

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 261/02

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

GENERAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 261/02

Mise Petition No. /

Contempt Petition No. /

Review Application No. /

Applicants. Gopal Ch. Namasonra (4) others

-Vs-

Respondent(s) U.O. P. Toms

Advocate for the Applicat(s) Monoranganjan Das

Advocate for the Respondat(s) C. Das

Notes of the Registry	Date	Order of the Tribunal
	20.8.02 8161238/6 06.08.02 D.D. 20/8/02 P.D.	Heard Mr. M. Das, learned counsel for the applicants. Issue notice to show cause as to why the application shall not be admitted. List on 20.9.2002 for admission
Received copy of order dtd 20/8/02 and (M. Das) 20/8/02 Advocate	20.9.02 mb 1m	K. I. Sharma Member Vice-Chairman List on 27.9.02 for Admision Vice-Chairman

(2)

27.9.02 As agreed by the parties, list the matter on alongwith O.A. No. 213/02 for hearing.

Notices prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A.P.D.

Vide Dms. 2260/02267 H/10
Dtd. 26-8-02

26/8/02

I C (Shah)
Member

Vice-Chairman

mb

This case was heard alongwith 213/02.
Hearing concluded,
Judgment reserved.

Mo
A. K. Jha
4/10

11.10.02

Judgment delivered in Open Court. Kept in separate sheets. Application is dismissed. No costs.

I C (Shah)
Member

lm

30.10.2002

Copy of the Judgment has been sent to the Office for issuing the same to the appellants as well as to the Dr. C.G.S.C.

AK

P.U.C. Memo No. HC. XXI 8388-M.R.L. 0/0
5.6.06 received from The Asstt. Registrar
(I. & E) of the Hon'ble High Court by Esq.
Messenger

The P.U.C. may kindly be seen.

The W.P.(C) No. 683/02 has filed
The National Insurance Co. Ltd
against the Member, M.A.C.T., Tirunelveli.

But the Registry of the Hon'ble
High Court has wrongly returned us
the case records of OA 213/02
(N. Paul vs. U.O.Z. v.m.) and
OA 261/02 (S. Ch. Namasudra vs.
U.O.Z. v.m.) alongwith the order
Dtd 24.5.06 passed in W.P(C) No. 683/02.

So, we may perhaps return the
original case records of OA 213/02
or OA 261/02 alongwith the above
mention'd order to the Hon'ble High
Court by a special messenger for
doing the needful at their end.

Submitted for favr. of order.

16/6
8/06

No. 500
16/6/06
S.O.(T)

DR

Hon'ble

16/6/06
S.O.(T)

9/6/06

Ans
16/6/06

P.T.O

As approved by the Hon'ble V.C. at
prepage a draft letter is prepared
for returning the order d) 24.5.06 and
in W.P.(c) no 683/02 with the case
records of OA 213/02 & OA 261/02
as the case records may be misfiled
in the Hon'ble High Court.
Subm'd for favur & kind
approval.

AKH
2/16

80/Co.

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

Lex p (c)

No. 683 of 2002

Civil Rule

National Insurance Co. Ltd. Appellant

Petitioner

Member, M.A.C.T. Tinsukia Versus

Mr. S. S. Sharma

Respondent

Appellant

Mr. K. K. Bhattacharya

Opposite Party

For

Mr. S. N. Gangane etc.

Petitioner

Respondent

For

Opposite Party

Mr. Swarajit Dutta Mr. P. V. Ray Elendhury

Santosh Dutta for "B. K. K. Ray

Appeal No. 283

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature
----------------------------------	---------------	------	--

2

3

4

URGENT

Noting by Officer or Advocate	Serial No.	Date	Recd. by Officer, S. orders or proceedings	Administrative Tribunal
1	2	3	4	5
24.5.06	W.P.C. No. 683/02	BEFORE	628-7 JUN 2006	Guwahati
THE HON'BLE MR. JUSTICE A.H.SAIKIA.				

It is stated at the Bar by the learned counsel for the parties that in view of the judgment rendered in W.A No. 445/05 with analogous writ appeals (United India Assurance Vs. Member, MACT, Guwahati and others), disposed of on 3.3.06, this writ petition is not maintainable.

Consequently, this writ petition stands dismissed as not maintainable.

Interim order passed earlier stands vacated.

See/- AH SAIKIA
Guwahati

File No. L.D. 2006 R.M. dtg. 5.6.06
Copy forwarded for information and necessary action to :-

1. Member, Motor Accident Claims Tribunal Tribunal, Tinsukia, Assam.
2. United India Insurance Co. Ltd., Regional Office at GS Road, Guwahati.
3. National Insurance Co. Ltd., having its registered office at Middleton Street, Kolkata, and one of the Regional Offices at GS Road, Guwahati and a Branch office at 47 Sond, Tinsukia, District - Tinsukia, Assam.
4. Deputy Registrar, Central Administrative Tribunal, Guwahati Bench, Rajgarh Road, Bhengaghat, Guwahati-781005. He is requested to acknowledge receipt of the following case records. This has a reference to his letter No. CAT/GW/68/2001/Jad1/273 Dated 17.6.2003.

Enclosure :- 1. C.C. 213/2002 'A' Part.
2. C.C. 261/2002 'A' Part.

2 Enc. 1419

By Order

Asstt. Registrar(I&E)
Guwahati High Court, Guwahati

So (J)

Mn Somnath
N.S.
14.6.06

John
31/5/06

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 213 of 2002 and 261 of 2002

Date of Order: This the 11th Day of October 2002.

HON'BLE MR. JUSTICE K. K. MACHADURAY, VICE-CHAIRMAN
HON'BLE MR. K. K. SHARMA, ADMINISTRATIVE MEMBER

O.A.No.213 of 2002.

Shri Himangshu Paul
S/O. Late Phani Bhusan Paul Ex. Group 'D'
Village -Karatigram, P.O. Rongpur
P.S. Silchar, Dist. Cachar, Assam

At present working as Post man in Halflong Sub-Post Office,
under Sub-divisional Inspector of PO's Halflong
Sub-Division, Halflong. ... Applicant.

By Advocate Mr. Monoram Das

-Vs-

1. Union of India,
Represented by the Secretary to the Govt pf India,
Ministry of Communication,
Cabinet Secretariate, Samsad Marg.
New Delhi-110001.
2. The Director General,
Department of Post, Samsad Marg
Dak Bhawan, New Delhi-110001
3. The Chief Postmaster General, Assam Circle,
Guwahati-781001.
4. The Postmaster General,
Assam Region, Dibrugarh
5. The Sr. Supdt. of post office,
Cacher Division, Silchar-788001
6. The Asstt. Supdt.of PO's
North Sub-Division, Silchar-788001
7. The S.D.I.P.O's
Halflong Sub-Division, Halflong-788819.
8. The Sub-Postmaster,
Halflong-788819. ... Respondents.
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.

O.A.No.261 of 2002

1. Sri Gopal Ch. Namasudra
S/o. Late Gopendra Namasudra,
Ex-Group 'D', Ward No. 4
P.O. Lala
Dist. Hailakandi
2. Sri Nilotpal Roy
S/O. Late Nikinjya Ch. Roy,
Ex-Postman, Gumra Bazar.
P.O. Kalain, Dist. Cachar

contd/-

3. Sri Kajal Das
S/O Late Suniti Bala Das,
Ex-Group 'D', Vill. & P.O. Barkhola,
Dist. Cachar.

4. Sri Babudhan Dhree
S/O Late Bijoy Kumar Dhree,
Ex-OS Mail
P.O. Pallorabond,
Dist. Cachar.

... Applicants.

By Advocate Mr. Monoranjan Das

-Vs-

1. Union of India,
Represented by the Secretary
to the Govt. of India,
Ministry of Communication,
Cabinet Secretariat,
New Delhi-110001.
2. The Director General
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110001.
3. The Chief Post master General
Assam Circle, Meghdoot Bhawan,
Guwahati-781001.
4. Teh Sr. Supdt. of POs.
Cachar Division,
Silchar-788001.
5. The Sr. Post Master,
Head Post Office,
Silchar-788001
6. The Postmaster,
Head Post Office
Hailakandi,
7. The Sub-Divisional
Inspector of POs
Hailakandi.
8. Sub-Divisional
Inspector of POs, West Sub-Division,
Silchar.

... Respondents.

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

O_R_D_E_R.

K.K. SHARMA, MEMBER (ADMN):

Both the applications are taken up together as
15. There is
issue involved with the same, one applicant in O.A.No.213
of 2002 and four applicants in O.A.No.261 of 2002. The four

contd/-

LC Wsham

applicants in O.A.No.261 of 2002 have been allowed to pursue their grievances by a common by a common application under the provision of Rule 4(5)(a), CAT(Procedure) Rules, 1987. All the applicant were approved for inclusion in the waiting list of Postman on compassionate ground on different dates. By an order dated 11.6.2002 the applicants were allotted the post of GDS on compassionate ground. All the applicants they have been working as Postman with some breaks in continuity in service. It is claimed that the applicants are approved candidates for Postman cadre against regular vacancy enlisted for future absorption against relevant quota. The applicant had been engaged against vacant post of Postman. By letter dated 22.6.2001 the Respondents called for willingness of the applicants for job in other Department. The relevant portion of the letter is reproduced below:-

"Sub: Discontinuation of waiting list of candidates approved for compassionate appointment
willingness of the approved candidates for consideration by other ministries.

The following approved candidates were allotted to your unit for working in short term vacancies.

You are requested to intimate whether they are willing for job in other department. If so submit a list of willing approved candidates at an early date as desired by the C.O. Guwahati for taking the matter with other ministries and alongwith the Directorate."

The applicants conveyed the willingness for appointment in other department. The applicants however, requested the Postmaster General, Assam Region to regularise them in the vacant posts against which they were working continuously working. It is stated that by letter dated 3.9.2001 the applicants were informed that they would be absorbed in the cadre in due course, as there was no vacancy then. The letter dated 3.9.2001 is reproduced below:-

U.Uhary
contd/-

"Sub: Prayer for appointment of Postman in compassionate ground.

Refer your representation dated 22.05.2001 I am directed to inform you that your case will be considered in due course of time. There is no vacancy under compassionate ground at present."

Thereafter, by letter dated 24.8.2001 it was informed to the applicant that the waiting list for compassionate appointment was discontinued and the Directorate had decided that the applicant would be considered for the post of G.D.S. but the applicants did not opt for G.D.S. It is stated that the applicant shall be deprived existing benefit and they have been performing the duties against the vacant post.

2. Mr.M.Das learned counsel appearing on behalf of the applicants argued that the action of the respondents in not considering the absorption of the applicant in the post of Postman is illegal and violative of Article 14 of the Constitution. The Respondents offered the applicants a lower post than one which they were holding. Mr.M.Das learned counsel also stated that there are vacancies in the Department of post but the Respondents have not been engaged. The Respondents issued Notification dated 11.6.2002 by which they have allotted the candidates for compassionate appointment against GDS posts. He also argued that there are existing vacancies in the department and the applicants been approved candidates for compassionate appointments to be posted against existing vacancies.

3. The Respondents have filed their written statement and Mr.A.Deb Roy, Sr.CG.S.C. represented the Respondents. It is stated that the waiting list was being prepared for absorption in future vacancy for compassionate appointment. The applicants' names were kept in the panel of waiting list for absorption in future vacancy as compassionate cases. The applicants in the waiting list were being engaged in

short time leave vacancies as per necessity and they could not be absorbed permanently. Since there will be more delay in their employment permanently against vacant post, it was decided by the department to offer them with some lower post if willing to accept such employment but they denied to accept such employment and claimed for their permanent employment in Postman cadre. Mr.A.Deb Roy, Sr.C.G.S.C. argued that there was a scheme for appointment on compassionate ground within the ceiling of 5% of direct recruitment vacancies in each year. Thus out of 20 vacancies for direct recruitment, one was available for compassionate appointment. A waiting list was prepared as there were no available vacancies for compassionate appointment. In order to minimise hardship the ^{short term} applicant ~~occurred~~ were short offered vacancy term due to leave. There is no possibility of the applicants being appointed against the regular post.

4. I have considered the submission made on behalf of the parties and have also perused the records. The application is decided on the basis of the facts of the case. The appointment letter issued to the applicant in O.A.No.213 of 2002 is reproduced below:-

"In pursuance of the SSPOB Silchar Memo No.B1/Rectt./Relax/Misc. dated 28.12.98 Shri Himungshu Paul approved for appointment in Postman cadre on compassionate ground and kept in panel for absorption in future relaxation vacancies by C.O. is hereby engaged on short term duty in the event of the undersigned and kept attached to G.C. College. So, against an unfilled vacancy until further orders.

Shri Himungshu Paul should clearly understand that the engagement is purely temporary basis and he cannot claim any seniority/pay benefit in future for such short term engagement."

The subsequent application also shows that the applicants were appointed for short term duties. The letter dated 24.8.2001 by which the applicants were offered the post of

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GDS is extracted below:-

" This is to inform you that since wait listing of candidates for compassionate appointment has been dispensed with, chance of absorption of these approved candidates in the waiting list against vacancies available within 5% ceiling of direct recruitment quota is remote. This may cause hardship to the approved candidates who have been waiting for quite a long period. In consideration of this aspect the Postal Directorate has decided to consider such waitlisted candidates for appointment against vacant posts of GDS(Gramin Dak Sevak) if they are willing and eligible for the post.

As per information of the Directorate you are requested to submit your willingness or otherwise and choice of place if any for taking appointment against vacant Gramin Dak Sevak post.

This recruitment will be made subject to

1. Fulfilment of all required conditions of recruitment like educational qualification etc.
2. Approved applicants with their acceptance of GDS post would have no further claim for appointment on any special consideration against regular departmental vacancies and that they would have to take their turn as per present departmental policy for GDS in the matter of their appointment against future departmental vacancies. All undertaking in this regard may be submitted with your willingness.

This offer will be valid for one year."

There is no dispute that the applicants have not been offered compassionate appointment. The regular appointment on compassionate ground depends on Rules and Regulations/Guidelines on the subject. There is no dispute that there is a quota of 5% of regular direct recruitment vacancies for appointment on compassionate ground. Mr.A.Deb Roy, Sr.C.S.C. submitted that there is no vacancy for Postman post. The vacancy position for the years from 95 to 2001 is given below:

Uchhaw
contd/-

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"Vacancy position of Postman and Group D
year wise

Year	Postman	Group D
1995	-	5
1996	06	6
1997	16	5
1998	12	3
1999	11	4
2000	03	4
2001	08	3

As such no appointment on compassionate ground could be offered to the applicants. In the circumstances the respondents have sympathetically considered the case of the applicants. The applicants have been offered the post of GDS, which is a lower post than that of Postman. Mr. A. Deb Roy, Sr.C.G.S.C. argued on behalf of the respondents that the inclusion of name of the applicants in the waiting list for compassionate appointment has not conferred any rights for regular appointment. As such offer of appointment to the post of GDS was justified.

5. I have given careful consideration to the submissions, made on behalf of the parties and also perused the record. The Govt. provided a scheme for giving immediate relief to Govt. employees dying while in service by giving compassionate appointment to a dependent relation. The courts have not approved of compassionate appointment being given long after the death of the employee. The scheme has provided for a quota and it is not that dependent of every employee dying in service will be offered appointment. The name of the applicants appeared in

Ulhaq
contd/-

15

waiting list for compassionate appointment. The Courts have not approved the delay in offering compassionate appointment. The applicants could not be appointed on compassionate ground within the quota of 5% of vacancies available for direct recruitment of post man. The vacancy position given by respondents shows that there was no vacancy for compassionate appointment during the years 1995-2001. The respondents do not anticipate any such vacancies in the future. This has been informed to the applicants. Keeping the names of the applicants in waiting list gives rise to a false hope. The respondents had valid reasons for discontinuing the waiting list. The action of the respondents in offering alternative appointment of GDS cannot be faulted. I find no illegality in the impugned order. The applicants have not acquired right to a regular appointment outside the quota for compassionate appointment simply because there name was included in the waiting list for appointment on compassionate ground even if they have worked in short term leave vacancies. It is not the case that the respondents have appointed persons outside the waiting list against vacancies for compassionate appointment.

The applications stand dismissed. There shall be no order as to costs.

Sd/MEMBER (Adm)

LM

FORM - I

19/8/02
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

O.A. NO. 26 of 2002

Title of the Case :

Between

Sri Gopal Chandra Namasudra

..... Plaintiff

- VS -

Union of India & Others

..... Respondent

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filed by : Sri M. Das, Advocate

MS
19/8/02

MONORANJAN DAS
ADVOCATE, SILCHAR

- 1) Gopal Ch. Namasudra
- 2) Nilotpal Roy
- 3) Kajal Das
- 4) Babudhan Dhree

Signature of applicant.

O.A. No. 261 of 02

For use in Tribunal's Office

DATE OF FILING

REGISTRATION NO.

SIGNATURE OF REGISTRAR

1. Gopal Namasudra
2. Nilotpal Roy
3. Kajal Das
3. Babudhan Dhar

18
Monoranjan Das
Advocate, Silchar

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

Application Under Section 19 of the Central Adminis-
trative Tribunal Act, 1985.

O.A. No. 261 of 2002.

BETWEEN

Ch.

1. Sri Gopal Namasudra,
S/O Late Gopendra Namasudra,
Ex-Group 'D', Ward No. 4,
P.O. Lala
Dist. Hailakandi.
2. Sri Nilotpal Roy,
S/O Late Nikunja Ch. Roy,
Ex-Postman, Gumra Bazar,
P.O. Kalain, Dist. Cachar.
3. Sri Kajal Das
S/O Late Suniti Bala Das,
Ex-Group 'D', Vill. & P.O. Barkhola,
District Cachar.
4. Sri Babudhan Dhree
S/O Late Bijoy Kumar Dhree,
Ex-O.S. Mails,
P.O. Pallorbond,
District Cachar.

..... Applicants.

A N D

Contd. P/2.

1. Gopalk Narayana
2. Shilopal Roy
3. Satyajit Das
4. Babulchandree

19
M/18102
MONORANJAN DAS
ADVOCATE, SILCHAR

1. Union of India,
Represented by the Secretary
to the Govt. of India,
Ministry of Communication,
Cabinet Secretariat,
New Delhi - 110 001.
2. The Director General,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi - 110 001.
3. The Chief Postmaster General,
Assam Circle, Meghdoot Bhawan,
Guwahati - 781001.
4. The Sr. Supdt. of POs
Cachar Division,
Silchar-788001.
5. The Sr. Post Master,
Head Post Office,
Silchar-788001.
6. The Postmaster,
Head Post Office
Hailakandi.
7. The Sub-Divisional
Inspector of POs
Hailakandi.
8. The Sub-Divisional
Inspector of POs, West Sub-Division,
Silchar. Respondents.

1. Gopal Ch. Narophade
2. Lila Thakur Roy
3. Kanta DAS
4. Babulchandra DAS

20
My
15/10/02
MONORANJAN DAS
ADVOCATE, SILCHAR

PARTICULARS OF APPLICATIONS

1. Particulars of the orders against which this application is made :

This application is made and directed against the following orders :-

- a) SSPOs/Silchar (Respt. No. 4) letter No. B1/Rectt/Relax/Misc. dated Silchar 24.8.2001, disposing with waiting list of the applicants/approved candidates on compassionate grounds.
- b) SSPOs/Silchar (Respt. No. 4) letter of even No. dated 13.2.02 for giving option for GDS post instead of post for which they were approved, with a coircion, if the applicant, do not opt for G.D.S. Post, for deletion of names from approved list.
- c) SSPOs/Silchar (Respt. No. 4) Memo of even No. dated 11.06.2002, directing the applicants to join in the post, mentioned against their names i.e. for G.D.S. post, instead of Postman/Group 'D' posts as approved earlier on compassionate ground.
- d) SSPOs/Silchar (Respt. No. 4) Memo of even No. dated 26.6.2002, directing the respondents from No. 5 to 8 to discontinue and disengage the applicants from the posts in which they have been working since 1994 and 1999, at a stretch.

1. Gopalan Narasimha
2. Nitol Thapa Roy
3. Kajal Das
4. Subash Kumar Bhattacharya

MONORANJAN DAS
ADVOCATE, SILCHAR

2. Limitation :

The applicant declare that this application has been filed well within the period of limitation prescribed under Section 21 of the C.A.T. Act 1985.

3. Jurisdiction :

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

4. Facts of the case :-

The applicants are the citizens of India and as such they are entitled to all such rights, privileges and protection as guaranteed by the constitution of India and laws framed thereunder.

4.2 That, the applicants are the approved candidates for employment on compassionate ground, selected by a Circle Selection Committee, office of the Chief Postmaster General, Assam Circle, Guwahati, Respondent No. 3 and communicated by the said Respondent vide Memo No. Staff/16-Misc/93 dated 07.12.93 to applicant No. 1 and vide memo No. Staff/16-Misc/97, dtd 6.10.97, 7.10.97 and 11.11.97 even No. ~~dated 07.10.97~~ to applicant Nos. 2 to 4, respectively.

19.8
my

Contd.....P/5.

1. Gopalan Narayana
2. Sri. K. K. Roy
3. K. K. D. D. D. D.
4. Baladevan Dhar

- 5 -

except No. 4.

The said applicants, were working since the date of approval in posts lying vacant in the respective cadres for which they were approved. The applicants are approved on compassionate ground for appointment and they have been offered temporary appointment with a precondition for no pay and seniority benefit till they are regularly engaged. There was no condition for disengagement from the officiating post. But the Respondents, firstly dispensed with approved list, secondly sought option for job in other Departments/ Ministries, thirdly, forced the applicants to opt for G.D.S. and finally allotted applicants against G.D.S. post sue moto. These applicants by this application prayed before your Hon'ble Tribunal for regularisation of service, on the basis of the settled principle of law of absorption of applicants found eligible on compassionate ground and worked for more than 240 days in an year and the relief claimed by these four applicants, are common in nature and cause of actions are also same and as such your humble applicants pray before the Hon'ble Iodrships to allow these four applicants to join together in a single application, by the virtue of Rule 4(5)(a) of C.A.T. (Procedure) Rule 1987.

1. Gopal Ch. Narasimha
2. N. K. Borthakur Roy
3. K. K. DAS
4. B. G. D. Bhattacharya

23
Copy 10/10/02
MOHAN RANJAN DAS
ADVOCATE, SILCHAR

- 6 -

The applicants have annexed a list for better appreciation of factual position regarding their service particulars and same is marked as Annexure-'A'.

4.3 That, the Respondent No. 4, by a general order, addressed to all HPMs and ASPOs(N), SDIPOs Cachar Dn. dated 22-6-01, endorsing copies to the applicants requested the latter to intimate whether they are willing to job in other Department. The subject of the letter is "Discontinuation of waiting list of candidate approved for compassionate appointment - Willingness of the approved candidates for consideration by other Ministries". The said letter is self contradictory. However the applicants gave their option in time. The impugned letter is annexed as Annexure - A-I.

4.4 That, the Respondent No. 4, vide his letter dated 24.8.01, dispensed with chance of absorption of these approved candidates for Departmental posts and considered for appointment to G.D.S. as decided by the Postal Directorate. This decision has been taken sue moto and unilaterally and unheard, and such actions on the part of the Respondents are violative

1. Gopach Narasimha
2. Nitisha Ray
3. Bajal DAS
4. B. Chetan Dhar

24
Call 10102
MR. RANJAN DAS
ADVOCATE, SILCHAR

- 7 -

of provisions of Article 14/16 of the Constitution of India. The said letter was addressed to concerned individual candidate/applicants. Copy of this letter is annexed and marked as Annexure - A-2 to A-5.

4.5 That, the Respondent No. 4, vide his letter dated 13.2.02, sought for willingness to G.D.S. post lest there is possibility of deletion of names from wait list. This letter put pressure and coircion in the minds of the applicants and places them between devil and deep sea and as a result, they have no way out but to surrender to the destiny in the hands of the respondent. Thereby, the respondents take advantage of the situation and actively depriving the applicants from their fundamental right to work for which they have been assured and expecting since past a few years. The action of the Respondents are gross violation of Article - 14/16 of the Constitution of India, the laws of the land and the Departmental Rule. The said order dated 13-2-02 is annexed with as Annexure - A-6 - A-9.

4.6 That, the Respondent No. 4, vide his Memo dated 11.06.02, conveyed the approval of the Chief

25
Copy 1/18/02
1. Gopal Ch. Namasudra
2. Jitlal Dey
3. Kaital Das
4. Bichuddan Dhere

- 8 -

Postmaster General, Assam Circle, Guwahati and thereby approved the applicants against G.D.S. posts. That this order is a discriminatory and derogatory to the applicants who have been approved against Departmental posts of Postman and Group 'D' and assured them for future absorption. The applicants at Srl. 1 to 3 were also allowed to work in vacant posts for years together on condition of no benefit in regards to pay and seniority. But they have been offered, instead, to G.D.S. Posts which is far far below than that of the posts for which they have been approved in the year 1993, 1997 and 1999.

The copy of this memo dated 11.6.02 is annexed as Annexure - 10.

4.7. That, the applicant No. 1, Sri Gopal Chandra Namasudra, an approved candidate in Group 'D' cadre on compassionate ground and kept in panel for absorbing in future vacancies. He was approved by the Circle Office, Guwahati on 07.12.93. and since than he has been engaged against short term vacancies but disengaged him on 12.7.02, illegally.

Contd.....P/9.

MUNIBURANJAN DAS
ADVOCATE, SILCHAR

1. Gopal Ch. Narang
2. Nilotpal Roy
3. Kajal Das
4. Beldam Dhar

Copy 1st 8/10/2
MONORANJAN DAS
ADVOCATE, SILCHAR
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For brevity and precision copies of a few papers in favour of the applicant No. 1 are annexed as Annexure - A-11(a) to A-11(g).

4.8. That, the applicant No. 2 Sri Nilotpal Roy has been approved for appointment under relaxation of normal rules in the cadre of postman by the Circle Selection Committee held on 23.9.97. Thereafter, he has been engaged against vacant post of Postman, from 02-1-99 and relieved on 01-7-02, illegally.

Copies of supporting documents/papers are annexed herewith as Annexure - A-12(a) to A-12(i).

4.9. That, the applicant No. 3, Sri Kajal Das, has been approved for appointment under relaxation of normal recruitment rules in the cadre of Group 'D' by the Circle Selection Committee held on 26.9.97. Thereafter, he has been engaged against vacant post of Group 'D' from 22.3.99 to 18.6.2002 at Silchar H.P.O. He was disengaged arbitrarily and illegally.

Copies of supporting documents/papers are annexed as Annexure A-13(a) to A-13(h).

1. Gopal Ch. Narasinha
2. Nitin Chal Roy
3. Kajal Dass
4. Babudhan Dass

22

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MONORANJAN DAS
ADVOCATE, SILCHAR

4.10 That, the applicant No. 4, Sri Babudhan Dass, has been approved for appointment in Group 'D' cadre under relaxation of normal recruitment rules in accordance with C.O. letter No. Staff/16-Misc/97 dated Guwahati 11.11.99. This applicant has not been engaged against any Group 'D' vacant post. However, he has been offered a G.D.S. post in another District i.e. Hailakandi which is about 100 Km. from his permanent address in Cachar District. Therefore, the action of the Respondents are arbitrary, and malafide.

Copies supporting his claim are attached as Annexure A-14(a) and A-14(b).

4.11 That, these applicants are dependants of Ex-Govt. servants who died in harness and left families in indigent and precarious conditions and as such the Department, after a due and thorough deliberation found their claim genuine and fit for compassionate appointment and hence approved them with an assurance for future absorption.

4.12 That, the applicants 1, 2 and 3 had been engaged against vacant posts and they continued as such with an understanding that they would not claim benefit

1. Gopalkh Narosuke
2. Vilothpal Ray
3. K. T. Das
4. Dibubhondhoo

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Mon, 27/10/22
MONORANJAN DAS
ADVOCATE, SILCHAR

of pay and seniority for that temporary arrangement likely to be continued till their regular absorption and till the regular arrangement made for the vacant post. But the applicants were not absorbed in spite of vacancies available for direct recruitment since last couple of years and these applicants have been discharged from officiating vacant post lying vacants and they have not been absorbing in the vacant posts since last three years. Detailed particulars of these applicants are given in enclosed Annexure - A.

5. Ground for Relief with legal provisions :

5.1 For that it is a settled principle of law that the denial of benefit and privileges vested upon the applicants by the competent authority shall in no case be custailed or withdrawn, unless otherwise than by and through due process of law.

5.2 For that the denial of stipulation to absorb in future vacancy by the respondents is illegal, arbitrary and violative of Article - 14 and 16 of the Constitution of India and hence the action and inaction of the respondents are liable to be set aside ab initio.

1. Gopalchand Narayne
2. Nitobhupad Ray
3. Kajal Das
4. Baluch Dhan Dhee

29

Monoranjan Das
Advocate, Silchar
Dated 19/10/02

- 12 -

5.4 For that the benefit which the worker in the Department of post are deriving having been based on Hon'ble Supreme Court's Judgement and the judgement delivered in the case of casual labourer of the Department of Telecommunication and more so, the Departments are within the same ministry, then, be no earthly reason as to why the same benefit should not be extended to the present applicants No. 1 to 3.

5.5 For that the applicant has been found fit for compassionate appointment and have been approved, against Departmental post of Postman for applicant No. 2 and Group 'D' for applicant Nos. 1, 3 and 4. Apex court had laid down as a matter of law that whenever an appointment is claimed on compassionate grounds and whenever the claimant is found fit for such an employment there can be no refusal to give an employment on the ground that no vacancy exists and it becomes the duty on the employer to create a supernumerary post and give the employment,

Citation : Satyabhama Uma Gaikwad (Smt.) - V - U-0.1; ATR 1993 (1) CAT 321 Bombay Xerox copy of this principle is annexed as Annexure A-15.

Contd....P/13.

1. Gopayal Narayana
2. Shilottopal Roy
3. Kaival Das
4. Debashish De

22
On 19/10/02
MONJU RANJAN DAS
ADVOCATE, SILCHAR

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5.6 For that, in the present case three of the four applicants have worked for more than three consecutive years and in each year they have worked for more than 240 days. The Chart has been prepared on authentic papers with the applicants. The applicants fully satisfied both the conditions that they worked for more than three years consecutively and in each year they worked for more than 240 days and hence they are entitled for regularisation, though the respondents enforced to give six monthly breaks of a day or two for taking shelter of hyper-technical view of discontinuity in service.

In this ground, the applicants pray to draw attention of this Hon'ble Tribunal to the decision of C.A.T. Allahabad in "Kailash and others -Vs - Union of India and others, C.A. No. 396 of 1997, date of judgement - 13-02-2001. Reported in (12/2001 Swamys News 58) Copy is annexed as Annexure A-16.

5.7 For that, the appointment/employment on compassionate grounds is governed by the principle of appointment in relaxation of normal recruitment

1. Gopal Ch. Narasappa
2. Shobhitpal Roy
3. Kajal DAS
4. B. Abenabha Devi

29/10/2002
MONORAM JAIN DAS
ADVOCATE, SILCHAR

- 14 -

rules. Appointment on compassionate ground is based on indigent condition of the bereaved family of the deceased employee and the scheme is intended to reach succour to the needy and is to provide immediate financial assistance to Govt. employee's family. Therefore, this can not be denied on any plea, not to speak of non-availability of post. But in fact there are several posts vacant and no direct recruitment made since last five years as per knowledge of your applicants instead promotional appointments are made each year. The respondents are quite aware of and have account of the vacant posts in Postman and Group 'D' cadre. As such denial of absorption after assurance is barred by the operation of settled principle of law by implication of promissory estoppel. Your lordships ^{set} get the precedent in Kajal Deb -Vrs- U.O.I, O.A. - 234 of 1993 decided on July 19, 1994. Reported by ATC (1995) 29 A.T.C. 404. Copy of this case is enclosed as Annexure A-17.

5.8 For that, the issuance of letter dated 22/6/01; 24/8/01; 13/2/02; 11/6/02 and 26/6/2002 is illegal, and arbitrary which explicitly displays

Contd....P/15.

1. Gopal Ch. Narasimha
2. Nittothpal Roy
3. Kartik Das
4. Ch. Choudhury Dina.

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22/9/862
MONORANJAN DAS
ADVOCATE, SILCHAR

- 15 -

non-application of mind of the respondents and as
These
such these orders to be set aside ab initio.

5.9 For that, in view of the matter the action
and/or inaction of the respondents are not
sustainable in the eye of law and equity and as such
liable to be set-aside and quashed.

The applicants crave leave of this Hon'ble
Lordships to advance and put forth more grounds both
factual and legal at the time of the hearing of this
application.

6. Details of remedies exhausted :

6.1 That the applicants were disengaged and did
not absorb to the posts promised but forced to give
option for G.D.S. post instead. The applicant has
no scope for redressal and as such the provision of
exhaustion of remedy is not a condition precedent for
presenting an application against an order of absorption
to derogatory post carrying 1/3rd salary than those
for which they have been approved for appointment
(Annexure A.10).

6.2 That, the applicants, on the fact of the given
case, prays before your Lordships to consider that in
the interest of justice and in view of the emergent

1. Gopaldh. Narophuk
2. Shilothpal Roy
3. Kaitol Das
4. Bhulabhai Patel

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MONORANJAN DAS
ADVOCATE, SILCHAR

situations, the Hon'ble Tribunal may kindly entertain this application for admission without insisting on exhaustion of Departmental remedies, lest your humble applicants will sustain and suffer irreparable loss and injury.

6.3 That, your Lordships has scope to admit the application without insisting upon the exhaustion of statutory remedy on the ground that the impugned orders of the respondents stated ante is a general order passed by the Respondents affecting large numbers of employees including the applicants.

6.4 That, the applicants, on the facts of the given case, prays before this Hon'ble Tribunal to consider that in the interest of justice and in view of the emergent situations, your Lordships may kindly entertain this application for admission without insisting on exhaustion of Departmental remedies, lest your humble applicants will sustain and suffer irreparable loss and injury.

7. Matters not previously filed or pending in this or any other court.

7.1 That, the applicants further declare that they have not filed previously any application, writ petition or suit regarding the grievances, against

1. Gopal K. Narasimha
2. Shilothpal Ray
3. Baital Das
4. B. Chakraborty

34
MONORANJAN D.
MONORANJAN D.
ADVOCATE, SUCHE

which this application is made, before this or any other Tribunal or any other authority nor any such application before any of them.

8. Relief sought for :

Under the above fact and circumstances the applicant most respectfully pray that the instant application be admitted, records be called for and after hearing of the parties on the cause or causes that may be shown and on the perusal of records, be grant the following reliefs to the applicants :-

8.1 To set aside and quashed the order dated 22.6.01 - Annexure - A-1
Order dated 24.8.01 - Annexure A 2-5
Order dated 13.2.02 - Annexure A 6-9
Order dated 11.6.02 - Annexure A-10.
with further direction to the respondents to extend the benefit of the arrangement made for the applicants for future absorption to the concerned approved cadre for which the applicants have been enpanelled.

8.2 To direct the respondents to engage the applicants to the vacant posts (Departmental) and to regularise their services with all consequential benefits.

8.3 Cost of the application.

1. Gopaldh. Narzane
2. Sekh. Thpal By
3. Bajal Das
4. B. Choudhury

35

Monoranjan Das
Advocate, Silchar

8.4 Any other relief(s) to which the applicants are entitled to under the fact and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

9. Interim order :

The applicant prays before the Hon'ble Tribunal to pass an interim order directing the respondents to engage the applicants to the vacant posts available and to allow them to work as such pending disposal of this application.

10. This application is filed through Advocate :

Sri Monoranjan Das,
Advocate, Guwahati.

11. Particulars of the I.P.O. :-

- 1) I.P.O. No. :- 8-16-123816 - Rs 50/-
- 2) Date of issue :- 6-8-2002
- 3) Purchased from :- Silchar Court P.O.
- 4) Payable at :- Guwahati.

12. List of enclosures :-

As mentioned in the Index.

1. Gopal Namasudra
2. Nilotpal Roy
3. Bajal Das
4. Abdul Ghani

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M. S. 1978 02
MONORANJAN DAS
ADVOCATE, SILCHAR

VERIFICATION

I, Sri Gopal Namasudra, aged about years,
S/O Late Gopendra Namasudra of Ward No. 4, Lala Town,
Dist. Hailakandi, by profession - Service, by caste -
Hindu, by nationality - Indian, do hereby solemnly
affirm and verify that the statements made in paragraph
4.1 to 4.12 are true to the best of my knowledge and
belief and the rests are my submission before the Hon'ble
Tribunal.

I have not concealed any material facts of this case.

And

I sign this verification on this the day of
August, 2002.

1. Gopal Namasudra
2. Nilotpal Roy
3. Bajal Das
4. Abdul Ghani
Signature

Advocate.

Annexure - 'A'LIST SHOWING DETAILS OF SERVICE OF APPLICANTS

Srl. No.	Name	Letter of approval	Approved for post	Engaged against post	Date of engagement	Date of disange- ment	Date of Breaks	Working days month, years.
1.	Sri Gopal Namasudra	Staff/16-100/ 93 dated 07-12-93.	Group 'D'	Group 'D'	20-1-99	12-7-02	20/21.7.99 20.1.2K 20.7.2K 19-21.01.01 19-22.7.01 19-21.1.02	3 years. 5 months
2.	Sri Nilotpal Roy	Staff/16-Misc/ 97 dated 06-10-97.	Postman	Postman	02-1-99	1-7-02	No break	3 years 6 months.
3.	Sri Kajal Das	Staff/16-Misc/ 97 dated 07-10-97.	Group 'D'	Group 'D'	22.3.99	18-6-02	16.9.99 15.11.99 13.12.99	3 years 3 months
4.	Sri Babudhan Dhree	Staff/16-Misc/ 97 dated 11.11.99.	Group 'D'	Nil	-	-	-	-

MONORANJAN DAS
ADVOCATE, SILCHAR

MONORANJAN DAS
ADVOCATE, SILCHAR

Annexure-A-1.

Regd AD.

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

To

The all HPMs and ASPOs (N)
SDIPOs in Cachar Dn.

No. B1/Recrt/Relax/Misc

Dated at Silchar the 22-06-2001.

Sub:- Discontinuation of waiting list of candidates approved for compassionate appointment-willingness of the approved candidates for consideration by other ministries.

The following approved candidates were allotted to your unit for working in short term vacancies.

You are requested to intimate whether they are willing for job in other department. If so, submit a list of willing approved candidates at an early date as desired by the C.O, Guwahati for taking the matter with other ministries and also with the Directorate.

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

Copy to:-

1. The concerned candidates. They are to submit their willingness within three days on receipt of the letter.
2. Smt. Smriti Kona Das, S/O Late Buddhamoy Das, Badarpur to an approved candidate in P/A. Cadre may also be submitted her willingness or otherwise.

*Sri Gopal Basumatary
wkg as go to
Dai Lakshmi*

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

MJ 19/7/02

*MONDAY DAFT DAY
ADVOCATE, SILCHAR*

Annexure - A-2

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

To

Shri Gopal Namasudra
 S/o Late Gohendra Namasudra
 077 as Group 'D' Hailakandi

No. B1/Recit/Relax/Misc

Dated at Silchar the 24-08-2001.

Sub:- Compassionate appointment proposal of candidates approved and waitlisted.

This is to inform you that since wait listing of candidates for compassionate appointment has been dispensed with, chance of absorption of these approved candidates in the waiting list against vacancies available within 5% ceiling of direct recruitment quota is remote. This may cause hardship to the approved candidates who have been waiting for quite a long period. In consideration of this aspect the Postal Directorate has decided to consider such waitlisted candidates for appointment against vacant posts of GDS (Gramin Dak Sevak) if they are willing and eligible for the post.

As per instruction of the Directorate, you are requested to submit your willingness or otherwise and choice of place if any for taking appointment against vacant Gramin Dak Sevak post.

This recruitment will be made subject to:-

1. Fulfilment of all required conditions of recruitment like educational qualification etc.
2. Approved applicants with their acceptance of GDS post would have no further claim for appointment on any special consideration against regular departmental vacancies and that they would have to take their turn as per present departmental policy for GDS in the matter of their appointment against future departmental vacancies. An undertaking in this regard may be submitted with your willingness.

This offer will be valid for one year.

Deed
 (I.C. SARMA)
 Sr. Supdt of Post Offices
 Cachar Dn. Silchar-788001

MD 19/8/02

MONORANJAN DAS
ADVOCATE, SILCHAR

Annexeure - A-3

Recd. A-1

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

To

Shri Nilofpal Roy
Sto. Late N. Kuriya Ch Roy
Ex. Postman, Gumarbazar
Kazirgan

No. B1/Recit/Relax/Misc.

Dated at Silchar the 24-08-2001.

Sub:- Compassionate appointment proposal of candidates approved and waitelisted.

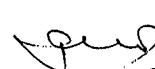
This is to inform you that since wait listing of candidates for compassionate appointment has been dispensed with, chance of absorption of these approved candidates in the waiting list against vacancies available within 5% ceiling of direct recruitment quota is remote. This may cause hardship to the approved candidates who have been waiting for quite a long period. In consideration of this aspect the Postal Directorate has decided to consider such waitelisted candidates for appointment against vacant posts of GDS (Gramin Dak Sevak) if they are willing and eligible for the post.

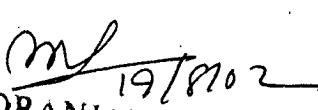
As per instruction of the Directorate, you are requested to submit your willingness or otherwise and choice of place if any for taking appointment against vacant Gramin Dak Sevak post.

This recruitment will be made subject to:-

1. Fulfilment of all required conditions of recruitment like educational qualification etc.
2. Approved applicants with their acceptance of GDS post would have no further claim for appointment on any special consideration against regular departmental vacancies and that they would have to take their turn as per present departmental policy for GDS in the matter of their appointment against future departmental vacancies. An undertaking in this regard may be submitted with your willingness.

This offer will be valid for one year.


(I.C. SARMA)
Sr. Supdt of Post Offices
Cachar Dn. Silchar-788001


19/8/02
MONORANJAN DAS
ADVOCATE, SILCHAR

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Annexure - A-4

Regd Ad

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

To

Shri Kajal Das
Smt. Sumi Barua Das, Ex group 'D'
GDS as group 'D' Silchar SPO

No. B1/Recit/Relax/Misc

Dated at Silchar the 24-08-2001.

Sub:- Compassionate appointment proposal of candidates approved and waitlisted.

This is to inform you that since wait listing of candidates for compassionate appointment has been dispensed with, chance of absorption of these approved candidates in the waiting list against vacancies available within 5% ceiling of direct recruitment quota is remote. This may cause hardship to the approved candidates who have been waiting for quite a long period. In consideration of this aspect the Postal Directorate has decided to consider such waitlisted candidates for appointment against vacant posts of GDS (Gramin Dak Sevak) if they are willing and eligible for the post.

As per instruction of the Directorate, you are requested to submit your willingness or otherwise and choice of place if any for taking appointment against vacant Gramin Dak Sevak post.

This recruitment will be made subject to:-

1. Fulfilment of all required conditions of recruitment like educational qualification etc.
2. Approved applicants with their acceptance of GDS post would have no further claim for appointment on any special consideration against regular departmental vacancies and that they would have to take their turn as per present departmental policy for GDS in the matter of their appointment against future departmental vacancies. An undertaking in this regard may be submitted with your willingness.

This offer will be valid for one year.

(H.C. SARMA)
Sr. Supdt of Post Offices
Cachar Dn. Silchar-788001

19/8/02
MONORANJAN DAS
ADVOCATE, SILCHAR

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

To

Babudhan Dube
Shri Late Bijoy Kr Dube
Ex Ofc Cash
Silchar PO

No. BI/Rectt/Relax/Misc

Dated at Silchar the 24-08-2001.

Sub:- Compassionate appointment proposal of candidates approved and waitlisted.

This is to inform you that since wait listing of candidates for compassionate appointment has been dispensed with, chance of absorption of these approved candidates in the waiting list against vacancies available within 5% ceiling of direct recruitment quota is remote. This may cause hardship to the approved candidates who have been waiting for quite a long period. In consideration of this aspect the Postal Directorate has decided to consider such waitlisted candidates for appointment against vacant posts of GDS (Gramin Dak Sevak) if they are willing and eligible for the post.

As per instruction of the Directorate, you are requested to submit your willingness or otherwise and choice of place if any for taking appointment against vacant Gramin Dak Sevak post.

This recruitment will be made subject to:-

1. Fulfilment of all required conditions of recruitment like educational qualification etc.
2. Approved applicants with their acceptance of GDS post would have no further claim for appointment on any special consideration against regular departmental vacancies and that they would have to take their turn as per present departmental policy for GDS in the matter of their appointment against future departmental vacancies. An undertaking in this regard may be submitted with your willingness.

This offer will be valid for one year.

Peek

(I.C. SARMA)
Sr. Supdt of Post Offices
Cachar Dn. Silchar-788001

MONORANJAN DAS
19/8/02
ADVOCATE, SILCHAR

Annexure - A-6

3-11-01

regd A.D

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

To

Shri/Smt. Gopal Naresh Saha
 Shri Late Gopendra Naresh Saha
 979 Gopnagar
 Hailakandi

No. B1/Rectt/Relax/Misc

Dated at Silchar the 13-02-2002.

Sub:- Compassionate appointment- proposal of candidates approved and wait listed for GDS (Gramin Dak Sevak) Posts.

Please refer to this office letter of even no. dated 24-08-2001 wherein you are asked to submit your willingness for GDS Post. But no reply has since been received from your end.

GDS post is to offer those willing approved candidates of Group 'C' and 'D' cadre who are in the waiting list subject to their fulfilling all required conditions of GDS recruitment and availability of vacancy.

It may be mentioned for your information that there is possibility of deletion of name of candidates from the wait list who are unwilling to accept GDS posts.

Therefore, you should give your willingness in clear terms whether you are agreeable to accept GDS post.

Your reply must be sent to this office on the date of receipt of this office letter.

This is most urgent.

Monoranjana Das
 To Sr. Supdt of Post Offices
 Cachar Dn. Silchar-788001

Monoranjana Das
 19/2/02

MONORANJAN DAS
 ADVOCATE, SILCHAR

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Annexure - A7:

Regd

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

To

Shri/Smt. *Nilotpal Roy*
S/o: *Lalit Nikunja Ch Roy*
Ex. *Postman* *Gonvabazar*
Po. Kalain.

No. B1/Rectt/Relax/Misc

Dated at Silchar the 13-02-2002.

Sub:- Compassionate appointment- proposal of candidates approved and wait listed for GDS (Gramin Dak Sevak) Posts.

Please refer to this office letter of even no. dated 24-08-2001 wherein you are asked to submit your willingness for GDS Post. But no reply has since been received from your end.

GDS post is to offer those willing approved candidates of Group 'C' and 'D' cadre who are in the waiting list subject to their fulfilling all required conditions of GDS recruitment and availability of vacancy.

It may be mentioned for your information that there is possibility of deletion of name of candidates from the wait list who are unwilling to accept GDS posts.

Therefore, you should give your willingness in clear terms whether you are agreeable to accept GDS post.

Your reply must be sent to this office on the date of receipt of this office letter.

This is most urgent.

ACM GP
To Sr. Supdt of Post Offices
Cachar Dn, Silchar-788001

18/8/02
MONORANJAN DAS
ADVOCATE, SILCHAR

Annexure- A-8

y. 11

Recd/10

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

To

Shri/Smti..... *Kajal Das*
 Shri/Smti..... *Suniti Bala Das ex go 'D'*
 *as goonp 'D' Silchar to*

No. B1/Rectt/Relax/Misc

Dated at Silchar the 13-02-2002.

Sub:- Compassionate appointment- proposal of candidates approved and wait listed for GDS (Gramin Dak Sevak) Posts.

Please refer to this office letter of even no. dated 24-08-2001 wherein you are asked to submit your willingness for GDS Post. But no reply has since been received from your end.

GDS post is to offer those willing approved candidates of Group 'C' and 'D' cadre who are in the waiting list subject to their fulfilling all required conditions of GDS recruitment and availability of vacancy.

It may be mentioned for your information that there is possibility of deletion of name of candidates from the wait list who are unwilling to accept GDS posts.

Therefore, you should give your willingness in clear terms whether you are agreeable to accept GDS post.

Your reply must be sent to this office on the date of receipt of this office letter.

This is most urgent.

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

MD
 19/8/02
 MONORANJAN DAS
 ADVOCATE, SILCHAR

4
-29-

Annexure- A-9

Q-11

regd Ad

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

To

Shri/Smt. Babhudhan Dree
S/o. Late Bijoy K. Dree
Ex. O/S. Cash
Silchar STO

No. B1/Rectt/Relax/Misc

Dated at Silchar the 13-02-2002.

Sub:- Compassionate appointment- proposal of candidates approved and wait listed for GDS (Gramin Dak Sevak) Posts.

Please refer to this office letter of even no. dated 24-08-2001 wherein you are asked to submit your willingness for GDS Post. But no reply has since been received from your end.

GDS post is to offer those willing approved candidates of Group 'C' and 'D' cadre who are in the waiting list subject to their fulfilling all required conditions of GDS recruitment and availability of vacancy.

It may be mentioned for your information that there is possibility of deletion of name of candidates from the wait list who are unwilling to accept GDS posts.

Therefore, you should give your willingness in clear terms whether you are agreeable to accept GDS post.

Your reply must be sent to this office on the date of receipt of this office letter.

This is most urgent.

Ch. Y
for Sr. Supdt of Post Offices
Cachar Dn, Silchar-788001

M
29/2/02
MUNICIPAL BOARD
ADVISORY, SILCHAR

DEPARTMENT OF POSTS : INDIA
 OFFICE OF THE SENIOR SUPDT OF POST OFFICES
 CACHAR DIVISION, SILCHAR-788 001

Memo No. B1/Recit/Relax/Misc

Dated at Silchar the 11-06-2002.

The following candidates as approved by the Chief Postmaster General Assam Circle, Guwahati No. Staff/16-Rig/88/Part dated 10-05-2002 and R.O Dibrugarh No. Staff/23-Approved Case/99/RP dated 14-05-2002 for compassionate appointment against GDS posts are hereby ~~allotted to~~ appointed the post noted against their names.

Name and address	Particulars of approval by C.O	Post against which approved	Allotted GDS post for absorption
1. Smt. Smritikana Das, Sister of late Buddhamoy Das, Ex-P/A, Badarpur SO	Staff/16-Misc/97 dated 11-11-99	PA	ED Stamp Vende Badarpur
2. Sri Nilotpol Roy, S/O late Nikunja Ch. Roy, Ex-Postman, Gumarbazar	Staff/16-Misc/97 dated 06-10-97	Postman	EDDA-C-EDMC, Chinukandi
3. Himangshu Paul, S/O late Phani Bh. Paul, Ex-Group D, P&T Dispensary, Silchar	Staff/16-Misc/97 dated 06-10-97	Postman	ED Packer, Karnamadhu
4. Smt. Arati Rani Deb, W/O late Gopal Ch. Deb, Ex-Postman, Tarapur S.O	Staff/16-Misc/97 dated 06-10-97	Postman	ED Packer, Kumbhir
5. Sri Gopal Namasudra, S/O late Gopendra Namasudra, Ex-Group D' Cachar Dn	Staff/16-100/93 dated 07-12-93	Group D'	EDDA, Bhairabnagar (Lakhi salan)
6. Sri Sanjib Kr. Sengupta, S/O late Sukhendu Sengupta, Ex-SPM, Badarpur Bazar	Staff/16-103/93 dated 07-12-93	Group D'	EDMC, Ranikhet, Ranuvaliha TE
7. Sri Jayanta Debnath, s/o late Benode Behari Debnath, Ex-Group D' Haflong	Staff/16-105/93 dated 07-12-93	Group D'	ED Packer, Kalinagni
8. Sri Kajal Das, s/o Smt. Sunu Bala Das, Ex-Group D' Silchar	Staff/16-Misc/97 dated 07-10-97	Group D'	EDDA-C-EDMC Chengurghat (Binni Kandighi)

MD
 19/6/02
 MONORANJAN DAS
 ADVOCATE, SILCHAR

58.

9. Sri Babudhan Dhree S/O late Bijoy Kr. Dhree, Ex-O/S Cash, Silchar H.O	Staff/16-Misc/97 dated 11-11-99	Group 'D'	EDDA-C-EDMC Darriarghat Grant (in account Manipurbagan S.O)
---	------------------------------------	-----------	--

Their appointment is subject to the following condition:

Since the candidates have accepted the GDS Post, they would have no further claim for appointment on any special consideration against regular departmental vacancies for which they were initially approved and that they would have to take their turn as per present departmental policy for GDS in the matter of their appointment against future departmental vacancies. For this, they will submit their undertaking to their respective appointing authorities before joining to the post of GDS.



(J. K. BARBHUIYA)
Sr. Supdt of Post Offices
Cachar Dn. Silchar- 788001

Copy to:-

1. The Chief Postmaster General, Assam Circle, Guwahati-781 001 w.r.t his letter no cited above.
2. The Postmaster General, Dibrugarh Region, Dibrugarh-786 001 w.r.t his No. Staff/23-Approved Case/99/RP dated 03-09-01 and 14-05-02.
- 3-5. The Sr. Postmaster, Silchar/Postmaster, Karimganj/Hailakandi H.O for information.
- 6-10. The ASPOs (N) Sub-Dn./SDIPOs, West/Hailakandi/Karimganj Sub-Dn. for information. They will obtain requisite undertaking as per instruction given above and issue posting and appointment letters to the candidates immediately. The undertaking should be duly countersigned and forward to this office for record. An candidate if declined to submit declaration or refuse to join against the post, the fact should be intimated immediately to this office.
- 11-19. The concerned candidates. They will submit undertaking before joining.
- 20-22. Spare.



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

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Annexure - A - II

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SENIOR SUPDT OF POST OFFICES
CACHAR DIVISION, SILCHAR-788 001

To

1. The Sr. Postmaster, Silchar H.O.
2. The Postmaster, Karimganj/Hailakandi H.O.
3. The ASPOs (N)/SDIPOs, West/South/
Karimganj/Hailakandi/Haflong Sub Dn.
4. The SPM, Haflong S.O.

No. B1/Recd/Relax/Misc

Dated at Silchar the 26-06-2002.

Sub:- Absorption of wait listed candidates approved for compassionate ground.

Please refer to this office memo of even no. dated 11-06-2002 regarding issue of posting order of the approved candidates allotted against their name. Please send a copy of posting order to this office early. Approved candidates who are working against short term vacancies should be relieved immediately under intimation to this office.


(J. K. BARHUIYA)
Sr. Supdt of Post Offices
Cachar Dn. Silchar- 788001

Attested
W. S. D.
TOWN COMMITTEE
HAFLONG

MD
19/6/02
MONORANJAN DAS
L. V. GATE, SILCHAR

A-32-

Annexure A.I-②

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

Memo No. B1/Recrt/R_elax/Misc Dated at Silchar the 12/01/99.

In accordance with C.O Guwahati memo No. Staff/ 16-Misc/93 dtd. 07-12-93 and 07-10-97 the following applicants have been approved for appointment in Group 'D' cadre on compassionate ground and kept in panel for absorbing in the future relaxation vacancies by the C.O.

The following approved candidates may be engaged on short term duty by the concerned unit heads of this Division against their name, in the unfilled vacancies of Group 'D' cadre or in leave vacancies of Gr. 'D' as and when fall in with clear understanding that they can not claim any seniority/pay benefit in future for such term of engagement.

Sl No.	Name of applicant	Name of deceased/ official	Unit to which attached for engagement on short term basis
1.	Sri Gopal Ch. Namasudra	S/O Lt. Gopendra Ch. Namasudra Ex-Group 'D' Cachar	SPM, Hailakandi (in vacant post of Group 'D')
2.	Sri Sanjib Sengupta	S/O Lt. Sukhendu Sengupta Ex-P/A, Cachar Dn.	SDI(P) Karimganj
3.	Smt. Giribala Barman	W/O Lt. Nirmal Kr. Barman Ex-Gr. 'D' Cachar Dn. P&T Dispensary, Silchar	SDI(W) Sub-Dn. Silchar
4.	Sri. Kajal Das	S/O Smt. S.B. Das Ex-Gr. 'D' Silchar	Sr. Postmaster. Silchar

The concerned unit Heads may obtain undertaking before engagement of concerned candidates, if any as stated above without fail.

The unit Heads are also requested not to engage any outsider except approved candidates in short term vacancies.

Sd/-
(J.K. BARBHUIYA)
Sr. Supdt of Post Offices
Cachar Dn. Silchar-788001

Copy To:-

1. The Sr. Postmaster, Silchar H.O.
2. The Postmaster, Karimganj H.O./Hailakandi H.O.
- 3-5. The SDI (W) Sub-Dn./SDI, Karimganj Sub-Dn.
- 6-9. Concerned candidates.

10. Sppr?

MONORANJAN DAS
19/86 2

MONORANJAN DAS
ADVOCATE, SILCHAR

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

Annexure - A - (b)

To

The Sr. Supdt. of Post Offices,
Cachar Division, Silchar-788001.

Through the Post Master, Hailakandi H.O.

Sub:- Willingness to work in other Ministries.

Ref:- S.S.P.O's Silchar No. Bl/Rectt/Relax/Misc dated
22.06.2001.

Sir,

With reference to your bove letter I beg to state that I am willing to work in other Ministries in case of discontinuation of compassionate appointment in postal department. In this connection I further beg to state that I shall be highly obliged if your honour can kindly consider my appointment in postal department as I have already worked for some time in this department and gathered some experience which may help me in discharging my duties in future if appointed in this department.

Yours faithfully

Gopal Ch. Namasudra

(Gopal Ch. Namasudra)
C/O Late Gopendra Namasudra
Ex Group "D"
Vill-Bishnupur, P.O.-Lala.
Dist-Hailakandi-788163.

MONORANJAN DAS
MONORANJAN DAS
A VOCATE, SILCHAR

19/8/01

Annexeure-A-11 (c)

-34-
SV

From: Sri Gopal Namasudra
S/o late Gopendro Namasudra
Offg. Group 2.
Hariakondi
on 26/2/2002.

To The Senior Superintendent of Post Offices
Cachar or Silchar.

Sub: Compassionate appointment. Proposal of
Candidate approved adwait listed for G.O.S.
Posts.

Ref: Silchar letter no = B1/Recd/H/Relax/Mix
dt 21.2.2002

Ss

With reference to your above cited letter,
I beg to inform you that I am willing to work
as G.O.S (Golmen Dak Sevak) and my choice
Place is Dala (Dist. Hariakondi) and its nearby
Area.

Yours faithfully

- Gopal Namasudra
(GOPAL NAMASUDRA)

Offg. Group 2.
Hariakondi

MD
19/2/2002
MONORANJAN DAS
ADVOCATE, SILCHAR

Annexure - A-11 (d)

TO

The Sr. Supdt Of P O'S
Cachar Dvn.
Silchar.

Sub=Compassionate appointment proposal of candidate
approved and waitelisted.

Ref: S.S.P Sc NO.B1/RECTT/RELAX/MISC
dtd.24-8-01.

Sir

With reference to your above cited letter I beg to inform you
that I am willing to work as GDS [Gramin Dak SAVAK] and my
choice of place is Lala [Dist. Hailakandi] and its near by area.

Yours faithfully

Dtd. Hailakandi
The 21.2.02

✓
[Gopal Namasudra]
s/o.Late Gopendra Namasudra
offg group "D"
HAILAKANDI HO.

M. 19/8/02

GRAMIN DAK SAVAK
HAILAKANDI HO.

Again Submitted on 26/27.2.02

Annexure - A - 11 (e)

DECLARATION

yours faithfully,

Go patch Namibia

(Gopal Ganesan)

P.C. ~~Go '3'~~ Ahila Kandi H.O.
Dist. ~~Go '3'~~ Haila Kande

MONORANJAN DAS
MONORANJAN DAS
ADVOCATE, SILCHAR

Amritsar-A-11-^t



भारतीय डाक विभाग

DEPARTMENT OF POSTS, INDIA

(संस्करण 267, डाकनार विभाग का खण्ड I, द्वितीय संस्करण)
(Second Edition, 1961, Posts and Telegraphs Financial Handbook, Volume I, Second Edition)

चार्ज को बदली पर जान रिपोर्ट और नकदी और टिकटों की रसीद
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि:
Certified that the charge of the office of

Deep R.
Hailakandi

वार्ता... Assumed (नाम) Gopal Namashudra
was made over by (name)

(नाम) को
to (name)

स्थान
at (place)

तारीख को रुपयां में

अपराह्न

on the (date). 20.1.79 fore noon in accordance with
after

सं०
No.

तारीख
Dated

के अनुसार दे दिया।
from

भारतीय अधिकारी
Relieving Officer

भारतीय अधिकारी
Relieving Officer

[मुक्ता]
[P.T.O.]

MONORANJAN DAS
ADVOCATE, SILCHAR



Amrauerne-A-11-(g)
ACU-61

115
Post Master
Silakandi-788151

certified that the charge of the office
of 'G.D', Silakandi 788 was being
relieved by Sri Gopal Narasimha, G.D'
at (place) Silakandi on the (date)

12.7.2002 FIN in accordance with
AFN

Gopal Narasimha

Relieved Officer

Relieving Officer

MD
19/8/02
MONORANJAN DAS
ADVOCATE, SILCHAR

Annexure - A 12 - ②

DEPARTMENT OF POST
OFFICE OF THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE:
GUWAHATI - 1

No. Staff/16-Misc/97 dated at Guwahati the 4.11.97

To,

Sri Nilotpal Roy
s/o late N C Roy
Ex Postman, Gumrabazar

Subject :- Appointment under relaxation of normal
recruitment rules.

You have been approved for appointment under
relaxation of normal recruitment rules in the cadre of
Postman/~~MO~~, by the Circle Selection Committee held on
23.9.97.

P.S.
(I C SARMA)
APMG(STAFF)
O/O CPMG: GUWAHATI-1

MONORANJAN DAS
MONORANJAN DAS
ADVOCATE, SUCCY

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

Memo No. B1/Recrt/Relax/Misc Dated at Silchar the 22-12-98.

In accordance with C.O Guwahati memo No. Staff/16-Misc/97 dtd. 06-10-97 the following applicants have been approved for appointment in Postman cadre on compassionate ground and kept in panel for absorbing in the future relaxation vacancies by the C.O.

The following approved candidates may be engaged on short term ~~vacancy~~ ^{duty} by the concerned unit heads of this Division against their name, in the unfilled vacancies of Postman cadre with clear understanding that they cannot claim any seniority/pay benefit in future for such term engagement.

Sl No.	Name of Applicant	Name of deceased Official	Unit to which attached for engagement on short term basis
1.	Sri Nilotpal Roy	Late S/o Nikunja Ch. Roy, Ex-Postman Gumrabazar	Silchar H.O
2.	" Himangshu Paul	S/o Lt. Phani Bhushan Paul Ex-Gr. 'D' P&T Dispensary	ASPOS, Silchar North.

The concerned unit heads may obtain undertaking before engagement of concerned applicants if any, as stated above without fail.

Sd/-
 (J.K. BARBHUTYA)
 Sr. Supdt of Post Offices
 Cachar Dn. Silchar-788001

Copy To:-

1. The Sr. Postmaster, Silchar H.O.
2. The ASPOS, Silchar (N) Sub-Dn. Silchar.
- 3-4. Concerned candidates.
- 5-6. In file.
- 7-8. Spare.

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

MD
 19/8/02
 MONORANJAN DAS
 ADVOCATE, SILCHAR

-41-

Annexure - A-12 (A)

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SENIOR SUPERINTENDENT OF POST OFFICES,
CACHAR DIVISION, SILCHAR- 788 001

Memo N o. B1/Rectt/Relax/Misc

Dated Silchar the 8-6-2000

Shri Nilotpal Roy an approved candidate working as postman Silchar H.O. is now hereby re-allotted to the unit of SDIPOs West Sub-Division Silchar.

The candidate may engage in the vacant Post at Gumrabazar as short term duty staff with clear understanding that he cannot claim any seniority/pay benefit in future of engagement.

Sd/-
(J.K. BARBHUIYA)
Sr. Supdt of Post Offices
Cachar Dn. Silchar-788001

Copy to:-

1. The Sr. Postmaster, Silchar for information and necessary action.
2. The SDIPOs, West Sub-Division, for information and necessary action. An undertaking may please be obtained from the candidates before engagement as stated above.
3. Shri Nilotpal Roy S/O Late Nikunja Roy Ex-Postman.
4. Concerned file of the candidate.
5. Spare.

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

MD
MONORANJAN DAS
19/8/02
ADVOCATE, SILCHAR

42
60

Annexeone-A-12(d)
Dept. of Posts, India

0/0 ~~See Sub Divl Inspector of Post Office
Silchar West Sub Dn
Silchar-788001~~

Memo No. A1/ staff-misc dttd at Silchar on 26.6.2000

In pursuance of the So. Supdt. of Pos, Cachar Dn, Silchar memo No. B1/ Recd/ Relax/misc dttd 8.6.2000, the following order is issued to have immediate effect.

Sri Nilotpal Roy, an approved candidate now working as Postman, Silchar Ho. is hereby ordered to work as Postman, Gumra Bazar B.O. in account with Kalain So. in the vacant Postman Suklal Namasudra, Postman, Gumra Bazar B.O. who expired on 3.4.2000.

Sri Nilotpal Roy is hereby engaged as short term duty staff with clear understanding that he will be not entitled any seniority/ pay benefit in future engagement.

Sd/-
(B.K.Das)

Sub Divl Inspector of Post Office
Silchar West Sub Dn
Silchar-788001

Copy to:-

- 1) The So. Supdt. of Pos, Cachar Dn, Silchar-1
- 2) The Postmaster, Silchar Ho.
- 3) The Postmaster, Karimganj Ho.
- 4) The Pm, Kalain So.
- 5) The Bm, Gumra Bazar B.O. (Kalain)
- 6) Sri Nilotpal Roy
- 7) File B2/ Nilotpal Roy
- 8) OIC

Ac
26/6/00
(B.K.Das)

Sub Divl Inspector of Post Office
Silchar West Sub Dn
Silchar-788001

MS
MONDANJAN DAS
ADVOCATE, SILCHAR

To

The Superintendent of Post's
Cachar, Division, Silchar-1.Sub: Compassionate appointment proposal of Candidate
approved and waitlisted for GDS (Gramin Dak Sevak)

Ref: Your letter No.BI-Rectt/Relex/Misc. Dtd.13.2.02.

Sir,

With due respect, I beg to lay the following facts before you for your kind sympathetic and favourable consideration.

That Sir, I have been working temporary as postman, Siichar H.P.O. since 2-1-99 to 3-7-00 after than ordered me to join at ~~Gum~~umabazar BO under Kalain so as postman under vacant post. Vide SSpos Memo No.BI/Rectt/Relx/Misc/Dated 8-6-00 and I join in ~~Gum~~umabazar BO on 4-7-00 and continuing as such till date, I have been approved for appointment in Post man Cadar on comopssionate ground, I have been leaving at Kalain with my old ~~and~~ ailing mother and unmarried sister two(2) younger brother, my mother who is bed-ridden and. Moreover her physical condition is not good. The attending physician of my mother has advised restricted movement. This is the situation which has rendered me unable to leave Kalain. Now to wark-against a G.D.S. (Post) outside as I am the only earning member of my Mother and my staying with has at Kalain is absoletely necessary. As per norms of t relaxation rule. I am supposed to look after the welfare of my mother.

The circumstances being so I most fervently appeal to you kindly to exemph me from accepting this new assignment. (to work against a G.D.S. Post out side Kalain) so, that I may continue as before for the sake of my old ailing mother for which act of kindness, I shall remain ever grateful.

Dated, Silchar.

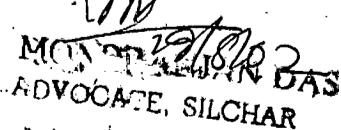
Yours faithfully,

Nilothpal Roy

(NEETHPAL ROY)

S/O Late. Nekunja Roy.

P.O. Kalain.


 MONIL KUMAR DAS
ADVOCATE, SILCHAR

@@@

DEPARTMENT OF POSTS: INDIA

Divl Inspector of Post Of^{ce}
Silchar
Sub Di
Silchar 786001

1. No. A1/Staff/2002 dtd Silchar the
27.6.02.

The following orders are issued
to have immediate effect for
the interest of service.

1. Sri Nilotpol Roy, Approved ^{Temporary} Candidate, Off as Postman at Gurmukh Bazar B.O. is hereby directed to hand over the charge of Postman to the BPM Gurmukh Bazar B.O. immediately & join as EDDA Clerk EDME Chiru Kandi B.O. submitting required undertaking to the B.P.M.

2. Sri Joy Kanta Roy B.P.M Gurmukh Bazar B.O. will officiate as Postman, Gurmukh Bazar B.O. offering a suitable nominee to his place.

Sd/-

Divl Inspector of Post Of^{ce}
Silchar Sub Di
Silchar 786001

Copy to 1) The Post master Karimganj to
for information & enc
2) Sri Nilotpol Roy. Dr if no
& enc

3) The B.P.M Gurmukh Bazar B.O
4) the Sr Super of Post Cashier
Division Silchar ~~for info & enc~~

MONORANJAN DAS
ADVOCATE, SILCHAR
19/6/02
51018

23/6/02

9/2 Rank
Annexure-A-12 (ग्रन्त प्रेसिडेंसी
भारतीय डाक विभाग)
H.O. 788561/A.C.G.-61

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

(खेत्र 1, नं. 267, डाक-तार वित्त पुस्तका का खण्ड I, द्वितीय संस्करण)
(See Part 1, Posts and Telegraphs Financial Handbook, Volume I,
Second Edition)

चार्ज को बदली पर चार्ज रिपोर्ट और नकदी और टिकटों की रसीद
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि
Certified that the charge of the office of

Speed Postman

चार्ज...
was made over by (name) *Sri Nilofal Roy*

(नाम) को
to (name)

स्थान
at (place) S

तारीख... को *पूर्वाह्न* में
अपराह्न

on the (date) *29/1/98* fore noon in accordance with

No. Est/1-1/92/Ch. II Dated 22-12-98 क्रमांक 164
सं. No. 31/Recd/Relax/Misc Dated 22-12-98 SSP/3
from

भारमुक्त अधिकारी
Relieved Officer

Sri Nilofal Roy
भारतीय अधिकारी
Relieving Officer

[कृपा]
[P.T.O.]

MONORANJAN DAS
MONORANJAN DAS
ADVOCATE, SILCHAR

1/2/61/99 Annexure-A (h)

ए. सी. जी. ०-६१ / A.C.G.-६१

सरकारी डाक विभाग
DEPARTMENT OF POSTS, INDIA
(देविए नियम २६७ डाक-तार वित्त पुस्तका का खण्ड I, द्वितीय संस्करण)
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume I,
Second Edition)

चार्ज की बदली पर चार्ज रिपोर्ट और नकदी और टिकटों की रसीद
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि
Certified that the charge of the office of *Postman* का
Silcher Ho.

चार्ज *Nilothpal Roy* (नाम) ने
was made over by (name) *Silcher Ho.*

(नाम) को *Silcher Ho.* स्थान
to (name) at (place)

तारीख *3.0.6.91* को *पूर्वाह्न* से
अपराह्न

on the (date) *3.0.6.91* *fore* noon in accordance with

सं. *1* तारीख *3.0.6.91* के अनुसार हुई दिया।
No. Dated from

Nilothpal Roy
भारमुक्त अधिकारी
Relieved Officer

प्रत्याही अधिकारी
Relieving Officer

[क्र०प०३०
[P.T.O.

M/19/8/02
MONORANJAN DAS
ADVOCATE, SILCHAR



Assam - A-12(i) सी. ०६०-६१ / A.C.G-६१

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

(दोखर नियम 267, डाक-तार वित्त पुस्तका का खण्ड I, द्वितीय संस्करण)
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume I,
Second Edition)

1/7/62 चार्ज की बदली पर चार्ज रिपोर्ट और नकदी और टिकटों की रसीद
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि
Certified that the charge of the office of *Postmaster* ^{का} *Nilothil Ray* ^{by} *Postmaster*
Bo.

चार्ज (नाम) ने
was made over by (name) *Nilothil Ray*

(नाम) को *Jay Kanta Ray*

तारीख: 1/7/62 को पूर्वाह्न में
अपराह्न

on the (date) 1/7/62 fore noon in accordance with

स्थान
at (place) *Golak Dihing*

सं०
No.

तारीख
Dated

के अनुसार दे दिया।
from

Nilothil Ray
भारतमुक्त अधिकारी
Relieving Officer

Jay Kanta Ray
भारतीय अधिकारी
Relieving Officer
[शून्य] [P.T.O.]

2/7/62
MONORANJAN DAS
ADVOCATE, SILCHAR

Annexure A/3 @

DEPARTMENT OF POST
OFFICE OF THE CHIEF POSTMASTER GENERAL:ASSAM CIRCLE:
GUWAHATI--1

No. Staff/16-Misc/97 dated at Guwahati, 4.11.97

To,

✓
sri Kajal Das
son of Smti S B Das
Ex Group-D, Silchar

Subject :- Appointment under relaxation of normal
recruitment rules.

You have been approved for appointment under
relaxation of normal recruitment rules in the cadre of
Group-D by the Circle Selection Committee held on 26.9.97.

Deo
(I C SARMA)
APMC(STAFF)
O/O CPMG: GUWAHATI-1

M. 19/8/02
MONORANJAN DAS
ADVOCATE, SILCHAR

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

Memo No. B1/Rectt/R_elax/Misc Dated at Silchar the 12/01/99.

In accordance with C.O Guwahati memo No. Staff/16-Misc/93 dtd. 07-12-93 and 07-10-97 the following applicants have been approved for appointment in Group 'D' cadre on compassionate ground and kept in panel for absorbing in the future relaxation vacancies by the C.O.

The following approved candidates may be engaged on short term duty by the concerned unit heads of this Division against their name, in the unfilled vacancies of Group 'D' cadre or in leave vacancies of Gr. 'D' as and when fall in with clear understanding that they can not claim any seniority/pay benefit in future for such term of engagement.

Sl No.	Name of applicant	Name of deceased/ official	Unit to which attached for engagement on short term basis
1.	Sri Gopal Ch. Namasudra	S/O Lt. Gopendra Ch. Namasudra Ex-Group 'D' Cachar	SPM, Hailakndi (in vacant post of Group 'D')
2.	Sri Sanjib Sengupta	S/O Lt. Sukhendu Sengupta Ex-P/A, Cachar Dn.	SDI (P) Karimganj
3.	Smt. Giribala Barman	W/O Lt. Nirmal Kr. Barman Ex-Gr. 'D' Cachar Dn. P&T Dispensary, Silchar	SDI (W) Sub-Dn. Silchar
✓4.	Sri Kajal Das	S/O Smt. S.B. Das Ex-Gr. 'D' Silchai	Sr. Postmaster. Silchar

The concerned unit Heads may obtain undertaking before engagement of concerned candidates, if any as stated above without fail.

The unit Heads are also requested not to engage any outsider except approved candidates in short term vacancies.

Sd/-
(J.K. BARBUIYA)
Sr. Supdt of Post Offices
Cachar Dn. Silchar-788001

Copy To:-

1. The Sr. Postmaster, Silchar H.O.
2. The Postmaster, Karimganj H.O./Hailakndi H.O.
- 4-5. The SDI (W) Sub-Dn./SDI, Karimganj Sub-Dn.
- ✓649. Concerned candidates.

10- Spur'e

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

M
MONORANJAN DAS
ADVOCATE, SILCHAR

To

The Sr. Supdt. of Post Offices,
Cachar Division,
Silchar-788001.

(Through the Sr. Postmaster,
Silchar H.O.-788001)

Sub: Discontinuation of Waiting list of candidates
approved for compassionate appointment -Willingness of the approved candidates for consideration by other Ministries.

Ref.: Your letter No.B1/Recrt/Relax/Misc dt.22.6.2001.

Sir,

With reference to your letter cited, I beg to submit my willingness to serve in other Department.

Moreover, I beg to inform you that I am serving at Silchar H.O. as Group-D since 22.3.99 as an approved candidate. Presently, there are vacancies in Group-D cadre at Silchar H.O. due to retirement and death.

I therefore, request your honour would kindly absorb me as a Group-D Silchar H.O. where vacancies available for compassionate appointment.

And for this act of kindness, I shall remain grateful.

Yours faithfully,

Dated, Silchar
The 28th June, 2001.

Kajal Das

(KAJAL DAS)
S/O. Smt. Suniti Bala Das
Working as Group-D, Silchar H.O.

M/ 97862
MONORANJAN DAS
A VOCATE, SILCHAR

Annexure - A-13 (a)

TO WHOM IT MAY CONCERN .

Certified that Shri Kajal Das S/O late Amulya Kumar Das (Ex-Group 'D' Silchar H.O.) is an approved candidate in Group 'D' Cadre and he has been working in officiating capacity in Group 'D' Cadre since last few years. He is a strong young and energetic boy and able to take responsibility in all types of works in Group 'D' Cadre.

He is sincere and nothing known adverse against his character.

Date :- 16.8.01

(A. SAHAR)

Deputy Postmaster ,Silchar H.O.
Deputy Postmaster
Silchar H.O.

MONORANJAN DAS
ADVOCATE, SILCHAR

000

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Annexure - A-13 (e)

To

The Sr. Supdt. of Post Offices,
Cachar Divn., Silchar-788001.

Sub:-

COMPASSIONATE APPOINTMENT PROPOSAL OF CANDIDATES
APPROVED AND WAIT-LISTED FOR G.D.S. (GRAMIN
DAK SEVAK).

Ref:-

YOUR LETTER NO. BI-RECTT/RELEX/MISC. DT-13.02.2002.

Sir,

With due respect, I beg to lay the following
facts before you for your kind sympathetic and favourable
consideration.

That Sir, I have been working temporarily as Group'D' Silchar H.O. Since 22.3.99 and continuing as such till date. I have been approved for appointment in Group-D Cadre on Compassionate ground. I have been living here with my old and blind mother (Smt. S.B. Das, Ex- Group-D, Silchar HO) who is completely blind of her two eyes and can not move without proper support. Moreover, her physical condition is not good and often remains bed-ridden. The attending physician of my mother has advised restricted movements. In fact at every step she needs my support for her day to day activities. This is the situation which has rendered me unable to leave Silchar now to work against a G.D.S (Post) outside as I am the only Fulcrum of my mother and my staying with her at Silchar is absolutely necessary. As per norms of the relaxation rules, I am supposed to look after the welfare of my mother.

The circumstances being so, I most fervently appeal to you kindly to exempt me from accepting this new assignment (to work against a G.D.S. post outside Silchar) so that I may continue as before for the sake of my old and blind mother for which a ct of kindness, I shall remain ever grateful.

Dated, Silchar,
The 12-3-02 2002.

Yours faithfully,

Kajal das

(KAJAL DAS)
S/O. LATE. S.B. DAS,
SILCHAR.

MONORANJAN DAS
ADVOCATE, SILCHAR

£ £ £ £

-53-

Annexure - A-13 (F)

DECLARATION

I, Sri Kajal Das son of Smti. Suniti Bala Das, Ex-Gr. 'D', Silchar H.O, do hereby declare that since I have accepted the GDS post, I am willing to work as GDS as per decision of the department of Post until clear vacancy of Gr. 'D' is available for which I was initially approved as per departmental norms.

Dated : Silchar
The 11-7-2002.

Kajal Das
(KAJAL DAS)
S/o. Smt. Suniti Bala Das
P.O. Silchar H.O.
Dist. Cachar.

M.D. Das
MUNORANJAN DAS
ADVOCATE, SILCHAR

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X2

Annexure- A-13 (8)

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SENIOR SUPDT OF POST OFFICES
CACHAR DIVISION, SILCHAR-788 001

To

Shri Kajal Das
(an approved candidate on relaxation ground)
P.O- Silchar

No. B1/Réctt/Relax/Misc

Dated at Silchar the 08-07-2002.

Sub:- Absorption of wait listed candidates approved for compassionate appointment.

Ref:- Your declaration dated 04-07-2002.

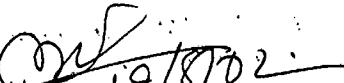
Undertaking in connection with above subject submitted by you is not covered as the instruction of C.O's letter No.Staff/16-Rlg/88/Pt dated 31-01-2002. If you fail to submit declaration as per instruction of C.O. Your claim for further absorption in any cadre may liable to be cancelled.


(J. K. BARBHUIYA)
Sr. Supdt of Post Offices
Cachar Dn. Silchar- 788001

Copy to:-

The ASPOs (N) Sub-Dn. Silchar w.r.t his letter no. dated 04-07-02. He is to take undertaking as per instruction of C.O's letter cited above from the candidate before joining in GDS post.


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


MONORANJAN DAS
ADVOCATE, SILCHAR

Annexure - A-13 (h) द० सी० जी०-६१ / A.C.G.-६१

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

(देविए नियम 267, डाक-तार वित्त पुस्तिका का खण्ड I, द्वितीय संस्करण
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume II, Part I, 2nd Edition)

चार्ज की बदली पर चार्ज रिपोर्ट और नकदी और टिकटों की रसीद
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि
Certified that the charge of the office of

Group D

चार्ज AS CLEARED (नाम) ने
was made over by (name) Kajal Das

(नाम) को
to (name)

स्थान
at (place)

तारीख को पूर्वाह्न में
अपराह्न

Silchar

on the (date) 22/3/99 fore noon in accordance with
after

सं०
No.

तारीख
Dated

के अनुसार दे दिया ।
from

Kajal Das

भारमुक्त अधिकारी
Relieved Officer

भारतीय अधिकारी
Relieving Officer

200.00
P.T.O.

19/3/99
AJUNORANJAN DAS
ADVOCATE, SILCHAR

Annexure - A-14 (a)

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

Memo No. Staff/16-Misc/97

Dated at Silchar the 22/11/99

In accordance with C.O's letter No. Staff/16-M18e/97 dated Guwahati 11-11-99 the following applicants are approved for appointment, in PA/Postman/Group 'D' cadre as noted against their names under relaxation of normal recruitment rules.

It is clarified that above cases have only been approved for recruitment under relaxation rules by the Circle selection committee and the said approval does not confer upon the approved candidates any right for immediate absorption as their appointment will be further subject to availability of vacancies as per the extent rules governing the recruitment under relaxation of normal rules.

Their appointment will further be subject to verification of their eligibility which will be verified on the appointment authentics from the original records.

They will be absorbed as & when allotted to the Division by the DC/RO as per availability of vacancy to that.

The approved applicants will be required to produce original certificates especially certificate of educational qualification, date of birth etc.

		C.O No.
1. Smt. Smiritikona Das	P/A cadre Staff/23-19/97/RP	
Sister of Budhamoy Das		
Ex-P/A Darrapur S.O.		
2. Smt. Arati Rani Deb	R.O No.	
W/O Lt. Gopal Ch. Deb	Postman Staff/23-2/98/RP	
Ex-Postman Tapapur S.O.		
3. Sri Pramesh Ch. Das	Group 'D' Staff/23-2/96/RP	
S/O Mantu Das Patni		
Ex-Postman, Karimganj		
4. Sri Babudhan Dhiree	Group 'D' Staff/23-18/96/RP	
S/O Late Sijoy Kr. Dhiree		
Ex-O/S Cash Silchar H.O		

J.K.
J.K. BAREHUIYA
Sr. Supdt of Post Offices
Cachar DN, Silchar-788001

Copy To:-

1. The all P.O's for information and necessary action.
2. The concerned candidates for submission of their original certificates.

J.K.
Sr. Supdt of Post Offices
Cachar DN, Silchar-788001

OM 29/11/99
NIRMAN DDA
A. VOOF, SINGH

Annexure - A-14-(B)

negt

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

To

The all HPMs and ASPOs (N)
SDIPOs in Cachar Dn.

No. B1/Recrt/Relax/Misc

Dated at Silchar the 22-06-2001.

Sub:- Discontinuation of waiting list of candidates approved for compassionate appointment-willingness of the approved candidates for consideration by other ministries.

The following approved candidates were allotted to your unit for working in short term vacancies.

You are requested to intimate whether they are willing for job in other department. If so, submit a list of willing approved candidates at an early date as desired by the C.O, Guwahati for taking the matter with other ministries and also with the Directorate.

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

Copy to:-

- 1. The concerned candidates. They are to submit their willingness within three days on receipt of the letter.
- 2. Smt. Smriti Kona Das, S/O Late Buddhamoy Das, Badarpur to an approved candidate in P/A. Cadre may also be submitted here willingness or otherwise.

To
Sri Babulchandra Dhere
S/o Lt. Bijoy Kr. Dhere
Ex Ofc Silchar PTO
Palashboud

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

MONORANJAN DAS
19/6/02
ADVOCATE, SILCHAR

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ANNEXURE -A 15.

Copied from CENTRAL ADMINISTRATIVE TRIBUNAL- DIGEST,
1986 - 1994.

Page 149-

(1582) - Compassionate ground- Non-existence of
vacancy- Employment against supernumerary post;

Court
Supreme had laid down as a matter of law that whenever an appointment is claimed on compassionate grounds and wherever the claimant is found fit for such an employment there can be no refusal to give an employment on the ground that no vacancy exists and it becomes the duty of the employer to create a supernumerary post and give the employment.

Satyabhama Uma Gaikwad (Smt) v Union of India,
ATR 1993. (1) CAT 321 (Bom).

MONORANJAN DAS
MONORANJAN DAS
ADVOCATE, SILCHAR

✓ Annexure-A-16

Scope and object of Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987

Facts: The applicants earlier filed O.A. No. 272 of 1990 and claimed the following reliefs: (a) to treat and absorb the applicants as Labourer on regular basis in the scale of Rs. 750-940 from dates of their appointments. (b) to pay the applicants ¹ ~~30~~th of Rs. 750 per day *plus* Dearness Allowance instead of daily rate. The OA was disposed of with a direction to the applicants to make a representation to the respondents setting out details. This was done by the applicants. The respondents have passed order, dated 20-10-1996, and have said that the applicants are not entitled for either of the reliefs. The reason stated for denying payment on monthly rate basis is that, the applicants should have put in at least 30 days' consecutive service without a break which the records do not speak. For the second relief, it has been said that the applicants were engaged on daily basis and hence there was no question of working continuously from the date of initial appointment. About the working of the applicants, a chart with regard to the period 1983 to 1989 has also been attached along with the order.

Held: Learned Counsel for the respondents has submitted that the order passed by the Tribunal has been given effect and the order may be incorrect or may suffer from some legal infirmity but that cannot be questioned under Rule 24. Since for the respondents it has been argued that under Rule 24 relief claimed in this application cannot be granted to the applicants, it is necessary to consider the scope and object of Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987. For convenience Rule 24 is reproduced below:

"ORDERS AND DIRECTIONS IN CERTAIN CASES:— "The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to the order or to prevent abuse of its process or to secure the ends of justice."

From perusal of the first part contained in Rule 24, it is clear that legislature has given wide powers to the Tribunal to make such orders or to give such directions as may be necessary or expedient to give effect to its orders. In our opinion, Rule 24 is wide enough to include a situation like in the present case. This Tribunal quite often passes

M/1978/02
MONORANJAN DAS
ADVOCATE, SILCHAR

orders directing an authority to consider and decide the representations and leaving it to the departments to give relief to the litigant who had approached the Tribunal. The directions are given to the authorities of the departments to pass orders on the basis of facts available on record as they are in better position to appreciate as the record and the facts are readily available to them. The same exercise by the Tribunal may in all cases may not be feasible and may take long time. In our opinion, legislative intent behind enacting Rule 24 in the present form is to equip the Tribunal to pass necessary orders by way of execution of earlier orders if the authorities or Government have failed to give effect to the orders and directions of the Tribunal in just, fair and legal manner and the relief has been denied in arbitrary and mechanical manner.

In the present case, all the five applicants have worked for more than two consecutive years and in each year they have worked for more than 240 days. The chart has been prepared on the basis of the record available with the respondents. The applicants fully satisfied both the conditions that they worked for two consecutive years with 240 days working in each year and they are entitled for regularization. In our opinion, respondents have denied the relief to the applicants in a mechanical manner and so also they were refused payment on monthly rate basis taking a hypertechnical view of 30 days working, which in our opinion only meant that applicants should have been available to the respondents to take work from them for all the 30 days of the month.

In our opinion, if the relief is granted under Rule 24 on the basis of the facts available on record, that will secure the ends of justice and prevent the multiplicity of the proceedings in the Tribunal by filing successive OAs. The respondents are directed to pay wages to the applicants on monthly rate basis immediately and appoint them on regular basis against the vacancies next available with the seniority as provided in the order, dated 18-9-1996, of this Tribunal and as per the extant rules.

[*Kailash and others v. Union of India and others*, 12/2001,
Swamysnews 58, (Allahabad), date of judgment 13-2-2001.]

O.A. No. 396 of 1997

MONORANJAN DAS
MONORANJAN DAS
ADVOCATE, SILCHAR

Annexure - 12

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ADMINISTRATIVE TRIBUNALS CASES

[VOL. 29]

to a month's notice of termination. As that requirement is not fulfilled the impugned order must be treated as illegal and invalid and must be set aside. As a consequence thereof the petitioner will have to be reinstated and allowed to work in the post at Imphal where he was working when the order of termination was passed. His service will be liable to be terminated only in accordance with the law and terms and conditions of the appointment. He will be deemed to have been in uninterrupted service till his service would be terminated in accordance with the law. The petitioner consequently will be entitled to the wages for the period from the date on which his termination was effected until he is reinstated. The petitioner has stated in the petition that the post at Imphal is still vacant and there would be no difficulty in allowing him to resume duty at that place in the post in which he was working prior to termination of his service. The respondents have not controverted that statement.

9. In the result the application is allowed. The impugned order of termination of the service of the petitioner dated 28-1-1993 (Annexure-3) is quashed and set aside. The respondents are directed to reinstate the petitioner in the post of skilled worker grade-I at SISI, Imphal, forthwith. The petitioner shall be treated as in continuous service from the date of termination till the date of his reinstatement, and will be entitled to all consequential service benefits. The respondents shall pay to the petitioner his wages from the date of termination to the date of reinstatement treating him as in continuous service all throughout this period.

10. In the circumstances of the case there will be no order as to costs.

✓ (1995) 29 Administrative Tribunals Cases 404

Central Administrative Tribunal, Guwahati

(BEFORE S. HAQUE, J., VICE-CHAIRMAN AND
G.L. SANGLYINE, ADMINISTRATIVE MEMBER)

KAJAL DEV

Applicant

Versus

UNION OF INDIA AND OTHERS

Respondent

O.A. No. 234 of 1993, decided on July 19, 1994

Practice and Procedure — Intervention — Locus standi for — Application challenging cancellation of his appointment — An association of employees applying for getting itself impleaded as Intervenor/respondent supporting action of off respondents — Held, it was for the aggrieved person to agitate the matter — The association had no locus standi — Its plea of public interest litigation also rejected — However, the contentions put forth by the association challenging application for appointment considered

R.K. Jain v. Union of India, (1993) 4 SCC 119; 1993 SCC (L&S) 1128; (1993) 25 ATC 25, relied on

Administrative Tribunals Act, 1985 — S. 19(1) and Explan. thereunder — Application against apprehended termination which ultimately materialised during pendency of the case before the Tribunal — Application, held on facts, not premature and therefore considered on merits

M/19/81/02
MONORANJAN DAS
ADVOCATE, SILCHAR

[595]

KAJAL DEV v. UNION OF INDIA (Guw)

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held:

One can approach the writ court against an apprehended action. Similarly, under Section 19, one can approach the Tribunal against reasonable and genuine apprehended action. (Para 11)

M.S.R. Prabhakar Rao v. Union of India, (1987) 3 ATC 871; 1988 (4) SLJ 121; *Ashok Kumar Gupta v. G.M. Eastern Railway*, 1986 (3) SLJ 450, relied on

Appointment — Eligibility conditions — Age limit — Relaxation in favour of sportsmen — Applicant appointed after verification of his original certificates — Presumption made that relaxation was granted to him expressly or tacitly (Para 13)

Appointment — Procedure — Advertisement — Applicant appointed against sports quota without advertisement of the vacancy — Government orders quoted at the bar, held on facts, applicable to Indian Audit and Accounts Department and not to other departments — Hence appointment made in an office under Ministry of Telecommunication could not be invalidated on the ground that the vacancy was not advertised (Para 14)

Appointment — Cancellation of — Estoppel against — Applicant given regular appointment against sports quota after completion of training but subsequently, his appointment sought to be cancelled on the plea that there was ban on recruitment — Government, held, estopped — Principles of natural justice and legitimate expectation also applied — Evidence Act, 1872, S. 115 — Natural justice — Legitimate expectation (Para 16)

K.L. Shephard v. Union of India, (1987) 4 SCC 431; 1987 SCC (L&S) 438; *Doki Chinar Gurubalu and Sons v. State of Orissa*, AIR 1992 Orissa 189; *Jyoti Das v. State of Assam*, AIR 1990 Gu 24, referred to

Application allowed

K-M/A-04383

Locates who appeared in this case:

B.K. Sharma, Advocate, for the Applicant;

S. Ali, Sr CGSC and Y.K. Phukan, Advocate, for the Respondents.

The Order of the Bench was pronounced by

S. HAQUE, J., VICE-CHAIRMAN.— The applicant, Shri Kajal Dev has filed his application under Section 19 of the Administrative Tribunals Act, 1985 for direction on the respondents not to terminate his service and to post him as Telephone Office Assistant (G) Grade I (TOA) after completion of training.

2. The applicant acquired experience in telecom technique by serving under the Telecom Consolidated India Ltd., a Government of India Enterprise since 1988. During 1991-92 he worked on muster-roll basis under Telecom Department, Guwahati. Since January 1992, he worked on casual basis in the Telecom Department, Guwahati. His representation dated 15-2-1993 (Annexure A-2 of the Rejoinder) for recruitment against sports quota was forwarded to TDM by the SDO (Phones) on 14-3-1993 with recommendation for regular appointment (Annexure 2 of the Rejoinder).

3. The Assam Regional Telecom Sports and Cultural Board Meeting dated 9-8-1993 presided over by CGMT decided for recruitment of sports persons against existing vacancies of the concerned. Shri Kajal Dev submitted original certificates in the office of the CGMT under the direction dated 19-8-1993 of ADT (Welfare).

4. The approval of CGMT for appointment of the applicant as TOA(G) Grade I against sports person quota under the establishment of TDM, Guwahati was conveyed by the DGM (Admin) vide order No. REC/T/3/64-93/36 dated Guwahati the 6-9-1993. This was informed to the applicant vide letter

MONORANJAN DAS
ADVOCATE, SILCHAR

No. TDM/Est-27/93-94/147 dated 29-9-1993 with direction to report for initial training of TOA(G) from 1-11-1993 (Annexures E-1 and E-3 respectively). The applicant joined training at the CTTC, Bharatmukh.

5. While undergoing the training, he apprehended withdrawal of CGMT's approval for his appointment and filed this application under Section 19 which was admitted on 16-11-1993 with direction to maintain status quo with regard to his appointment and training. In spite of such order of the Tribunal, the said approval for appointment and training was cancelled vide order no. RBCIT-3/64-93/48 dated 18-11-1993. But operation of that order dated 18-11-1993 was stayed vide order dated 23-11-1993 of the Tribunal in MP No. 102 of 1993. Contempt Petition No. 19 of 1993 was also registered against the respondents for violation of the order dated 16-11-1993. Thereupon, he was allowed to continue with the training. On successful completion of the training, the applicant was appointed provisionally as TOA(G) Grade I against sports quota vide memo No. TDM/Est-27/R&T/93-94/165 dated 11-2-1994 subject to the result of this case.

6. The respondents (Nos. 1 to 3) contested the case only on the ground that the approval of the CGMT for appointment had to be cancelled because there was total ban on recruitment. The ban order was issued on 9-5-1991.

7. The All India Telecommunication Administrative Officers' Association (hereinafter called as Union) have entered as intervenor/respondent No. 5 assailing the appointment of the applicant as TOA(G) against sports quota.

8. The main issue for decision in the case is whether the order dated 18-11-1993 cancelling the approval of appointment of the applicant is liable to be quashed with direction on the respondents (Nos. 1, 2 and 3) to issue fresh order converting provisional appointment to a regular appointment in the post of TOA(G) Grade I.

9. Learned Sr CGSC, Mr S. Ali, for respondents Nos. 1 to 3 and learned counsel, Mr Y.K. Phukan for the Union submit that the appointment of the applicant was in violation of the ban on recruitment. The circular on ban was issued on 9-5-1991. Mr B.K. Sharma, counsel for the applicant pointed out instances of recruitment in the concerned department even after the ban order. It was an admitted fact that several recruitments/appointments were made by the respondents (Nos. 1 to 3) in different branches of Telecom Department even after the ban order. Instances of recruitments in the cadre of TOA(T) and TOA(G) were narrated in para 15 of the rejoinder of the applicant. The Union wants to justify those recruitments by submitting that those were ST and SC candidates. The ban order was a general ban and did not exclude ST and SC candidates. The plea of the Union is not tenable. The respondents did not give any explanation as to how those recruitments were made. When several recruitments were admittedly made after the ban order, then the instant recruitment of the applicant against sports quota should not be allowed to be singled out for differential treatment for the ban order. The respondents Nos. 1 to 3 in their written statement in para 5 stated that on the basis of existing vacancy in the cadre of TOA(G) under TDM, Guwahati, his selection for appointment was considered and intimated as per his application and recommendation of the President of ARTSCB against outside quota and

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accordingly he has been ordered to undergo training. Under the facts and circumstances, the approval for his appointment by CGMT or appointment after completing the training cannot be bad in law.

10. Learned counsel, Mr B.K. Sharma submits that the Union has no locus standi to agitate in this matter. Mr Sharma refers to the decision reported in *R.K. Jain v. Union of India*¹ in support of his submission. Mr Y.K. Phukan submits that the Union can agitate as a public interest litigation in irregular appointments. It was held in para 74 of the decision that in service jurisprudence it is settled law that it is for aggrieved persons; i.e., non-appointee to assail the legality of the offending action depriving him from appointment. The third party has no locus standi on the legality or correctness of the action/appointment. The Union is a third party. The applicant's appointment was approved by the highest authority, namely, CGMT. Such order of appointment by a department cannot be agitated as public interest litigation. The principles laid down in the referred case is aptly applicable. Mr Phukan's submission has no force. The Union has no locus standi.

11. Mr Y.K. Phukan submits that the application under Section 19 was not maintainable on anticipated action. This submission cannot be accepted. Section 19 is to be read with Section 3(q) of the Act. The Tribunal (C.A.T.) can exercise same power as that of the writ court under Article 226 of the Constitution of India. It is well settled that against an apprehended action one can approach the writ court. Similarly under Section 19 one can approach the Tribunal against reasonable and genuine apprehended action. (Relied decisions in *M.S.R. Prabhakar Rao v. Union of India*², and *Ashok Kumar Gupta v. G.M. Eastern Rly*³). In the instant case the apprehension was genuine because it was materialised by the cancellation order dated 18-11-1993 which was challenged by the applicant in this case vide MP No. 102 of 1993 and cognizance was taken by the Tribunal vide order dated 23-11-1993 passed in MP No. 102 of 1993. This order of cancellation being a subsequent order, which was apprehended in the application, become part and parcel of the challenge in the application under Section 19.

12. It is submitted on behalf of the Union that there were other more meritorious sportsmen available for appointment and they were deprived as appointment was given to the applicant without following procedural requirements. The official respondents have not taken such a plea. No record was placed to show that applications of such sportsmen were pending at the relevant time. Thus there was no occasion for the official respondents to consider appointment of such other sportsmen. The applicant is a sports person in the field of Marathon and particularly in Table Tennis. While he was serving on casual basis under the Telecom Department, he represented the department in various sports activities, which are disclosed under 'Annexures D-1 to D-6 of the application'. He was a recognised sportsman in the department and accordingly there was no infirmity in his selection and appointment against sports quota. When the highest authority of the official respondents, i.e. CGMT

1 (1993) 4 SCC 119; 1993 SCC (L&S) 1128; (1993) 25 ATC 25

2 (1987) 3 ATC 871; 1988 (4) SLJ 121

3 1986 (3) SLJ 450

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considered the applicant fit for appointment against the sports quota, no third party can assail the order/decision of the highest authority.

13. It was also submitted by Mr Phukan on behalf of Union that the applicant was overaged at the time of appointment against sports quota. In this regard the relevant provisions of relaxation under Office Memorandum No. 15012/3/84-Est(D) dated 12-11-1987 have been quoted by the applicant at page 11 of the rejoinder. Under the circular relaxation is permissible up to 5 years in case of general candidates and up to 10 years for reserved category candidates. The applicant was appointed on verification of his original certificates and therefore, it shall be presumed that either expressly or tacitly approval for relaxation was there.

14. Mr Phukan on behalf of the Union submitted that there was no advertisement for filling up vacancies against sports quota. In this connection he refers to 'Swamy's Complete Manual of Establishment and Administration for Central Government Officers. We have perused the relevant provisions. The advertisement is provided for appointment in the Audit and Accounts Departments only and not in other departments. In respect of other departments, appointment can be made on the basis of the application. Submissions of Mr Phukan has no bearing in this case.

15. Mr Phukan further submits that the applicant was not recommended by the SSC. In this connection he produced letter dated 23-5-1994 of the Regional Director of SSC addressed to the CGMT, Assam Circle. It was made clear by this letter that SSC does not recruit sports persons against sports quota vacancy in any of the Central Government departments. Therefore, the authority of Telecom Department had no occasion/reason to submit requisition to the SSC to recommend sports person for consideration of appointment. Mr Phukan's submission has no force. This letter on the other hand supports the claim of the applicant that the highest authority, i.e. CGMT on the basis of the application of the candidate and recommendation of ARTSCB can appoint against sports quota. The respondents (Nos. 1 to 3) in para 5 of their written statement have admitted that the appointment of the applicant was made accordingly. The applicant was appointed pursuant to the decisions taken by a high-power committee (Assam Regional Sports and Cultural Board Meeting held on 9-8-1993), and therefore, a third party cannot substitute their decision to that of the decision of the high-power committee.

16. The plea in the written statement of the respondents Nos. 1 to 3 was that the approval of appointment issued by the CGMT was cancelled as there was a ban on recruitment. This plea was not reflected in the cancellation order. The order disclosed that cancellation was due to administrative reasons. Both the grounds are fallacious and not sustainable in law. Mr B.K. Sharma submits that there was violation of principle of natural justice as the applicant was not given opportunity of hearing before cancelling the order of approval of appointment. In support of his submissions he refers to the decisions reported in *K.L. Shephard v. Union of India*⁴ and *Doki Chana Gurubalu and Sons v. State of Orissa*⁵. He further submits that the respondents (Nos. 1 to 3) had bar from

4 (1987) 4 SCC 431; 1987 SCC (L&S) 438; AIR 1988 SC 686

5 AIR 1992 Orissa 189

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aking such action by the application of principle of promissory estoppel. In support of this submission he refers to decisions reported in *Joyjit Das v. State of Assam*⁶. Admittedly the applicant was not given any notice of hearing before cancellation of the order of approval for appointment and training. The Supreme Court has laid down that even when the State Agency acts administratively, rule of natural justice must be followed. Again the applicant acted on the promise of appointment (approval for appointment) and undertook the training on such promise and expectation of regular appointment to the post of TOA(G) on completion of the training. But such promise and reasonable expectation was violated by issuing the cancellation order dated 18-11-1993. Therefore, the action of the respondents was illegal as such action was barred by principle of promissory estoppel and was also violative of the principle of legitimate expectation. The decisions referred to above are aptly applicable in support of the applicant's case.

17. In view of the above findings and observations, the order under No. RECIT-3/64-93/48 dated 18-11-1993 is liable to be quashed. The provisional appointment order No. TDM/Est-27/R&T 093-94/165 dated 11-2-1994 is now required to be converted into a regular appointment order. Accordingly this application is allowed. The order No. RECIT-3/64-93/48 dated 18-11-1993 is quashed. The respondents Nos. 1 to 3 are directed to make the provisional appointment order No. TDM/EST-27/R&T/93-94/165 dated 11-2-1994 into a regular appointment order by issuing necessary orders/notification in this regard within a period of thirty days from the date of receipt of copy of the judgment/order.

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Denial of compassionate appointment to the applicant on the ground that there being no vacancy under the quota for compassionate appointment scheme cannot be accepted

Facts: Applicant's father died on 19-3-1997, while serving under the respondents. Applicant's representation for appointment under rehabilitation scheme on the ground of indigent condition was duly approved and accepted by the Circle Relaxation Committee of the department, on 21-5-1997. On 24-6-1997, he was directed to file relevant certificates. However, on 17-11-1998, the department informed him that there being no vacancy under the quota for compassionate appointment scheme, his appointment would be considered as and when there would be vacancy under the quota.

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Applicant prays for issue of direction on the respondents to issue appointment order in his favour appointing him as Postal Assistant under Bhubaneshwar Division as decided on 18-6-1997, within a stipulated period of time. The Department in their counter state that as per the scheme for Compassionate Appointment, 1998 compassionate appointment can be made up to a maximum of 5% of vacancies falling under direct recruitment quota in any Group 'C' or 'D' post.

Held: The point for determination is, whether the applicant who is admittedly eligible for appointment under rehabilitation scheme can be made to wait, and that too indefinitely in anticipation of a vacancy to arise under 5% quota meant compassionate appointments.

Maintaining a quota and consequent waiting list of the candidates approved for compassionate appointment goes against the spirit of the decision of the Apex Court pronounced now and then. The Apex Court has been consistently observing that the object of providing compassionate appointment is to mitigate the hardship of the family due to sudden death of the sole bread-earner and the family should be provided immediate relief of employment. For instance *vide* decisions are under:

- (1) *Smt. Sushma Gosain and others v. Union of India and others* [AIR 1989 SC 1976].
- (2) *Umesh Nagpal v. Union of India and others* [1994 (4) SCC 130].
- (3) *Dhallaram v. Union of India and others* [AIR 1999 SC 564].
- (4) *Sanjay Kumar v. State of Bihar and others* [2000 SCC (L&S) 895].

It is not as though the framers of the Scheme are not aware of all the observations of the Apex Court. Division Bench of this Tribunal functioning at Cuttack considered this aspect of the matter in O.A. No. 697 of 1998 disposed of on 17-7-2001, and O.A. No. 506 of 1999 disposed of on 12-1-2001, and held that there can be no waiting list for appointing persons eligible for compassionate appointments. Even the Principal Bench of the Central Administrative Tribunal in O.A. No. 1962 of 1997 in the case of *Lilabai v. Union of India and others* disposed of on 2-6-1998 had taken the same view.

I am, therefore, not inclined to agree with the averment made in the counter that the applicant will be provided appointment on compassionate ground only as and when his turn comes. I, therefore, direct the Respondents to provide employment to the applicant on compassionate ground against Group 'C' post as per the decision taken

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against a next available vacancy. In the result, therefore, the original application is allowed as per the direction given above. No costs.

[*Debi Prasad Mohanty v. Union of India and others*, 8/2002, Swamysnews 42, (Cuttack), date of judgment 7-3-2002.]

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