

30/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 406/2001.....

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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. 406 /2001

Applicant (s) Pranjal Deka

Respondant(s) 6-6, I 90m

Advocate for the Applicant: B.K. Thonk, S.Savone, Mrs U. D. M.

Advocate for the Respondant: CGSC

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time. Consolidation Petition is filed not filed vide M.P. No. <i>Y</i> C.F. for Rs. 5/- deposited vide IPO/BD No. <i>60.788.389</i>	10.10.01	The application is admitted, call for the records. List on 22.11.2001 for order.
Dated.... <i>20.9.2001</i>		<i>IC Usha</i> Member
<i>Dy. Register.</i> <i>JKS</i> <i>5/10/01</i>	bb	<i>Vice-Chairman</i>
<i>Recd.</i>	22.11.01	List the matter on 3.1.2002 to enable the respondents to file written statement.
	<i>IC Usha</i> Member	<i>Vice-Chairman</i>
<i>Pl. Compl.</i> <i>JKS</i> <i>5/10/01</i>	bb 3.1.02	List on 1.2.2002 to enable the respondents to file written statement.
<i>Recd.</i> <i>12/10/01</i>	<i>IC Usha</i> Member	<i>Vice-Chairman</i>
<i>WNo 3994 to 3997</i> <i>Dtd 12/10/01</i>	mb	

No. Written statement  
has been filed.

1.2.02

List on 5.3.2002 to enable the  
respondents to file written statement.

Zy  
21/11/01

IC Ushan  
Member

Vice-Chairman

No. WLS has been  
filed.

May  
2.1.02

5.3.02

List on 4.4.2002 to enable the Respondents to file written statement.

No. Written statement  
has been filed.

Zy  
21.1.02.

mb

IC Ushan  
Member

Vice-Chairman

4.4.2002

List on 7.5.2002 enabling the respondents to file written statement.

IC Ushan  
Member

Vice-Chairman

23.4.2002

7.5.02

bb

W/S submitted  
by the Respondents

Written statement has been filed.

List the matter for hearing on 6/6/2002.  
The applicant may file rejoinder, if any,  
within three weeks from today.

No. rejoinder has  
been filed.

mb

IC Ushan  
Member

Vice-Chairman

5.6.02

6.6.02

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in the open court, kept in separate sheets. The application is disposed of. No costs.

IC Ushan  
Member

Vice-Chairman

trd

29/6.

1.1.10.2002

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./R.A. NO. 406/2001 . . . of

DATE OF DECISION 6.6.2002

Sri Pranjit Deka

APPLICANT(S)

Mr. S.Sarma.

ADVOCATE FOR THE APPLICANT(S)

-- VERSUS --

Union of India & Ors.

RESPONDENT(S)

Mr. B.C.Pathak, Addl. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENTS.

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

THE HON'BLE MR. K.K.SHARMA, MEMBER (A).

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 ?
5. Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 406 of 2001.

Date of decision : This the 6th day of June, 2002.

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

Hon'ble Mr. K.K.Sharma, Member (A).

Shri Pranjit Deka  
Son of Sri Nabin Ch. Deka  
Vill & P.O. Balilecha,  
District-Nalbari,  
Assam.

...Applicant

By advocate Mr. S. Sarma.

-versus-

1. Union of India,  
represented by the Secretary  
to the Government of India,  
Ministry of Communication,  
Department of Posts, Dak Bhawan,  
New Delhi-1.
2. The Chief Post Master General,  
Assam Circle, Meghdoott Bhawan,  
Guwahati-1.
3. The Superintendent of Post Offices,  
Nalbari Barpeta Division,  
Nalbari.
4. Sri Jon Dutta,  
Son of Sri Golok Dutta,  
Vill and Post Office Balilecha,  
Nalbari.

...Respondents

By Advocate Mr. B.C.Pathak, Addl. C.G.S.C.

O R D E R

CHOWDHURY J. (V.C.).

The post of Extra Departmental Branch Post Master (for short EDPBM) was likely to be vacant. The Superintendent of Post Offices, Nalbari Barpeta Division accordingly sent a requisition to the Employment Officer, District Employment Exchange, intimating about the said vacancy and invited the Employment Officer concerned to

nominate persons vide communication dated 1.2.2001. The applicant also applied for the said post along with others. the respondent no. 4 as EDPBM. The legitimacy of the appointment of respondent has been assailed in this application as arbitrary and discriminatory.

2. Mr. S.Sarma, learned counsel appearing on behalf of the applicant questioned the eligibility of respondent no.4 and contended that the respondents could not have been selected for the post since he did not have landed property as was required under the law. The learned counsel for the applicant, also contended that the post was reserved for SC and the applicant being a Scheduled Caste and of higher merit was eligible for appointment but the respondents in an arbitrary manner appointed the respondent no.4 though he was not from Scheduled Caste Community. Mr. S. Sarma also contended that the procedure adopted for selection of the EDPBM was contrary to the established practice and therefore violative of Article 14 of the Constitution. Mr. Sarma, further contended that in the instant case the Superintendent of Post Offices, Nalbari Barpeta Division alone conducted the interview and selected persons without associating a person from the Scheduled Caste Community as required under the rule. Mr. B.C. Pathak, learned Addl. C.G.S.C on the other hand submitted that in the instant case the respondents adopted just and fair procedure and selected a person who was on higher merit. Refuting the contention of Mr. S.Sarma, learned counsel for the applicant Mr. Pathak submitted that the respondent no.4 was eligible for appointment and accordingly on the basis of merit he was appointed. Mr. Pathak also submitted that the post itself

Contd...

was not a reserved vacancy and therefore there was no illegality committed by the respondents in selecting the respondent no.4.

3. We have given our anxious consideration in the matter. The materials produced before us indicates that the respondent authority notified the vacancy and called for the names of eligible persons. The applicant appears to have secured marks in HSLC Examination being the total of 380 out of 900 whereas the respondent no. 4 secured 418 out of 900.

The respondent no. 4 obtained 46.44% and the applicant obtained 42.22% in the HSLC examination. As per the established norm as well as per the condition prescribed in the Notification dated 1.2.2001 the candidates were required to possess minimum educational qualification of HSLC pass or equivalent examination. Selection was based on the basis of the marks obtained in the Matriculation or equivalent examination and SC/ST candidate was to be given preference subject to fulfillment of the condition. One of the prescribed condition was to offer space to serve as the agency premises for postal operations. The space must be such as would serve as a small post office with provision for installation of even a PCO. Admittedly the respondent no.4 secured higher marks. In the circumstances question of giving preference to the applicant did not arise and the post was not reserved for SC. The Respondent No.4 also fulfilled the norms. His appointment was made because of higher merit and therefore, the appointment of Respondent No.4 in the facts and circumstances of the case cannot be flawed.

4. For all the reasons stated above, we do not find any merit for interference under Section 19 of the

Contd..

Administrative Tribunals Act, 1985. Before concluding we must mention that the applicant also worked for sometime as ED agent. He has also gained some experience. In view of the above, we feel if any vacancy arises in future under the respondents and the applicant applies for the same, the authority shall sympathetically consider the case of the applicant for appointment to the post of EDPBM, as per law taking note that he has rendered service under them at some point of time.

5. Subject to the observations made above, the application stands disposed of. There shall however no order as to costs.

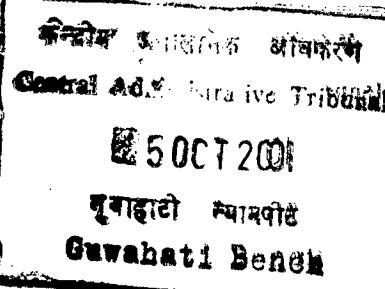


(K.K.SHARMA)  
Member



(D.N.CHOWDHURY)  
Vice-Chairman

trd



- 12 -

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

D. A No. 406 /2001

BETWEEN

Shri Pranjit Deka

... Applicant.

- AND -

Union of India & Ors.

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Filed by Alka Das  
Advocate:

File No. C:\ws\ss\pranjit

Pran

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

10  
Filed by  
the applicant through  
Abha Deka  
Advocate  
21/9/2001

D. A No. 12001

BETWEEN

Shri Pranjit Deka,  
son of Sri Nabin Ch. Deka, Vill &  
P.O. Balilecha, Dist.-Nalbari, Assam.

... Applicant.

- AND -

1. Union of India, represented by the Secretary to the Government of India, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi-1.
2. The Chief Post Master General, Assam Circle, Meghdoot Bhawan, Guwahati-1.
3. The Superintendent of Post Officers, Nalbari Barpeta Division, Nalbari.
4. Sri Jon Dutta, son of Sri Golok Dutta, Vill and Post Office Balilecha, Nalbari.

... Respondents

① Not eligible  
② No landed property  
③ Post Reserve for SC  
④ Proceeds above  
R 3 alone holds  
internal & sub  
p 4. b  
P 5

NO

Starting date for  
last date P.A.

DETAILS OF THE APPLICATION.

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

This application is directed against the order dated 20.6.2001 passed by the Respondent No. 3 i.e. Superintendent of post Officer, Nalbari Barpeta Division, by which the Respondent No. 4 has been appointed as Extra Departmental Branch Post Master (EDBPM) in the Balilecha B.O. Nalbari. This application is also directed against the action of the Respondent is not considering the case of the present Applicant for the said post of EDBPM taking in to

Deka

consideration his post experience and other qualification including educational qualification.

2. LIMITATION

That the Applicant declares that the instant application has been filed within the limitation period prescribed under Section 21 of the Central Administration Tribunal Act, 1985.

3. JURISDICTION OF THE TRIBUNAL

The Applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

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 and privileges as guaranteed under the Constitution of India and laws framed thereunder.

4.2 That the Applicant has come before this Hon'ble Tribunal making a grievance against the order dated 20.6.2001 by which Respondent No. 3 appointed the Respondent No. 4 in the post of EDBPM. Provisionally on contract basis ignoring his claim. The advertisement pursuant to which the aforesaid post of EDBPM was filed up was a post meant for SC candidates but violating the same the Respondents appointed the Respondent No. 4 who is a candidate belongs to general category. Apart from that the 4th Respondent at the time of filing of application form did not fill up the portion wherein it was indicated regarding the possession of landed property.

P.D. 10

Pursuant to the aforesaid advertisement the Respondent issued a letter dated 1.2.2001 to the Employment Officer, District Employment Exchange, Nalbari. Respondents held farcical interview and appointed Respondent No. 4 a candidate belongs to general category. To that effect the Respondent have issued the impugned order dated 20.6.2001 appointing the Respondent No. 4. Provisionally on contract basis. Pursuant to the said advertisement the Respondent No. 4, who is not a SC candidate also applied for the said post and submitted incomplete application form but acting on such incomplete application the official Respondents i.e. the Respondent No. 3 issued the impugned order dated 20.6.2001. The Applicant preferred representation dated 6.7.2001 against the said irregular appointment but till date no enquiry what so ever has been made to find out the fact. Having no other alternative the Applicant has come before this Hon'ble Tribunal praying for setting aside of the order dated 20.6.2001 as well as the Selection pursuant to which the Respondent No. 4 was appointed to the post of EDBPM.

This is the crux of the matter for which the present application has come before this Hon'ble Tribunal seeking redressel of his grievances.

4.3 That the Applicant pursuant to an advertisement applied for the post of Extra Departmental Branch Post Master (EDBPM) in the Balilecha Branch Office. To that effect the Respondent No. 3 issued a letter dated 21.2.2001 to the Employment Officer, District Employment Exchange, Nalbari, placing their indent for the said post of EDBPM.

A copy of the 1.2.2001 is annexed herewith and marked as Annexure-1.

4.4 That the Respondent No. 4 also applied for the said post of EDBPM lying vacant at Balilecha Branch Office. In fact the said post was meant for SC candidate. The Respondent No. 4 who is a general category candidate submitted his application form which was incomplete. He did not mention about the landed property as required under Rule. However, the Respondents acting on his such incomplete application form, issued the impugned order dated 20.6.2001 has been issued by the Respondent No. 3 without considering the claim of the Applicant.

A copy of the order dated 1.2.2001 is annexed as Annexure-2.

4.5 That the Applicant begs to state that the Respondent No. 4 does not possess the required qualification to hold the said post of EDBPM taking into considering the letter dated 1.2.2001 issued by the Respondent No. 3, to the Employment Officer, The Respondent No. 3 with some ulterior motive issued the impugned order. At the time of filing up of application form as per Extra Departmental Recruitment Rules, each candidate is required to indicate the landed property in his possession as well as monthly income of his family. However, the Respondent No. 4 who does not have any landed property in his name, filled up the application form without indicating any things. On the other hand, the Applicant submitted his complete application form which was correct is all respect. But the reasons best known to the authority concerned i.e. the Respondent No. 3, the case of

the Applicant left unconsidered. Situated thus, the Applicant preferred a representation dated 6.7.2001 to the concerned authority, highlighting his grievances.

A copy of the said representation dated 6.7.2001 is annexed herewith and marked as Annexure-3.

4.6 That the Respondents after receipt of the application forms, from the candidates including the Applicant issued letter dated 10.4.2001 to him indicating the date of interview. It is pertinent to mention here that the said interview was nothing but a show. The Respondent No. 3 alone took the interview and verified the documents submitted by the Applicant and other candidates. The constitution of the said selection Board is per se illegal and same smacks malafide intention of the Respondent No. 3. Law is well settled that there cannot be a selection Board or Committee consists of one member. But in the instant case the Respondent No. 3 played all the rolls and selected the Respondent No. 4 by issuing the impugned order dated 20.6.2001.

A copy of the call letter dated 10.4.2001 is annexed as Annexure-4.

4.7 That as stated above the very constitution of the Selection Committee is not at all sustainable. That apart the said committee did not took into consideration the relevant fact as per law. In the aforesaid Annexure-4 letter dated 10.4.2001 itself, the Respondent have indicated the fact that SC/ST candidates would get preference. Again there has been an indicate that experienced hands would get added

preference. In the instant case, the Applicant being an experienced hand, SC candidate could not qualify in the interview and he came the victim of circumstances. On the other hand the Respondent No. 4 who is a general category candidate having no experience and landed property got selection to the post of EDBPM, and needless to say here that under what circumstances he got his selection.

4.8 That the Applicant begs to state that prior to issuance of the advertisement, he had occasions to work in Balilecha Branch Office. That apart, the Balilecha Branch office which was located/provided by the Applicant's family has completed 38 years and as per Rule meant for recruitment of EDDA, providing of room for Branch Office in a market place is an essential criteria. The present Applicant thus fulfills all the required as well as additional qualification as mentioned in the advertisement, but inspite of that, the Respondent No. 3 appointed Respondent No. 4 who does not possess these qualification. The aforesaid fact clearly indicates the malafide intention of the Respondent No. 3.

4.9 That the Applicant begs to state that the Respondent No. 3 is the competent authority for the appointment of EDDA under his division. In the instant case, the said Respondents No. 3 has issued the advertisement and selected the Respondent No. 4 illegally. The Respondent No. 3 himself and alone has conducted the interview and taking certain undue advantage from the poor candidates, finally appointed Respondent No. 4, who does not fulfill the required qualification as mentioned in the recruitment Rules meant for EDDA.

*Apela*

4.10 That the Applicant begs to state that in the instant case, the Respondent No. 3 has committed serious irregularities and the public of the Nalbari-Barpeta Division made several complaints to the concerned authority. However, the other Respondents have not yet taken any steps against the Respondent No. 3 to find out truth of such allegations. In fact, in various local daily published the news item of such illegal appointment.

Copies of the paper cuttings and complaints lodged by the local head and others dated 2.7.2001 are annexed as Annexure-s 5, 5A and 6.

4.11 That in view of the aforesaid facts including the fact of illegal appointment of Respondent No. 4, who does not fulfill the required qualifications, constitution of Selection Committee of one member, undue favour to Respondent No. 4 whose application was not complete; are going to show the malafide action on the part of the Respondents, mainly the Respondent No. 3. It is further stated that other Respondents i.e. Respondent No. 2 is also equally responsible for the aforesaid illegalities taking into consideration his in-action on the representation dated 2.7.2001.

4.12 That the Applicant in view of the aforesaid facts and circumstances has come before this Hon'ble Tribunal seeking an appropriate relief.

#### 5. GROUNDS WITH LEGAL PROPROVISIONS

5.1 For that the action/inaction on the part of the Respondents in not considering the case of the Applicant and

appointing the Respondent No. 4 is illegal, arbitrary and violative of principles of administrative fair play and have same are liable to be set aside and quashed.

5.2 For that the Respondents have acted illegally in appointing the Respondent No. 4 who does not possess the required qualification as mentioned in the recruitment rules meant for EDDA.

5.3 For that the Respondent No. 4 who does not have landed property did not fill up the said para in the application form but the Respondent No. 3 acting on the said incomplete application form, issued the appointment order.

5.4 For that the Respondents have acted illegally in not appointing the Applicant who is a qualified candidate to hold the post of EDBPM with added qualification and experience. Whereas the Respondent No. 4 who is a general class category candidate having no landed property and experience.

5.5 For that the Selection process itself is illegal since, it consists of only one member i.e. the Respondent No. 3. In fact, the very constitution of the selection committee was not in conformity with Rules not to speak of its decision making process and net result (impugned order dated 20.6.2001).

5.6 For that the action on the part of the other Respondents are also illegal, since they did not act on the representation filed by the people of that locality claiming due justice in respect of public employment.

5.6 For that in any view of the matter the impugned order dated 20.6.2001 is illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and laws framed thereunder.

The Applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of this case.

**6. DETAILS OF THE REMEDIES EXHAUSTED.**

That the Applicant declares that they have exhausted all the possible departmental remedies towards the redressal of the grievances in regard to which the present application has been made and presently they have got no other alternative than to approached this Hon'ble Tribunal.

**7. MATTER PENDING WITH ANY OTHER COURTS**

That the applicants declares that the matter regarding this application is not pending in any other Court of Law or any other authority or any other branch of the Hon'ble Tribunal.

**8. RELIEF SOUGHT:**

Under the facts and circumstances stand above the Applicant prays that the instant application be admitted, records be call for and upon hearing the parties on the cause or causes that may be shown and on perusal of records be pleased to grant the following reliefs.

8.1 To set aside and quash the impugned order dated 20.6.2001.

8.2 To direct the Respondents to appoint the Applicant in

the post of EDBPM in Balilecha Branch Office with all consequential service benefits with effect from 20.6.2001.

8.3 To direct the Respondent No. 2 to investigate in to the matter and issue necessary order to Respondent No. 3 to rectify his illegalities, by reaching the impugned order, or any other order as may be deemed fit and proper.

8.4 Cost of the application.

8.5 Any other relief/reliefs to which the present Applicant are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

**9. INTERIM ORDER PRAYED FOR:**

During the pendency of this DA the Applicant prays for an interim order directing the Respondents to disposed of the representation filed by him.

**10. THE APPLICATION IS FILED THROUGH ADVOCATE:**

**11. PARTICULARS OF THE POSTAL ORDER :**

(i) I.P.O. No.: 66 788389  
(ii) Date: 20/9/2001  
(iii) payable at Guwahati

**12. LIST OF ENCLOSURES :**

*ppdka*

VERIFICATION

I, Shri Pranjit Deka, S/o Nabin Chandra Deka, aged about 25 years, resident of Balilecha, P.O. Balilecha, District-Nalbari, do here by solemnly affirm and state that the statement made in this application from paragraph 4'3, 4'1, 4'7 to 4'9 and 4'11&4'12 are true to my knowledge and those made in paragraphs 4'2 to 4'6 and 4'10 are matters records of records informations derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on 19th day of Sept.  
2001.

✓ Shri Pranjit Deka.

DEPARTMENT OF POSTS  
OFFICE OF THE SUP DT. OF POST OFFICES: NALBARI BARPETA DN.

To,

The Employment Officer,  
District Employment Exchange, Nalbari

No. A/X-261/EDO

Dated at Nalbari the 12.2001

Sub:- Appointment of DDBPM of Balibazar EDBO in a/c with  
Chowk bazar SO in the district. Nalbari

Sir,

A post of extra departmental branch postmaster is likely to be vacant at Balibazar BO. At present the selection will be provisional and on purely temporary basis and may be terminated at any time in the interest of service.

While nominating the persons the following conditions may kindly be kept in view:-

1. Persons seeking employment as DDBPM must be permanent resident of Post village.
2. The applicants should have adequate means of livelihood from independent source of income.
3. The applicants should be able to offer suitable accommodation for the post office with provision for installation of POO even.
4. The applicants should have minimum educational qualification of HSC passed or equivalent examination. Selection will be based on the marks secured in the matriculation or equivalent examination. No weightage will be given for higher qualification.
5. The applicant must attain the age of 18 years as on 1.1.2001.
6. SC/ST applicants may be given preference subject to fulfilment of above conditions.

The applications alongwith supporting documents in r/o applicants nominated for the post of DDBPM Balibazar EDBO may be forwarded to this office so as to reach this office on or before.

Attested  
Advocate.

  
Yours faithfully,

(A. D. S.)  
Supdt. of Post Offices  
Nalbari Barpeta Dn. Nalbari.

Copy to:-

1. The SDI(P) Nalbari (1/2) for information and make wide publicity in the village and causing early submission of the applications through Dist. employment exchange.
2. The Gaon Burah of Village Balibazar (1/2)
3. The DPM Balibazar (1/2)
4. The DPM Balibazar R. (1/2)

Supdt. of Post Offices  
Nalbari Barpeta Dn. Nalbari.

ANNEXURE- 2

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

Mem No. A/N-261/1bDA

Date : 20-06-2001

Sri Jon Nath Dutta, S/O Sri Golak Dutta, vill & PO- Balijeccha, via- Chowkbazar SO, Dist-Nalbari is provisionally appointed as EDBPM, Balijeccha BO in association with Chowdhuri SO, Dist-Nalbari from the date of joining. His appointment is subject to satisfactory police verification report. He shall be paid such allowance as admissible from time to time.

Sri Jon Nath Dutta should clearly understand that his employment as EDBPM would be in nature of contract liable to be terminated by him or by the undersigned or by notifying the order in writing and that his conduct and service shall also be governed by the Posts and Telegraphs Extra Departmental Agents (conduct and service) Rules, 1964 as amended from time to time. The provisional selection may be取消 at any time by the undersigned if the candidate is considered not suitable for any reason without showing any reason thereof.

If these conditions are acceptable to him, he shall communicate his acceptance in enclosed proforma.

( N. DAS )  
Supdt. of Post Offices  
Nalbari Barpeta Division  
Nalbari-781335

Copy to:

1. The SDEP, Nalbari (W) for information. He is to obtain the necessary signature in enclosed proforma and submit to this office duly attested by him for provisionally appointment and also handed over charge of BPM to the above selected person with necessary training.
2. The Postmaster, Nalbari HO for information and necessary action.
3. Sri Jon Nath Dutta, S/O Sri Golak Dutta, vill & PO- Balijeccha, via- Chowkbazar SO for information.
4. OC.

Supdt. of Post Offices  
Nalbari Barpeta Division  
Nalbari-781335:-

Attested  
Advocate

To,

The Director of Postal Services,  
Office of the Chief P.M.C.  
Assam Circle, Guwahati - 781001.

Dated at Balilecha the ...06 - 07 - 2001

Sub:- Prayer for cancellation of irregular appointment  
in the post of EDA Balilecha B.O. made by Supdt.  
Post, Nalbari vide his memo No. A/X-261/EDA dtd.—  
20-6-2001 and to make arrangement to issue  
Fresh appointment.

Respected Sir,

With due respect and humble subission I  
beg to lay before the following few lines for favour of your  
kind consideration and sympathetic action.

That Sir, the post of EDEPM, Balilecha B.O. in  
account with Chowk bazar S.O. has been being vacant since  
long and an advertisement was made vide SP/Nalbari memo No.  
A/X-261/EDA dtd. 1-2-2001 (Annexure-1) to fill up the said post.  
In the said advertisement it was clearly stated that the  
preference will be given to SC/ST candidates subject to full  
fillment of other condition.

That Sir, I along with the other candidate  
was directed vide SP/Nalbari memo No. A/X-261 dtd. 10-4-2001,  
(Annexure-II) to attend the O/O the S/P. Nalbari on 20-4-2001  
along with the required documents in original. In the said  
letter it was also desired by the Supdt. to submit the  
documents showing the previous experience.

That Sir, on 20-4-2001 I attended the office of  
the SP/Nalbari along with all documents in original on that  
day only I and Sri Pranjit Deka submitted the landed property  
documents and nobody can submitted the document showing the  
previous experience except me.

That Sir before starting verification of  
original documents. I set all the candidates and compared the  
marks of H.S.L.C. Examination each others and found that.

Contd. 2/-

ANNEXURE - 4

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

No. A/H-261/EDA

Dated at Nalbari the 10.4.2001

To Shri Pranjit Deka

S/o Shri Nabin Ch Deka

Vill+Post Balilechha 2½c Charkhezpur S.O

Sub:

Recruitment for the post of EDBPM, Balilechha Post

You are hereby requested to report to this office on 20.4.2001, at 11 AM along with the following documents in original.

1. Certificate showing your age.
2. Certificate having passed the HSLC examination along with mark sheet.
3. Certificate showing that you are a permanent resident of your village and also the country.
4. Documents showing that you are able to provide accommodation for functioning of the post office, if you have been selected.
5. Documents showing self annual income.
6. Document showing your landed property, if you have in the sale deed, Mutation deed, Jabbabandi, etc.
7. Documents showing community certificate to cover reservation in recruitment.
8. Documents of previous experience if any.

Failure to attend this office on the stipulated date without valid reason may invalidate your candidature in the post. No TA / DA will be given for this purpose.

Superintendent of Post Offices  
Nalbari Barpeta division  
Nalbari-781335

Attested

Advocate

ANNEXURE— 5

MS. B. 1. 1. 100. MASS & QTR

মাজলখ কল্প/ই বাজেতনলৈ মগা চতি সংজ্ঞানবা

## নলবাৰীৰ ডাক বিভাগতো কেনেকৰি

ষাষ্ঠ বিগ'টাৰ, নলবাৰী; ৫ ড্যুলাই: অবৈধ  
শিক্ষক নিযুক্তিৰে চৌদিশ স্কোলপুৰ মালাই  
থকাৰ মাজতে নলবাৰীত এইবাৰ ডাক  
বিভাগত শাখা ডাকপাপ নিযুক্তিৰ নামতে  
চৰ্ডালি দুৰ্বীলি-অনিয়ম আৰু গোপন দণ্ড  
শেন-দেন হোৱাৰ অভিযোগ উঠিছে।

ভাৰতীয় ডাক বিভাগৰ নলবাৰী বৰপেটা  
সংঘঞ্জলৰ নলবাৰীস্থ ডাক অধীক্ষক  
কাৰ্যালয়ত সংঘটিত এই অবৈধ নিযুক্তি  
বাতিল কৰাৰ দাবীত কালি অসম মণ্ডল  
মুখ্য ডাকপাপৰ ওচৰত দুই পৃষ্ঠাত

## ନଳିବାରୀ ଡାକ ବିଭାଗଟୋ

ପ୍ରଥମ ପୃଷ୍ଠା ପରା— ଶ୍ରାନ୍ତୀୟ ବାହିନୀ ଶ୍ରାନ୍ତୀୟ ପ୍ରଦେଶର ଅଭିଭାବକ ଅଭିଭାବକ ଦାମେ ନିଯୁକ୍ତ ଦିନୀ ଶ୍ରୀନାଥ ଦତ୍ତବ ହାଇକ୍ଲୁକ୍ ଶିଳ୍ପାଳ୍ ପରୀକ୍ଷାତ ପୋକା ମୁଖ୍ୟ ବାରୀ ବିଶ୍ୱାସର ତୁଳନାତ କମ ହୋଇବ ଉପରି ପରୀକ୍ଷାକରଣର ତୁଳନାତ କମ ହୋଇବ ଉପରି ଦତ୍ତବ ପୂର୍ବ ଅଭିଭାବକ ଶ୍ରାନ୍ତୀୟ ଶ୍ରୀନାଥ ଦତ୍ତବ ଅନୁମୂଳିତ ଆତିଥୀ ନାମବିକୋ ହେଲୁଛୁ । ତେବେଦେବ ଡାକ ବିଭାଗର ଚର୍କ ମାନି ଦତ୍ତବ ଶାକାକାବର ବିଭାଗର ମାଟିର ପ୍ରୟାଣ ପରାଏ ଜମା ଦିନୀ ନାହିଁ । ଅବ୍ରାମିତେ ପିଚଟେ ନିଜର ଫର୍ମ କ୍ଲୋଟାଲାତ ଓ ଏ ପଥର ଡାକବିବର ଚାଲାଇ ଥିଲା । ପୂର୍ବ ଅଭିଭାବକ ବିଭାଗଟୋର ନିର୍ଧାରିତ ପ୍ରତିଟୋ ହରି ପୂର୍ବ କବା ଥାଏଜିଂ ଡେବା ନାମର ପାରୀ ଅନନ୍ତ ଅନାଯାସରେ ସଖିତ କବାର ବହମା ଦେଖ ମେଥିକେ ହଳାଇ ପରିଛେ । ଅଭିଭ୍ୟାଗ ଡଟ୍ ମତେ ଡାକ ଅଧିକକଳନର ହେ ଶଶ୍ଵାନମ ଶାଖାର ବଜରୀ ଦାଗ ନାମର କେବାନୀଜମେ ବିଚରା ପରିମାଣେ ଉଠକୋଚ ନିର୍ଦ୍ଦୟାର ବାବେଇ ଶେର ମୁହଁର୍ତ୍ତ ପାଖରିତେ ଶାବଲଗୀମା ଡାକବିଟୋ ନାଗାଳେ ।

ଡାକ ବିଭାଗର ସଂଖ୍ୟାଟେ ହଇଥିଲେ ନିଯୁକ୍ତ ବାତିଲର ଦାର୍ଢିଙ୍କ ଶ୍ରାନ୍ତୀୟ ବାହିନୀ ଉଦ୍ଦିତ କାର୍ତ୍ତ ପମ୍ବଲେ ଦିନୀ ଶ୍ରାନ୍ତୀୟ ପରାଏ ଉପରୁତ୍ତ ପାରୀକ ନିଯୁକ୍ତର ବାବେ ପ୍ରୟୋଜନତ ଆମାଲର ଆଶ୍ରମ ଲୋକା ହରି ଶୁଣି ମର୍ମିଯାର୍ତ୍ତ ଦିଲେ । ଶ୍ରାନ୍ତୀୟ ଡାକ ବିଭାଗର ଦାଗ ବିଭାଗ ଏହିଥିରେ ନିଯୁକ୍ତର ନାମର ଖେଦ ଡାକ ଅଧିକକଳାବାକୀର୍ଣ୍ଣ ବିକର୍ଷେ ଉଠକୋଚ ଲୋକର ବାଜର୍ଦୟା ଅଭିଯୋଗ ଉଠା ଘଟନାଇ ମଶଦାରୀତ ଚାଲିଲାର ସୃଷ୍ଟି କରିଛେ ।

Adv 2000

27

ANNEXURE-5

**Illegal appointment in Postal Department in Nalbari:**

In the midst of illegal teachers appointment in Nalbari, illegal Posmaster appointment is also comes to light. The local head submitted a memorandum against the illegal appointment of Postmaster in Nalbari-Barpeta Circle of Indian Postal Department, before the Chief Postmaster. A candidate was appointed to the post of Branch Postmaster on 20.6.2001 at Balilecha Post Office by setting aside all the conditions mentioned in the advertisement. The advertisement was published on 1.2.2001 by Nalbari-Barpeta Circle Superintendent Shri Niranjan Das for the Branch Postmaster, which was lying vacant for a long time at Balilecha post office. The interview was called on 20.4.2001 with the documents of educational qualification, experience and caste by EDA notice No.A/X-261. According to departmental source one candidate namely Shri Pranjit Deka was in top of the list according to the experience and educational qualification. But the Superintendent of the Circle appointed one Shri Jon Nath Dutta by setting aside all rules and conditions on 20.6.2001 by memo No.A/X-161 EDA . A huge amount of money was taken by the Superintendent Shri Niranjan Das in this case. The local head along with Baonburah of village Balilecha complaint in writing where it was mentioned that said Sri Jon Nath Dutta was not the highest mark holder and his experience was nil and he was not the SC candidate, and he had not submitted the land document at the time of interview. Therefore it's crystal clear that Shri Pranjit Deka who has possess all the required qualification to hold the post was not appointed. According to the complaint, one Shri Rajani Das (Clerk) of Selection Branch wanted money from Pranjit Deka and Pranjit Deka did not pay him money. For the consequences Pranjit Deka lost the post. The local head in their memorandum to the top level authority warned that they will come under the hands of Court of law against the illegal appointment in the Postal Department. Such a public complaint against the illegal activities of Postal Department of India against the Superintendent creates a great sansion in Nalbari.

**Attested**

*[Signature]*

**Advocate**

प्राप्ति अधिकारी का नाम  
प्राप्ति की दिनांक

विज्ञापन की तिथि

प्राप्ति अंकीय नं. ८४५

३०.८.२००१

Office of the Superintendent  
Post Offices  
Malabar Barrage Division  
WALKARI - 411 215

प्राप्ति की दिनांक विज्ञापन की तिथि

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८। श्रीबाबृहदेश (८।३४६) गोप्य

21 अस्तित्वात् विद्यन् ॥

६/ श्री वर्णार्थालय नाम

৪/ নিক বুন্দেল | মোগা-ধান্দি/১০০

27th April 1861 - 10 a.m. - 12

Dr. Jameson

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Attested  
(Signature)  
Advocate.

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## ବ୍ୟାକାନ୍ତିକାର୍ଯ୍ୟ

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1. 1953-1954 ମୁହୂର୍ତ୍ତ ପରୀକ୍ଷା ମଧ୍ୟ ପରିବର୍ତ୍ତନ କରିବାରେ କାମ କରିବାକୁ ପରିବର୍ତ୍ତନ କରିବାକୁ ପରିବର୍ତ୍ତନ କରିବାକୁ ପରିବର୍ତ୍ତନ କରିବାକୁ

୨୬। - ଶ୍ରୀଦର୍ଶନପୁଷ୍ପବନ୍ଦଳୀ।

6-12 Sept. Rajarshi Das

ପାଠୀ ପ୍ରକାଶନୀ ଲେଖକ

20/ 21/ 2011 - (2015)

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२८। श्री लक्ष्मी अंड) द्वारा

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୧୬ (୩) ରୁଳାଲାଳା (ବ୍ୟାପାର)

二〇一九年九月二十一日

ଓ'লিঙ্গ পুরুষ

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୭୩/ ଅମ୍ବାବାଲ୍ଲାଙ୍କା

Attested  
John  
Jacobs  
Advocate

ପାଇଁ ଏହି ପରିପ୍ରେକ୍ଷଣାରେ କେବଳ ଏକ କାହାର କାହାର କାହାର

ଅଛି । କେବଳମାତ୍ର କୁରା, ।

51 | *Anti-Slavery* (20)

ବାଲା ଏବଂ କରିବା କିମ୍ବା

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8.51 *Signature*

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१८। शूद्री (व वर (क०/०))

४०७ श्रीरामनगर

৪৯। শ্রী ডেনেন দাম

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४७/ श्री-महाराजा (प्रभु) (८८८)

୨୮।	ଶ୍ରୀ ପାତ୍ରମାତ୍ରା ମାତ୍ରା	—	କଣ୍ଠମାତ୍ରା
୨୯।	ଶ୍ରୀ ପାତ୍ରମାତ୍ରା ମାତ୍ରା	—	„
୩୦।	ଶ୍ରୀ ପାତ୍ରମାତ୍ରା ମାତ୍ରା	—	„
୩୧।	ଶ୍ରୀ ପାତ୍ରମାତ୍ରା ମାତ୍ରା	—	„
୩୨।	ଶ୍ରୀ ପାତ୍ରମାତ୍ରା ମାତ୍ରା	—	„
୩୩।	ଶ୍ରୀ ପାତ୍ରମାତ୍ରା ମାତ୍ରା	—	„
୩୪।	ଶ୍ରୀ ପାତ୍ରମାତ୍ରା ମାତ୍ରା	—	„
୩୫।	ଶ୍ରୀ ପାତ୍ରମାତ୍ରା ମାତ୍ରା	—	„
୩୬।	ଶ୍ରୀ ପାତ୍ରମାତ୍ରା ମାତ୍ରା	—	„

୧୧ ଅଭିଭାବକ ଭାବରେଣ୍ଟିଏଜ୍, ଫ୍ଲଟ ଭାବରେଣ୍ଟିଏଜ୍  
-ଭାବରେଣ୍ଟିଏଜ୍, ବିଭାବରେଣ୍ଟିଏଜ୍

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Attested  
H. S. Das  
Advocate.

Annexure-6

Date : Balilecha, 02.09.2001

To  
The Superintendent  
Nalbari-Barpeta Circle.

Sub.: Application for cancellation of illegal appointment of  
Sub Postmaster in Balilecha Sub Post Office.

Sir,

Most humbly and requestfully we would like to pray before you that we are the permanent resident of village Balilecha. A post of Sub Postmaster was lying vacant for a long time and you have given an advertisement on 1.2.2001 for that post where clearly mentioned that preference will be given to SC/ST candidates.

Sir, the candidates were asked to attend for appointment in the office on 20.8.2001 with full documents and also asked about the past experience along with the other documents.

Sir, it is matter of regrete that one Shri Jon Nath Dutta has given appointment by setting aside all the departmental rules by memo No.A/x-261/EDA dated 20.6.2001. Shri Dutta who was not the highest mark holder of HSLC Examination and he is not belongs to the SC/ST category and he also not submit the land documents.

Sir, most of the peoples of village Balilecha belong to the SC/ST category and most of the candidates were among those peoples. Although there is no rule in your department regarding preference, you should have to mention in the advertisement of 1.2.2001 and you should have appoint other candidate who have submitted all the documents on 20.8.2001 and hieght mark holder than Shri Dutta. But you have appoint such a person who is not belongs to the SC/ST candidate and not the hieght mark holder and who has not submitted land documents on time. Therefore this appointment is made for your personal benefit.

Therefore we all the resident of village Balilecha request you to cancell that illegal appointment and appoint the fit candidate immediately. Otherwise we would compelled to come under the court of law.

This is the request of all the residents of village Balilecha.

Signature of the villagers :

1. Shri Rabin Deka (Gaonburah)
2. Shri Naren Haloi
3. Shri Mano Baishya
4. Karuna Baishya
5. iligible
6. iligible
7. Balen Baishya

Attested

*l. Bas.*

Advocate.

— 14 —

8. Lohit Deka
9. Mohan Deka
10. Ramala Balita Deka
11. Hemanta Deka
12. Diganta Deka
13. Bipul Kalita
14. Dipamoni Devi
15. Samindra Kr. Das
16. Debeswar Baishya
17. Pramod Baishya
18. Rajani Das
19. Jamini Baishya
20. Usha Baishya
21. Dashami Baishya
22. Khunu Baishya
23. Dijen Baishya
24. Laksmi Prava Baishya
25. Ranjit Deka
26. Manju Baishya
27. Ramesh Baishya
28. Phulkan Baishya
29. Keshab Deka
30. Prabhat Deka
31. Khagen Deka
32. Nanda Deka
33. Gautam Deka
34. Lili Deka
35. Akan Deka
36. Harmohan Deka
37. Bharati Deka
38. Palash Deka
39. Anil Deka
40. Pratima Deka
41. Harmohan Deka
42. M. Deka
43. iligible
44. Prabhat Deka
45. Dinesh Deka
46. Bipin Deka
47. Bhabesh Das
48. Bashiram Deka
49. Manjalu Ram Deka
50. Gajen Deka
51. Dipen Deka
52. Dipak Deka
53. Gagin Das
54. Karuna Das
55. Dharani Deka
56. Rajani Deka
57. Paresh Deka
58. Golok Deka
59. iligible
60. Tilak Deka
61. Joy mati Deka
62. Junu Haloi
63. Anil Deka
64. Basanta Deka
65. Biraj Deka

**Attested**

*lhas*

Advocate.

- 15 -

**Copy to :**

1. The Chief Director  
Assam Circle, Guwahati.
2. The Director, Deptt. of Posts  
Assam.
3. The Vigilence Officer,  
O/o the Chief Postmaster General  
Assam.

**Attested**

*[Signature]*

Advocate.

13 APR 2001  
SRI KRISHNA  
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI

26  
filed  
D. P. Deka  
22/4/02  
(B. C. P. Deka)  
Addl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench: Guwahati

O.A. No. 406 OF 2001

Sari Pranjit Deka

..... Applicant.  
- Vs -

Union of India & Ors.

..... Respondents.

( Written Statements filed by the respondents ).

The Written Statements of the respondents are as follows :

1. That a copy of the O.A. No. 406/2001 (referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar common written statements are filed for all of them.
2. That the statements made in the application, which are not specifically admitted, are hereby denied by the respondents.
3. That with regard to the statements made in para 1, the respondents state that the appointment of the application could not be considered as his case did not come in the merit zone of the candidates for selection of ED BPM, Balilecha B.O. in Nalbari Barpeta Division. The applicant appears to have secured marks in HSLC examination being the total of 380 out of 900. As such

the percentage of marks was 42.22% only. On the other hand the respondent No.4 Shri John Dutta has secured marks in HSLC examination being total of 418 out of 900 and as such the percentage of marks was should be 46.44%. As per condition of the advertisement issued under No. A/X-261/EDA dated 01.02.2001 to the Employment Exchange, Nalbari it was clearly stated that the selection will be based on the marks secured in HSLC examination or equivalent examination. Thus Shri John Dutta who secured more marks than the petitioner and who also fulfilled all other condition has been appointed as EDBPM, Balilecha BO. The requirement of educational qualification of the candidate was for Matriculation or Equivalent Examination passed only. There was no weightage on other higher qualification.

4. That the answering respondents have no comments to offer to the statements made in para 2, 3, 4.1 of the application.

5. That with regard to the statements made in para 4.2 of the application, the respondents state that unlike the statement and alleged claim of the applicant, the post of EDBPM, Balilecha BO was not a reserved post for SC candidate. This was the indication of the system that if the condition of two or more candidates are equal, the candidate belonging to the SC/ST is given preference as per the provisions of the recruitment rules to such posts of the department. The communal roster points have the fulfilling conditions elsewhere proportionately in the appointment of candidates for the posts as a whole. There is no deficiency at all. Therefore, there was no provision of keeping the post reserved for

SC candidates and the mention remains in the cyclostyled form inadvertently. This can not grant any right to claim by any body exclusively unless there be special recruitment for any post from such candidates as per system of the rules of the Government. Thus the respondent No.4, who was a suitable candidate in the consideration zone was selected on merit and appointed accordingly.

The allegation or assertion of the applicant that the 4th Respondent at the time of filing of the application form did not fill up the portion, where in it was indicated regarding the possession of the landed property is not a fact, but an illusory statement, beyond knowledge of such person to confirm the conditions of other candidates. The applications were received through the Employment Exchange with all documents required subject to the time of verification of documents, before selection of candidate only. There was no short fall on submission of any documents, before verification of documents, ~~making~~ and the document, holding the right to landed property, by the 4th candidate, selected and appointed is there with the date of verification of documents. Thus the allegation of the application is not substantial at all.

That, it is a fact that a notification to the District Employment Exchange, Nalbari, was issued under No. A/X-261/EDA dated 01.02.2001 to sponsore candidate for the post of EDBPM, Balilecha EDBO in account with Chowkbazar SO in the District, Nalbari, to be submitted by 28.02.2001. The Employment Exchange, Nalbari has submitted two lists containing the name of ~~ma~~ 6 (six) candidates and 3(three) candidates under their No. ORD-2/2001/688 dated 28.2.2001 and No. ORD-2/2001/721 dated 01-03.2001, respectively. It appears

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that the Employment Exchange, Nalbari has sponsored candidates, belonging to all the communities. Thus it has been apparential feature that the post was reserved for none. However, all the candidates have been called upon under letter No.A/X-261/EDA dated 10.4.2001 to attend for verification of documents being fixed on 20.04.2001, and it was conducted accordingly. There was no interview or vice-voce, as alleged by the applicant. The Respondent No.4 has mentioned the Dag No. in his application and produced land deed document being issued on 04.04.2001. Thus there was no incomplete states of the application of the Respondent No.4, at all. Since the appointment has been issued subject to the receipt of the police verification report, the condition for appointment and the system of engagement of Extra-Departmental Agents, is remaining as a contract, subject to the conditions of EDA (conduct & service )Rules, 1964. Thus, there was no irregularity on the appointment.

It is a fact that the cause of the representation dated 06.07.2001, has also been enquired by the higher authority of the department, and no adverse has been commented, regarding any irregularity on the selection and appointment of respondent No.4 as BPM, Balilecha. Hence the contention of the applicant is not based on fact and liable to be rejected having no merit.

6. That with regard to the statements made in para 4.3, the respondents state that the notification to the Employment Exchange, Nalbari, was issued on 01.02.2001 and the application of the applicant was received and considered properly and adequately.

7. That with regard to the statements made in para 4.4, the respondents state that the Respondent No.4 was also a sponsored candidate from the Employment Exchange and belonged to general category. The post was common to all categories and it was not reserved for SC candidates ~~for~~ only as alleged. However, there was condition that SC/ST applicants may be given preference subject to fulfillment of above conditions, provided that selection will be given preference subject to fulfillment of above conditions, provided that selection will be based on the marks secured in the Matriculation or Equivalent Examination. No weightage will be given for higher qualification. Thus the claim of the applicant that the post was reserved SC candidates, has no locus- standi. The application of the Respondent No.4 was also examined along with other applications, and found completed in all respect. The statement of the applicant is not based on fact but an illusory statement having no base at all. Moreover, the applicant having being a candidate for the same post has no scope to access the applications of other candidates.

8. That with regard to the statements made in para 4.5, the respondents state that the Respondent No.4 possesses the requisite qualification of Matriculation or equivalent examination and fulfilled the other conditions as laid down in the letter dated 01.02.2001 from the Respondent No.3 on the basis of his qualification and other conditions the Employment Exchange, Nalbari sponsored his name and accordingly the application of the Respondent No.4 was taken into consideration. The selection was done observing the rules and procedure as laid down in the recruitment rules.

As regards the allegation of the W that the Respondents No.4 does not have any landed property in his name as well as monthly income, the answering respondent beg to submit that the particulars of the landed property and the annual income were duly furnished in the application of the Respondent No.4 along with copies of the documents. ( Copies of the application/document enclosed as Annexure-R<sub>1</sub> and R<sub>2</sub> respectively ). The application of the applicant was also considered but on merit he lacked behind the Respondent No.4 who secured the highest percentage of marks than the others fulfilling all other conditions. Thus the condition of the applicant in this para is entirely illusory and not based on factual truth and liable to be rejected.

9. That with regard to the statements made in para 4.6, the respondents state that the candidates including the applicants were called for verification of the original documents under the letter dated 10.04.2001 issued from the Respondent No.3. No interview as claimed by the applicant was held on 10.04.2001. There is no provision in rules to hold interview for selection. As per the procedure laid down in rules for recruitment and selection of EDBPM is done on merit and verification of all documents along with the original, from the candidates who fulfill the other conditions. Constitution of selection Board is also not warranted as per rules of the selection was done on merit basis from among the applicants who fulfilled the other norms for selection. The allegation of the applicant is as much not tenable and liable to be rejected.

10. That with regard to the statements made in para 4.7, the respondents state that there was no provision to constitute a selection committee. Annexure-4 of the letter dated 10.04.2001 from Respondent No.3 was issued to the candidates to report ~~exam~~ them for verification of the original documents only. There has no indication that SC/ST candidates would get preference as claimed by the applicant. There has also no indication in the said letter that experienced hand would get the preference. Thus the statement of the application in this score is quite false and not supported by the documents i.e. Annexure - 4.

As submitted somewhere earlier the post was not reserved though for SC community. Moreover, the applicant ~~has~~ claimed to be had a caste certificate issued by Sub Divisional Scheduled Caste, Dev-Board, Nalbari, his father Sri Nabin Ch. Haloi who is also a Group-D official under the Respondent No.3 was initially since 1961 un-reserved caste. But subsequently in the year, 1993 he produced a caste certificate issued on 22.09.93 showing the caste as 'Kaibarta' at the fake end of his service to get his promotion as Group-D from an ED Agents. Based on that advantage all his ~~sons~~ sons and daughters eligible, got the scheduled caste certificate produced by the applicant was shown as Sri Nabin Ch. Deka and while it appears that the said Sri Nabin Ch. Haloi and Sri Nabin Ch. Deka was the one and the same person as ascertained by the Respondent No.3 at the time of selection procedure. Thus it is seemed to be an impersonation and punishable under the provision of law. As such any anomalies in issuing the caste certificate of the applicant can not be ruled out and involved with suspicion. It needs also a direction to the authority for its examination and for taking necessary action for the interest of

of social justices.

11. That with regard to the statements made in para 4.8, the respondents state that prior to issuance of the advertisement, the applicant was officiating in the post for short period. The father of the applicant initially worked in the said post from where he got the selection for the Departmental Group-D post in the year, 1993. Then one of his sons, Sri Pradip Haloi got the selection after his father. The said son also vacated the post after working few years getting a job in Assam Govt. Then the applicant had the occasion to officiate, where the said BPM had been on leave occasionally. There is no such rules that the selection is restricted for the family members of the holder of the initial appointment. As per recruitment rules the selection is to be done strictly on merit basis from among the candidates who fulfills the other conditions. The Respondent No.4 who is in the top of the merit and also fulfilled the other conditions was selected observing all rules and procedures laid down in this regard.

12. That with regard to the statements made in para 4.9, the respondents state that the Respondent No.3 is the competent authority for the appointment of EDDA (Extra Deptl Delivery Agent) under the Division is not correct. The Sub Divisional Inspector of Post Offices/Selection grade Postmaster is the competent authority for appointment of EDDA. The Respondent No.3 is the competent authority for appointment of candidates in the Post of ED Branch Postmaster and thereby he selected the Respondent No.4 after observing all the recruitment rules and procedures as

laid down by the Govt. of India and passing the resolution in the parliament.

13. That with regard to the statements made in para 4.10, the respondents state that there was no irregularities in the appointment of the Respondent No.4. It is a fact that a section of public of the locality influenced by the applicants lodged complaint to the higher authority and such complaints were duly enquired in time and found nothing irregularities in the appointment of the Respondent No.4. The news published in the local daily had proved to be baseless and timely counter rejoinder was also issued by the Respondent No.3. The contention of the applicant in this para is found with some malafide intention to cover the actual facts and as such liable to be rejected.

14. That with regard to the statements made in para 4.11, the respondents state that the submission of the applicant in this application has no base and completely rest on illusory statements. The Respondent No.2 being the immediate higher authority of the answering Respondent No.3 enquired the allegation made by the applicant on 02.07.2001 and found no irregularity in selection of the candidate. Hence the application is liable to be rejected by the Hon'ble CAT-

15. That with regard to the statements made in para 4.12, the respondents that in view of the statements furnished ~~to~~ above the answering respondents beg to submit that the relief prayed by the applicant is not based on facts and truth and is bad in law and liable to be disallowed by the Hon'ble CAT. The respondents also craves the leave of this Hon'ble Tribunal to allow them to produce any such records at the time of hearing.

16. That with regard to the statements made in para 5.1, to , the respondents state that under the facts and circumstances, the grounds shown by the applicant can not sustain in the present case and hence the application is liable to be dismissed with cost.

17. That the answering respondents have no comments to offer to the statements made in para 6 and 7 of the application.

18. That with regard to the statements made in para 8.1 to and 9 of the application, the respondents state that in view of the facts of the case and the provisions of rules relating to ED Staff, the applicants is not entitled to any relief whatsoever as prayed for and the application is liable to be dismissed with cost.

In the premises, aforesaid, it therefore prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall also be pleased to dismiss the application with cost.

Verification.....

VERIFICATION

I, Shri Nirajin Das, presently working as Suptd. post offices- Nalbari, Borpeta Div., being competent and duly authorised to sign this verification, do hereby solemnly affirm and state that the statements made in para 1 to 18, are true to my knowledge and belief those made in para — being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sing this verification on this 23<sup>rd</sup> day of April 2002 at Guwahati.

Nirajin Das,  
Deponent.

Superintendent of Post Offices,  
Nalbari, Borpeta Division  
Nalbari-781335