred and posted as ASPOs, North Lakshimpur Sub-Division vice Sri Tarun Bora reverted to APOs.

The posting order of Sri Tarun Bora as aforesaid is being issued separately.

The following officials now approved in ASPOs cadre and presently working as ASPOs on adhoc basis will continue in their present posts as on regular basis until further orders.

| Sl.No. | Officials              | Post held on adhoc           | Posted as on regular basis.   |
|--------|------------------------|------------------------------|-------------------------------|
| 1      | Sri Abinash Saha       | ASPOs (OD)/Dibrugarh         | ASPOs (OD)/Dibrugarh          |
| 2      | " Tapan Kr. Chaudhury, | ASPOs (DN)/Dhubri            | ASPOs (DN)/Dhubri             |
| 3      | " Bhadreswar Kalita    | ASPOs West Sub-Dn Guwahati   | ASPOs, West Sub-Dn, Guwahati. |
| 4      | " Kutubuddin Ahmed     | ASPOs (SD Cell) C/o Guwahati | ASPOs (DD Cell) C/o Guwahati. |
| 5      | " Ramajoy Biswas       | ASPOs (HQ), Tinsukia         | ASPOs (HQ)/Tinsukia           |
| 6      | " Ram Ch. Rabha        | ASPOs (HQ)/Guwahati          | ASPOs (HQ)/Guwahati           |
| 7      | " Prabin Boro          | ASPOs (HQ)/Nalbari           | ASPOs (HQ)/Nalbari            |
| 8      | " Rabindra Biswas      | ASPOs, Goalpara, Sub-Dn.     | ASPOs, Goalpara Sub-Division. |

Usual charge report may be furnished to all concerned.

Sd/- Illegible  
(A.N.D. Kachari)  
Director of Postal Services, Assam Circle,  
Guwahati-781001

Contd...

*Attestd  
A.N.D.  
Adl.*

*Su. Badal Sarma*

Copy to :

- 1-9. All Sr. Supdt./Supdt. of POs in Assam Circle.
10. The A.D. (A/Cs), C.O./ Guwahati.
11. The AAO (Bgd), C/o Guwahati.
- 12-22. Officials concerned.
- 23-33 PF of the officials.
- 34 The APMG (Vig.) C.O/GHY.
- 35 The Office Supdt., C.O/ GHY.
- 36 The PMG, R.O/Guwahati.
- 37 Sr. P.A. to PMG, R.O./Guwahati.
- 38 Arrangement File of APOs.
- 39-40 Office copy/Spare.

Sd/- Illegible

(I.P. GERNUNGSANG)

Asstt. Postmaster General (Staff)  
for Chief Postmaster General  
Assam, Circle, Guwahati-781001

*Attest  
D. D. Adv.*

*Sr. Badal Karma*

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE  
MEGHDOOT BHAWAN, GUWAHATI-1.

Memo No. Staff/2-29/91 Dated at Guwahati the 12.06.98.

The promotion of the following IPOs in the cadre of Asstt. Supdt. of Post Offices as on regular basis in the scale of Rs. 6500-200-10500/- is approved with immediate effect.

1. Sri Abinash Saha
2. Sri Tapan Kr. Chaudhury
3. Sri Bhadreshwar Kalita
4. Sri Kutubuddin Ahmed
5. Sri Ramjoy Biswas (SC)
6. Sri Ram Ch. Rabha (ST)
7. Sri Prabin Boro (ST)
8. Sri Badal Sharma
9. Sri Ranjit Basumatary (ST)
10. Sri B.S. Chaudhury
11. Sri Rabindra Biswas (SC)

Sd/- Illegible  
(A.N.D. KACHARI)  
Director of Postal Services  
Assam Circle, Guwahati-781001

Copy to :

- 1-9 All Sr. Supdt./Supdt. of POs in Assam Circle.
- 10 The APMG (Vig), Circle Office, Guwahati.
- 11-21 Official concerned.
- 22-32 PF of the officials
- 33 The A.D. (A/Cs), C.O. GHY
- 34 The AAO (Bgt), C.O./GHY.
35. Office copy.

Sd/- Illegible  
(I. PANGERNUNGSANG)  
Asstt. Postmaster General (Staff)  
for Chief Postmaster General,  
Assam, Circle, Guwahati-781001

*Alleged  
A.D.  
Adv.*

*Sri Badal Sharma*



Annexure-3

From

Sri Badal Sarma  
Subdivisional Inspector of PO's  
Dhubri Sub-DN, Dhubri  
Pin-783 301

To

The Chief Postmaster General  
Assam Circle, Guwahati-1.

Sub : Prayer for acceptance of Option for stayal of promotion to the ASPO's Cadre of Sri Badal Sarma at the present juncture.

Ref : Your Memo No. Staff/2-29/91 Dated the 12.06.98

Hon'ble Sir,

With due respect and humble submission I beg to lay the following few lines on the prayer above for your kind consideration.

That Sir, due to some personal unavoidable troubles I compelled to take the request transfer from Rangia Sub-Dn to Dhubri Sb-Dn after serving 3 (three) years at the Rangia Subdivision and on your kind consideration and order I joined the Dhubri Subdivision on 7.1.97 forgoing TA/TP etc.

That Sir, my only daughter is in marraigable age and I have to searching the bridegroom for my daughter. My present working position is helping me to do that task and no other gurdians in my family except me and thereby I took the request transfer from Rangia to Dhubri.

That Sir, I am a Diabetic patient, The consulting doctor advise me to make Routine walking at least 8 km per day to keep the body fit in working position and sugarfree. By the condition of my present service as Sub divisional Inspector of Post Offices I have privilege to comply with the doctor advice for the better ment of my health.

That Sir, considering the all aspects I am compelled to pray for stay of my promotion to the cadre of the ASPO's at the present juncture and prayed for your kind honour to accept my option for stayal at least 1(one) year in the present cadre/position.

I would therefore fervently request your kind honour kindly to accept my option for non acceptance of promotion to the cadre of the ASPO's till completion of the marriage of my daughter or for the period of 1(one) year whichever earlier.

With profound regards,

Yours faithfully,  
Sd/-  
(Badal Sarma)

Copy to

SDI (PO's) Dhubri Sub-Dn, Dhubri

1. The Supdt. of Post Offices Dhubri Division Dhubri for favour kind information and N/A and with humble prayer for recommendation.

Adv Copy

2. The Hon'ble CPMG/Guwahati.

Sd/- Illegible  
(BADAL SARMA)

SDI/PO's/DHUBRI SUB-DN, DHUBRI

*Dr. Badal Sarma*

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE CHIEF POSTMASTER GENERAL : ASSAM CIRCLE  
MEGHDOOT BHAWAN, GUWAHATI-1

Memo No. Staff/1-441/88 Dated at Guwahati the 31.08.98

Sri Badal Sarma, IPOs, Dhubri was promoted to the cadre of ASPOs on regular basis vide this office memo No. Staff/2-29/91 dated 12.6.98. The official vide his representation dtd. 12.6.98 has stated his inability to accept the promotion under certain domestic constraint and requested for continuance in his present cadre.

The DPS, Assam Circle, Guwahati is pleased to consider and accept the request as made by the official.

Consequent on refusal of promotion as above, Sri Badal Sarma will not be promoted for one year from the date of refusal i.e. 12.6.98 and he will loose seniority on eventual promotion under the existing rules.

Sd/-

(I. PANGERNUNGSANG)  
Asstt. Postmaster General (Staff)  
for Chief Postmaster General  
Assam Circle, Guwahati-781001

Copy to

1. The SPOs, Dhubri w.r. to his No. B-633 dtd. 2.7.98
2. Sri Badal Sarma, IPOs, Dhubri.
3. PF of the Officer.
4. Arrangement file of ASPOs
5. File No. Staff/2-29/91
6. Office copy

Sd/- 31.08.99  
For Chief Postmaster General  
Assam Circle, Guwahati-781001

Annexure-5

From  
Sri Badal Sarma  
S.D.I/PO's Dhubri  
Sub-Dn Dhubri

To  
The Director of Postal Services  
Assam Circle, Guwahati-781001

(Through Proper Channel)

Sub : Option for ASPO's Goalpara Sub-division Goalpara if the earlier promotion oblige to accept otherwise allow to complete the tenure as SDI PO's Dhubri i.e. upto the end of 2000.

Ref : Your office Memo Staff/1-441/88 Dtd. 31.08-98-  
Hon'ble Sir,

With due respect and humble submission I beg to lay the following few lines for your kind and sympathetic consideration.

That Sir I had been transferred to the Dhubri sub-division as SDI/PO's from Rangia on request and accordingly I joined as SDI/PO's Dhubri on 07.01.97

That Sir, you were pleased to consider me for promotion to the cadre of ASPO's vide your office memo no. B1-17/ASPO's/Genl Dtd. 22.06.98.

That Sir, due to my personal troubles and some unavoidable circumstances I compelled to refuse to accept that promotion and prayed for your kind honour with the prayer for forgo that promotion. But my prayer ultimately failed to draw your consideration.

That Sir it is learnt from reliable source that the ASPO's Goalpara Sub Division, Goalpara has prayed for request to transfer from Goalpara to Guwahati.

My family consist of small members and are staying at Bilasipara and without my close liaison it would be very difficult for them for pulling themselves and moreover none in my family to look after them in my absence.

That Sir, I have to go on retirement during the year 2005 considering the all facts and figures I humbly prayed to your kind and sympathetic consideration that if I am oblige to accept the promotion as ASPO's (promoted earlier) then I may kindly be considered for the posting as ASPO's, Goalpara sub-division Goalpara or I may kindly be allowed to complete the tenure as SDI/PO's Dhubri upto the end of 2000.

With profound regards,

Yours faithfully,  
Sd/-

Copy to :

1. The Supdt. of Post Offices, Dhubri with request for his kind recommendation.
2. The Assistant Postmaster General (Staff), for kind consideration.

Sd/- Illegible  
22.11.99

Annexure-6

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE CHIEF POSTMASTER GENERAL : ASSAM CIRCLE  
GUWAHATI : 781 001

No. Staff/3-10/92/Ch-II

Dated at Guwahati the 13th/20th  
Dec.1999

The following transfer and posting orders are issued to have immediate effect in the interest of Service.

| Sl.No. | Name of the officials    | Present place of working   | Place of posting on transfer                                 |
|--------|--------------------------|----------------------------|--|
| 1      | Sri Badal Sarma          | IPOs/Dhubri                | IPOS (uniform) vide PSD/Ghy. vide Sri B. Haloi transferred.  |
| 2      | Sri Bhubaneswar Haloi    | IPOs/Uniform, PSD/Guwahati | IPOS/Pathsala vice Sri Thakurdas Saha transferred.           |
| 3      | Sri Thakurdas Saha       | IPOs/Pathsala              | IPOS (Planning), RO/Ghy. vice Sri A. J. Sarkar, transferred. |
| 4      | Sri A. J. Sarkar         | IPOs/Planning RO/Ghy       | IPOS/Dhubri vide Sri Badal Sarma transferred.                |
| 5.     | Sri Abbas Ali            | IPOs/Nagaon (East)         | IPOS/Mangaldoi against vacant post.                          |
| 6.     | Sri Dimbeswar Hazarika   | IPOs/Sibsagar              | IPOs/Nagaon (East) vide Sri Abbas Ali, transferred.          |
| 7.     | Sri Bijoyananda Hazarika | IPOs/Tezpur                | IPOs/Sibsagar vice Sri Dimbeswar Hazarika transferred.       |
| 8.     | Sri N.H. Laskar          | IPOs/Nalbari               | IPOS/Karimganj against vacant post                           |

The officials on transfer may be relieved on office arrangement to join their assigned posts early.

Usual charge reports may be furnished to all concerned.

Sd/- A.N.D. Kachari  
D.P.S.

O/o the Chief Postmaster General,  
Assam Circle, Guwahati-781001

Copy to :

- 1-9 All Sr. Supdt./Supdt. of POs in Assam Circle.
- 10-11 The Supdt/PSD/NESD, Guwahati.
12. The P.M.G. RO/Ghy

Contd...

13. The APMG (Vig), CO/Ghy
- 15-22 Officials concerned
- 25-30 PF of the official
- 31 The AD (A/Cs), CO/Ghy
- 32 The AAO (Bgt), CO/Guwahati
- 33 PA to DPS, CO/Guwahati.
- 34 Sr. PA to CPMG, CO/Ghy.
- 35 Office copy.

Sd/-

Asstt. Postmaster General (S)  
Assam Circle, Guwahati-781001

Annexure-7

DEPARTMENT OF POSTS  
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE,  
GUWAHATI-1.

Memo No. Staff/3-10/92/Ch-II Dated at Guwahati the 27.4.2000

The Chief Postmaster General, Assam Circle, Guwahati is pleased to issue the following order in partial modification of this office earlier memo of even No. dtd. 20.12.98 to have immediate effect.

1. Sri Badal Sarma, IPOs, Dhubri is transferred and posted as IPOs (C) Dhubri in stead of IPOs (uniform) PSD, Guwahati vide Shri A.J. Sarkar transferred.
2. Shri A.J. Sarkar, IPOs (C) Dhubri is transferred and posted as IPOs, Dhubri as ordered earlier vice Shri Badal Sarma transferred.

The order is issued in consideration of a fresh representation submitted by Shri Badal Sarma IPOs, Dhubri and consequent on a CAT/Guwahati verdice (vide O.A. No. 67/2000) issued for consideration of the said representation in the matter of transfer.

Usual charge report be furnished to all concerned.

Sd/- A.N.D. Kachari  
Director of Postal Services  
O/o Chief Postmaster General  
Assam Circle, Guwahati-1.

Copy to

1. The Supdt. of P.Os, Dhubri to relieve the official accordingly.
2. The Supdt. PSD/Guwahati.
3. The APMG (Vig) C.O., Guwahati.
4. The AD (A/Cs), C.O., Guwahati.
5. The AAO (Bgt), C.O., Guwahati.
6. The Sr. P.A. to CPMG/Guwahati.
7. The PA to DPS/C.O., Guwahati.
- 8-9. PF file C.O. Guwahati
10. Office copy.
- 11-12. Officials

Sd/- Illegible  
for Chief Postmaster General  
Assam Circle, Guwahati

Annexure-8

DEPARTMENT OF POSTS, INDIA  
OFFICE OF THE SUPERINTENDENT OF POST OFFICES, GOALPARA  
DIVISION, DHUBRI-783 301

Memo No. B/A-9/III

Dated at Dhubri the 01.05.  
2000

In pursuance of the C.O./Guwahati memo No. Staff/  
3-10/92/Ch.II dtd. 27.04.2000 the following orders of  
transfer and posting are issued to have immediate effect.

1. Sri Abdul Jalil Sarkar, IPOs(C), Dhubri is hereby transferred and posted as SDI(P)/Dhubri vide Shri Badal Sarma transferred.
2. Sri Badal Sarma, SDI(P), Dhubri on being relieved will join as IPOs(C) Dhubri against Shri A.J. Sarkar instead of IPOs(Uniform) PSD, Guwahati.

The order is issued in consideration of a fresh representation submitted by Sri Badal Sarma, IPOs Dhubri and consequent on the CAT/Guwahati verdict (vide O.A. No. 67/2000) issued for consideration of the said representation in the matter of transfer.

Usual charge report should be furnished to all concerned.

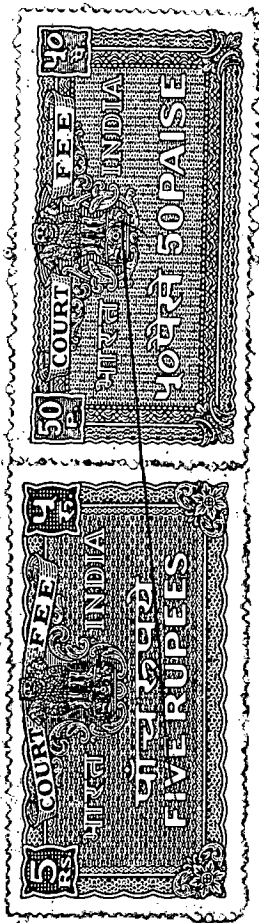
Sd/- Illegible  
( B.K.MARAK )  
SUPERINTENDENT

Copy to :

1. The Postmaster, Dhubri H.O.
2. The AD(A/Cs), O/o the C.P.M.G. Assam Circle, Guwahati.
3. The AAO(Bgt), O/o the C.P.M.G. Assam Circle, Guwahati.
4. The Chief Postmaster General (Staff), Assam Circle, Guwahati-781001
- 5-6. The Officials concerned
- 7-8. P/Fs of the officials
9. O/C
- 10-12. Spare

Sri Badal Sarma  
SDI(P), Dhubri.

Sd/- Illegible  
Supdt. of Post Offices  
Goalpara Divn., Dhubri  
783 301  
1.5.2000



**VAKALATNAMA**

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : AT GUWAHATI

Sri Badal Sarma  
31

Case No. 186/2000

Sri Badal Sarma

Applicant  
Petitioner

--- VS ---

Union of India & others

Respondent  
Opposite Party

Know all men by these presents that the above named Applicant do hereby nominate, constitute and appoint Mr. M. Chanda, N.D. Goswami, G.N. Chakraborty, S.K. Ghosh Advocate(s) and such of under mentioned Advocate(s) as shall accept this Vakalatnama to be my true and lawful Advocate(s) to appear and act for me and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me and on my behalf and I agree to ratify and confirm all intends and purposes. In case of nonpayment of the stipulated fee in full, no Advocate(s) shall be bound to appear or act on my behalf.

In witness whereof I hereunto set my hands on this the 6th day of June 1999 2000

Sri J. L. Sarkar  
Sri A. Dasgupta  
Sri M. Chanda

Sri B. K. Sharma  
Sri B. Banerjee  
Sri S. Dutta

Sri. S. Sarma  
Mrs N. D. Goswami  
Mrs S. Deka  
Mr G. N. Chakraborty  
Mrs. S.K. Ghosh.

Received from the  
executant, satisfied  
and accepted

Mr. \_\_\_\_\_  
Senior Advocate, will lead me/us in this case.

And Accepted

Srijit Ghosh  
Advocate

[Signature]  
Advocate

Advocate

And accepted,  
[Signature]  
Adv.



- Notice :-

From

Sujit K. Ghosh  
Advocate

3<sup>2</sup>

Dated

5.6.2000

To

A. Dev Roy  
Sr. C. G. S. C.  
CAT, Guwahati

Ref:- Sri Badal Sarma

- Vs -

Union of India & Ors

Respected Sir,

Please find here with a  
copy of Original Application  
of Badal Sarma Vs Union of India & Ors  
which is going to be file before  
this Hon'ble Central Administrative Tribunal  
Guwahati.

Yours faithfully  
Sujit K. Ghosh  
Advocate

Receipt by  
Sr. C. G. S. C.