

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 76/2003.....

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SECTION OFFICER (Judl.)

(RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 76/03

Misc. Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant (s) Indip Narayan Das

- vs. -

Respondent (s) N. O. T. Sons

Advocate for the applicant (s) Bhaskar Sarma

Advocate for the respondent (s) CAC

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time. Condonation motion is filed / not filed. F. for Rs. 50/- filed vide IPO/B/ No. 76/69734. Dated <u>9/4/03</u>	10.4.2003	Heard Mr. B. Sarma, learned counsel for the applicant. Issue notice to show cause as to why the application shall not be admitted. Mr. B. Sarma, learned counsel for the applicant prayed for an interim order. No such order is necessary. However, it is made clear that any appointment to the selection shall be subject to the outcome of the application. List on 12.5.2003 for admission.
Notice fixed and sent to DCS for issuing the warrant No. 164 by Legal AID. Dated <u>10/4</u> DINo. <u>755 & 758</u> dd. <u>22/4/03</u>	12.5.2003	<u>W</u> Vice-Chairman List again on 20.5.2003 for admission.
① Service report are still awaited.	mb	Vice-Chairman 2003 9.5.03

(2)

20.5.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. S.K. Hajra, Administrative Member.

No written statement has been filed.

3/5
16.6.03.

Service is complete. The respondent may file written statement, if any.

List again on 17.6.2003 for admission.

Member
Member

Vice-Chairman

mb

17.6.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. R.K. Upadhyay Member (A).

16.7.03

*WPS Submitted
by the Respondent.*

Par

None appears for the applicant. Mr. A. Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the respondents prayed for time for filing reply. Prayer is allowed.

List again on 25.7.2003 for admission. Endeavour shall be made to dispose of the same at the admission stage.

Cashyaram

Member

Vice-Chairman

mb

25.7.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

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

Heard Mr. B. Sharma, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

Respondents have filed written statement. Considering the facts and circumstances of the case, the application is admitted and the matter may now be listed to hearing on 19.8.2003. The respondents are also directed to produce the connected records.

Member

Vice-Chairman

mb

19.8.2003

Present : The Hon'ble Sri K.V.
Prahaldan,
Administrative Member.

List again on 16.9.2003 for
hearing.

K.V. Prahaldan
Member

mb

16.9.2003

No Division Bench is sitting.
List again on 6.11.2003 for hearing.

K.V. Prahaldan
Member

mb

6.11.03

no Bench today.
Adjourn to 3.12.03.

870
km.

19.12.03

3.12.03

no Bench today.

Adjourn to 22.12.03.

870
km.

WPS filed.

No rejoinder filed.

10/.

16.6.2004 Present: The Hon'ble Smt. Bharati Roy
Member (J)

The Hon'ble Shri K.V.Prah-
ladan, Member (A).

At the request made by learned
counsel for the parties the matter is
posted on 17.6.2004 for hearing.

K.V. Prahaldan
Member (A)

(J)
Member (J)

bb

17.6.04

Adjourned. List on 18.6.04
for hearing.

By order,

18.6.04

Adjourned, to be on
next D.B. for hearing.

By order,

22.7.2004 Present : The Hon'ble Sri K.V. Sachidanand, Member (J).

The Hon'ble Sri K.V. Prahaladan, Member (A).

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is dismissed in terms of the order. No order as to costs.

K.V. Prahaladan
Member (A)

K.V. Sachidanand
Member (J)

16.8.04
copy of the order
has been sent to the
Office for issuing the
same to the applicant
by post.

pg

st

10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R/A. No. 111 76/2003.

DATE OF DECISION 22.7.2004.

.....Shri Udip Narayan Das.....APPLICANT(S).

.....Sri Bhaskar Sarma.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

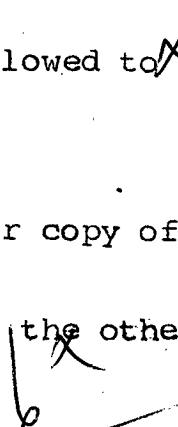
.....Union of India & Ors.....RESPONDENT(S)

.....Sri A. Deb Roy, Sr. C.G.S.C.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. K.V. PRAHLADAN, JUDICIAL MEMBER.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Member (J). 

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 76 of 2003.

Date of Order : This the 22nd Day of July, 2004.

The Hon'ble Shri K.V.Sachidanandan, Judicial Member.

The Hon'ble Shri K.V.Prahladan, Administrative Member.

Shri Udit Narayan Das,
Son of Shri Murulidhar Das,
Resident of No.1, Negheriting Grant village,
P.O. Negheriting, Dist. Golaghat, Assam ...Applicant

By Advocate Shri Bhaskar Sarma.

- Versus -

1. Union of India,
Through the Secretary to the Govt. of India,
Ministry of Communications,
New Delhi-110 001.
2. Chief Postmaster General,
Assam Circle,
Meghdoot Bhawan,
Guwahati-781001.
3. Superintendent of Post Offices,
Sibsagar Division,
Jorhat-1, Assam.
4. Shri Pankaj Kumar Das,
Son of Shri Rajat Das,
Employee of Golaghat Post Office,
P.O. Golaghat, Assam.

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

O R D E R (ORAL)

K.V. SACHIDANANDAN, JUDICIAL MEMBER,

The main averment of the applicant in the O.A is that as per the provisions of the Recruitment Rules of FD Agents the persons seeking employment to the post should be a 'permanent resident of the locality' where one has to be appointed.

2. The respondents have filed a detail written statement containing that the process of selection was

conducted where 8 (eight) persons were attended the selection and the 4th respondent was appointed after having acquired the highest marks in the HSLC Examination. Whereas the applicant has acquired the low marks far from the gradation of the 4th respondent. Therefore, 4th respondent was appointed. It is also contended that the rule stipulated for such selection is no longer in existence as the Chief Postmaster General, Guwahati vide his letter dated 10.10.2000 the selection for appointment to ED posts permanent residence in village/delivery jurisdiction of the ED post office need not be insisted upon as pre condition. Therefore, there is no fault in the selection process.

3. We have heard Shri Bhaskar Sarma, learned counsel for the applicant and Sri A. Deb Roy, learned Sr.C.G.S.C for the respondents. The learned counsel has taken us to the various materials, pleadings and records. We have given due consideration to the arguments made by them. The short facts for consideration is that the 4th respondent who was appointed on merit in the selection process is not a permanent resident of Negheriting area. The forcefull contention that the applicant's counsel pressed before us is that since he is not the resident of the area the selection of 4th respondent is vitiated by wrong selection. The learned counsel for the respondents has taken us to the decision taken by the Chief Postmaster General on the subject.

4. On the very outset and on going through the Annexure-1 intimation letter sent to the applicant dated 3.1.2003 which was a requisition sent by the Superintendent of Post Offices to the Employment Exchange, wherein it is specifically made clear that candidates belonging to places other than post office village can also apply for the post and such candidate should shift the residence to PO village in the event of his selection. The selected candidate should produce a proof to that effect within the date prescribed by the authority. Apart from that it is also pointed out by the learned counsel that the Chief Postmaster General letter and instruction on the subject that "selection for appointment to Ed posts permanent residence in village/delivery jurisdiction of the ED Post office need not be insisted upon as pre-condition. Therefore, the Service Rules for Postal ED Staff (Eighth Edition of Swamy's Compilation) as pointed out by the learned counsel has no longer in force. Moreover, we ^{are} of the considered view that from the above observation the respondents cannot fault with the selection on the basis of such a misinterpretation of rules. Apart from that we find that the applicant was in a very low rank out of the 8(eight) candidates in the process of selection even assuming the O.A is allowed he is nowhere to be for selection. In the circumstances O.A is devoid of merit and accordingly the same is dismissed. No order as to costs.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(K.V.SACHIDANANDAN)

JUDICIAL MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

O.A. No. 76 /2003

Sri Udip Narayan Das

... Applicant

Vs.

Union of India & Others.

... Respondents.

SYNOPSIS

3.1.2003 - Requisition was sent to the local employment Exchange, Golaghat to nominate as many as candidates for appointment to the post of GDS, SPM.

22.1.2003 - Supt of Post Office sent an intimation to the applicant regarding sponsorship of his name for the post of GDS, SPM.

5.2.2003 - Letter to the applicant informing the date of interview.

10.2.2003 - Letter to the applicant informing that interview schedule to be held on 11.2.2003 is hereby deferred to 19.2.2003.

17.3.2003 - Pleader's notice to the concerned authority regarding irregular appointment.

18.3.2003 - Local news paper ^{highlighted} lighfished the irregular selection of the candidate.

9
4.R.73
[Signature]
THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under Section 19 of the Administrative
Tribunal Act, 1985)

Title of the Suit : O.A.No. 76 of 2003.

Shri Udip Narayan Das: Applicant

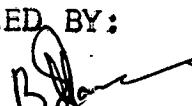
-Vs-

Union of India & Ors.: Respondents.

I N D E X

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FILED BY:


(BHASKAR KR. SARMA)
ADVOCATE

For use of Tribunal Office

Date of filing:

Registration No.:

REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BENCH

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

O.A. NO. 76 OF 2003.

BETWEEN:

Sri Udip Narayan Das,
Son of Shri Murulidhar Das,
Resident of No.1, Negheriting Grant Village,
P.O. Negheriting, District Golaghat, Assam.

.....APPLICANT

AND

1. Union of India,
Through the Secretary to the Government of
India, Ministry of Communication,
New Delhi-110 001.
2. Chief Post Master General,
Assam Circle,
Meghdoot Bhawan,
Guwahati-781001.
3. Superintendent of Post Offices,
Sibsagar Division,
Jorhat-1, Assam.

4. Shri Pankaj Kumar Das,
Son of Shri Rajat Das,
Employee of Golaghat Post Office,
P.O. Golaghat,
District Golaghat, Assam.

.....RESPONDENTS

1. Particulars of Order against which this Application is made.

Irregular Selection of Respondent No.4 to the Post of GDS S P M, Negheriting E D'S O as held on 19.2.2003.

2. Jurisdiction of the Tribunal.

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

3. The applicant further declares that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case

4.1 That the applicant is a citizen of India and is a permanent resident of Negheriting Grant Village, P.O. Negheriting, District Golaghat, Assam, as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

Shri Deep Narayan Das

2

4.2 That the applicant begs to state that a requisition was sent to the local Employment Exchange for the names of candidates for appointment to the post of 'Gramin Dak Sevak ' SPM(for Short GDS SPM) at Negheriting E D S O. Consequently, the Respondent No.3 issued a letter to the applicant vide Memo No. A3/P/ Negheriting EDSO dated at Jorhat the 22.1.2003 informing the applicant that his name has been sponsored by the District Employment Exchange, Golaghat for aforesaid post. The latter further directed that he should submit an application with full particulars on or before 3.2.2003.

It is pertinent to mention herein that Report of Justice Talwar Committee, on Postal Extra Departmental System, has recommended that the nomenclature 'Extra-departmental System' be changed to 'Rural Postal System' and the Extra-Departmental Agents' be called 'Rural Postal Employees or Gramin Dak Karmachari, which is published in Swamy's Compilation of Service Rules for Postal E D Staff.

A copy of the Requisition dated 3.1.2003 and the letter dated 22.1.2003 are annexed hereto and marked as Annexure- 1 & 2

4.3 That the applicant begs to state that the Respondent No.3 had issued another Memo No. A3/P/Negheriting

to the applicant whereby he was directed to attend office on 11.2.2003 for the Selection of GDS SPM Neghereting EDSO. Subsequently, the applicant ^{had received} another letter No. A3/P/Neghereting EDSO dated 10.2.2003 whereby it was informed that the Selection process in respect of GDS SPM Neghereting EDSO Scheduled to be held on 11.2.2003 is hereby deferred to 19.2.2003.

A copy of the letter No.A3/P/Neghereting dt.5.2.03 and Copy of the letter No.A3/P/Neghereting EDSO dt. 10.2.2003 are annexed hereto and marked as Annexure -3 and 4.

4.4 That the applicant begs to state that the applicant was present in the Selection Process held on 19.2.03 and on the same day the name of the selected candidate was announced and the Respondent No.4 got the Selection for the aforesaid post. It is pertinent to mention herein that the person seeking employment as GDS SPM must be permanent ^{resident} of the village where the post office is located. But the respondent No.4 is not a permanent resident of the Neghereting Village or localities from which the candidates are required to be nominated. The applicant further begs to state that Shri Samiran Das, Gaonbura of the Neghereting Village wrote a letter on 25.2.03 informing the concerned authority that Respondent No.4, is not a permanent resident of Neghereting Post Office, in fact, he resides in the quarter of Dergaon Post Office as his father is working in the said Post office,

and therefore, a request is made for the appointment of the person who is a permanent resident of the village Negheriting. But the concerned authority did not pay any heed.

A copy of the letter dated 25.2.2003 is annexed hereto and marked as ANNEXURE-5.

4.5 That the applicant begs to state that the applicant verbally intimated to concerned authority ^{selected} that they have irregularly ~~appointed~~ Respondent No.4 who is not a permanent resident of the Negheriting Post Office but the concerned authority did not pay any heed and simply said that Respondent No.4 was Selected for such post as per merit and possess of properties which is not a requirement as per relevant rules. Finding no way the applicant send a Pleader's Notice on 17.3.2003 to the concerned authority alleging irregular appointment to the Post of GDS SPM, Negheriting EDSO. But no satisfactory reply was given.

4.6 That the applicant begs to state that the applicant worked as nominee of his father from time to time in the said post office when his father remained on leave.

4.7 That the petitioner begs to state that the local daily news paper named Amar Asom published from Guwahati and Jorhat had highlighted on 18.3.2003 about the selection of the candidate and the said paper also stated

-6-

that the Selected candidate is not a permanent resident of the said post office and in fact, he is a permanent resident of Palashbari. The said News paper further highlighted that the said Selected Candidate was trying to collect the certificate of permanent resident of Neghereting area.

4.8 That the applicant respectfully submits that the Respondents violated the prescribed rules of recruitment.

4.9. That the applicant begs to state that unless the Hon'ble Tribunal intervene in the matter great hardship will be caused to this applicant because other candidates are not interested for the said post except Respondent No. 4 who is not a permanent resident of the aforesaid Post Office.

4.10 That this application has been made bonafide and for the cause of justice.

4.11 Grounds for relief with legal provision.

a) For that the respondent authority did not make a fair selection. No relevant rule was followed as regards the eligibility of the Respondent No.4 for which his Selection is liable to be set aside.

-7-

b) For that the respondent No.3 has made Selection of Respondent No. 4 arbitrarily and in abuse of his power which he has not exercised in accordance with relevant rules.

4.12 Details of remedies exhausted.

The applicant states that he has no other alternative and other efficacious remedy then to file this application.

4.13 Matter not previously filed or pending with any other Court.

The applicant further declares that the subject matter of this application is not pending before any Court of law or any other Bench of the Tribunal.

4.14 Relief Sought:

Under the facts and circumstances of the case the applicant prays that your Lordship would be pleased to issue Notice to the Respondents to show cause as to why the relief sought by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause that maybe shown, be pleased to grant the following reliefs:

-8-

a) That the Hon'ble Tribunal be pleased to set aside the irregular selection of Respondent No.4 to the post of GDS SPM, Neghereting EDSO held on 19.2.2003.

b) The Tribunal be pleased to direct the respondents to select the appropriate candidate to the said post.

c) Any other relief/reliefs to which the applicant is entitled to as deemed fit and proper by the Hon'ble Tribunal.

4.15 Interim relief prayed for:

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

i) That the Hon'ble Tribunal be pleased to direct the Respondents to keep in abeyance the Selection of the Respondent No.4 to the post of GDS SPM, Neghereting EDSO till the disposal of this application.

4.16 Particulars of IPO.

I.P.O. No. 7G607934

Date of Issue: 9.4.2003.

Issued from GPO, Guwahati.

Payable at - Registrar, CAT, Guwahati.

4.17 List of Enclosures:

As stated in the Index.

....Verification P/9

-9-

VERIFICATION

I, Sri Udip Narayan Das, son of Shri Murulidhar Das, aged about 24 years, resident of No.1 Neghereting Grant Village, P.O. Neghereting, District Golaghat, Assam do hereby verify that the statements made in paragraphs 1-4, 4.12 to 4.17 are true to my knowledge and those made in paragraphs 4.11 are true to my legal advice and I have not suppressed any material fact.

And I sign this Verification on this the day of April, 2003.

Sri Udip Narayan Das

Signature

OFFICE OF THE SUPDT OF POST OFFICES, SIBSAGAR DIVN, JORHAT.

(A-1)(i)
(Notification)

From :

ঢাক অধীক্ষক
Supdt of Post Offices,
সিবসাগর মণ্ডল
Sivasagar Division,
Jorhat-785 001

To,

The Employment Exchange Office
.....

Soltagent

No :- 13/1/P/Argt/01

Dtd. at Jorhat the 3-7-2003

Sub. :- Appointment to the post of SOS. SAW.

Sir,

It is proposed to fill up the above post. You are requested to nominate a minimum of 3 candidates who fulfil the following eligibility conditions. It is requested to nominate as many candidates as possible. The list of nominated candidates should be sent to reach this office on or before If no list is received within the stipulated ~~date~~ or a minimum of 3 candidates are not nominated, further action will be taken to fill up the vacancy.

2) The "vacancy" is reserved for _____/not reserved for any community.

3) Eligibility Condition

(i) Age :- Above 18 years and below 62 years of age as on the last date of receipt of applications.

(ii) Minimum Educational Qualification :- HSLC/ Xth Standard passed. No weightage is given for higher qualification. However this does not bar the candidates with higher qualification from applying for the post.

(iii) Residence :- Candidate belonging to places other than Post Office can also apply for the post and such candidate should shift the residence to PO village in the event of his/her selection. The selected candidate should produce a proof to that effect within the date prescribed by the undersigned, after selection.

(iv) The candidate should not be an elected member of the Panchayat other statutory bodies.

(v) The candidate should not be an agent of ITC or other Insurance finance companies.

..... contd. 2/-

Attested by
Bhaskar Kumar Samu
Advocate

- 11 -

4) (i) All applications covers received would be specified date, time and venue by the concerned authority, in the presence of all such applicants (and not their representatives) who may be desirous of being present at that time. The selection would also be finalised on the same date immediately after opening the applications then and there only.

(ii) The cover containing applications should be superscribed in bold letters as " APPLICATION FOR THE POST OF ~~EDSPM~~ Negeting".

5) The appointment is purely temporary and in the nature of a contract liable to be terminated by the competent authority at any time with one month's prior notice. The work is part-time for a period of 3 to 5 hours a day and the appointment will not confer any right on the candidate to claim any regular, full time post in the Department. The post carries time related continuity allowance of Rs. plus admissible DA.

6) Any kind of influence brought by the candidates regarding appointment, will be considered as a disqualification. No correspondence attempting to influence the selection process, will be entertained.

SA
Yours faithfully

दास अधीक्षक
Supd. of Post Offices,
सिवायर मंडल
Sivasagar Division
(Signature & Design.)
Jorhat-786 001

Copy to

1. The inspection posts. Jorhat south sub division for information and wide publicity.
2. The president again regarding negeting for information and wide publicity.

Reb 03/01/02
दास अधीक्षक
Supd. of Post Offices,
सिवायर मंडल
Sivasagar Division
Jorhat-786 001

ANNEXURE-2

- 12 -

DEPARTMENT OF POST INDIA OFFICE OF THE SUPDT OF POST OFFICES SIVSAGAR DIVISION JORHAT - 1

Regd

To,
sri Udip Narayan Das,
vill & P.O. Negheriting FDSO

No - A3 /P 1 Negheriting FDSO

Dated at Jorhat the 22-1-2003

Sub-Selection of GDS FDSO Be in a/c with
..... under Galoghat FDSO H.O.

As your name has been sponsored by the employment
Exchange for the above post you are directed to send the application
Form enclosed here with duly filled in alongwith the following
certificates to as the reach this office on or before 3-2-2003.
Application received after the due date will not be entertained.

1. Character Certificate from two Gazzeted officers.
2. Solvency Certificate from the revenue authority.
3. Income Certificate from the revenue authority.
4. Educational Certificate.
5. Land holding documents in your name from revenue authority.

22-1-03
(S.DAS)

Supdt. of Post Offices,
Sivasagar Divn, Jorhat-1.

*Attested by
Bhakar Krt. Santra
Advocate*

ANNEXURE - 3

Recd

DEPARTMENT OF POSTS INDIA
OFFICE OF THE SUPDT OF POST OFFICES SIVASAGAR DIVISION
JORHAT 785001

To

1. Sri Roman Das , Vill & Po Negheriting .
2. Miss Debajani Das , Vill & Po Negheriting .
3. Sri Radhashyam Ghatowary , Vill po & Negheriting .
4. Sri Udipnarayan Das , Vill & po Negheriting .
5. Sri Dhamindra Das , Vill & Po Negheriting .
6. Sri Pankaj kr Das , Vill & Po Dergaon .
7. Sri Rana Saikia , Vill Barichowagaon , Po Dadhara, Via Dergaon .
8. Mrs Jayanti Das , Vill & Po Negheriting .

Memo No-A3 / P/ Negheriting Bo / Dated at Jorhat the 5.2.03

Sub-Selection of GDS BPM Negheriting ED Bo in account with
..... So.

You are directed to attend this office on 11.2.03 at 1000 hours in c/w selection of GDS BPM Negheriting ED Bo . The Original copies of Certificates / Documents should be brought with you while coming to attend this selection process.

Attested by
B. Narkar & T. Samanta
Advocate

2003
(S. Das)
Supdt of post offices
Sivasagar Division
Jorhat 785001

Department of Posts, India.

प्राक्त अधीक्षक
Supdt. of Post Offices,
शिवसागर मंडल
Sivasagar Division,
Jorhat-785 001

To,

1. Sri Radhashyam Ghatoowar
vill. & P.O. Negheriting
2. Sri Udaynarayan Das.
vill. & P.O. Negheriting.
3. Sri Dhamindra Das.
vill. & P.O. Negheriting.

Regep

No-A3/P/1 Negheriting ED50 Dtd. Jorhat the - 10-2-2003

sub:- Selection of GDS SPM Negheriting ED50.

The Selection process in respect of GDS SPM Negheriting ED50 scheduled to be held on 11-02-2003 is hereby deferred to 19-02-2003.

प्राक्त अधीक्षक
Supdt. of Post Offices,
शिवसागर मंडल
Sivasagar Division,
Jorhat-785 001

Attested by
Bhawna Kumar Soni
Advocate

ANNEXURE-5

(Translated copy of Gaonbura letter dtd. 25-2-2003.)

TO

The Superintendent Postal Department,
Sibsagar.

Dated- 25-02-2003.

Sub : Application for Non-Permanent Resident.

Sir,

With due respect it is inform that Sri Rajat Das, his son Pankaj Kumar Das is not a permanent resident of the Neghereting Post Office. At present he is residing in the Quarter of Dergaon Post Office as is father is a Employee of Golaghat Post Office. He is a person of Palashbari of Guwahati and every body knows that till now i.e. as on 25-02-03 he is residing in the post office residential Colony of Dergaon after investigation by the villagers of Negheriting.

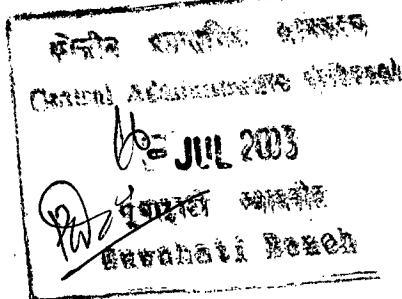
It is therefore, requested to appoint a person who is a permanent resident of Negheriting Sub-Post Office to the Post of GDS SPM with due consideration.

Yours,

Sd/- Samiran Das
Gaonbura Negheriting Village.

Date- 25-2-03.

A. H. K. Das
B. H. C. K. Das
C. H. C. K. Das



Filed by

16/7/03
(A. DEB BOY)
Sr. C. C. L. C.
C. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI

O.A. NO. 76 OF 2003

Shri Udit Narayan Das.

..... Applicant.

- Vs -

Union of India & Ors.

..... Respondents.

- And -

In the matter of :

Written Statement submitted by the
respondents.

The humble respondents beg to submit the para-wise
written statement as follows :-

1. That with regard to the statement made in para 1, of the application the respondents beg to state that the selection of appointment to the Post of GDS SPM, Negheriting EDSO was not at all irregular which was made as per Departmental rules and procedure.
2. That with regard to para 2 and 3, of the application the respondents beg to offer no comments.
3. That with regard to the statement made in para 4, of the application the respondents beg to state that it was proposed to fill up vacant post of GDS SPM of Negheriting EDSO.

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A Notice was Issued vide no. A3/P/Negheriting dated at Jorhat the 3.1.2003 which copies also endorsed to Inspector of Posts, The President Gaon Panchayat Negheriting and the EDSPM Negheriting EDSO for information and for wide publicity. Accordingly names of 7(seven) candidates were sponsored by the Employment Exchange, Golaghat vide no. OV-1/03/36 dated Golaghat the 13th January/2003. The candidates were directed to submit their application along with other required certificates on or before 3.2.03 vide no. A3/Negheriting EDSO dated dated Jorhat the 22.1.03. Accordingly applications were received from 8(eight) candidates including the application of Sri Pankaj Kr. Das (Respondent No.4). These candidates were directed to attend this office on 11.2.2003 at 11.00 hrs and they were requested to bring with them the original copies of the certificates/documents for this selection process vide letter dated 5.2.03. Subsequently the date of selection process was differed to 19.2.2003. As per process comparative chart of candidates for selection of the EDSPM was prepared where all the candidates present were signed and in presence of Sri N.R. Saikia, Inspector of Posts, Mariani Sub Division and A. Shome, ASPOs(HQr), Jorhat Sri Pankaj Kr. Das (Respondent No.4) was selected for the post of GDS SPM on the basis of marks and landed property documents.

4. That with regard to para 4.1, of the application the respondents beg to offer no comments.

5. That with regard to the statement made in para 4.2 & 4.3 of the application the respondents beg to state that as stated in para 4 above.

6. That with regard to the statement made in para 4.4, of the application the respondents beg to state that the selection of the candidates for the post of GDS SPM, Negheriting EDSO was made according to the Departmental process and Rules. Regarding Permanent residence of the candidate it is to be mentioned that as per Chief Postmaster General, Guwahati letter no. Staff/24-6/2000 dated Guwahati 10th October/2000 (Ref. Director's no. 17-104/93-ED & Trg. dated 6.12.93 selection for appointment to ED posts permanent residence in village/delivery jurisdiction of the ED Post Office need not be insisted upon as precondition.

7. That with regard to the statement made in para 4.5, of the application the respondents beg to state that as already stated in the above paras that the selection was made as per Departmental Procedure. Suitable reply of the pleader's Notice dated 17.3.03 has already been sent vide letter no. A-3/Negheriting dated 21.3.03.

8. That with regard to the statement made in para 4.6, of the application the respondents beg to state that there is no system of giving weightage to the work experience in the Department in selecting the candidates for new appointment. As per Departmental Rules, the nominee has got no claim wheresover over the post he works as he works only on responsibility of the incumbent of the post. Hence working as nominee of somebody does not entitle him for regular absorption in the said post.

9. That with regard to the statement made in para 4.7 & 4.8, of the application the respondents beg to state that as already ~~as~~ stated in the above paras.

10. That with regard to the statement made in para 4.9, of the application the respondents beg to state that the selection was according to the Departmental Rules and process.

11. That with regard to para 4.10, of the application the respondents beg to offer no comments.

12. That with regard to the statement made in para 4.11, of the application the respondents beg to state that as the selection was according to the Departmental Rules and process question of setting aside does not arise.

13. That with regard to para 4.12 & 4.13, of the application the respondents beg to offer no comments.

14. That with regard to the statement made in para 4.14, of the application the respondents beg to state that as the selection for the Post of GDS SPM was made as per Departmental Rules and there is no irregularities in the process the question of any relief to the complaint does not arise.

15. That with regard to the statement made in para 4.15, of the application the respondents beg to state that as stated in para 4.14 above.

16. That with regard to para 4.16 & 4.17, of the application the respondents beg to offer no comments.

The present complaint is liable to be dismissed and the complaint be held not be entitled to any relief as prayed for.

Verification.....

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VERIFICATION

I, Shri B. K. Marade, presently working as Aspdt of Post Office, Jorhat, being duly authorised do hereby solemnly affirm and state that the statements made in paragraphs 1 to 16 of written statements are true to my knowledge, those made in paragraphs 17 to 21 being matters of record are true to my information derived there from and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this 10th day of June, 2003.

Deponent.
Risomsingh K. Marade
Aspdt. of Post Office,
Sibsagar Division,
Jorhat-785 001