

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

MP-24/03 ordersheet pg-1 to 2 **INDEX**
Disposed. date- 22/08/03

O.A./T.A No. 311/2002
R.A/C.P No.
E.P/M.A No. 24/03

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common order. 311/02 & 312/02
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11. Memo of Appearance.
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14. Amendment Reply by Respondents.
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SECTION OFFICER (Judl.)

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI
....

ORDER SHEET

Original Application No : 311/02
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant (s) Mrs Alpana Pauli Boruah

-Vs-
Respondent (s) H. O. I. Forum

Advocate for the Applicant (s) S. C. Boruah, R. Begum, R. Khan
Mrs M. Bhandali

Advocate for the Respondent(s) C. A. S.

Notes of the Registry	Date	Order of the Tribunal
<p>1 76575164</p> <p>11-9-02</p> <p>Dy. Reg. 11/9/02</p> <p>Steps taken along with envelops...</p> <p>Rs 10/- will be deposit- bn L- G 2 7.</p> <p>Deposited. 25/9/02</p>	<p>3.10.02</p> <p>pg</p> <p>12.11.02</p> <p>mb</p>	<p>Heard learned counsel for the parties.</p> <p>Application is admitted. Call for records. Returnable by four weeks. List on 12.11.02 for orders.</p> <p><u>Member</u> <u>Vice-Chairman</u></p> <p>List again on 29.11.2002 for orders.</p> <p><u>Member</u> <u>Vice-Chairman</u></p>

N
Notice prepared and sent
to D/s for my the
Respondent No 1 to 7
by Regd - A.D.
18/10/02

DINo 31291 to 34
Btd 21/11/02
(one copy Short)

Notice returned to D/s
Respondent No 7 due to
insufficient address.
11/1/03.

No. Written Statement
has been filed.

34
7.1.03

No. Written Statement
has been filed.

34
5.2.03

5.2.03
W/s submitted
by the Respondents.
A.D.

No. rejoinder has
been filed.

34
8.5.03

29.7.03
W/s filed by the
Respondents.

29.11.02

List on 8.1.2003 to enable the
respondents to file written statement
as prayed by Mr. A.Deb Roy, learned
Sr. C.G.S.C. for the respondents.

Vice-Chairman

mb

8.1.03

present : The Hon'ble Mr Justice V.S.
Aggarwal, Chairman.

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

There is no appearance for either
side. Written statement has still
not been filed. Notice be issued to
the parties through their counsel as
to whether they intend to appear or
not.

List on 6.2.03 for order.

K.K.Sharma
Member

V.S. Aggarwal
Chairman

pg

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

The Hon'ble Mr S.K.Hajra,
Member (A).

Written statement filed by the res-
pondents. The case may now be listed
for hearing.

List on 6.3.03 for hearing. The
applicant may file rejoinder, if any
within two weeks from today.

S.K.Hajra
Member

Vice-Chairman

pg

6.3.03. Court did not sit today.
The case is adjourned to

1/4/03.

ms
A.D.

14/03. D/s did not sit today.
The case is adjourned to

09/5/03.

ms
A.D.

9.5.03 Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr S. Biswas, Administrative Member.

List again on 4.7.03 for hearing. In the meantime Mr A. Deb Roy, learned Sr. C.G.S.C to obtain necessary instruction and produce the record.

pendency of this application shall not preclude the respondents for conferment of temporary status on the applicant and giving him other benefit.

not been filed

37.03

Member


Vice-Chairman

pg


4.7.2003 None appears for the applicant. Put up again on 22.8.2003 for hearing in presence of counsel for the applicant.


Vice-Chairman

mb

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

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


Vice-Chairman

pg

9.9.2003
Copy of the Judgment has been sent to the Office for recording the same to the applicant as well as to the R.G.S.C.
SI

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 311 & 312 of 2002.

Date of Order : This the 22nd Day of August, 2003.

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

O.A.No.311/2002.

Miss Alpana Rani Baruah

...Applicant

- Versus -

1. Union of India,
represented by the Deptt. of Post,
and Communication, Govt. of India,
New Delhi.
2. Chief Postmaster General,
Assam Circle,
Meghdoot Bhawan, Guwahati-1.
3. Superintendent of Post Offices,
Darrang Division,
Tezpur.
4. The Post Master,
Tezpur Head Post Office,
P.O. Tezpur.
5. The Assistant Post Master,
Mails, Tezpur-1.
6. Ms Dipali Nath,
C/O Head Post Office,
Tezpur.
7. Shri Putul Bhuyan,
C/o Post Master,
Head Office,
Tezpur.

...Respondents

O.A. 312/2002

Miss Ajnabi Sonar,
D/O Late Tek Bahadur Sonar,
Vill. Sonaipam, P.O.Lokra,
P.O. Rangara, Dist. Sonitpur

...Applicant

- Versus -

1. Union of India,
represented by the Deptt. of
Post and Communication,
Govt. of India, New Delhi.
2. The Postmaster General,
Department of Posts, Assam Circle,,
Guwahati-1.
3. The Assistant Director (Staff)
Office of the Post Master General,
Assam Region, Guwahati-1.
4. The Superintendent of Post Offices,
Darrang Division, Tezpur.
5. Sub-Divisional Inspector of
Post Office, Tezpur Sub-Division,
Tezpur.

contd..2

6. Putuli Bhuyan,
C/o Head Post Master,
P.O. Mangaldai.

...Respondents

By Advocate Sri M.K.Mazumdar for both the applicants.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C in both the cases.

O R D E R (ORAL)

CHOWDHURY J.(V.C)

Both the cases are taken up together for hearing since it involve similar facts and common reliefs.

The matter pertains to compassionate appointment. The applicant in O.A.311/2002 is the wife of deceased postman Upendra Bikash Baruah who served in the Tezpur Head Post office. He died in harness leaving his three school going children alongwith the applicant. The applicant moved the authority for compassionate appointment. She was approved for appointment in Group D cadre against future vacancies. She was also informed that there was no vacancy in the quota of compassionate appointment to absorb her immediately. Her appointment would be subject to availability of vacancy as per rules. The Postmaster, Tezpur Head office was directed to provide the applicant short term vacancy to tide over her financial crisis. The respondents thereafter offered appointment to the applicant for absorption as GDS post that would become vacant provided she is willing for it and accordingly asked for willingness by communication dated 24.8.2001. The applicant had already given her willingness for the same. In that view of the matter there was no requirement for further adjudication of the case. Let the respondents take necessary steps with utmost expedition for absorbing her in GDS posts as per the

contd..3

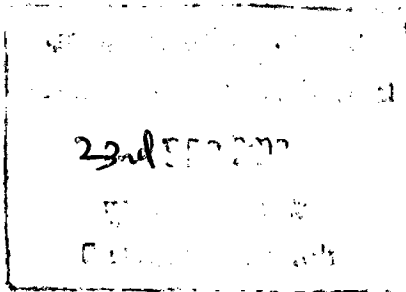
policy guidelines and take necessary steps according to law.

2. In O.A.No.312/2002 the applicant is the daughter of late Tek Bahadur Sonar who was served as a Postman in Binduguri sub post office. In her case also she was approved for appointment in Group D cadre in relaxation of normal recruitment rules by selection committee and her appointment ^{would be} was subject to availability of vacancy. The Sub-Inspector of post Offices, Tezpur sub-Division was directed to provide her work on short term vacancy so as to give her family some financial remedy. In terms of the policy decision as mentioned above the authority also offered absorption as GDS posts and accordingly the applicant also opted her willingness for the same. In that view of the matter the respondents are directed to take necessary steps with utmost expedition for absorbing her in GDS posts as per the policy guidelines and take necessary steps according to law.

Till completion of the above exercise the applicants shall remain under employment.

Both the applications accordingly stand disposed of. There shall, however, be no order as to costs.

Sd/VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

(An application u/s. 19 of the
Administrative Tribunal Act, 1985).

O.A. NO. 311 of 2002.

BETWEEN -

Miss Alpna Rani Baruah.

..... applicant.

-AND-

Union of India & others.

..... Respondents.

I N D E X

<u>Sl. NO.</u>	<u>Particulars.</u>	<u>Annexures.</u>	<u>Pages.</u>
1.	Original Application.	-	1 - 7.
2.	Verification.	-	7.
3.	Assuming of charge dated 2.11.95 .	I	8.
4.	Representations dt. 23.10.07. 11.9.0. and 17.7.02.	II, III & IV.	9, 10 & 11.

Filed by -

Rupak Sharma
Advocate.

Filed by the
applicant through
Rupak Shor,
Advocate
13-09-02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

(An Application u/s. 19 of the Administrative
Tribunal Act, 1985).

O.A. NO. 311 of 2002

BETWEEN -

Miss Alpana Rani Baruah.

..... applicant.

-AND-

1. Union of India,
Represented by the Dept. of post
and Communication, Govt. of India,
New Delhi.
2. Chief post Master General,
Assam Circle,
Meghdoot Bhawan, Guwahati - 1.
3. Superintendent of post office,
Darrang Division,
Tezpur.
4. The post Master,
Tezpur Head Office,
P.O. - Tezpur.
5. The Assistant post Master,
Mails, Tezpur-1.
6. Ms Dipali Nath,
C/O. Head post Master,
Tezpur.



ALPANA BARUAH

7. Shri Putul Bhuyan,
C/O. post Master,
Head Office,
Mangaldou. Respondents.

details of the application.

1. Particulars of order against which this application is made in view of the order issued by Chief post Master General, Assam circle, Guwahati vide Memo. No. Staff/ 16-I/94 dated 12.12.94 approving the appointment of the applicant in Group 'D' post under relaxation of normal Rules.

2. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of the order against which this application is made is well within the jurisdiction of your Hon'ble Tribunal.

3. Limitation.

That the applicant further declares that the application has been filed within the prescribed time limit under the Administrative Tribunal Act, 1985.

4. Facts of the case.

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

4.2. That the applicant states that her husband, late Upendra Bikash Baruah, was serving as postman under Tezpur Head Office. Unfortunately, applicant's said husband expired while in service leaving behind the applicant and three school going children.

ALPANA BARUA

4.3. That the applicant states that due to the untimely death of her said husband, the entire responsibility of maintaining the family shifted on her shoulder. As such the applicant duly approached the post master, Tezpur Head Office narrating all the hurdles and agony faced by her due to the untimely death of her said husband. Accordingly she approached for compassionate appointment as per the scheme which is in force.

4.4. That the applicant states that after long persuasion the Respondent authority appointed the applicant in grade - '4' post w.e.f. 2.11.95 on temporary basis on fixed pay.

A copy of the assuming of charge Memo. dated 2.11.95 is annexed hereto and marked as Annexure - I.

4.5. That the applicant from the date of appointment on temporary basis she continued to discharge her official duties without any break in service.

4.6. That the applicant begs to state that the Respondent No. 2 i.e. Chief Post Master General, Assam circle, Guwahati, vide Memo. No. staff/16-I/94 dated 12.12.94, approved the candidature of the applicant for appointment in Group 'D' post "under die-in-harness scheme" by relaxing the normal Rule.

4.7. That the applicant states that the Respondent No. 2 on the basis of the representation of the applicant and in view of the scheme accorded approval for appointment of the applicant in Group 'D' post. But the Respondent

No. 3.....

ALPANA BARUA

No. 3 wilfully with an ulterior motive suppressed the said approval issued in favour of the applicant in Group 'D' post. Respondent No. 2, instead of appointing the applicant on regular basis, appointed the applicant on temporary basis from 2.11.95 superseding the order of the Respondent No. 2 passed 12.12.94.

4.8. That applicant states that she has been working in the Department for a considerable period of time, i.e. from 2.11.95 till date. As such she has already gained experience and in no point of time she has ever been questioned by the authority concerned regarding discharging of her official duties.

4.9. That the applicant repeatedly approached the Respondents by way of Representations and verbally to regularise her services in the Group 'D' post, but to the utter surprise of the applicant the Respondents intentionally kept mum in the matter of regularisation of the applicant and thus resorted to hostile discrimination.

Copies of the representations dated 23.10.97, 11.0.01 and 17.7.02 amongst other are annexed hereto marked as Annexure - II, III & IV respectively.

4.10. That the applicant states that Juniors to the applicant i.e. Respondent No. 6 and 7 herein were appointed on regular basis depriving the applicant who is senior to those Respondents.

4.11. That the applicant states that the Respondents by way of pick and choose policy are appointing the persons of their choice by depriving the seniors who are legally entitled for such regular post.

ALPANA BARUA

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

5.1. For that the applicant has acquired a valuable and legal rights for consideration of her case for regular appointment with effect from the date of her joining on temporary basis.

5.2. For that the Respondents have deliberately violated the provisions of equal pay for equal work. As such by taking full work as that of a regular employee, the applicant has been subjected to hostile discrimination.

5.3. For that the Respondents have violated the provisions of Article 16 and 21 of the Constitution of India.

6. Details of remedies exhausted :

That the applicant states that she has no other alternative or efficacious remedy available other than to file this application. Further, filing of representation by the applicant for regularisation of her services to the Respondents will be of no use.

7. Matter not previously filed or pending with any other court or Tribunal.

That the applicant further declares that she had not previously filed any application, writ petition or suit regarding the matter in respect of which, this application is made, before any court or any other Tribunal nor any such application, writ petition nor any such application, writ petition, nor ~~xx~~ suit is pending before any of them.

ALPANA BARUA

8. Relief(s) sought for.

under the facts and circumstances stated in paragraph 4 of this application, applicant prays for the following relief(s).

8.1. That the Hon'ble Tribunal be pleased to direct the respondents to regularise the service of the applicant in pursuance to the letter No. Staff/16-I/94 dated 12.12.94 issued by Respondent No. 2.

8.2. That the Hon'ble Tribunal be pleased to direct the respondents to regularise the service of the applicant as and when vacancy arises giving effect to from the date her juniors (Respondents Nos. 6 and 7) was regularised in Group 'D' post.

8.3. Cost of the application.

8.4. Any other reliefs or reliefs as entitled to the applicant under the facts and circumstances stated above as deemed fit and proper by this Hon'ble Tribunal.

9. Interim relief prayed for :

During the pendency of this application, the applicant prays for the following reliefs.

9.1. That the Hon'ble Tribunal be pleased to direct the respondents not to appoint any other person without considering the case of the applicant and keep one post vacant till disposal of the application.

10. That this application has been filed through Advocate.

11. Details of the I.P.O. -

(i) IPO NO. 76575/44
(ii) Date of issue 11.9.02

iii) Issued from -GPO,Gauhati.
ib) - Payable - GPO,Gauhati.

AMRANO BARUA

12. Details of Enclosures
As stated in the index.

VERIFICATION.

I, Ms. Aplana Rani Baruah, w/o. late Upendra Barua, aged about 40 years, resident of P.O. and P.S. Tezpur, District - Sonitpur, do hereby declare that the statement made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are the legal advice which I believe to be true and I have not suppressed any material facts.

I sign this verification on this day of September,
2002 at Guwahati.

ALPANA BARUA
signature.

Annexure - I.

Sd/- Illegible.
2.11.95 .
Asstt. Post Master.
Mail s Tezpur-781001.

DEPARTMENT OF POSTS INDIA.

(see Rule 267, Posts and Telegraphs Financial Hand Book,
Volume I, second Tribunal).

Charge report and cash and stamps
on transfer of charge.

Certified that the change of the office of CT D T2
was made over by (name) Alpina Rani Barua.

to (name) at (place).

on the (date) 2.11.95. for noon in accordance with

No. Date from

Sd/ - Alpina Rani Barua.

Relieving Officer

*Attested by
P. S. S. S.*

Annexure - II.

Tezpur - 784001.

The 23d October, 1997.

To
The Chief postmaster General,
Asam Circle, Meghdoot Bhawan,
GUWAHATI - 781 001. (Camp at Tezpur).

Sub : Prayer for regularisation of posting at Class-IV
cadre under relaxation of Normal Recruitment Rules.

Respected sir,

I humbly and respectfully beg to state that I am
a widow of late Bikash Baruah, Postman, Tezpur H.O. who
expired on 08.06.90 while in service. He had left behind
three children along with me floating in the ocean of
tears as well as sorrows and sufferings. I have no source
of income at all. I am grateful to the postal Department
to allow me to work in Group 'D' cadre since 02.11.95.

But sir, my appointment has not yet been regularised
failing which I am not getting any benefit of my service.
Respected sir, I humbly pray to your honour to make my
appointment and posting a regular one enabling me to get all
benefits of my service like other regular staff.

With profound respect to you.

Yours faithfully,

(MRS. ALPANA BARUAH),

(Widow of U.B. Baruah),

Tezpur H.P.O., Tezpur-784001.

*Notified by
Ds.
Wdr.*

Annexure - III.

Tezpur-784001.

The 11.0.01.

To
The Chief postmaster General,
Assam Circle, Meghnoot Bhawan,
Guwahati - 781 001. ---- (Camp at Tezpur).

Sub: Prayer for regularisation of posting at Class-Iv
cadre under relaxation of normal recruitment rules.

Respected sir,

I humbly and respectfully beg to state that I am
a widow of late Bikash Baruah, postman, Tezpur H.O. who
expired on 08.06.90 while in service. He had left behind
three children along with me floating in the ocean of
tears as well as sorrowed and sufferings. I have no source
of income at all. I am grateful to the Postal Department
to allow me to work in Group 'D' cadre since 02.11.95.

But sir, my appointment has not yet been regularised
failing which I am not getting any benefit of my service.

Respected sir, I humbly pray to your honour to make my
appointment and posting a regular one enabling me to get
all benefits of my service like other regular staff.

With profound respect to you,

Yours faithfully,

(Mrs. Alpina Baruah),
(Widow of U.B. Baruah),
Tezpur H.O., Tezpur-784001.

Attended by
D.S.
W.H.

- 11 -

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Annexure - IV.

Tezpur - 784001.

Date-17.7.01.

To
The Chief Postmaster General,
Assam Circle, Meghdoot Bhawan,
Guwahati-781001 (Camp at Tezpur).

Sub:- Prater for regularisation of posting at Class-IV
Cadre under relaxation of Normal Recruitment Rules.

Respected sir,

I humbly and respectfully beg to state that I am
a widow of late Bikash Baruah, Postman, Tezpur P.O. H.O. who
expired on 08.06.90 while in service. He had left behind
three children along with me floating in the ocean of
tears as well as sorrows and sufferings. I have no source
of income at all. I am grateful to the Postal Department
to allow me to work in Group 'D' cadre since 02.11.95.

But sir, my appointment has not yet been regularised
failing which I am not getting any benefit of my service.
Respected sir, I humbly pray to your honour to make my
appointment and posting a regular one enabling me to get
all benefits of my service like other regular staff.

With profound respect to you,

Yours faithfully,

(Mrs. Alpina Baruah),
(widow of U.B. Baruah),
Tezpur H.P.O., Tezpur-784001.

Witnessed by
D.S.
Adm.

- 12 -

5 FEB 2003

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI

Biswade Baruah

डाक अधीक्षक

दिन प्रभार, पिन 784001

Supdt. of Post

Filed by Yang Division, Tezpur-784001

2103

(A. DEBROY)

Sr. C. S. C.

C. A. T. Guwahat Bench

O.A. NO. 311 OF 2002

Smt. Alpana Rani Baruah

..... Applicant

- Vs -

Union of India & Ors.

..... Respondents

In the matter of :

Written Statements submitted
by the respondents.

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

(BRIEF HISTORY OF THE CASE)

Late Upendra Bikash Baruah, an employee of this
Department who while in service and working as Postman, Tezpur
H.O. had expired on 08.06.1992. Smt Aplana Rani Baruah, the
wife of the deceased employee and now the applicant had applied
for appointment on compassionate ground. She was approved
for appointment in Group D Cadre under relaxation of normal
rules of recruitment by the Selection Committee against future
vacancies vide Chief postmaster General, Assam Circle, memo
no. Staff/16-1/94 dated 12.12.1994. The applicant was informed
that there was no vacancy against the quota of compassionate
appointment to absorb her immediately and that approval did not

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as to give some

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~~_____~~

1. That with regard to the statement made in para 1, of the application the respondents beg to state that the applicant was approved for appointment under relaxation of normal rules of recruitment subject to availability of vacant post as per the extent rules governing the recruitment. Also she was informed that the said approval did not confer upon her any right to claim for immediate absorption.
2. That with regard to ~~the~~ paras 2, 3, and 4.1 of the application the respondents beg to offer no comments.

-14-
Prinanda Prasad
डा. प्र. प्रसाद
द. प्र. प्रसाद, त. प्र. प्रसाद
Supdt. of Post Offices
Darang Division, Tezpur-784001
22

3. That with regard to the statement made in para 4.2, of the application the respondents beg to state that it is admitted that the applicant's husband was working as postman, Tezpur H.O. when he expired.

4. That with regard to the statement made in para 4.3, of the application the respondents beg to state that it is admitted that the applicant submitted her application in prescribed form for compassionate appointment under relaxation of normal rules on 28.12.1993 soon after the death of her husband and her application was forwarded to CO/GH after observing necessary formalities.

5. That with regard to the statement made in para 4.4, of the application the respondents beg to state that it is admitted that in pursuance of CO/GH memo no. Staff/16-1/94 dated 12.12.1994 and SPOs, Tezpur letter no. 31.10.1995, the Postmaster, Tezpur H.O. permitted the applicant to work as Group D at Tezpur H.O. from 02.11.1995 on purely temporary basis.

6. That with regard to the statement made in para 4.5, of the application the respondents beg to state that it is not true that the applicant continued to discharge her duties without any break. During this period she worked on short term vacancies with time to time break.

7. That with regard to the statement made in para 4.6 of the application the respondents beg to state that it is admitted that the Chief Postmaster General, Assam Circle, Guwahati vide memo no. Staff/16-1/94 dated 12.12.1994 approved

Prinanda Karmacharya

डाक सचिवालय

पिनकोड, पोस्ट 784001

Department of Post

Barrang Division, Tezpur-784001

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the appointment of the applicant in Group D cadre under relaxation of normal recruitment rules with clarification that the approval did not confer upon the approved candidates any right for immediate absorption as their appointment would further be subject to availability of vacancies as per the rules governing the recruitment under relaxation of normal rules. Her appointment would further be subject to verification of her eligibility.

8. That with regard to the statement made in para 4.7, of the application the respondents beg to state that the applicant was approved vide CPMG/Guwahati memo no. Staff/16-1/94 dated 12.12.1994 for appointment in Group D cadre under relaxation of normal rules against future vacancy. Due to non availability of required vacancy the applicant could not be absorbed finally in Group D cadre.

9. That with regard to the statement made in para 4.8 of the application the respondents beg to state that it is not true that the applicant worked continuously in the Department from 02.11.1995 till date. During this period she worked on temporary vacancy with time to time break.

10. That with regard to the statement made in para 4.9 of the application the respondents beg to state that due to non availability of required vacancy the applicant could not be absorbed in Group D cadre.

In pursuance of the Directorate, New Delhi decision vide no. 24.11.2001-SPB I dated 06.07.2001 to waive out the waiting list of approved candidates and to consider such cases

16-
Personde
0
Subdt. of Post
Division, Tezpur-784001
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for vacant post of GDS. The applicant was asked to furnish her willingness in this regard under letter no. Bx/Relaxation/Rlg/Ch I dated 24.08.2001. Also she had furnish her willingness on 15.07.2002.

11. That with regard to paras 4.10 and 4.11, of the application the respondents beg to ~~offer no comments~~ state that it is not true.

12. That with regard to para 5.1 of the application the respondents beg to offer no comments.

13. That with regard to the statement made in para 5.2, of the application the respondents beg to state that it is not true that the applicant is a regular employee.

14. That with regard to the statement made in para 5.3 of the application the respondents beg to state that it is not true.

15. That with regard to the statement made in para 6 of the application the respondents beg to state that no remedy is available.

16. That with regard to para 7 of the application the respondents beg to offer no comments.

17. That with regard to the statement made in para 8 of the application the respondents beg to state that no relief is admissible.

18. That with regard to the statement made in para 8.1 of the application the respondents beg to state that appointment is not possible within the perview of present rule.

19. That with regard to the statement made in para 8.2, of the application the respondents beg to state that no appointment is feasible at present. Her case may be absorbed in the GDS cadre as she has furnished her willingness subject to availability of vacant post.

20. That with regard to paras 8.3 & 8.4 of the application the respondents beg to offer no comments.

21. That with regard to the statement made in para 9.1 of the application the respondent beg to state that no relief is admissible.

22. That with regard to the statement made in para 10 of the application the respondents beg to offer no comments.

Verification.....

Prinoda Mukherjee

375 395-78

84001

Supdt. of Post

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Darrang Division, Tezpur-784001

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I, Shri Binoda Prasad, presently
working as Supdt. of P.O., Darrang, Tezpur, being duly
authorised and competent to sign this verification, do hereby
solemnly affirm and state that the statements made in para
1 to 22 are true to my knowledge and
belief and those made in para being
matter of records, are true to my information derived
therefrom and the rest are my humble submission before this
Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 5th day
of ^{February} January, 2003,

Binoda Prasad
डाक अधीक्षक
दरंग प्रमोडल, तजपुर 784001
Supdt. of Post Offices
Darrang Division, Tezpur-784001
Declarant