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

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 368/2001

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SECTION OFFICER (Judl.)

FORM No. 4  
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

APPLICATION NO. 368 / 2001

Applicant (S) Jhantulal Dey

Respondant(S) W.O.I. Pans

Advocate for the Applicant: M. Chandra, Mrs. N. D. Goswami, G. N. Chakravarty

Advocate for the Respondant: CASE

Notes of the Registry	Date	Order of the Tribunal
This application is in form, but not in the Condonation Petition is not filed vide M. P. No. <u>X</u> C.F. for Rs. 5/- posted vide IPO/BD No. 66788/08... Dated <u>12-9-2001</u> <i>13/9/01</i> <i>Dy. Registrar</i>	14.9.2001	Admit, call for the records. List on 16.10.2001 for order.
<i>Steps taken without delay</i>	16.10.01	On the request made by Mr. B. C. Pathak, learned Addl. C.G.S.C. four weeks time is allowed to the respondents to file written statement. List on 26.11.2001 for further order.
Notice prepared and sent to DIs for taking the Respondent No 705 by Regd AMD. <i>13/9/01</i> <i>DINO 3534/3538</i> <i>19/9/01</i>	26.11.01	List on 1.1.2002 to enable the respondents to file written statement.
No. 103 has been filed.		

Member

Vice-Chairman

Member

Vice-Chairman

*13/11/01*

(2)

1.1.02 List on 29.1.2002 to enable the respondents to file written statement.

No writs has been filed.

Member

Vice-Chairman

mb

28.1.02

29.1.02 List on 1.3.2002 to enable the respondents to file written statement.

Member

Vice-Chairman

mb

1.3.02

Prayer has been made by Sri B.C. Pathak, learned Addl. C.G.S.C. for the Respondents for time to file written statement. Prayer is allowed. List on 28.3.2002 for order.

No written statement has been filed.

Member

Vice-Chairman

27.3.02

mb

28.3.2002 No ~~xxx~~ written statement so far filed List the case again on 2.5.2002 for order.

Member

Vice-Chairman

bb

10.4.02

The subject matter involved in ~~xxx~~ this O.A. is similar with O.A.219/01 and therefore this matter was also taken up for hearing alongwith O.A.219/02 by the consent of the counsel for the parties.

Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is allowed in terms of the order. No order as to costs.

Member

Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

Original Application No. 219 of 2001 and  
368 of 2001.

Date of Order : This the 10th Day of April, 2002.

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

The Hon'ble Mr K.K.Sharma, Administrative Member.

Shri Ranju Nag (O.A.219/2001)  
Son of Sri Rajendra Chandra Nag,  
Resident of village & P.O. Gangapur,  
Via-Katigarh, Dist. Cachar . . . Applicant

By Advocate Sri S.Dutta.

Shri Jhantulal Dey (O.A.368/2001)  
son of late Jatindra Chandra Dey,  
Village & P.O. Gangapur,  
P.S.Katigarh,  
Dist. Cachar (Assam) . . . Applicant  
By Advocate Sri M.Chanda.

- Versus -

1. Union of India,  
represented by the Secretary,  
Government of India,  
Department of posts,  
New Delhi.
2. The Chief postmaster General,  
N.E.Circle,  
Shillong-1.
3. The Senior Superintendent of Post Offices,  
Cachar Division,  
Silchar-1.
4. The Sub Divisional Inspector of Post Offices,  
Karimganj Division,  
Karimgang.
5. Sri Sandip Dey,  
Village & P.O. Gangapur (Via Katigarh)  
Dist. Cachar . . . Respondents

By Advocate Sri B.C.Pathak, Addl.C.G.S.C(O.A.219/2001)  
By Sri A.Deb Roy, Sr.C.G.S.C (O.A.368/2001)  
Sri J.L.Sarkar for respondent No.5 in both the cases.

O R D E R

CHOWDHURY J.(V.C)

In view of the common issues involve both on law  
and facts both the applications are taken up for hearing  
together <sup>with</sup> by the consent of the counsel for the parties.

contd...2

2. The core issue involve in these applications pertain to the selection for the post of Branch postmaster, Gangapur Branch post office. The post of Extra Departmental Postmaster (EDBPM) fell vacant. The authority accordingly took steps for filling up of the post by inviting applications from the local willing candidates. As per notice inviting applications five applications were received by the authority. According to the applicants they were eligible for appointment but the respondents in a most illegal fashion selected the respondent No.5 Sri Sandip Dey for the post. The legitimacy of the selection is thus under challenge. One of the contention raised in O.A.219/2001 is that the respondent No.5 did not submit his application within the specified time and his application was accepted in later point of time beyond the date prescribed. However, from the materials on record it appears that after the candidates were sponsored by the District Employment Exchange, Silchar for consideration for appointment that was likely to fall vacant the candidates were requested to forward their applications in the prescribed format to the Superintendent of Post Offices. <sup>as per</sup> Though the submission of Mr S.Dutta, learned counsel for the applicant that the application of respondent No.5 was received after the date prescribed in the notification dated 25.2.2001, however on perusal of documents we find it difficult to accept the contention. We have considered the materials placed before us by the learned counsel for the respondents as regards the process of selection. A photo copy of comparative statement meant to serve as a process of selection produced before us. From that statement it appears that the applicant in O.A.368/2001 obtained higher percentage of marks in the HSLC examination i.e. 49.76%

contd..3

and the respondents No.5 secured 37.66% in HSLC. In the column particulars of source of income the authority mentioned that the applicant in O.A.368/2001 earned Rs.15,000/- from private tuition and respondent No.5 was shown with an income of Rs.20,000/- from business and the income of the applicant in O.A.219/2001 was shown as Rs.7400/- which includes Rs.6000/- from family income. There is an endorsement that candidate in O.A.368/2001 did not possess the landed property and accordingly his candidature was rejected and respondent No.5 was selected for appointment to the post of Branch Postmaster as he fulfilled the requirements for appointment. The authority mentioned about the land certificate column. No other materials were furnished by the respondents though it was expected that the respondents ought to have been produced the materials relied on by the Superintendent in assessing their eligibility conditions. The manner in which the respondents acted, more particularly, the respondent No.3 in producing the record is deprecated.

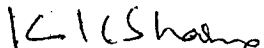
3. From the materials on record thus indicated that the selection of respondent No.5 was made on the basis of land certificate and the applicants were rejected, more particularly the applicant in O.A.368/2001 was rejected on the score that he did not produce land document. As to the provisions in respect of the recruitment in terms of the service rules for ED staff, some instructions were issued. As per those instructions the educational qualification for appointment is Matriculate and the selection is based on the marks secured in the Matriculation. No weightage need be given for any qualifications higher than Matriculation. As regards income and ownership of property it is mentioned that the person who takes over the agency must be one who has an adequate means of

livelihood. The person selected for the post of EDBPM must be able to offer space to serve as the agency premises for postal operations. The criteria to judge adequate means of livelihood is also indicated, what is required is that he must have adequate means of livelihood and must be able to offer space to serve as the agency premises for postal operations. Preference may also be given to candidates whose adequate means of livelihood is derived from landed property or immovable assets if they are otherwise eligible for appointment as EDSPM/EDBPM. It is not necessary to quantify adequate means of livelihood. Selection process did not indicate that whether the respondent No.5 was able to offer space to serve for postal operation, whereas in the case of the applicant in O.A.219/2001, as a matter of fact, the EDBO is presently located at the house of his father who was the earlier EDBPM. The applicant in O.A.368/2001 also indicated that his income from tuition comes to Rs.15,000/- and that he referred to the landed property document. The respondents only showed that he earned Rs.20,000/- from business. It is not the extent of income, the authority is only assess as to whether the candidates possessed adequate means of livelihood. In the whole exercise of selection the authority failed to take the relevant consideration for the selection, whereby the respondent No.5 was selected for the post. It was stated by the learned Addl.C.G.S.C Mr B.C.Pathak that respondent No.5 was not appointed but he was intimated about the selection. A copy of the communication dated 21.5.2001 sent by the Senior Superintendent of Post Offices to the respondent No.5 to inform that he was provisionally selected as BPM subject to satisfactory result of verification of all the certificates, which was annexed by respondent No.5 in his reply. In our considered opinion the respondents

authority fell into error in filling up of the post in question by overlooking the relevant factors. The respondents are directed to take steps for a review selection considering the case of all the five candidates as per law with utmost expediency. It is expected that appropriate steps will be taken by the concerned authority in future in properly defending the department's case.

4. On the facts narrated above, we set aside the selection of respondent No.5 and the respondents are directed to take necessary steps to fill up the post as indicated by following the procedure and as per law.

The application is allowed to the extent indicated. There shall, however, be no order as to costs.

  
( K.K.SHARMA )  
ADMINISTRATIVE MEMBER

  
( D.N.CHOWDHURY )  
VICE CHAIRMAN



9/c 9 10/8/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

O.A. No. 219 OF 2001

Shri Ranju Nag

- Vs -

Union of India and others.

- And -

In the matter of :

Written Statements submitted by  
the respondents

The respondents beg to submit a brief  
history of the case which may be treated  
as a part of the written statement.

( BRIEF HISTORY OF THE CASE )

The post of BPM, Gangapur B.O. had fallen  
vacant due to retirement of Shri Rajendra Ch. Nag Ex-BPM,  
Gangapur B.O. on 30.12.2000 on Superannuation. Advertisement  
was made in advance for regular appointment against the vacant  
post of BPM under this office letter No. A-448/PT dated  
24.10.2000 through the Employment Exchange, Silchar. Accord-  
dingly Employment Exchange forward a list of five (5) candidates  
including the name of Shri Ranju Nag ( applicant ) son of the  
Ex-BPM under their letter No. ORD-75/2000/4079 dated 04.12.2000.

Applicant 2nd highest marks

the  
Shri Sandip Dey was one of the candidate who has  
been selected provisionally as EDEPM, Gangapur B.O. being  
economically solvent and he also secured 2nd highest marks

in HSLC examination among the candidates and possess land in his own name which are the existing norms for appointment as EIBPM besides fulfilling other terms and conditions.

PARAVISE COMMENTS

1. That with regard to para 1, the respondents beg to state that Shri Sandip Day respondent No. 5 has been selected provisionally as he fulfilled all criteria for appointment of BPM among the 5 candidates.

2. That with regard to para 2 & 3, the respondents beg to offer no comments.

3. That with regard to para 4, the respondents beg to state that it is facts of the case.

4. That with regard to para 4.1, the respondents beg to state that not only the applicant, but also all the candidates are matriculate and matriculation is the minimum educational qualification for the post of BPM.

5. That with regard to para 4.2, the respondents beg to state that as per Rule of this department, ED employee may avail V leave & providing substitute in place at his own risk and responsibility. The applicant, at times, worked as nominated substitute of his father against leave vacancy. These department did not engage the applicant to utilize his service.

6. That with regard to para 4.3, the respondents beg to state that after retirement of Shri Rajendra Nag, the EDNA of the office was ordered to perform the duties of BPM providing substitute in his place. Accordingly the EDNA had nominated the applicant as his substitute to work as EDNA.

Arrangement approved for 60 days  
at his responsibility. The arrangement was only approved by the Department for a period not more than 60 days. Accordingly the applicant worked as EDMA and not as the Branch Postmaster.

Tangapur P.O.

Branch Postmaster

7. That with regard to para 4.4, the respondents beg to state that as per Rule of this department the person, whoever is selected for the post of BPM must be able to offer accommodation to serve the Postal operation at his own cost.

The advertise was made in conformity with the rules

8. That with regard to para 4.5, the respondents beg to state that in memo No. AI/Staff arrangement/2001 dated 31.10.2001 (instead of 31.01.2001) the applicant was approved and as mentioned nominated substitute of the EDMA purely on temporary basis for a period of not more than 60 days and not to hold the charge of BPM.

9. That with regard to para 4.6, the respondents beg to submit the comments what have already made against the foregoing paragraph 4.3 and 4.5 & above.

10. That with regard to para 4.7, the respondents beg to state that the name of Shri Sandip Dey respondent No.5 was sponsored along with the name of other including the name of the applicant at a time by the Employment Exchange.

11. That with regard to para 4.8, the respondents beg to state that there is no provision of interview for selection of the EDDBPM. The selection was made in accordance with the provision of rules.

12. That with regard to para 4.9, the respondents beg to state that the selection was made for the post in accordance

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-4-

with the norms of this department. Therefore, the points  
~~adduced~~  
~~adduced~~ by the applicants are baseless and no ground to be  
considered.

13. That with regard to para 10, 11 and 12,  
the respondents beg to offer no comments.

#### VERIFICATION

I, shri

being authorised do hereby verify and  
declare that the statements made in this written statement  
are true to my knowledge, information and believe and I  
have not suppressed any material fact.

And I sign this verification on this  
th day of 2001.

Declarant.

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE SENIOR SUPDT. OF POST OFFICES  
CACHAR DIVISION SILCHAR-788001

No. A-448/PF

Dated at Silchar the 07-03-2002.

To

Shri A. Deb Roy,  
Sr. C.G.S.C, CAT  
Guwahati- 781 005

Sub:- OA No.219/2001 filed by Shri Ranju Nag.

Ref:- Your letter dated 19-02-2002.

Sir,

Copy of the following documents in connection with above mentioned subject are sent herewith in quadruplicate as desired.

Enclo:-

1. Supporting rules/Govt. order regarding holding of land in the name of candidates. (D.G. Posts No. 17-104/91-ED & Trg dated 18-09-95 and C.O letter No. Staff/24-6/2000 dated 10-10-2000.)
2. Copy of the advertisement for appointment of BPM through employment exchange under this office letter No. A-448/PF dated 24-10-2000. & local notice dtd 25-10-2000.
3. List of candidates sponsored by employment exchange under letter No. ORD-75/2000 dated 04-12-2000.
4. Income certificate of 3 candidates. (Income certificate was not furnished with the application of 2 candidates out of 5 candidates as shown in comparative chart).

Yours Faithfully,

(I.C. SARMA)

Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001

Copy to:-

The Postmaster General, Dibrugarh Region, Dibrugarh-786 001 for information w.r.t his letter No. Vig/5/XIX/RO/2001 dated 28-01-2002. & 5/3/02.

Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001

post will not in any case be required to possess higher educational qualification than the open market candidate available.

Query 5.—Whether certificates of income/property in the name of father in which the candidates seeking appointment as ED BPM/ED SPM have share, can be accepted.

Clarification.—It is clarified that the provisions contained in this Office Letter No. 17-104/91-ED & Trg., dated 6-12-1993, should continue to be followed.

Query 6.—Whether the condition of adequate means of livelihood should be insisted upon while considering candidates for appointment in ED categories other than ED BPM/ED SPM as stipulated in this office multiple Letter No. 17-104/91 ED & Trg., dated 6-12-1993, or this recruitment may be restricted to candidates seeking appointment as ED BPM/ED SPM as hitherto before.

Clarification.—The fulfilment of the conditions of income/property should be restricted to candidates seeking appointment as ED BPM/ED SPM. In case of candidates seeking appointment to categories other than ED BPM/ED SPM, a declaration will continue to be obtained about vocation and private income as stipulated in this Office Letter No. 43-66/ Pen., dated 17-10-1966.

3. You are requested to bring the contents of this letter to the notice of all concerned for information/guidance/compliance/action.

[D.G., Posts, No. 17-366/91-ED & Trg., dated the 26th May, 1995.]

(3) Clarification regarding income and ownership of property conditions.—Attention is invited to Letter of even number, dated 6-12-1993, on the above-mentioned subject. This office subsequent Letter No. 17-366/91-ED & Trg., dated the 26th May, 1995, containing clarifications on certain points of doubt including the subject cited above also refers.

2. In the context of the above instructions, references have been received from certain quarters seeking clarifications on the following two points:—

- (i) If a candidate for appointment to the post of ED BPM/ED SPM acquires landed property in his own name after submission of the application in response to the open advertisement but before verification of the bio-data including income/property, whether he should be considered eligible for consideration for appointment to the aforesaid post with regard to property qualification; and
- (ii) If a candidate for appointment to the post of ED SPM acquires landed property in his own name after sponsorship of his candidature by the Employment Exchange in response to the notification but before verification of educational qualification, income/property, etc., whether such a candidate should be considered eligible for consideration for appointment to the above post in relation to the property qualification.

3. The issues raised above have been examined in this office. Although in the notification issued to the Employment Exchange, specific mention about the broad eligibility conditions required to be satisfied by the prospective candidates are mentioned excepting residence, the Employment Exchange cannot be expected to know whether the candidate sponsored fulfils the income/property condition inasmuch as candidates are not required to apply to the Employment Exchange with this information. In case the Employment Exchange sponsors the minimum prescribed number of suitable candidates within the stipulated date and upon being addressed by the recruiting authorities, not less than three candidates respond with documentary proof with regard to fulfilment of prescribed eligibility conditions, the question of issue of open advertisement would not arise. In this case, the nominated candidates are required to be addressed through registered post calling for application within the date to be stipulated by the recruitment authorities. In the rarest case, if a candidate at the time of making an application does not satisfy the income/property condition but acquires this qualification subsequent to the submission of the application and sends a written request enclosing documentary evidence in continuation of his application and the same is received within the stipulated date, the recruiting authorities should entertain the same. However, if such an intimation is received after the last date prescribed or the development regarding acquisition of this qualification itself takes place after the last date prescribed is over, the same should not be entertained. Similar procedure may also be followed in case it becomes necessary to fill in the post of ED BPM/ED SPM through open advertisement. In other words, in this case also, if an intimation accompanied by documentary proof is received subsequent to the submission of the application within the stipulated date, the same should also be entertained and acted upon.

4. The contents of this letter may kindly be brought to the notice of all concerned for information/guidance and uniform application.

[D.G., Posts, No. 17-104/91-ED & Trg., dated the 18th September, 1995.]

(4) Cycling knowledge is a prerequisite condition for ED posts attached with outdoor duties.—In pursuance of the Madan Kishore Committee Report on ED system, orders were issued, vide D.G., P. & T, Letter No. 1-2/72-EDC, dated 18-8-1973; that ability to ride bicycle should be a prerequisite for EDAs to be engaged on outdoor duties, viz., EDAs/ED MCs, ED Messengers, etc., in areas where bicycles can be used. The matter was also considered by the Committee on Enquiry on ED System (Savior Committee) which has submitted its report in 1986. The Committee has also recommended that all appointments of ED posts attached with outdoor duties should have knowledge of cycling. It should be ensured that the persons engaged to ED posts with outdoor duties in areas where cycle can be used should have knowledge of cycling as a prerequisite condition.

[D.G., Posts, Letter No. 41-462/87-PE-II, dated the 14th December, 1987.]

(5) Verification of conditions for appointment to be done prior to appointment.—One of the pre-conditions for appointment to the post of ED

post will not in any case be required to possess higher educational qualification than the open market candidate available.

Query 5.—Whether certificates of income/property in the name of father in which the candidates seeking appointment as ED BPM/ED SPM have share, can be accepted?

**Clarification.**—It is clarified that the provisions contained in this Office Letter No. 17-104/91-ED & Trg., dated 6-12-1993, should continue to be followed.

Query 6.—Whether the condition of adequate means of livelihood should be insisted upon while considering candidates for appointment in ED categories other than ED BPM/ED SPM as stipulated in this office multiple Letter No. 17-104/91 ED & Trg., dated 6-12-1993; or this recruitment may be restricted to candidates seeking appointment as ED BPM/ED SPM as hitherto before.

**Clarification.**—The fulfilment of the conditions of income/property should be restricted to candidates seeking appointment as ED BPM/ED SPM. In case of candidates seeking appointment to categories other than ED BPM/ED SPM, a declaration will continue to be obtained about vocation and private income as stipulated in this Office Letter No. 43-66/ Pen., dated 17-10-1966.

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[ D.G., Posts, No. 17-366/91-ED & Trg., dated the 26th May, 1995. ]

(3) **Clarification regarding income and ownership of property conditions.**—Attention is invited to Letter of even number, dated 6-12-1993, on the above-mentioned subject. This office subsequent Letter No. 17-366/91-ED & Trg., dated the 26th May, 1995, containing clarifications on certain points of doubt including the subject cited above also refers.

2. In the context of the above instructions, references have been received from certain quarters seeking clarifications on the following two points:—

- (i) If a candidate for appointment to the post of ED BPM/ED SPM acquires landed property in his own name after submission of the application in response to the open advertisement but before verification of the bio-data including income/property, whether he should be considered eligible for consideration for appointment to the aforesaid post with regard to property qualification; and
- (ii) If a candidate for appointment to the post of ED SPM acquires landed property in his own name after sponsorship of his candidature by the Employment Exchange in response to the notification but before verification of educational qualification, income/property, etc., whether such a candidate should be considered eligible for consideration for appointment to the above post in relation to the property qualification.

3. The issues raised above have been examined in this office. Although in the notification issued to the Employment Exchange, specific mention about the broad eligibility conditions required to be satisfied by the prospective candidates are mentioned excepting residence, the Employment Exchange cannot be expected to know whether the candidate sponsored fulfils the income/property condition inasmuch as candidates are not required to apply to the Employment Exchange with this information. In case the Employment Exchange sponsors the minimum prescribed number of suitable candidates within the stipulated date and upon being addressed by the recruiting authorities, not less than three candidates respond with documentary proof with regard to fulfilment of prescribed eligibility conditions, the question of issue of open advertisement would not arise. In this case, the nominated candidates are required to be addressed through registered post calling for application within the date to be stipulated by the recruitment authorities. In the rarest case, if a candidate at the time of making an application does not satisfy the income/property condition but acquires this qualification subsequent to the submission of the application and sends a written request enclosing documentary evidence in continuation of his application and the same is received within the stipulated date, the recruiting authorities should entertain the same. However, if such an intimation is received after the last date prescribed or the development regarding acquisition of this qualification itself takes place after the last date prescribed is over, the same should not be entertained. Similar procedure may also be followed in case it becomes necessary to fill in the post of ED BPM/ED SPM through open advertisement. In other words, in this case also, if an intimation accompanied by documentary proof is received subsequent to the submission of the application within the stipulated date, the same should also be entertained and acted upon.

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[ D.G., Posts, No. 17-104/91-ED & Trg., dated the 18th September, 1995. ]

(4) **Cycling knowledge is a prerequisite condition for ED posts attached with outdoor duties.**—In pursuance of the Madan Kishore Committee Report on ED system, orders were issued, vide D.G., P. & T, Letter No. 1-2/72-EDC, dated 18-8-1973, that ability to ride bicycle should be a prerequisite for EDAs to be engaged on outdoor duties, viz., EDAs/ED MCs, ED Messengers, etc., in areas where bicycles can be used. The matter was also considered by the Committee on Enquiry on ED System (Savor Committee) which has submitted its report in 1986. The Committee has also recommended that all appointments of ED posts attached with outdoor duties should have knowledge of cycling. It should be ensured that the persons engaged to ED posts with outdoor duties in areas where cycle can be used should have knowledge of cycling as a prerequisite condition.

[ D.G., Posts, Letter No. 41-462/87-PE-II, dated the 14th December, 1987. ]

(5) **Verification of conditions for appointment to be done prior to appointment.**—One of the pre-conditions for appointment to the post of ED



post will not in any case be required to possess higher educational qualification than the open market candidate available.

Query 5.—Whether certificates of income/property in the name of father in which the candidates seeking appointment as ED/BPM/ED SPM have share, can be accepted?

Clarification.—It is clarified that the provisions contained in this Office Letter No. 17-104/91-ED & Trg., dated 6-12-1993, should continue to be followed.

Query 6.—Whether the condition of adequate means of livelihood should be insisted upon while considering candidates for appointment in ED categories other than ED/BPM/ED SPM as stipulated in this office multiple Letter No. 17-104/91-ED & Trg., dated 6-12-1993, or this recruitment may be restricted to candidates seeking appointment as ED/BPM/ED SPM as hitherto before.

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- (i) If a candidate for appointment to the post of ED/BPM/ED SPM acquires landed property in his own name after submission of the application in response to the open advertisement but before verification of the bio-data including income/property, whether he should be considered eligible for consideration for appointment to the aforesaid post with regard to property qualification; and
- (ii) If a candidate for appointment to the post of ED SPM acquires landed property in his own name after sponsorship of his candidature by the Employment Exchange in response to the notification but before verification of educational qualification, income/property, etc., whether such a candidate should be considered eligible for consideration for appointment to the above post in relation to the property qualification.

3. The issues raised above have been examined in this office. Although in the notification issued to the Employment Exchange, specific mention about the broad eligibility conditions required to be satisfied by the prospective candidates are mentioned excepting residence, the Employment Exchange cannot be expected to know whether the candidate sponsored fulfils the income/property condition inasmuch as candidates are not required to apply to the Employment Exchange with this information. In case the Employment Exchange sponsors the minimum prescribed number of suitable candidates within the stipulated date and upon being addressed by the recruiting authorities, not less than three candidates respond with documentary proof with regard to fulfilment of prescribed eligibility conditions, the question of issue of open advertisement would not arise. In this case, the nominated candidates are required to be addressed through registered post calling for application within the date to be stipulated by the recruitment authorities. In the rarest case, if a candidate at the time of making an application does not satisfy the income/property condition but acquires this qualification subsequent to the submission of the application and sends a written request enclosing documentary evidence in continuation of his application and the same is received within the stipulated date, the recruiting authorities should entertain the same. However, if such an intimation is received after the last date prescribed or the development regarding acquisition of this qualification itself takes place after the last date prescribed is over, the same should not be entertained. Similar procedure may also be followed in case it becomes necessary to fill in the post of ED/BPM/ED SPM through open advertisement. In other words, in this case also, if an intimation accompanied by documentary proof is received subsequent to the submission of the application within the stipulated date, the same should also be entertained and acted upon.

4. The contents of this letter may kindly be brought to the notice of all concerned for information/guidance and uniform application.

[D.G. Posts, No. 17-104/91-ED & Trg., dated the 18th September, 1995.]

(4) Cycling knowledge is a prerequisite condition for ED posts attached with outdoor duties.—In pursuance of the Madan Kishore Committee Report on ED system, orders were issued, vide D.G., P. & T, Letter No. 1-2/72-EDC, dated 18-8-1973, that ability to ride bicycle should be a prerequisite for EDAs to be engaged on outdoor duties, viz., EDAs/ED MCs, ED Messengers, etc., in areas where bicycles can be used. The matter was also considered by the Committee on Enquiry on ED System (Savor Committee) which has submitted its report in 1986. The Committee has also recommended that all appointments of ED posts attached with outdoor duties should have knowledge of cycling. It should be ensured that the persons engaged to ED posts with outdoor duties in areas where cycle can be used should have knowledge of cycling as a prerequisite condition.

[D.G. Posts, Letter No. 41-462/87-PE-II, dated the 14th December, 1987.]

(5) Verification of conditions for appointment to be done prior to appointment.—One of the pre-conditions for appointment to the post of ED



post will not in any case be required to possess higher educational qualification than the open market candidate available.

Query 5.—Whether certificates of income/property in the name of father in which the candidates seeking appointment as ED, BPM/ED, SPM have share, can be accepted?

Clarification.—It is clarified that the provisions contained in this Office Letter No. 17-104/91-ED & Trg., dated 6-12-1993, should continue to be followed.

Query 6.—Whether the condition of adequate means of livelihood should be insisted upon while considering candidates for appointment in ED categories other than ED BPM/ED SPM as stipulated in this office multiple Letter No. 17-104/91 ED & Trg., dated 6-12-1993, or this recruitment may be restricted to candidates seeking appointment as ED BPM/ED SPM as hitherto before.

Clarification.—The fulfilment of the conditions of income/property should be restricted to candidates seeking appointment as ED BPM/ED SPM. In case of candidates seeking appointment to categories other than ED BPM/ED SPM, a declaration will continue to be obtained about vocation and private income as stipulated in this Office Letter No. 43-66/ Pen., dated 17-10-1966.

3. You are requested to bring the contents of this letter to the notice of all concerned for information/guidance/compliance/action.

[ D.G., Posts, No. 17-366/91-ED & Trg., dated the 26th May, 1995. ]

(3) Clarification regarding income and ownership of property conditions.—Attention is invited to Letter of even number, dated 6-12-1993, on the above-mentioned subject. This office subsequent Letter No. 17-366/91-ED & Trg., dated the 26th May, 1995, containing clarifications on certain points of doubt including the subject cited above also refers.

2. In the context of the above instructions, references have been received from certain quarters seeking clarifications on the following two points:—

- (i) If a candidate for appointment to the post of ED BPM/ED SPM acquires landed property in his own name after submission of the application in response to the open advertisement but before verification of the bio-data including income/property, whether he should be considered eligible for consideration for appointment to the aforesaid post with regard to property qualification; and
- (ii) If a candidate for appointment to the post of ED SPM acquires landed property in his own name after sponsorship of his candidature by the Employment Exchange in response to the notification but before verification of educational qualification, income/property, etc., whether such a candidate should be considered eligible for consideration for appointment to the above post in relation to the property qualification.

3. The issues raised above have been examined in this office. Although in the notification issued to the Employment Exchange, specific mention about the broad eligibility conditions required to be satisfied by the prospective candidates are mentioned excepting residence, the Employment Exchange cannot be expected to know whether the candidate sponsored fulfils the income/property condition inasmuch as candidates are not required to apply to the Employment Exchange with this information. In case the Employment Exchange sponsors the minimum prescribed number of suitable candidates within the stipulated date and upon being addressed by the recruiting authorities, not less than three candidates respond with documentary proof with regard to fulfilment of prescribed eligibility conditions, the question of issue of open advertisement would not arise. In this case, the nominated candidates are required to be addressed through registered post calling for application within the date to be stipulated by the recruitment authorities. In the rarest case, if a candidate at the time of making an application does not satisfy the income/property condition but acquires this qualification subsequent to the submission of the application and sends a written request enclosing documentary evidence in continuation of his application and the same is received within the stipulated date, the recruiting authorities should entertain the same. However, if such an intimation is received after the last date prescribed or the development regarding acquisition of this qualification itself takes place after the last date prescribed is over, the same should not be entertained. Similar procedure may also be followed in case it becomes necessary to fill in the post of ED BPM/ED SPM through open advertisement. In other words, in this case also, if an intimation accompanied by documentary proof is received subsequent to the submission of the application within the stipulated date, the same should also be entertained and acted upon.

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[ D.G., Posts, Letter No. 41-462/87-PE-II, dated the 14th December, 1987. ]

(5) Verification of conditions for appointment to be done prior to appointment.—One of the pre-conditions for appointment to the post of ED

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

No. Staff/24-6/2000

dated at Guwahati the 10<sup>th</sup> October, 2000

To,

1. All the SSPOs / SPOs in Assam Circle, Region
2. All the SSRM / SRM
3. The Supdt NESD // PSD, Guwahati
4. The Manager, MMS Guwahati

Subject : Appointment of ED Employees.

For recruitment/ appointment in various categories of ED Staff, orders have been issued by the Department/ Directorate from time to time. It has been observed that these orders are not implemented with uniform principles by different appointment units in the division/ Circle. Therefore, a gist of existing orders on the subject is reproduced below to be followed by each appointing unit to maintain uniformity in implementation of the orders on the subject. This may not be exhaustive. You are, also free to consult the original orders before acting on them.

While making requisition/ open advertisement for filling up the ED vacancies, notification should be given to the Employment Exchange and simultaneously displayed on the office notice board, notice towards of local GP, other establishments, offices of State/ Central Govt in the locality etc where the conditions of selection/ appointment as mentioned in item 3,4,5 below should, interalia, be indicated so that who fulfils them may offer their candidature.

### 1. Special representation roster.

After introduction of post based roster for all categories of recruitment including EDAS, it has to be ensured that the roster for ED Staff is brought to use by each recruiting unit in the division/sub division. For

EDSPM/ BPM, the Divisional Supdt (being appointing authority) should maintain it for division as a whole. For other ED Staff, Sub Divisional ASPOs/SDI (being appointing authority) will maintain it. Since none of the units, as observed, maintains it, you are requested to prepare it and confirm CO within a month that the roster is maintained up-to-date. The roster should be in the same pattern as maintained for direct recruitment in other cadres in the division. Where percentage of reservation would be SC 6%, ST 11%, OBC 27%, PH 3%, Ex Serviceman 10%. But total reservation in a particular year should not exceed 50%. In the case of SC / ST, this ceiling of 50% on filling up of reserved vacancies would apply only on the reserved vacancies which arise in the current year. While making recruitment in backlog/ carried forward reserved vacancies for SC/ST category should be treated as a separate and distinct group to be filled up to clear the backlog, which would not be subject to any ceiling. Once the backlog is cleared and balance made, subsequent recruitment should be made for the particular category where vacancy arises as per roster. (Ref. Directorate's no. 19-11/97-ED & Trg dated 27.11.97 and 14-1/2000-SCT dated 5.10.2000).

## 2. Notification of vacancies / requisition of candidates.

After calculating the vacancy as discussed at (1) above, local Employment Exchange should be notified and requested to send nominees accordingly. For the notification, it should be specifically mentioned that in case minimum number of eligible candidates belonging to the particular reserved community are not nominated or do not offer their candidature, the vacancy in question will be treated as unreserved and offered to the other reserved category to be specified or which the representation may happen to be deficient or other community candidates, as the case may be. While doing so, care should be taken to reserve a vacant post for the reserved community for which the extent of representation is comparatively less compared to other reserved community in the descending order. The candidates belonging to a particular reserved community will have to compete amongst themselves and the OC candidates securing

higher percentage of marks would be immaterial. However he has to satisfy all other prescribed eligibility criteria. (Ref Directorate's letter no. 19-11/97-ED & Trg dated 27.11.97)

In addition to notifying the vacancy through Employment Exchange, it shall be simultaneously notified through public/ open advertisement calling for nominations. If the effective no. of candidature is less than 3 in the notified category, the vacancies will be re-notified through Employment Exchange/ open advertisement etc within 15 days and all the candidates offering their candidature will be considered. Even then, if requisite number of applications in the particular category is not received, approval of the next higher authority to the proposed appointment should be obtained before selection is made from amongst such candidature. (Ref. Directorate letter no. 19-4/97-ED & Trg dated 19.8.98).

### 3. Conditions of appointment.

**Age :** Minimum age of the candidate should be 18 years. An ED staff can be retained in service up to 65 years of age.

**Educational qualification:** EDSPM/ EDBPM  
Matriculation (The selection should be based on the marks secured in matriculation or equivalent examination. No weightage need be given for any qualification higher than matriculation).

**Other ED Staff :** VIII Standard. Preference may be given to candidates with matriculation qualification. No weightage should be given for any qualification higher than matriculation. Should have sufficient working knowledge of regional language and simple arithmetic. (Ref. Directorate's letter no. 17-366/91 dated 12.3.1993).

Power to relax educational qualification for any category of ED staff rests with the PMG (Region) // CPMG concerned (Ref. Directorate's no. 17-366/91-ED & Trg dated 26.5.95)

The candidates, belonging to SC/ ST/ OBC/ PH/ with minimum educational qualifications prescribed for the post, who satisfy other eligibility criteria, shall be given preference over the candidates belonging to other community to the extent of scales of reservation indicated in para 1 above. (Ref. Directorate letter No. 19-11/97-ED & Trg dated 27.11.1997)

### Income and ownership of property :

The person who takes over the agency (EDSPM/EDBPM) must be one who has adequate means of livelihood. He must be able to offer space to serve as the agency premises for postal operations.

The criteria to judge "adequate means of livelihood" should be that, incase he loses his main source of income, he should be adjudged as incurring as disqualification to continue as EDSPM/ EDBPM. In other words, there must be absolute insistence on the adequate source of income of EDSPM/ EDBPM and the allowances for his work as EDSPM/ EDBPM must be supplementary to his income. To ensure this condition, the candidate must be able to offer office space to serve as the agency premises on postal operations as well as PCO and as such, business premises such as shops etc must be preferred regardless of the various categories of preferences mentioned in the Directorate's letter No.43-191/79-Pen dated 22.6.79. Preference may also be given to candidates whose adequate means of livelihood is derived from landed property or immovable assets if they are otherwise eligible for appointment as EDSPM/EDBPM. It is not necessary to quantify adequate means of livelihood.

Income or property in the name of their guardian will not make them eligible for consideration for appointment as ED Agents.

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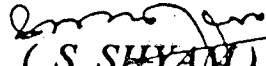
Incase of candidates seeking appointment to categories other than EDSPM/EDBPM, a declaration will continue to be obtained about vocation and private income as stipulated in Directorate's letter NO. 43-66/Pcn dated 17.10.1966. (*Ref. Directorates no. 17-366/91-ED & Trg dated 26.5.95*)

#### 4. Residence.

It may be clarified that while making selection for appointment to ED Posts, permanent residence in the village/ delivery jurisdiction of the ED Post office need not be insisted upon as pre condition for selection. However, it should be laid down as a condition of appointment that any candidate who is selected must before appointment to the post take up his residence in the village / delivery jurisdiction of the ED Post office. (*Ref. Directorate's no. 17-104/93-ED & Trg dated 6.12.93*)

#### 5. Security

Requisite security will have to be furnished by all categories of ED Staff.

  
( S SHYAM )  
APMG STAFF  
O/O THE CHIEF POSTMASTER GENERAL  
ASSAM CIRCLE: GUWAHATI - 781 001

*Copy for information to :*

*The Postmaster General, Assam Region, Guwahati.*

  
APMG (Staff)  
O/O CPMG: GUWAHATI

15 9 23

~~Annexure - C~~  
DEPARTMENT OF POST : INDIA  
OFFICE OF THE SRNIOR SUPDT OF POST OFFICES  
CACHAR DIVISION SILCHAR-788001

Regd

To  
The Asstt. Director of Employment/~~Employment Office~~  
District Employment Exchange  
Silchar

No. A- 448/PF

Dated Silchar the 24-10-2000

Sub:- Sponsoring of candidates for appointment as Extra Departmental Sub-Postmaster/Branch Postmaster Gargapur

under Katirail SO

Sir,

You are requested to kindly forward a list of candidates for selection as EDSPM/ED BPM Gargapur. The candidate selected will be required to work as ED SPM/ED BPM Gargapur ED S.O/EDBO in a/c with Katirail SO. The list should contain names of at least 3(three) candidates. No upper limit is prescribed.

1. Requirements:-

- a) Age:-The candidate should not be less than 18 years and not more than 65 years of age on the date of appointment.
- b) Educational Qualification:-Matriculation or equivalent.
- c) Property:- The candidate must have adequate means of livelihood and must be able to office space as will serve as a small P.O. with provision for installation of even P.C.U.
- d) Residence:-The candidate must be a permanent resident of the post village and must own property in his name singly or jointly in the said post village, candidates from any other locality will not be eligible. However, candidates likely to take up residence in the post village can also be considered.
- e) Preference:-Preference may be given to S/C and S/T and Ex-Serviceman candidates.

2. Last date of application.

The list of candidates sponsored must reach this office within one month of issue of this letter i.e 30-11-2000

3. Security Bond:-The candidates shall have to furnish a sum of Rs.4000/- at the time of appointment.

4. Form No.X-6 duly fill in is enclosed herewith.

Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001

Copy To:-

The ASPOs/SDIPOS Karimganj Sub Dn. Silchar.  
He will ensure that copies of the above notification are sent to concerned village Panchayat, police station and other prominent offices in the village besides displaying at the concerned post offices. Four spare copies are hereby enclosed. The interested candidates must get their names sponsored through the nearest Employment Exchange, S.R.E.E and must possess property in the post village in his name singly or jointly.

Sr. Supdt Of Post Offices  
Cachar Dn. Silchar-788001

Encls - As above



17 10 24

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE SR. SUPDT. OF POST OFFICES: CACHAR DN: SILCHAR-788001

A- 448/FF

..... Dtd. Silchar - 1 The 25/10/2000

NOTICE

The post of Extra Departmental Branch Postmaster  
Gangapur..... EDBO has fallen vacant in the  
scale of B. 1280/-

Applications are invited from the local willing candidates. Interested candidates must get their names sponsored through nearest Employment Exchange. Application in enclosed form must reach this office within one(1) month of issue of this notice i.e. 30-11-2000 Applicant must fulfil the following condition.

- a) Applicant must be permanent residents of the villages where the P.O is located.
- b) The applicant must have adequate means of income from an independent source of livelihood( particulars of other independent source of income should be mentioned.
- c) The applicant should be able to offer suitable accommodation for the Post Office at his own cost.
- d) The minimum qualification is to be HSLC passed.
- e) The candidate should not be less than 18 years of age on 1-10-2000 and not more than 65 years on that date.

Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001

Copy To:-

1. The ASPOs/SDIPOs Karimgang.....for information, circulation and directing the candidates to submit application through the Employment Exchange of his area.
2. The BPM Gangapur..... He should hang it in the office notice board and direct the candidate to forward their applications through the Employment Exchange.
3. The President Gangapur.....G.P for directing the eligible candidates to apply through employment Exchange.

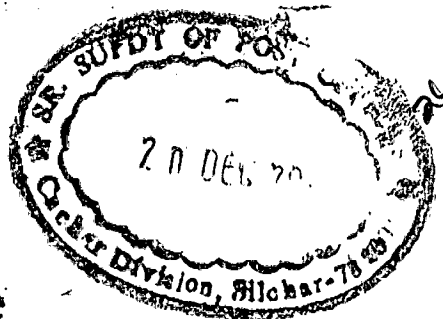
Encls:- (1) One,

4. Asstt Director of Employment  
Silchar

Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001

5. Notice Board

o/c



GOVERNMENT OF ASSAM  
DEPARTMENT OF LABOUR & EMPLOYMENT  
DISTRICT EMPLOYMENT EXCHANGE  
SILCHAR.

NO. ORDA-75/2000/4079 Dated, Silchar the 4.12.2000

To,

The Sr. Subalt.  
Post offices, Cachar Division,  
Silchar-1.

Subj:-

Application for the post of B.P.M., Gangapuri.

Ref:-

Your Letter No. A-448/PF, dt 24.10.2000.

Sir,

With reference to the above, I have the honour to forward herewith.....numbers of applications alongwith necessary enclosures for the above mentioned post for favour of your necessary action. It is requested to call all the applicants direct for interview/Test etc. under intimation to this exchange.

The name Regn. No. and NCO No of the candidates are furnished below.

Sl.No.	Name of the applicants.	Regn.No.	NCO No.	Remarks.
1.	Sri Sandip Dey ✓	5557/95	X01.20	—
2.	" Ranju Nay ✓	2240/2000	X01.10	—
3.	" Nibaran ch. Paul ✓	—	—	—
4.	" Phantu Lal Dey ✓	5919/2000	—	—
5.	" Sujit Dey ✓	—	—	—
6.				
7.				
8.				
9.				
10.				

Enclos:- As above.

Yours Faithfully.

Asstt. Director of Employment,  
District Employment Exchange,  
Silchar.  
4.12.2000



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GOVT. OF INDIA

OFFICE OF THE CIRCLE OFFICER::: KATHODARI REVENUE CIRCLE :::

Certified that the Annual Income of

Shri/mti Sandip Singh .....

1/0, 1/0, 8/0, 10. At Ramnagar, Dist. ... .....

of House Siddhant, ... .....

from all sources ... is Rs. ... .....

(Rupees ... of ... only) approx. reported

by the concerned L.R. Staff.

This certificate is issued for"

employment purpose only.

initialed by

D/H

clerk

...

...

...

...

...

...



20 13 28  
GOVT. OF ASSAM

OFFICE OF THE CIRCLE OFFICER::: KATIGORAH REVENUE CIRCLE:::

Certified that the annual income of  
Shri/Sati ..... *Thantya Lal Dey* .....  
S/O. N/O. E/O. .... *Itendra Ch. Dey* .....  
of Mouza... *Katigorah - Pt. II* Pargana... *Katigorah*..  
from... *Cultivation* ..... is Rs. *15,000/-* .....  
(Rupees... *Fifteen thousand only*...) approx, as reported  
by the concerned L.R. Staff.

This certificate is issued for "  
*Employment*" purpose only.

*[Signature]*  
Circle Officer

Katigorah.  
Katigorah Revenue Circle  
Circle Officer

*[Signature]*  
19-1-2001

21 14

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GOVT. OF ASSAM,  
OFFICE OF THE SIDDHESWAR GAN PANCHAYAT :: SIDDHESWAR ::  
CACHAR.

\*\*\*\*\*

INCOME CERTIFICATE

CERTIFIED that the total annual income from all the sources  
of the family of Shri Kanjee Nay  
Son/Daughter of Shri/Late Kapendul Choudhary Nay  
of Vill. Katigraha pt II, P.O. Gonggahat  
P.S. KATIGRAHA, in the District of Cachar, Assam is approx.  
Rs. 6000/-, (Rupees Six thousand)  
as reported by the concerned G.P. Staff.

Dated, Siddheswar,  
The 11/11/2000.

AS  
STUW  
Deputy Superintendent  
Kata C.H.G. Cachar  
\*\*\*

AS  
11/11/2000  
Secretary,  
Siddheswar Gan Panchayat,  
Cachar.

13 SEP 2001

গুৱাহাটী ন্যায়ালয়

GUWAHATI TRIBUNAL

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## GUWAHATI BENCH

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

Title of the case : O.A. No. 368/2001

Shri Jhantulal Dey : Applicant

- Versus -

Union of India &amp; Others : Respondents.

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10.	VIII	Zamabandi of Land	17-18
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Filed by

Date : 10.09.2001

Advocate

Jhantulal Dey

Filed by the applicant  
through advocate Sri  
G. H. Chakravarty on 30  
11-9-2001

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL****GUWAHATI BENCH : GUWAHATI**

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

O.A. No...../2001

**BETWEEN**

**Shri Jhantulal Dey**

**S/o Late Jitendra Chandra Dey**

**Resident of Village & P.O. Gangapur**

**P.S. Katigorah,**

**District-Cachar,**

**PIN 788804**

**.....Applicant**

**-AND-**

1. **The Union of India,**  
**Represented by the Secretary,**  
**Govt. of India,**  
**Department of Posts,**  
**New Delhi.**
2. **The Chief Postmaster General**  
**N.E.Circle,**  
**Shillong-793001.**
3. **The Senior Superintendent of Post Offices,**  
**Cachar Division,**  
**Silchar-788 001**

*Jhantulal Lal Dey*

4. The Sub-Divisional Inspector of Post Offices,  
Karinganj Sub-Division,  
Karinganj.
5. Sri Sandip Dey,  
S/o Late Ramendra Chandra Dey  
P.O. & Village Gangapur (Via Katigorah)  
District-Cachar.

.....Respondents.

#### DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made.

This application is made against the illegal and arbitrary order/action of the Respondent authorities in appointing the Respondent No.5 to the post of Extra-Departmental Branch Postmaster (for short, EDBPM), lying vacant in Gangapur Extra-Departmental Branch office (for short, EDBO) in total violation of the procedure established by law and in defiance of the applicant's legitimate expectation for appointment to the said post.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the case.

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

*Jhanku Lal*



- 4.2 That the applicant passed the H.S.L.C. examination under the Board of Secondary Education, Assam in the year 1085 and was placed in the Second Division. Subsequently he also passed the Higher Secondary School Leaving Certificate (for short HSSLC) Examination, in 1989.
- 4.3 That following the retirement of the earlier incumbent on 30.12.2000, the post of the Extra-Departmental Branch Post Office (EDBPM) in Gangapur Extra-Departmental Branch Post Office (for short EDBO) fell vacant with effect from 01.01.2001. Meanwhile vide Notice No. A-448/PF dated 25.10/2000, the respondent No. 3 invited applications from local willing candidates for filling up the post of EDBPM, Gangapur EDBO.
- (Copy of Notice dated 25.10.2000 is annexed herewith as Annexure-I).
- 4.4 That the applicant having been eligible for the post as per the terms and conditions laid down in the aforesaid notice dated 25.10.2000, his name was sponsored by the Employment Exchange, Silchar for consideration of his name for the post of EDPBM in Gangapur EDBO.
- 4.5 That thereafter, the Senior Superintendent of Post Offices, Silchar i.e. the Respondent No.3 asked the applicant to apply in the Departmental format and supplied the relevant form to the applicant. The applicant accordingly submitted his application in the said format on 19.01.2001 with all particulars and furnishing therewith his (i) HSLC passed Certificate, Admit Card and Mark Sheet, (2) HSSLC passed Certificate (3) Permanent Resident Certificate (4) Passport size Photographs, (5) Income Certificate from the Competent Authority (6) Charter Certificate (7) Certified copy of Zamabandi of land in his father's name etc. Further the land was also registered in the name of the applicant by his father on 19.5.2001 and the relevant document was also submitted by the applicant on 21.5.2001 with application.

*Jhantu Lal Dey*

(Copy of HSLC passed certificate, admit card, mark sheet, permanent Resident certificate, HSSLC Pass certificate, Land Registration document dated 19.5.2001 are annexed herewith as Annexure- II, III, IV, V, VI, VII, VIII, and IX respectively.

- 4.6 That the applicant is a bona fide local candidate and is a resident of the same village wherein the EDBO under advertisement is situated and as such he is a legitimate claimant/aspirant for the post of EDPBM, Gangapur as advertisement under Notice dated 25.10.2000.
- 4.7 That the applicant happens to be the holder of the highest marks (about 50 % marks) amongst all the candidates who applied for the instant post and thus tops the list so far as academic performance is concerned.
- 4.8 That in spite of all eligibilities and fulfillment of all pre-requisites, the respondent department did not consider the case of the applicant and appointed one Shri Sandip Dey i.e. Respondent No.5 as EDPBM in the EDBO, Gangapur with effect from 27.5.2001 violating all procedures established by law, on the basis of their personal choice, whims and caprices. The said Respondent No.5, however, is yet to join the post.
- 4.9 That the Respondent No.5 has been appointed by the Respondent department provisionally, without holding any interview or going through any procedure of selection despite his poor marks obtained in the qualifying examination. It is relevant to mention here that the name of the Respondent No.5 was sponsored by the Employment Exchange after the expiry of the due date and the Respondent authorities have appointed the said Respondent No.5 on extraneous considerations only showing utter disregard to all established laws and principles of the natural justice.
- The applicant, in spite of his best efforts, could not obtain a copy of the appointment order issued in favour of the Respondent No. 5. The Hon'ble Tribunal may, therefore

Jhantu Lal Roy

be pleased to direct the respondents to produce the same before the Hon'ble Tribunal.

- 4.10 That the appointment of the Respondent No.5 is an illegal, unfair, mala fide and unjust manner and non-consideration of the case of the applicant for the post of EDBPM, Gangapur despite his being a bona fide legitimate and eligible aspirant has caused irreparable loss and injury to the applicant and the applicant, finding no other alternative or efficacious remedy is approaching the Hon'ble Tribunal through this application for protection of his legitimate rights and interests.

It is relevant to mention here that the illegal appointment of the Respondent No.5 as said above has also been challenged by another applicant of the said post Sri Ranju Nag vide O.A. No. 219 of 2001 which is pending for disposal before this Hon'ble tribunal

- 4.11 That this application is made bona fide and for the ends of justice.

5. Grounds for relief(s) with legal provisions.

- 5.1 For that the action of the respondent authorities in appointing the respondent no.5 without holding any interview is wholly arbitrary unjust and unfair.
- 5.2 For that the respondent authorities have acted in total disregard to the legitimate expectation of the applicant and deprived him of his legitimate rights in an illegal, unjust and unfair manner.
- 5.3 For that the applicant on being duly sponsored by the Employment Exchange, has acquired a valuable right to be considered for appointment to the vacant post of EDPBM.
- 5.4 For that the respondent authorities, by way of discriminating the applicant, have acted in violation of Article 14 and 16 of the Constitution of India and the principles of natural justice.
- 5.5 For that the applicant is the holder of the highest marks amongst all the candidates who applied for the said vacant post of EDPBM.

*Jhanki Lal*

5.6 For that the applicant is a permanent resident of the same village where the EDBO in question is situated and as such has got an edge over other candidates for being considered for the post.

5.7 For that, in any view of the matter, the action of the respondent authorities are bad in law and liable to be declared illegal and void-ab-initio.

6. Details of remedies exhausted.

That the applicant states that he has no other alternative and other efficacious remedy than to file this application. The applicant could not make any effective representation against the illegal appointment made in favour of the Respondent No.5 since he could not obtain a copy of the appointment order in spite of his best efforts.

7. Matters not previously filed or pending with 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 stated above, the applicant humbly prays that your Lordships be pleased to grant the following reliefs.

8.1 That the impugned order of appointment issued in favour of the Respondent NO.5 be declared illegal and inoperative.

8.2 That the respondent authorities be directed to cancel and/or recall the order of appointment issued in favour of the Respondent no.5.

8.3 That the respondent authorities be directed to fill up the post of EDPBM, Gangapur EDBO, in accordance with law.

8.4 Costs of the application.

*Jhantu Lal Seng*

8.5 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 pendency of this application, the applicant prays for the following relief :-

9.1 That the Respondent Authorities be restrained from filling up the post of EDPBM, Gangapur EDBO, by allowing the respondent No.5 or any other person to join in the said post till disposal of this application.

9.2 Any other interim relief which the applicant is entitled to, as deemed fit and proper.

10. ....

This application is filed through Advocates.

11. Particulars of the I.P.O.

i)	I.P.O. No.	:	68 788108
ii)	Date of issue	:	12/9/07
iii)	Issued from	:	G.P.O., Guwahati.
iv)	Payable at	:	G.P.O., Guwahati.

12. List of enclosures.

As stated in the index.

Jhantu Laloy

VERIFICATION

I, Shri Jhantulal Dey, S/o Late Jitendra Chandra Dey,, aged about 33 years, resident of village Gangapur, P.O. Gangapur, District, Cachar, PIN 788804, Assam, do hereby verify that the statements made in Paragraph 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 10th day of September, 2001.

*Jhantulal Dey*

Annexue-1

DEPARTMENT OF POSTS ; INDIA  
Office of the sr. superintendent of post offices,  
Cachar Division, Silchar – 788001

A-448/PF

District Silchar – 1 The 25.10.2000

## NOTICE

The post of Extra Departmental Branch Postmaster, Gangapur EDBO has fallen vacant in the scale of Rs. 1280/-.

Applications are invited from the local willing candidates. Interested candidates must get their names sponsored through nearest Employment Exchange. Application in enclosed form must reach this office within one (1) month of issue of this notice i.e. 30.11.2000. Applicant must fulfil the following condition.

- a) Applicant must be permanent residents of the villages where the P.O. is located.
- b) The applicant must have adequate means of income from an independent source of livelihood (particulars of other independent source of income should be mentioned.
- c) The applicant should be able to offer suitable accommodation for the Post Office at his own cost.
- d) The minimum qualification is to be HSLC passed.
- e) The candidate should not be less than 18 years of age on 1.10.2000 and not more than 65 years on that date.

Sd/-  
Sr. Supdt. Of Post Offices  
Cachar Din. Silchar-788001

Copy to:

1. The SDIPOs, Karimganj for information, circulation and directing the candidates to submit application through the Employment Exchange of his area.
2. The BPM Gangapur. He should have in the office notice board and direct the candidate to forward their applications through the Employment Exchange.
3. The President, Gangapur, G.P. for directing the eligible candidates to apply through employment Exchange.

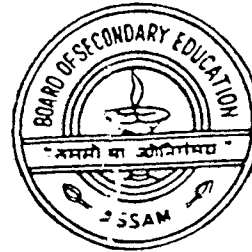
Enclo : (1) One

Sd/- Illegible  
Sr. Supdt. Of Post Offices

Attested  
W. D. S.  
Advocate

Jhanku Lal Ray

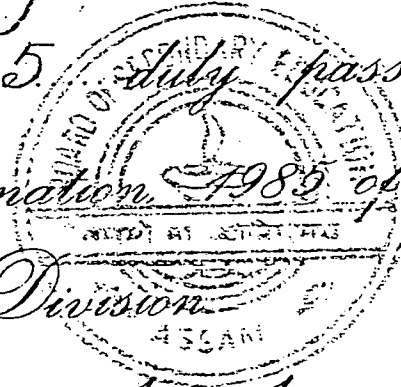
# Board of Secondary Education, Assam



1985

High School Leaving Certificate Examination

I Certify that Jhantu Lal Dey  
 Roll No. E-182 No. 335 has passed the High School  
 Leaving Certificate Examination 1985 of this Board and was  
 placed in the Second Division  
 His/Her date of birth is 1-1-69



Attested  
 by  
 Advocate

GUWAHATI, ASSAM  
 The 26th July, 1985

attested  
 23/8/01  
 Labour Inspector  
 Cachar : Silchar.

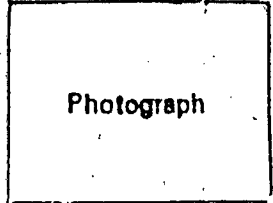
REGISTRAR II

*[Signature]*

SECRETARY



Office No 27935



**Board of Secondary Education : Assam, Guwahati**  
**ADMIT**

*Ghantulal Dey*  
Son/daughter of *Jitendra Ch. Dey*  
Roll *X-182* No. *335*

To the High School Leaving Certificate Examination, 1985  
to commence on Tuesday, the 23rd April, 1985. His/Her  
Date of birth is *01-01-69*

Subjects for Examination :-

Elective	1st Additional	2nd Additional
<i>Test.</i>	<i>Cr.</i>	

Note :- Hours of Examination - { Morning - From 9 a.m. to 12 noon.  
Afternoon - From 1-30 p.m. to 4-30 p.m.

N.B. - Any alteration made in the entries on this Admit Card without the authority of the Board, renders the candidate liable to disqualification for sitting at this or any subsequent Examinations.

Countersigned

*[Signature]*  
Officer-in-Charge  
Asstt. Officer-in-Charge  
(Office seal)

*attested*  
*[Signature]*  
*23/8/01*  
Labour Inspector  
Cachar : Dikhar.

**Sd/-K.C. Deka**  
**Controller of Examinations,**  
Board of Secondary Education, Assam.  
**GUWAHATI-21**

*Attested*  
*Wali*  
*Advocate*

12 ✓

Annexure - IV

GUWAHATI

Date 7.8.85

# Board of Secondary Education, Assam



No. 108535

MARK SHEET

*J. Lanta* *Lat Dey* Roll No. 182 of 935

This is to certify that

School has secured marks as detailed below in the High School Leaving Certificate Examination, 1985.

CORE SUBJECTS										H. Elective		Cv. Addl. - I		Grand Total	Addl. - II Not to be added		Division	Compartmental 1st							
First Language		Language in lieu of first Language		Second Language ENGLISH		GENERAL SCIENCE		GENERAL MATHEMATICS		SOCIAL STUDIES		WORK EXPERIENCE		Without Practical		With Practical									
Full marks	Pass marks	Full marks	Pass marks	Full marks	Pass marks	Full marks	Pass marks	Full marks	Pass marks	Full marks	Pass marks	Full marks	Pass marks	Full marks	Pass marks	Theoretical	Practical		Total	Excess over 30% (Add to Total)	Total marks secured with the excess of 30% of the addl.	Without Practical	Theoretical	Practical	Total
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## GOVT. OF ASSAM.

OFFICE OF THE DEPUTY COMMISSIONER : : CACHAR

MAGISTRACY ( CITIZENSHIP ) BRANCH : SILCHAR.

No 4436 Date Silchar the 19th June /1984.This is to certify that Shri/ Smti Jantulal Dey  
Son/daughter/wife of Shri/Late JitendraCh. Dey of vill/Town Gangapur Niz Katigorah  
P.O. Gangapur P.S. KatigorahDistrict of Cachar is the Permanent Resident of Cachar within the  
state of Assam.

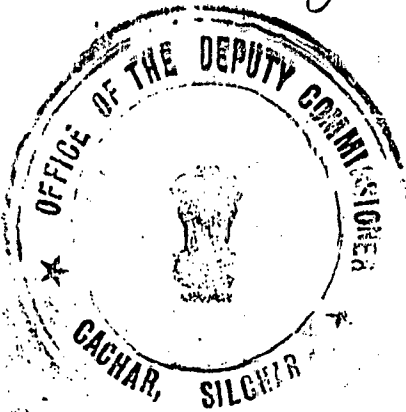
Dated Silchar,

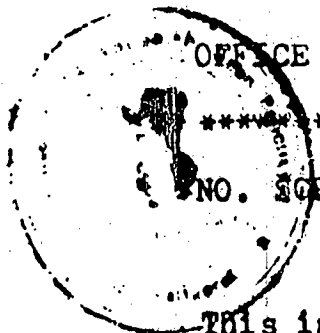
The 19th June 1984

(A. K. NATH)

Addl. Deputy Commissioner,  
Deputy Commissioner, Cachar,  
Cachar, Silchar.  
3 Silchar.

19/6/84

Attested  
23/8/01  
Labour Inspector  
Cachar : Silchar.Attested  
W. E.  
Advocate



GOVT. OF ASSAM,  
OFFICE OF THE SIDDESHWAR GAON PANCHAYAT :: SIDDESHWAR ::  
CACHAR.

\*\*\*\*\*

NO. SCP. 97-98/493

Date :- 16/01/2001

This is to certify that Shri Phantu Lal Dey  
Son/Daughter of Shri/Late Jitendra Chandra Dey  
of Vill. Niz Katigorah Part II, P. O. Gongapur  
P.S. KATIGORAH, in the District of Cachar, Assam is known  
to me that his/her father's name recorded in the VOTER LIST  
of 1997, SL. NO. 173, HOUSE NO. 311, of Village  
Katigorah Part II — 15 LA  
under Katigorah Constituency of Assam. He is an inhabitant  
of this village with landed property by right of inheritance

Dated, Siddheswar,  
The 16/01/2001

[Signature]  
Secretary,  
Siddheswar Gaon Panchayat,  
Cachar.

\*\*\*\*\*

Serial No. 733

# NABINCHANDRA COLLEGE BADARPUR

P. O. BADARPUR, DT. GACHAR-Kar  
ESTD. 1969.



Certify that Shri/ ~~Shrimati~~ Pranta Lal Dey  
son/daughter of Shri Jitendra Chandra Dey  
an inhabitant of Vill. and P.O. Gomgajpur  
P. S. Go Katigom Dist. Cachar (Assam) appeared at the  
D. S. (Arts) / B. A. Examination from this College as a regular  
private candidate in the year 1989 and passed in Second Division  
under University Roll No. 4017 A-130 Regd. No. 15831 of 1985-86  
He/She bears a good moral character.

Dated, BADARPUR  
The 29.7.89

Abul 1/8/89  
Principal

[Nabinchandra College  
Principal,  
NABINCHANDRA COLLEGE  
P. O. Badarpur, Dist: Karimgarh,

Attested  
W. S. E.  
Advocate



TO WHOM IT MAY CONCERN

THIS is to certify that Shri Jhantu Lal Dey  
 Son/Daughter of Shri/Late Jitendra chandra Dey  
 of Vill. Niz Katigora Part I, P.O. Gongapur  
 P.S. KATIGORAH, in the District of Cachar, Assam is known  
 to me for the last 3 (Three) years.

So far as I know, he/she bears a good moral CHARACTER  
 I wish him/her every success in life.

Dated, Katigora,  
 The 16/01/2011

*[Signature]*  
 16/01/2011  
 Secretary,  
 KATIGORA S.D.

\*\*\*\*\*

Attested  
*[Signature]*  
 Advocate

Assam Schedule XXXVIII F



ages

Pto NO 1904/L  
 Dt. 16.12.79, Cachar  
 পি-সফিঃ  
 (সি)-সিফিঃ  
 সফিঃ

পাঠ্য নম্বর		পাঠ্যদ্রব্যের নাম, বাবার নাম ও নামস্থান	অভ্যাস নম্বর	অভ্যাস কাল	মাসিক শ্রেণী		মাসিক	মাসিক	মাসিক
পূর্ব	নতুন				শ্রেণী	কাল			
১	২	৩	৪	৫	৬	৭	৮	৯	১০
১৬/৪১/৫৩/৬	৫২	১. ১৯৫৫-৫৬	১২৬	১১২৭	১৯৫৫-৫৬	১১২৭			
		২. ১৯৫৬-৫৭	১২৮	২১১১	১৯৫৬-৫৭	২১১১			
		৩. ১৯৫৭-৫৮	১২৯	১২৩৭	১৯৫৭-৫৮	১২৩৭			
		৪. ১৯৫৮-৫৯	১৩০	১২১১	১৯৫৮-৫৯	১২১১			
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 Writer  
 Advocate

Attested  
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 Labour Inspector  
 Cachar, Sikkim

Annexure - VIII (cont)

পাঠার নম্বর		পাঠারের নাম, বাবার নাম বা বান্ধান	প্রত্যেক দায়ের নাম	প্রত্যেক দায়ের কাল	মারি বৈধী		বাজহ	হানি কব	মন্তব্য
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