

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 2407/0202

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SECTION OFFICER (Judl.)

Sahil
4/12/17

(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 407/02
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant(s) : S. K. Das

- Vs. -

Respondent(s) : N. O. T. Joms

Advocate for the Applicant(s) : Mr. S. Sarma, Mrs. U. Das

Advocate for the Respondent(s) : Case.

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time. <u>Condonation Petition is filed</u> for Rs. 5/- deposited vide IPO/B1 No <u>2666956</u> Dated <u>18/12/02</u>	<u>24.1.2003</u> <i>By Register.</i> <i>3/01/03</i>	<p>Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.</p> <p>The Hon'ble Mr. S.K.Hajra Administrative Member.</p> <p>Heard Mr. S.Sarma, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why the application shall not be admitted.</p> <p>List on 21.2.2003 for admission.</p> <p><i>Smr</i> Member</p>
<i>Stamps & Envelopes received.</i> Notice received and sent to <u>1/5</u> for giving the respondent No. 1 to 3 by Regd. Ad.	<u>21.2.2003</u> <i>mb</i>	<p>Heard Mr. S.Sarma, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents.</p> <p>The application is admitted.</p> <p>Call for the records. The respondents may file written statement, if any.</p> <p>List on 24.3.2003 for orders.</p> <p><i>S. A</i> Member</p>
<i>No. written statement has been filed.</i>	 <i>mb</i>	<p><i>Vice-Chairman</i></p>

24.3.2003

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

The Hon'ble Mr. S. Biswas
Administrative Member.

Put up the matter on 28.4.2003 to
enable the respondent to file written statement.

Member (A)

Vice-Chairman

bb

28.4.2003

Put up again on 26.5.2003 to
enable the respondents to file written
statement. This was done on the prayer
of Mr. A.K.D. Chowdhury, learned Addl. S.C.C.
S.C. for the respondents.

No W.S. has been
filed.

23.5.03

Vice-Chairman

mb

26.5.2003

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

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

List again on 5.6.2003 to enable
the respondents to file written statement.

Member

Vice-Chairman

mb

5.6.2003

Written statement filed. The case is
ready for hearing. List the case on 8.7.2003
for hearing.

30
4.6.03

Vice-Chairman

bb

8.7.2003. Case did not set today. The case
is adjourned to 14.7.2003.

Mr.
Chairman

Notes of the Registry

Date

Orders of the Tribunal

14.7.2003

Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. N.D. Dayal, Member(A).

16.7.03

Rejoinder filed by the applicant.

It has been stated by Mr. S. Sarma, learned counsel for the applicant and Mr. A.K. Chowdhury, learned Addl. C.G.S.C. for the respondents that the matter pertains to Single Bench and the same may be listed before the Single Bench on 17.7.2003 alongwith the connected cases. Put up on 17.7.2003 for hearing accordingly.

Member

Vice-Chairman

mb

17.07.03

Present: The Hon'ble Mr.N.D.Dayal, Member(A).

Heard in part. Learned counsel for the applicant prays for time till next Friday to collect some more imformations. Prayer is granted.

List on 25.7.03 for hearing.

1.8.2003

Copy of the Judgment has been sent to the d/see. for issuing the same to the applicant as well as to the Addl. C.G.S.C.

pg

30.7.03

Heard learned counsel for the parties. Judgment delivered in Open Court. Kept in separates. Application is disposed of. No costs.

lm

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application Nos.370, 407 & 408 of 2002.

Date of Order : This the 25th Day of July, 2003.

THE HON'BLE MR. N. D. DAYAL, ADMINISTRATIVE MEMBER.

1. Sri Nripen Tamuli
S/o Juddha Ram Tamuli
P.O: Kamakhya
Guwahati - 10. Applicant in O.A.370/2002.
2. Shri Sanjeev Kumar Das
S/o Late Chandrakanta Das
Resident of Village and post Office Kulhati
District: Kamrup. Applicant in O.A.407/2002.
3. Shri Rabin Ch.Das
S/o Late S.N.Das
Resident of Vill. & P.O: Kulhati
District: Kamrup. Applicant in O.A. 408/2002.

By Sr.Advocates Mr.B.K.Sharma, Mr.S.Sarma & Ms.U.Das in O.A. 370/2002 & Mr.S.Sarma & Ms.U.Das in O.A.s 407 & 408/2002.

- Versus -

1. Union of India
Represented by the Secretary
to the Government of India
Department of post
Ministry of Communication
New Delhi.
2. The Chief post Master General
Assam Circle, Guwahati-1.
3. The Senior Superintendent of Post Offices
Guwahati Division, Meghdoot Bhawan
Guwahati - 1. Respondents in O.A.370/2002.

1. Union of India
Represented by the Secretary
to the Government of India
Ministry of Communication
Department of post
Dak Bhawan, New Delhi.
2. Bharat Sanchar Nigam Ltd
Sanchar Bhawan, New Delhi.
3. The Chief post Master General
Assam Circle, Guwahati-1.
3. The Sr.Superintendent of post Office/s
Guwahati Division, Meghdoot Bhawan
Guwahati-1. Respondents in O.A.s 407 & 408 of 2002.

By Mr.A.K.Chaudhuri, Addl.C.G.S.C. in O.A.407/2002 &
Mr.A.Deb Roy, Sr.C.G.S.C. in O.A.s 370 & 408 of 2002.

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O R D E R.

DAYAL, N.D., MEMBER (ADMN):

Heard Mr.S.Sarma, learned counsel for the applicants in all the above three cases, Mr.A.K.Choudhuri, learned Addl.C.G.S.C. for the respondents in O.A. 407/2002 and also Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents in O.A.Nos.370 & 408/2002. The applicants in all the O.A.s have sought common reliefs on similar grounds. They are primarily seeking appointment in the cadre of postal Assistant on compassionate grounds taking into consideration the approval conveyed by the competent authority of the Department of posts. The background of the cases is briefly stated below:

1. The applicants in all three O.A.s applied for compassionate appointment under relaxation of normal rules of recruitment in the Department of posts. The Circle Selection Committee had approved the applicants and placed them on the Waiting List for consideration on availability of vacancy to absorb them in the post of Postal Assistant. While the applicant in O.A.370/2002 was approved on 3.10.97, the applicants in O.A.s 407 & 408 of 2002 were approved on 11.11.99. The Department also sought willingness of the applicants in O.A.s 370 & 407 of 2002 for enrolment in the Army Postal Service vide letter dated 18.6.99 making reference to their applications for compassionate appointment wherein it was clarified that the enrolment would be subject to clearance of physical/medical examination to be conducted by the Army Postal Service. If found eligible and selected for enrolment in the Army Postal Service, they would be required to give an undertaking that they would

not claim repatriation from Army Postal Service to Civil Division till their turn came up and vacancy arose against compassionate appointment under relaxation of normal rules. It was also made clear therein that in case the applicants accepted these terms and conditions they could apply in the enclosed form with the further undertaking that if they were found medically unfit by the recruitment office (Army Postal Service) they would not claim appointment in the Department. The learned counsel for the applicants, Mr. S. Sarma stated that both the applicants in O.A.S 370 & 408/2002 placed their willingness with the Department for the Army Postal Service.

2. Again all the three applicants were asked by the Department by letter dated 13.3.2001, drawing attention to their approval for compassionate appointment, whether they would like to exercise their willingness to join in other departments within or outside Assam and on receipt of their willingness, other departments would be consulted to consider their case. The learned counsel for the applicants confirmed that all the three applicants submitted their willingness in this regard.

3. All along the Department had been more than once informing the applicants that they were on the Waiting List for compassionate appointment as Postal Assistant and their case would be considered when vacancy became available for the purpose. As observed from letter of 25.7.20001 of Department of Posts, New Delhi annexed with the O.A.S the Waiting List of candidates approved for compassionate appointment had been discontinued by letter No. 24-1/99-SPB-1 dated 8.2.2001 of the Department of Posts and would no longer be operated in view of the clarifications by the

Department of Personnel & Training in its memo dated 24.11.2000 and further in terms of subsequent instructions mentioned in this letter. The practice of circulating names of the deserving candidates to other Ministries/Deptts. had also been discontinued. In the light of these instructions a further offer was made to the candidates approved for compassionate appointment, and kept on the Waiting List that they may apply for appointment for Gramin Dak Sewak post subject to their fulfilling all required conditions of recruitment and giving an undertaking forfeiting their claims for appointment against regular departmental vacancies except as per their turn in accordance with the policy for absorption of Gramin Dak Sewaks in regular posts. This offer was valid for one year and to be reviewed thereafter. Instructions to implement these orders were issued by the office of the Chief Post Master General, Assam Circle making it clear that the Waiting List was discontinued and dispensed with and extending the offer of Gramin Dak Sewak post in terms of the Govt. orders received. The learned counsel for the applicants contended that the applicants did not wish to apply for the Gramin Dak Sewak posts and had not done so.

4. It has been strenuously argued by the learned counsel for the applicants that the Waiting List is only discontinued and can still be operated. However, Mr.A.Deb Roy, learned Sr.C.G.S.C. emphatically stated that the Waiting List stands discontinued and dispensed with and no longer exists. It was also contended on behalf of the applicants that the Juniors to the applicants have been given compassionate appointment overlooking their claim.

On scrutiny of the relevant pleadings it was found that the appointments were not those of any of the persons on the Waiting List of approved candidates for compassionate appointment, but these were fresh cases in terms of the instructions on the subject. This matter was not pressed further. From the perusal of the Government orders and instructions in this matter on records as well as the action of the Government to make alternative offers to the applicants, it cannot be said that the Waiting List of candidates approved for appointment on compassionate grounds is still valid. The learned counsel for the applicants expressed the despair and anxiety of the applicants in not receiving any response from the Department to the willingness given by them for adjustment in other Ministries/Deptts. as well as in the Army Postal Service. Mr. S. Sarma learned counsel finally stated that in the facts and circumstances of the case the applicants would be satisfied if their request for enrolment in the Army Postal Service could be revived by the Department of Posts. He further requested that the Tribunal may be pleased to issue directions to the Deptt. of Posts to consider their cases for appointment in the Army postal Service and all three applicants would make fresh individual representations in this regard to the Chief Post Master General Assam Circle, Guwahati-1 for further action.

5. It is seen that the letter from the Department seeking willingness for enrolment in the Army Postal Service mentioned that repatriation back to Civil Division would not be permitted

except on turn and when vacancy arose for compassionate appointment and again it said that a further undertaking is necessary to give the commitment that if found medically unfit by the Army Postal Service appointment in the said Department would not be claimed. It is thus noted that the offer did not require appointment on compassionate grounds as a precondition. The Department in fact picked up those approved for compassionate appointment but not appointed and sought to take suitable undertaking from them so that if found eligible and selected for enrolment in the Army Postal Service, they would continue and be retained there in absence of appointment in the Department on compassionate ground and would not claim appointment if medically unfit. In the circumstances discussed in this order and to meet the ends of justice there should be no bar to the applicants seeking revival of their case for enrolment in the Army Postal Service subject to fulfillment of the conditions mentioned in the offer.

6. It is frankly informed by the learned counsel for the applicants that the applicant in O.A. 408/2002 had not received the offer for Army Postal Service, but that his situation was similar to those of other two applicants in so far as approval of compassionate appointment as well as the offer of absorption in other Departments and the offer of Gramin Dak Sewak posts are concerned and as such in equity his case may also be similarly considered. Admittedly, to their credit there was no objection to this suggestion on behalf of respondents by the learned Sr.C.G.S.C. Accordingly, it is ordered that all the three applicants in these O.A.s may submit fresh representations individually

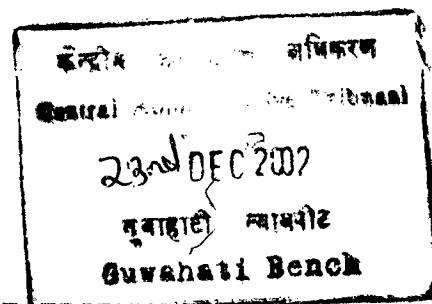
to the Chief Post Master General, Assam Circle, Guwahati seeking consideration of their willingness for enrolment in the Army Postal Service by giving necessary undertakings. If such representations are received, the Chief Post Master General, Assam Circle is directed to take up the matter with the concerned Army Postal Service authority, through proper channel, for enrolment of the applicants as per relevant terms and conditions within one month from the date of receipt of the representations. The Army Postal Service authority will in turn consider their cases on merit subject to fulfillment of terms and conditions applicable. The decision of the Army Postal Service authority shall be conveyed by speaking order to the applicants within three months thereafter.

All the three O.A.s are disposed of subject to the observations made above. No costs.

Sd/MEMBER (Adm)

bb

C.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

D.A. No. 407 of 2002

BETWEEN

Shri Sanjeev Kumar Das Applicant.

-Versus-

Union of India & ors. Respondents.

I N D E X

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Filed by : Alsha Das

Regn. No. :

File : C:\WS7\SANJEEV

Date :

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The application through
Dak Bhawan
17/12/02
Filed by
Advocate
A. Das
17/12/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central
Administrative Tribunal Act.1985)

D.A.No. 407 of 2002

BETWEEN

Shri Sanjeev Kumar Das.
s/o Late Chandrakanta Das
Resident of Village and Post Office Kulhati
Dist.:Kamrup,

..... Applicant.

VERSUS

1. Union of India,
Represented by the Secretary to the Govt.of India,
Ministry of communication,Department of Post.
Dak Bhawan, New Delhi.

Bharat Sanchar Nigam Ltd,
Sanchar Bhawan, New Delhi,
2. The Chief Post Master General
Assam Circle, Guwahati-1
3. The Sr. Superintendent of Post Offices
Guwahati Division, Meghdut Bhawan,
Guwahati-1

..... Respondents.

PARTICULARS OF THE APPLICATION

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

This application is directed against the action of the Respondents in not considering the case of the applicant for appointment under compassionate Ground even after the due approval from the competent authority for such appointment. This application is also directed against the action of the Respondents in discriminating the applicant in the matter of

compassionate appointment, whereas persons junior to him in the list prepared in order of priority have been given appointment, ignoring his case.

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

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

4. FACTS OF THE CASE:

4.1. That the applicant is a citizen of India and as such he is entitled to all the rights, privileges and protection as guaranteed by the Constitution of India and laws framed thereunder.

4.2. That the father of the applicant was working as a Postal Assistant under the Respondents and on 24.5.97 he expired while on duty. Immediately after the death of his father, the applicant applied for compassionate appointment under the Respondents. Pursuant to his such application the applicant was called for interview before a selection committee and the Respondents vide letter date 18.6.99 asked the applicant to place his willingness for enrollment for Army Postal Service.

A copy of the aforementioned communication dated 18.6.99 is annexed herewith and marked as Annexure-1.

4.3. That after such approval the applicant was waiting for

his appointment as Postal Assistant on compassionate ground but the matter was delayed by the Respondents without any valid reason. The applicant kept on pursuing the matter before the Respondents but nothing came out in positive. The applicant submitted representations before the concerned authority for early settlement of the matter but same yielded no result in positive. Thereafter the Respondents issued an order dated 13.3.2001 indicating the fact that the name of the applicant is in waiting list and through this letter the said authority also asked the applicant to place his willingness as to whether he is agreeable to work in any other department or outside Assam.

A Copy of the letter dated 13.3.2001 is annexed herewith and marked as Annexure-2

4.4. That the Respondents in the mean time appointed persons on compassionate ground who are junior to the present applicant so far it relates to the waiting list is concerned. The Respondents in pick and choose basis appointed persons from the said waiting list and in fact the so called waiting list was never made public. Even the Respondents have given appointment to the persons whose cases were never approved by the higher authority.

4.5. That the applicant on receipt of Annexure-1 and 2 letters from the Respondents placed his willingness both for the Army Postal Service as well as for his absorption in other departments but till date nothing has been materialised. It is stated that all over Assam there are almost 60 vacancies in the Cadre of Postal Assistant including RMS Division and the Respondents can very well accommodate the applicant against any such post. However the Respondents without there being any valid reason kept on lingering the matter only to frustrate the claim of the applicant.

The applicant craves leave of this Hon'ble Tribunal for a direction towards the Respondents for production of records in respect of vacancy position in the cadre of Postal Assistant at the time of hearing of this case.

4.6. That the applicant states that his case was approved by the competent authority pursuant to a selection and after such approval, however the Respondents have not done anything till datd. On the other hand the Respondents are keeping the hope of appointment of the applicant alive by issuing various orders seeking his willingness and on the other hand they are assuring him that appointment would be made on availability of vacancies. But in reality persons approved and wait listed below the applicant have been given the appointment ignoring the claim of the applicant and as such the Respondents have violated the settled principles of law.

4.7. That in the midst of aforementioned activities the Respondents once again issued an order bearing no.B/A- Relaxation/Rlg/77-78 dated 18.12.2001 by which willingness from the applicant was sought for from the applicant for appointment in the post of Gramin Dak Sevak(GDS). However the applicant has not placed his option for the said GDS post since the said post is not a permanent post. Since the case of the applicant has already been approved in the cadre of Postal Assistants and there are almost 60 vacancies available in Assam Circle, the Respondents ought not to have seek his willingness for appointment/acceptance in GDS post by issuing the aforementioned order date.18.12.2001.

A copy of the said order dated 18.12.2001 is annexed herewith and marked as Annexure-3.

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4.8. That the applicant begs to state that immediately after the death of his father, he applied for consideration of his case for compassionate appointment and accordingly the screening committee approved his case for appointment in the cadre of Postal Assistant. Later on the Respondents for the reason best known to them kept the applicant waiting for such appointment without any valid reason. On the other hand the Respondents are kept on appointing persons from said waiting list in pick and choose basis ignoring the claim of the present applicant. The aforementioned action on the part of the Respondents clearly indicates the vindictive attitude of the Respondents in discriminating the applicant from his legitimate claim of compassionate appointment. The Respondents being a model employer ought to have maintain a list in considering the case on compassionate ground. Although the Respondents in their communication dated 13.3.2001 mentioned that the case of the applicant was in the waiting list but till date no such list was published nor same has been communicated to the applicant.

The applicant craves leave of the Hon'ble Tribunal for a direction towards the Respondents to produce the list as mentioned in the order dated 13.3.2001 at the time of hearing of this case.

4.9. That the applicant begs to state that presently the entire family of the applicant is waiting for his employment so that the hard days come to an end. The father of the applicant was the only earning member in his family and after his death entire family is now facing tremendous financial hardship. In these circumstances the applicant through application prays before this Hon'ble Tribunal for an appropriate direction towards the Respondents to issue necessary order of appointment of the applicant in the post of Postal Assistant under relaxation of

normal recruitment Rules taking in to consideration the approval made by the competent authority.

4.10. That this application has been made bonafide for securing the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the Respondents have acted illegally in not considering the case of the applicant for his appointment in the Cadre of Postal Assistant under relaxation of normal Recruitment Rules on Compassionate ground.

5.2. For that the Respondents have acted contrary to the provision contained in the scheme provided for compassionate appointment and hence their impugned action ignoring his case are liable to be set aside and quashed.

5.3. For that the Respondents have acted illegally in discriminating the case of the applicant in the matter of compassionate appointment whereas persons whose cases were approved in the year 2002 have been provided with suitable posts ignoring the case of the present applicant.

5.4. For that the Respondents have acted illegally in not considering the case of the Applicant for grant of temporary status under the scheme and as such appropriate direction need be issued to the Respondents to extend the benefit of the scheme to the present Applicant and to regularise his service thereafter.

5.5. For that in any view of the matter the entire action of the respondents are liable to be set aside and quashed.

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

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has no other alternative and efficacious remedy except by way of filling this application.

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7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

The applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any court, Authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought hearing parties on perusal of records, be pleased grant the following reliefs:

B.1. To direct the Respondents to issue appropriate order of appointment to the Applicant in the cadre of Postal Assistant on compassionate ground taking into consideration the approval made by the competent authority.

B.2. Cost of the application.

B.3. Any other relief/reliefs to which the applicant is entitled to.

9. INTERIM ORDER PRAYED FOR:

During the pendency of the original application the Applicant prays for an interim order directing the Respondents to accommodate the Applicant in any post commensurating to his

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educational qualification as well as experience.

0.

The application is filled through advocate.

1. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. :
2. Date :
3. Payable at : Guwahati.

2. LIST OF ENCLOSURES:

As stated in the Index.

Verification.....

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VERIFICATION

I, Shri Sanjeev Kumar Das, son of Late Chandrakanta Das, residend of Village and Post Office Kulhati District Kamrup, do hereby solemnly affirm and verify that the statements made in paragraphs 1-2, 3, 4.1, 4.4-4.6, ~~4.8~~, 4.10, and 5-12.... are true to my knowledge and those made in paragraphs 4.2, 4.3, and 4.7.... are true to my information deprived from records and the rests are my humble submission before the Hon'ble Tribunal.

And I sign on this the Verification on this the 17th day of December of 2002.

Shri Sanjeev Kumar Das.

Deponent.

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

No. Staff/ 32 1/92 + loose
16-9/98

dated at Guwahati the 18/6/99

To,

REGISTERED

Shri Sanjeev Kr. Das
S/o late Chandra Kr. Das
Vill & P.O. - Kuthati
Dist. Kamrup (Assam)

Subject :- Deputation to APS

With reference to your application for Compassionate Appointment dated S. 4 - 98, I am directed to ask your willingness for enrollment for the Army Postal Service. Your selection for enrollment in the Army Postal Service will be subject to clearance of Physical / Medical examination to be conducted by the Army Postal Service.

If you are found eligible and selected for enrollment in the Army Postal Service, you will have to give an undertaking that you will not claim reparation from Army Postal Service to Civil Division till your turn comes and vacancy arises against Compassionate Appointment under relaxation of normal rules.

If you are willing for enrollment in the Army Postal Service on the above terms and conditions, you may apply in the enclosed form and submit ~~xx~~ with the undertaking that if you are found medically unfit by the Recruitment Office (A.P.S), you will not claim appointment in the Department, so as to reach this office by 30.6.1999 for taking further necessary action.

Encl:- 1. Application form for enrollment in the Army Postal Service.

2. Declaration form.

(I PANGERWANGSANG)
APMG STAFF
0/O CPMG GUWAHATI-1

Copy to :-

1. Individual file of the candidates concerned.

*W.C. - 1
Lokanath
A.P.M.G.*

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL :: ASSAM CIRCLE
GUWAHATI -781001.

No. Staff/16-R1g/88/Part

Dated Guwahati the

13-3-2007

To

Shri/Smt. Sangeet Kr. Das

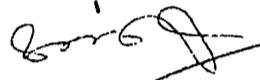
S/O Late C. K. Das, Ex-PA
vill & P.O. Kukhatri
Dist. Kamrup - 781104

Sub:- Appointment on compassionate ground under relaxation of
normal rules- case of Sri/Smt.

Ref:- Your application dated 5-4-98

You were approved on 11-11-99 for appointment on compassionate
ground under relaxation of normal recruitment rules as PA
and you are in the waiting list since then. You could not be appointed
so far due to non-availability of vacancy in this circle.

Therefore, you are asked to express your willingness whether
you are agreeable to join in any other department within or outside Assam.
On receipt of your willingness, other department will be consulted to
consider your case.



(S. Shyam)
APMG(Staff)
For Chief Postmaster General,
Assam Circle, Guwahati-1.

Copy to concerned file.

No. Staff/16-9/98

0/0

WADW

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DEPARTMENT OF POSTS: INDIA
OFFICE OF THE SR.SUPERINTENDENT OF POST OFFICES, GUWAHATI DIVN.
MEGHDOOT BHAWAN 3RD FLOOR, GUWAHATI -781001

No. B/A-Relaxation/Rlg/77-78,

Dated at Guwahati the 18.12.2001.

Rept
To ✓ Sri Sanjib Kumar Das
S/o Late Chandra Kant Das
Vill. Chechamukh
P.O. Kukhatri, Kamrup

Sub : Compassionate appointment proposal of candidates approved and wait listed -
willingness for GDS Post.

A copy of C.O., Guwahati letter No. Staff/16-Rlg/88/Part, dated 14.8.2001 in c/w
the above mentioned subject enclosed h/w for submission of your willingness/acceptance
of GDS post to the office of the undersign on or before 31.12.2001.

No application will be accepted after 31.12.2001 at this end.

Enclo.
As. Above.

✓
Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

W.Das

6th JUN '02
Sectn. 1
Guwahati Bench
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

-13-

In the matter of :-
O.A. No. 407 of 2002
Shri Sanjeev Kumar Das

.... Applicant

-Versus-

Union of India & Others

... Respondents

Written statements for and on behalf of Respondents
Nos. 1, 2 and 3.

I, S. Kamei, Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-1, do hereby solemnly affirm and say
as follows :-

1. That I am the Senior Superintendent of Post Offices,
Guwahati Division, Guwahati-1 and as such fully acquainted with
the facts and circumstances of the case. I have gone through a
copy of the application and have understood the contents thereof.
Save and except whatever is specifically admitted in this
written statement the other contentions and statements may be
deemed to have been denied. I authorised to file the written
statements on behalf of all the respondents.

2. That the applicant applied for appointment on
compassionate ground in Postal Assistant (PA) cadre to the Sr.
Supdt. of Post Offices, Guwahati after his father expired.

The case was placed before the CSC for consideration
and recommendation. The CSC recommended the case of the applicant
and in pursuance thereof the competent authority approved the
applicant for appointment in PA cadre under compassionate ground.

Though the applicant was approved for appointment in
PA cadre on compassionate ground, he could not be absorbed due
to non-availability of vacancy. He was kept as a wait listed
approved candidate alongwith other approved candidates. Meanwhile
the Department of Posts issued a guidelines/instruction vide No.
37-16-/2001-SPG-I dtd. 25-7-2001 in pursuance of the clarification

Sr. Superintendent of Post Offices
Guwahati Division, Guwahati - 781 001

Union of India & other
- Respondents
S. Kamei, Guwahati
O.A. No. 407 of 2002
Date: 25/6/02
through
S. Kamei, Guwahati
O.A. No. 407 of 2002

(2)

order No.42012/D/2000-Estt(D) dated 24-11-2000 issued by the Ministry of Personnel and Training, Govt. of India to the effect that the provision of maintaining waiting list of the approved candidate for appointment on compassionate ground has been dispensed with and decision has been taken to consider such wait listed candidates for the vacant posts of Gramin Dak Sewak(GDS) subject to willingness and suitability of the candidates for such posts.

In pursuance of these orders the office of the CPMG Assam Circle instructed this office to take steps to discontinue the system of maintaining the Waiting List of the approved candidates immediately vide CD's letter No. Staff/16/Rlg/88/part, dated 14-8-2001 with the instruction to efface offer the vacant post of GDS to non absorbed approved candidates whose waiting list was dispensed with. The applicant was also one of the unabsorbed candidate and no longer in the waiting list.

The applicant was asked to offer his willingness to be absorbed in GDS post vide SSPOs, Guwahati letter No.B/A- Relaxation/Rlg/77-78 dated 18-12-2001 with a direction to furnish willingness on or before 31-12-2001.

San Kumar
Sr. Superintendent of Post Office
Guwahati Division, Guwahati - 781 001

But no reply has been received from the candidate as such assumed that he was not willing to work as GDS. Since the waiting list of the approved candidates for compassionate appointment has since been discontinued under the Govt. order and the applicant being silent (not willing) to be absorbed in the GDS post the applicant cannot claim now for appointment in PA cadre as approved earlier.

3. That with regard to the statements made in paragraph 1 of the application, the respondents beg to state that the applicant was approved for appointment in the cadre of Postal Assistant on compassionate ground vide order No. Staff/16-Misc/97, dated 11-11-99 on recommendation of the Circle Selection Committee. But he could not be appointed and absorbed due to non availability of required vacancy and kept in waiting list along with other approved candidates. The contention of the applicant to the fact that the persons junior to him in the approved list has been appointed is not correct.

4. That with regard to the statements made in paragraphs 2,3, and 4.1 of the application, the respondents have no comments.

5. That with regard to the statements made in paragraph 4.2 of the application, the respondents beg to state that the application of the applicant for compassionate appointment in PA cadre was processed and placed before the Circle Selection Committee. On recommendation of the C.S.C. the applicant was approved for appointment in the cadre of Postal Assistant on compassionate ground vide order dated 11-11-99 along with other 8(eight) candidates. The applicant willingness was called for enrollment for the Army Postal Services in order to absorb him which was nothing wrong.

6. That with regard to the statements made in paragraph 4.4 of the application, the respondents beg to state that the contention made by the applicant to the fact that the respondents appointed the persons junior to him in the waiting list have been appointed on compassionate ground is not true. In fact the respondents took various steps to absorb the applicant till dispensing and discontinuing of the waiting list of the approved candidate i.e. on 14-8-2001. It is added here that the waiting list of the candidates has been discontinued w.e.f. 14-8-2001 in pursuance of the instructions/guidelines issued by the Ministry of Personnel and Training, Govt. of India in its no 42012/4/2000-EST(D) dated 24-11-2000 circulated vide postal Directorate, New Delhi No.37-16/2001-SPB-I dated 25-7-2001 which was communicated to the applicant vide letter No. Staff/16-Rlg/08/part, dated 14-8-2001.

7. That with regard to the statements made in paragraph 4.5 of the application, the respondents beg to state that the vacancy meant for compassionate appointment was not available for absorption of the approved candidates. Therefore, the applicant could not be appointed till discontinuation of the waiting list of the approved candidates.

8. That with regard to the statements made in paragraph 4.6 of the application, the respondents beg to state that the contention of the applicant is not correct.

9. That with regard to the statements made in paragraph 4.7 of the application, the respondents beg to state that the willingness of the applicant was called for as per the guidelines issued by the Department to absorb him as Gramin Dak Sevak subject to his willingness since the waiting list of the approved candidates has been discontinued.

Sanjukta
Sr. Superintendent of Post Office
Guwahati Division, Guwahati - 781 001

(4)

10. That with regard to the statements made in paragraph 4.8 of the application, the respondents beg to state that the applicant could not be appointed in the cadre of PA as narrated in the foregoing para due to non availability of required vacancy for this purpose.

11. That with regard to the statements made in paragraph 4.9 of the application, the respondents beg to state that since the waiting list of the approved candidates from appointment to the cadre of P.A. has been discontinued since 14-8-2001 in this Circle, the respondents are now not in a position to appoint the applicant under the compassionate ground.

12. That the respondents have no comments to the statements made in paragraph 4.10 of the application.

13. That with regard to the statements made in paragraph 5.1 of the application, the respondents beg to state that the contention of the applicant is not correct.

14. That with regard to the statements made in paragraph 5.2 of the application, the respondents beg to state that there is no contrary action in part of the respondents. The respondents have been acted as per the rules/guidelines of the Deptt./Govt. of India.

15. That with regard to the statements made in paragraph 5.3 of the application, the respondents beg to state that the cases after 14-8-2001 have been consider afresh and action taken accordingly.

16. That with regard to the statements made in paragraph 5.4 of the application, the respondents beg to state that the ground stated in foregoing para case of the applicant can not be taken for consideration now.

17. That the respondents have no comments to the statements made in paragraphs 6, 7, 8, 8.1, 8.2 and 8.3 of the application.

18. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

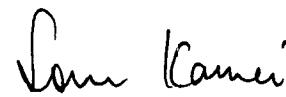
John Kumar
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati - 781 001

(5)

VERIFICATION

I, S. Kamei, Sr. Superintendent of Post Offices, Guwahati Division, Guwahati-781001 being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1, 4, 12, 13 + 17 of the application are true to my knowledge and belief, those made in paragraphs 2, 3, 5-11, 14-16 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

AND I sign this verification on this the 9 th day of May '03

DEPONENT

S. Kamei
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati - 781 001

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Annexure A

No. 37-16/2001-SPB-1
Government of India
Ministry of Communications
Department of Posts

30 JUL 2001

gram cycle
w. h. t. 781.01

Dak Bhavan, Sansad Marg
New Delhi-110 001

Dated : 25th July, 2001

To

All Pr. CPMsG
All CPMsG

Subject : Compassionate appointment proposal of candidates approved for the same who have been kept in the wait list prior to this office letter No. 24-1/99-SPB-I dated 8.2.2001. (i6(e))

Sir/Madam,

(16/e) I am directed to attract your attention to this office letter No. 24-1/99-SPB-1 dated 8.2.2001 on the above subject in which instructions were issued regarding discontinuation of waiting list of candidates approved for compassionate appointment in consultation with Department of Personnel & Training. It was mentioned in the above letter that as per the clarification given by the Department of Personnel & Training in their O.M. dated 24.11.2000, maintenance of the waiting list of approved candidates for compassionate appointment was to be discontinued immediately if not already discontinued and that the candidates whose names are already in the wait list for appointment on compassionate ground but who could not be appointed due to want of vacancies within 5% limit may be asked to express their willingness for consideration by other Ministries and their names should be circulated to other Ministries subject to their willingness.

2 The Department of Personnel and Training in their O.M. No 14014/18/2000-Estt.(D) dt. 22.6.2001 circulated vide this Office letter No. 24-1/2000-I-SPB-1 dt. 6.7.2001 has directed that in future the Committee for considering request for appointment on compassionate grounds should take into account the position regarding availability of vacancy for such appointment and it should limit its recommendations to appointment on compassionate grounds only in a really deserving case and only if vacancy meant for appointment on compassionate grounds will be available within a year in the concerned administrative Ministry/Department/Office, that too within the ceiling of 5% of vacancies falling under DR quota in any Group 'C' or 'D' post prescribed in this regard. The practice of circulating names of the deserving applicants to other Ministries/Departments has been discontinued.

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Since wait listing of candidates for compassionate appointment has been dispensed with chance of absorption of the approved candidates kept in the waiting list against vacancies available within 5% ceiling of direct recruitment quota in this Department or elsewhere is remote. This may cause hardship to the approved candidates who have been waiting for some time. In consideration of these aspects, it has been now decided to consider such wait listed candidates for the vacant posts of Gramin Dak Sewaks if they are willing and eligible for the post. Therefore, you are requested to offer GDS vacancies to the dependents of regular employees (Group 'C' or Group 'D') who are already approved for appointment on compassionate grounds and are still waiting absorption for want of regular departmental vacancies as on 8.2.2001. Such approved candidates will, however, be appointed against GDS posts subject to their fulfilling required conditions of recruitment like educational qualifications, etc.. It will have to be made clear to the approved applicants that with their acceptance of the GDS posts, they 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 obtained from these candidates before giving any appointment.

4 Action may be taken to ascertain the willingness and choice of stations, if any, from the approved and wait listed candidates for consideration of their appointment against GDS posts and necessary follow up action may be taken as per the above instructions. However, wherever recruitment action to fill up GDS posts is already in progress, that action may continue and these posts may not be offered to waitlisted candidates.

5 Offer of GDS posts to waitlisted candidates will be valid for one year and the scheme will be reviewed after one year. In the meantime, action taken report indicating number of GDS posts offered to wait listed candidates and the particulars of beneficiaries may be reported quarterly to this Directorate beginning with quarter ending 30.9.2001.

Yours faithfully,


(A.K. Dash)
Director (Staff)

*Attested
Y.M.C.*
*Adm. Control Govt.
Handing Comm.*

B
Annexure 'B'

16-10-03

No.42012/4/2000-Estt.(D)
Government of India
Ministry of Personnel, PG & Pensions,
Department of Personnel and Training
New Delhi

Dated the November, 2000

OFFICE MEMORANDUM

Subject: -Compassionate appointment proposal of Department of Posts for Relaxation of 5% limit

The undersigned is directed to refer to Department of Posts U.O. No.24-1/99-SPB-I dt. 24.10.2000 on the above subject and to say that in U.K.Nagpal's case¹, the Supreme Court has held that as a rule appointments in public service should be made strictly on the basis of open invitation of applications and merits and appointment on compassionate grounds is an exception to the rule. Any such exception should, therefore, be made to the minimum possible extent say one or two per cent or maximum of five per cent and if it exceeds that it will no longer be an exception. Further any relaxation of the 5% limit even as a temporary measure will lead to bulk appointment on compassionate grounds which is bound to result in dilution of standards. As appointment on compassionate ground is not based on merit and it is also not through open competition it would, therefore, adversely affect the efficiency of the administration and hence would not be in public interest.

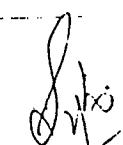
2. The scheme of compassionate appointment already provides for objective assessment of the financial conditions of the family. There is / was no provision for approving cases in the absence of vacancies for compassionate appointment and keeping them in the Waiting List. The Waiting List for compassionate appointment referred to in our OM dated 9.10.98 does not refer to cases already approved for such appointment but those waiting for consideration and accommodation for such appointment by the competent authority. The question of consideration and accommodation would arise only if there is vacancy for that purpose. In any case, it is the competent authority in the office where there is a vacancy to accommodate the applicant has to decide on the merits of the case. Hence, in the absence of vacancy, no useful purpose would be served by consideration and

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approving and keeping the applicant's case in the Waiting List. Hence, the applicant has to be considered only when there is a vacancy to accommodate and that too by the competent authority in that office. It was, therefore, not correct on the part of the Department of Posts to have prepared a Waiting List of approved cases for appointment on compassionate grounds when there were not sufficient vacancies to accommodate them.

3. Any relaxation of 5% limit, even as a temporary measure, for making appointment on compassionate grounds will have repercussions in other Ministries/ Departments as it will lead to similar demands from them also and thus it will lead to bulk appointments on compassionate grounds in the Government of India at the cost of meritorious candidates who may also be equally deserving ones which will not be in the public interest.

4. Having regard to the above position, even on reconsideration, there is no scope for relaxing the ceiling of 5% even as a temporary measure for making appointments on compassionate grounds. It is, therefore, regretted that the proposal of Department of Posts for the same cannot be agreed to.



(K.K.Jha)

Director

Tel. 301 1479

To

Dept. of Posts
Shri A.K.Dash, Director (Staff)
New Delhi

Referred
Mr. Chaturvedi
Addl. Central Govt.
Standing Committee

7/11/71
Mr. Chaturvedi
S: (S/11)

DEPARTMENT OF POSTS:INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL
ASSAM CIRCLE:GUWAHATI-781001

No. Staff/16-Rig/88/Part ..

Dated at Guwahati, the 14th Aug, 2001

To

All Divisional Heads in Assam Circle.
(SSP/OS, GHY)

Sub:-

Compassionate appointment proposal of candidates approved and waiting listed.

1. Directorate in consultation with Department of Personnel and Training has already issued instruction for discontinuation of waiting list of candidates approved for compassionate appointment. It was clearly mentioned that the maintenance of waiting list of approved candidates should immediately be discontinued if not already discontinued. In Dte in its letter No:24-1/2001-SPB.I dated 6.7.2001 circulated under this office letter of even number dated 31.7.2001 has directed that in future the committee for considering request for appointment on compassionate ground should take into account the position regarding availability of vacancy for such appointment and it should limit its recommendation for appointment only in a really deserving case against the vacancy meant for appointment on compassionate ground is available within a year and that too within the ceiling of 5% of vacancy falling under direct recruitment quota in any group-C or D posts prescribed in this regard. The practice of circulating names of the deserving applicants to other departments has also been discontinued.

2. In our circle we have got total 27 candidates for PA/SA, 16 candidates for Postman/Mailguard cadre and 47 candidates for Group-D cadre approved between 7.12.93 to 11.11.1999 and they are kept in the waiting list. 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 Directorate has decided to consider such wait-listed candidates for vacant posts of Gramin Dak Sewak if they are willing and eligible for the post. As per Instruction of Dte you are therefore requested to offer GDS vacancies to the dependents of regular employees (group-C or D) who are already approved for appointment on compassionate ground and are still awaiting absorption for want of regular departmental vacancies as on 8.2.2001. Such approved candidates will however be appointed against GDS posts subject to their fulfilling all required conditions of recruitment like educational qualification etc. It will have to be made clear to the approved applicants that with their acceptance of GDS post they 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 must be obtained from these candidates before giving any appointment.

Contd



3. The list containing names of all the approved candidates is enclosed division-wise. You may take action to ascertain the willingness and choice of stations, if any, from the approved and wait-listed candidates for consideration of their appointment against vacant GDS post and necessary follow-up action may be taken for the above instructions. However, wherever required action to fill up GDS posts is already in progress that action may continue and these posts may not be offered to wait-listed candidates.

4. Offer of GDS posts to wait-listed candidates will be valid for one year and the scheme will be reviewed after one year. In the meantime, action taken report indicating number of GDS posts offered to wait-listed candidates and particulars of beneficiaries may be reported quarterly to this office beginning with quarter ending 30.9.2001, for onward transmission to Directorate.

Encl:AA

A. N. D. Kachari
 (A.N.D.Kachari)
 Chief Postmaster General
 Assam Circle, Guwahati-781001

Copy to :-

The Postmaster General, Assam Region, Dibrugarh-786001 for information.

C.C/-
 Chief Postmaster General
 Assam Region, Guwahati-781001

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LIST OF WAITING APPROVED CANDIDATES

Guwahati Division

SL	NAME & ADDRESS	CADRE IN WHICH APPROVED	DATE OF APPROVAL
1.	Sri Nazimuddin Ahmed Son of Nausad Ali Ahmed, Ex Postman, Guwahati HO	PA cadre	3.10.97
2	Md Mantaz Ali, S/o late Mehbob Ali, Ex Sorting Postman, Guwahati HO	PA cadre	11.11.99
3	Sri Bhaskar Boro, Son of Late Mukunda Boro Ex Postman, Guwahati HO	PA cadre	11.11.99
4	Sri Sanjib Kumar Das, S/o late Chandra Kanta Das Ex PA Guwahati HO	PA cadre	11.11.99
5	Md Nurul Haque, S/o late Salruddin Choudhury, Ex PA Palasbari SO	PA cadre	11.11.99
6	Sri Dipak Medhi, S/o late Kanak Ch. Medhi, Ex Group D Guwahati HO	PA cadre	11.11.99
7	Sri Lakshya Bora Son of late Krishna Kanta Bora, Ex Group-D, PSD Guwahati	PA cadre	11.11.99
8	Sri Rabin Ch. Das S/o late Surendra Nath-IV Ex PA Guwahati HO	PA cadre	11.11.99
9	Sri Prohab Kumar S/o late Naren Ch. Kumar, Ex Postman, Khanapara	Postman Cadre	6.10.97
10	Sri Bhupan Rabha Son of late Dinesh Ch. Rabha, Ex Postman, Rchabari HO	Postman cadre	11.11.99
11	Smt Joymati Baruah, W/o late Biren Ch. Baruah Ex Postman, Ulubari SO	Group-D	7.10.97
12	Smt Dipali Kalita, D/o late Siba Nath Kalita, Ex Postman, Bharalumukh SO	Group-D	6.10.98
13	Smt Padumini Das W/o late Harihar Das Ex Group D, Athgaon SO	Group-D	11.11.99
14	Sri Kainal Choudhury S/o late Putul Choudhury Ex Group-D Guwahati HO	Group-D	11.11.99

3. Sri Nripen Ch.
Teruli PA

Nripen Ch.
Add: Central Govt.
Standing Committee

As per
W/ List/Waiting
to 405

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Annexure 'D'

ANNEXURE - 3

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SR SUPERINTENDENT OF POST OFFICES, GUWAHATI DIVN.
MEGHDOOT BHAWAN 3RD FLOOR, GUWAHATI - 781001

No. B/A-Relaxation/Rig/77-78,

Dated at Guwahati the 18.12.2001.

Sub : Compassionate appointment proposal of candidates approved and wait listed--willingness for GDS Post.

A copy of C.O., Unwaljati letter No. Staff/16-Rig/88/Part, dated 14.8.2001 in c/w the above mentioned subject enclosed h/w for submission of your willingness/acceptance of GDS post to the office of the undersign on or before 31.12.2001.

✓ No application will be accepted after 31.12.2001 at this end.

Enclo.

As. Above.

✓ Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

*Attested
J.W. Choudhury*
Addl. Controller Exam
Controller General

10/16/24
Smt. Amra E
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DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL : ASSAM CIRCLE: GUWAHATI - 781 001

NO. STAFF / 16 - MISC / 97

dated at Guwahati the 11th November, 1999

On the recommendations of the Circle Selection Committee, the Chief Postmaster General, Assam Circle, Guwahati has been pleased to approve appointment of the following applicants under relaxation of normal recruitment rules in PA/SA, Postman / Mailguard and Group-D cadres. The candidates are listed below according to seniority as per the date of receipt of applications.

It is clarified that the 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 extant rules governing the recruitment under relaxation of normal rules.

Their appointment will further be subject to verification of their eligibility which will be verified by the appointing authorities from the original records vis-à-vis the eligibility criteria. Accordingly the approved applicants will be required to produce original certificates especially certificate of educational qualification, date of birth etc which will be verified personally by the appointing authorities regarding their genuineness before appointing them.

PA / SA CADRE

<u>SI</u>	<u>CO/RO file mark</u>	<u>Name of the applicant</u>	<u>Name of the deceased Employee & post held</u>	<u>Relationship</u>
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Cases under CO's Jurisdiction

01	Staff/16-42/96	Md Montez Ali	Late Mahboob Ali Ex Stg Postman, Guwahati GPO	Son
02	Staff/16-1/97	Sri Bhaskar Boro	Late Mukunda Boro Ex Postman, GHY GPO	Son
03	Staff/16-1/98	Miss Bulu Das	Late Harmolian Das Ex PA, Tambulpur SO	Daughter
04	Staff/16-9/98	Sri Sanjeev Kr Das	Late Chandra Kanta Das Ex PA, Guwahati GPO	Son
05	Staff/16-10/98	Md Nurul Haque	Late Saharuddin Choudhury Ex PA Patashibari SO	Son
06	Staff/16-11/98	Sri Dipak Medhi	Late Kanak ch Medhi Ex Group-D, Guwahati HO	Son



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07	Staff/16-18/98	Mrs Gitema Devi	Late Daneswar Sarma Ex PA, Nalbari Dn.	Wife
Upper Age of Mrs Gitema Devi has been condoned .				
08	Staff/16-2/99	Sri Lakshya Bora	Late Krishna Kanta Bora Ex Gr.D, PSD Guwahati	Son
09	Staff/16-5/99	Sri Rabin Ch Das	Late Surendra Nath-IV Ex PA Guwahati GPO	Son

Cases under RO's jurisdiction

10	Staff/23-28/96/RP	Sri Siddartha Sankar Paul	Late Mrinal Kanti Paul Ex Acctt, o/o SRM Silchar	Son
11	Staff/23-11/97/RP	Sri Pradip Kr Dutta	Late Subrata Kr Dutta Ex MM, SRO Dimapur	Brother
12	Staff/23-16/97/RP	Sri Rajen Koach	Late Momal Ch Koch Ex NG Dhemaji PO	Son
13	Staff/23-18/97/RP	Sri Samarendra Hazarika	Late Lohit Kr Hazarika Ex SPM Margherita SO	Son
14	Staff/23-19/97/RP	Smti Smritikona Das	Late Budhamoy Das Ex PA Badarpur SO	Sister
15	Staff/23-22/97/RP	Sri Chitra Narayan Bharali	Sri Hireswar Bharali Ex SPM Majuli Bongaon SO	Son
16	Staff/23-1/98/RP	Sri Samiran Das	Late Subal Ch Das Ex Mail Peon, Diphu PO	Son
17	Staff/23-9/98/RP	Sri Tanay Bora	Sri Suchen Ch Bora Ex LSG SA, SRO Tinsukia	Son
18	Staff/23-10/98/RP	Sri Dipak Malakar	Late Durga Sankar Malakar Ex PA Tinsukia HO	Son
19	Staff/23-13/98/RP	Miss Sangeeta Das	Late Kainal Ch Das Ex PA Doom Dooma SO	Daughter
20	Staff/23-17/98/RP	Sri Navajyoti Das	Sri Padmeswar Das Ex APM, Diphu HO	Son
21	Staff/23-7/99/RP	Th. Gopen Singh	Late Th Sanatomba Singh Ex MM, SRO Dimapur	Son

POSTMAN / MAILGUARD CADRE

01	Staff/16-27/97	Sri Dibakar Rabha	Late Debas Kanta Rabha Ex SPM, Baladnari SO	Son
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02	Staff/16-28/97	Sri Binod Bordoloi	Late Kusum Ch Bordoloi Ex LSG HRO RMS GHY	Son
03	Staff/16-3/98	Sri Subhash Dey	Late Sunil Ch Dey Ex SG MM HRO GHY	Son
04	Staff/16-26/98	Sri Bhupan Rabha	Late Dinesh Ch Rabha Ex Postman, Rehbari SO	Son
05	Staff/16-27/98	Miss Binita Baishya	Late Kandarpa Baishya Ex SG MM HRO Guwahati	Daughter
06	Staff/16-3/99	Smti Anu Boro	Late Moni Ram Boro Ex SG MM, HRO GHY	Daughter

Cases under RO's jurisdiction:

07	Staff/23-12/97/RP	Sri Simangshu Chutia	late Gana Kanta Chutia Ex MM Simuluguri	Son
08	Staff/23-2/98/RP	Smti Arati Rani Deb	Late Gopal Ch Deb Ex Postman, Tarapur SO	Wife
Upper Age of Smti Arati Rani Deb has been condoned.				
09	Staff/23-5/98/RP	Sri Babul Ch Das	Late Narayan Ch Das Ex MG HRO Silchar	Son
10	Staff/23-6/98/RP	Sri Ajoy Kr Chetia	late Rohini Ch Chetia Ex MM SRO Tinsukia	Son

GROUP – D CADRE

01	Staff/16-88/93	Smti Naremai Bordoloi	Late Babul Ch. Bordoloi Ex MM Chaparmukh SRO	Wife
Upper Age of Smti Naremai Bordoloi has been condoned..				
02	Staff/16-15/95	Sri Atul Ch Boro	Late Bularam Boro Ex SG MM, GHY RMS	Son
03	Staff/16-39/96	Sri Uttam Ramchiary	Sri Lolit Ch Ramchiary Ex Postman, Bhawanipur SO	Son
04	Staff/16-21/98	Smti Padumi Das	Late Harihar Das Ex Gr.D, Athgaon SO	Wife
Upper Age of Smti Padumi Das has been condoned				
05	Staff/16-22/98	Mrs Manju Medhi	Late Kartic Medhi Ex SA Guwahati RMS	Wife
Upper Age of Smti Manju Medhi has been condoned.				

06	Staff/16-29/98	Smti Pratima Talukdar	Late Ramesh Ch Das Ex OS Cash, Rangia SO	Daughter
07	Staff/16-4/99	Sri Kamal Choudhury	Late Putul Choudhury Ex Gr.D, Guwahati GPO	Son

Cases under RO's Jurisdiction :

08	Staff/16-26/95/RP	Miss Gita Deka	Late Joy Ch Deka Ex OS Mails, Darrang Dn	Daughter
09	Staff/23-2/96/RP	Sri Pramesh Ch Das	Sri Mantu Das Patni Ex Postman, Karimganj Bazar	Son
10	Staff/23-10/96-RP	Sri Somanta Guin	Late Kaliram Guin Ex Postman, Kamalabari SO	Son
11	Staff/23-12/96/RP	Sri Kandarpa Kr Das	Late Gauranga Ch Das Ex MG, HRO Silchar	Son
12	Staff/23-18/96-RP	Sri Babudhan Dhree	Late Bijoy Kr Dhree Ex OS Cash Silchar HO	Son
13	Staff/23-21/96-RP	Sri Prasanta Sarma	Late Anantanath Sarma Ex Postman, Dibrugarh HO	Son
14	Staff/23-22/96-RP	Miss Ajnabi Sonam	Late Tek Bahadur Sonam Ex Postman, Bimukuri SO	Daughter
15	Staff/23-26/96-RP	Sri Biswajit Basumatary	Late Debaram Basumatary Ex Postman Chapanalla SO	Son
16	Staff/23-2/97-RP	Sri Tilak Ch Bordoloi	Late Kiron Bordoloi Ex SPM Kamrup, SO	Son

Upper Age of Sri Tilak Ch Bordoloi has been condoned

17	Staff/23-3/97-RP	Sri Jyotish Ch Das	Late Jyotirmoy Das Ex MM TMO Badarpur	Son
18	Staff/23-10/97-RP	Smti Simala Basumatary	Late Rajkumar Basumatary Ex PA Udalguri PO	Wife
			Upper Age of Smti Simala Basumatary has been condoned	
19	Staff/23-12/97-RP	Sri Bijoy Kr Das	Late Nikhil Ch Das Ex SA SRO Dimapur	Son
20	Staff/23-20/97-RP	Sri Pankaj Das	Late Paresh Ch Das Ex Postman, Dibrugarh HO	Son
21	Staff/23-21/97-RP	Sri Monbahadur Chetri	Late Bhim Bahadur Chetri Ex Mail peon, Doon Dooma SO	Son
22	Staff/23-4/98-RP	Smti Cheneni Singphow	Late Gopal Singphow Ex Gr.D Margherita SO	Wife

Upper Age of Smti Cheneni Singphow has been condoned

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23	Staff/23-7/98-RP	Miss Bhagya Gogoi	late Jyotish Gogoi Ex MP,Chabua SO	daughter
24	Staff/23-8/98-RP	Sri Babul Ch Panging	late Katiram Panging Ex Gr.D Lilabari Airport SO	Son
25	Staff/23-18/98/RP	Smti Puspa Kumari	late Sri Prasad Kurmi Ex Gr.D,Dibrugarh	Wife
26	Staff/23-4/99-RP	Sri Pradip Garh	late Mangal Garh Ex Gr.D,Tinsukia HO	Son

The following cases were rejected by the CSC :

01	Staff/16-28/98	Sri Arun Kr Brahma	late Kameswar Brahma Ex HSG-II HRO Guwahati	Son
02	Staff/23-1/97 /RP	Mrs Aparna Das	Late Kanailal Das Ex SDIPOs, Jorhat	Wife
03	Staff/16-30/98	Smti Kanchan Hazarika	Late Chandra Kanta Hazarika Ex PA Dispur SO	Wife
04	Staff/16-37/95-RP	Smti Basanti Mahata	Late Badan Mahata Ex Gr.D Karinganj HO	Adopted daughter
05	Staff/23-14/98-RP	Sri Suni Borah	Late Ganesh Ch Borah Ex MM Mariani	Son

SSb/CUTT
COPY TO:

1. All Divisional Heads in Assam Circle for information.
2. The Postmaster General, Assam Region, Guwahati. A copy of the list may be kept in the individual file of the candidates concerned.
3. Concerned Dealing Asstt, CO for keeping a copy of the list to the Individual file of the candidates concerned.

S.M.
[I PANGERNUNGSANG]

APMG STAFF
0/0 CPMG,Guwahati

SSb/CUTT
[I PANGERNUNGSANG]
APMG STAFF
0/0 CPMG GUWAHATI - 1

*Attended
JK Choudhury*
Addl. Central Govt
Boarding Committee

State Service Affairs
Central Administrative Tribunal
16 JUL 2003
<i>Sanjeev Kr. Das</i> Sanjeev Kr. Das

M.L.B.
Filed
the
applicant through
the
Advocate
16/7/03

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA NO. 487/02

Sanjeev Kr. Das

..... Applicant

-VS-

Union of India

..... Respondent

REJOINDER FILED BY THE APPLICANT AGAINST THE WRITTEN STATEMENT
FILED BY THE RESPONDENTS

1. That the applicant has received a copy of the written statement and has gone through the same. Save and except the statement which are not specifically admitted hereinbelow, rests, may be treated as total denial. The statement which are not borne *are also denied and* on record the Respondents are put to the strictest proof thereof.

2. That with regard to the statement made in para 1 of the Written Statement the applicant offers no comment on it.

3. That with regard to the statement made in para 2 of the Written Statement the applicant begs to state that the respondents themselves have admitted the fact that the selection of the applicant for appointment in P.A. cadre was approved by the competent authority. It is stated that the names of the applicant was kept in waiting list and persons below him have been offered appointment in P.A. cadre vide order dated 25.2.2003

- 2 -

ignoring his claim. The contention of the respondents regarding non-availability in P.A. cadre is a false statement.

That the contention regarding issuance of guidelines/instructions for GDS Posts does not debar the applicant for considering his case in P.A. cadre as the previous procedure of maintaining waiting list has not been canceled but now same has been discontinued only. Again, taking into consideration the order 25.2.2003, it is quite clear that compassionate appointment is still being made from the said waiting list, but same has been done in pick and choose basis.

The applicant was asked for his willingness for appointment in GDS Post but he did not place his willingness for the said post on the count that his case has already been approved for appointment in PA cadre.

A copy of the said order dated 25.2.2003 is annexed herewith and marked as Annexure-RJ-1.

4. That with regard to the statement made in para 3 to 18 of the Written Statement the applicant while reiterating and reaffirming the statement made above begs to state that as contended by the respondents the waiting list maintained by them has been canceled as the new guideline/instruction dated 25.7.2001 has been issued. However, from the wordings from the OM dated 25.7.2001 and its subsequent clarification issued from time to time it is very clear that the list (wait list) has been discontinued but not canceled and as such till availability of posts in PA cadre willing wait list candidates may place their

- 3 -

option for absorption against GDS posts. Since GDS posts are temporary and no promotional avenues are available, the applicant did not place his option for the said post. On the other hand the respondents with some malafide intention appointed 6 juniors on compassionate ground ignoring the claim of the applicant.

5. That in view of the above the applicant prays before this Hon'ble Tribunal for a direction towards the respondents to appoint him in the post under PA cadre with retrospective effect that is, w.e.f. 25.2.2003 with all consequential service benefits including seniority etc.

(30)

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VERIFICATION

I, Shri Sanjeev Kumar Das, son of Late Chandrakanta Das, residend of Village and Post Office Kulhati District Kamrup, do hereby solemnly affirm and verify that the statements made in paragraphs ...1,2,4,5..... are true to my knowledge and those made in paragraphs ...3,..... are true to my information deprived from records and the rests are my humble submission before the Hon'ble Tribunal.

And I sign on this the Verification on this the 14th day of July of 2003.

Deponent,

Sri Sanjeev Kumar Das.

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DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL:ASSAM CIRCLE:
GUWAHATI-781001.

No. Staff/16-CSC/2002

Dated at Guwahati the 25.2.03

Consequent upon the recommendations of the Circle Selection Committee, the CPMG, Assam Circle, Guwahati is pleased to approve absorption of the following applicants under relaxation of normal recruitment rules in PA/SA cadre, Postman cadre and Group 'D' cadre against the vacancies of Direct Recruitment quota for 2001 available in the Division shown against each.

The appointment will however, be subject to verification of the eligibility which will be verified personally by the appointing authorities from the original records vis-a-vis the eligibility criteria. The appointing authority/divisional heads to whom the approved candidates are allotted, will collect the required documents of the candidates from the concerned divisions.

Cadre	Sl. No	Name of candidates	Name of deceased/invalid official and relationship with the candidates	Division allotted
(1)	(2)	(3)	(4)	(5)
PA/SA cadre	1	Smt. Hiramoni Halol	D/O Late. Hara kanta Halol, Ex. Postman Guwahati GPO 3-10-18	Guwahati (P) Dn.
	2	Sri Babul Boro	S/O Late Rabindra Boro, Ex. SA (BCR) SRO, Rangia under 'GH' RMS Dn.	Gauhati Dn.
	3	Miss Lalita Boro	D/O Late Ajit ch. Boro, Ex. SA (BCR) SRO Rangia under 'GH' RMS Dn. 99	Guwahati (P) Dn.
Postman Cadre	1	Sri Rituparna Rajkhowa	S/O Late Hiteswar Rajkhowa, PA, Tinsukia	Tinsukia Dn.
Group 'D' Cadre	1	Sri Sukanta Roy	S/O Late Sliklal Namasudra, Postman, Cachar Dn	Darrang Dn.
	2	Smt. Ila Harijan	W/O Late Rampiyari Harijan, Gr D Tinsukia H.O.	Tinsukia

Attested
Notary
Advocate

The divisional heads should inform the date of their joining to this office.

The cases of above mentioned candidates were considered by the CSC alongwith those mentioned in the enclosed list and selection was made on basis of merit of the cases subject to availability of vacancies. The names mentioned in the enclosed list could not be considered as there is no other vacancy in any cadre.

27-7-2020
(S.SHYAM)
A.P.M.G.(Staff)
For Chief Postmaster General,
Assam Circle, Guwahati-781001.

Copy for information and necessary action to :-

- 1 The PMG, Dibrugarh
- 2 All SSPOS/SRM/SPOS/SSRM/MMS in Assam Circle & Dibrugarh Region.
- 3 Concerned file.

For Chief Postmaster General,
Assam Circle, Guwahati-781001.

Attested
R.Das
Advocate