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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 149/2004.....

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SECTION OFFICER (Judl.)

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Org.App/ Misc.Petn/Cont.Petn/ Rev.Appl. _____

In C.A. 149 of 2004.

Name of the Applicant(s) Mr.M.Hussain

Name of the Respondent(S) Union of India & Ors.

Advocate for the Applicant B.Islam, N.M.Sarkar, M.U.Mandal.

Counsel for the Railway/ C.G.S.C. C.G.S.C.

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
<p>This application is in form is filed/C F for as of deposited vide F. 30 No. <u>119418749</u> Dated <u>25.6.04</u></p> <p>Dy. Registrar <u>Poo</u></p> <p>steps taken with envelops.</p> <p><u>Gro</u></p>	<p><u>21.7.04.</u></p>	<p>Present: Hon'ble Mr.K.V.Sachidanandan Judicial Member Hon'ble Mr.K.V.Prahladan, Administra- tive Member.</p> <p>The applicant was working as EDDA(C) EDMC at Suapata Branch. Accord- ing to him he has appointed in vari- ous course of time. The applicant has been terminated from service in viola- tion of Rules 6,9 and 13(2) of the P & T EDAs (Conduct & Service) Rules 1964. The applicant has also handed over charge of the area. He has sub- mitted a representation on 10.4.2004 (Annexure 8) requesting the competent authority for appointing him in any alternative post that may fall vacant under the respondents. But the Respon- dents have not given any positive res- ponse to engage him in any alternative post as per the conduct and service Rules 1964. Being aggrieved the appli- cant has filed this O.A.</p>

Heard Mr.N.M.Sarkar learned
counsel for the applicant and Mr.A.Deb
Roy, Sr.C.G.S.C. for the Respondents.

contd/-

21.7.04. When the matter came up for hearing the learned counsel for the applicant prays ^{consider and} for direction to dispose of the representation dated 22.4.2004 by a appropriate order. The learned counsel for the Respondents has no objection. Therefore, we direct the Respondents to dispose of the representation dated 22.4.04 (Annexure 9) within two months from the date of receipt of this order.

Accordingly, the O.A. is disposed of at the admission stage itself.

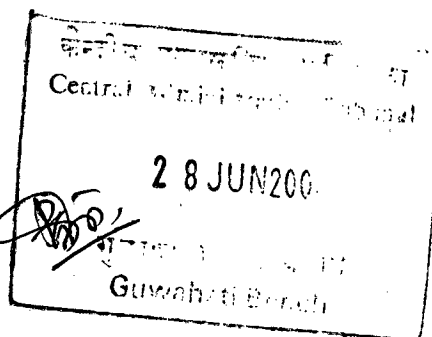
Member(A)

Member(J)

lm

11.8.04

Copy of the order has been sent to the office for issuing the order to the applicant by post.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GAUHATI BENCH :
GUWAHATI.

O.A. NO. 149 /2004.

Md. Monowar Hussain

-Vs-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION :

2.12.1998 The applicant was appointed as EDDA (C) EDMC at Suapata Branch, vide memo No.A-2/Suapata dated Suapata, issued by the Sub.~~Divisional~~ Divisional Inspector of post Officers, Dhubri Sub-Division Dhubri.

Annexure- 1.

2.7.1999 The applicant was appointed in the vacant post (put off) post of the Respondent No. 6 w.e.f. 2.7.99 to 30.9.99.

Annexure- 2.

4.10.1999 Finally the applicant was provisionally appointed in the some post by taking interview and selection as per the (Conduct & service) Rules 1994.

Annexure- 3.

01.01.2000 The Sub-Divisional Inspector of Post Officer, Dhubri, Sub.Division Dhubri was made advertisement to till up the post of EDDA (E) EDMC at Suapata

Contd....

2.

Branch S.O. Bilasipara against the Put-off duty of the Respondent No. 6, the applicant rendered his application and appealed before the selection Board and accordingly he was selected and appointed against the Put-Off post of the Respondent No. 6

Annexure- 4.

24.1.200 : The applicant was provisionally appointed by Respondent authorities to the Post of EDDMC (C) EDMC Suapata B.O. under no Bilasipara S.O. against the Put-off post against Respondent No. 6, it was noted that if finally decided not to take Respondent No. 6 back in to service till regular appointment is made.

Annexure- 5 & 5-A.

31.3.04 : The applicant was terminated from service in violation of Rules 6,9 and 13(2) of the P & T. EDA'S (conducts & service) Rules 1964 and deprived the applicant, violation Articles -14,16,19 and 21 of the Constitution of India.

Annexure- 6

Contd...

. 3.

8.9.04

That on 8.4.04 - the applicant was forced to handed over the charge of EDDA & EDMC to the Respondent No.6, he was in duty on the same day at Bilasipara Post Office.

Annexure- 7.

10.4.04

: The applicant submitted an application to the Suapata of Post officer Goalpara Division,Dhubri, through the Sub-Divisional Inspector of post Offices Dhubri prayed for alternative any post under Respondent, authority.

Annexure- 8

22.4.04

: The applicant has submitted an appeal before the Superintendent (Postal)Goalpara DivisionDhubfi against the termination order from the post of EDDA (C) EDMC . Suapata B.O.,Bilasipara S.O. dated 31.3.04

Annexure- 9

Hence this Original application before the Hon'ble Tribunal.

Contd....

4.

P R A Y E R

Pending disposal of the application the applicant pressed to your Lordships that the applicant has been servicing in the post of EDDA (C) EDMC against the vacant post (Put-Off) of the Respondent- 6 since 2.12.98 to 30.3.04, near around 5(five) years in the Suapata Branch Office under Bilasipara S.O. post office. The Respondent authorities unfortunately Terminated to him on 31.3.04 from his post the Respondent authorities violated the natural justice, administrative fair play, violative the ~~PST~~ EDA's (conduct & service) Rule 1964 also. There of pleased your Lordships would be pleased to stay the operation of the ~~Ans~~ impugned order dated 31.3.04 vide Memo No.A-2/Suapata also. direction to the Respondent authorities not to give effect of the impugned order and allow and given alternative job under Respondent authorities and your Lordship pleased to direct the respondents that there shall be no bar to appoint the applicant under the respondents for the ends of justice.

Relief(s)
sought for:

...

DISTRICT : KAMRUP

THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BRANCH :

O.A. NO. 149 /2004.

Md. Monowar Hussain ... Applicant.

-Vs-

The Union of India & Ors. ... Respondents.

I N D E X

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Filed by :

Advocate.

Filed by the applicant -
Monowar Hussain
through the
Advocate.
28/6/04.

THE CENTRAL ADMINISTRATIVE TRIBUNAL , GUWAHATI BRANCH,

GUWAHATI

O.A.No. _____/2004

BETWEEN

Md. Monowar Hussain

S/o MD. NOOR HUSSAIN

Village- & P.O. Suapata.Pt-IV

P.S. Bilaripara,

District- Dhubri (Assam.).

... Applicant

-Versus-

1. The Union of India,
represented by the Secretary
to the Govt. of India ,
Department of Communication,
New Delhi.
2. The Director of Postal Services,
New Delhi.
3. The Post Master General, Assam,
Megdoot Bhawan, Guwahati.

Contd...2

Monwar Hussain

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4. The Superintendent of Post Office,
Goalpara, Division, Dhubri,
District- Dhubri, Assam.
5. The Inspector of Post Office,
Dhubri, Sub-Division,
& Dhubri.
6. ~~Mr~~ Md. Atazuddin (Ahmed)
S/o Lt. ~~NAIMUDDIN~~ *NAIMUDDIN*
Village- Suapata-Part-I
(Masaner alga)
P.O. Suapata, P.S. Bilaripara,
District-Dhubri, Assam.

... Respondents

DETAILS OF APPLICANTS.

1. PARTICULARS : OF THE ORDER AGAINST WHICH IS
APPLICATIONS IS MADE :

The instant application is directed against the impugned order vide Memo No.A-2/Suapata dated 31.3.04 issued by the Inspector of Post offices Dhubri, Sub-Division Dhubri- whereby the petitioner/applicant's services EDDA(C) EDMC has been put Off/Terminated illegally without giving any notice and also in violation of the Rules 6 & 13(2) of P & T EDA's (Conducts & service) Rule 1964.

Contd...3

Monowar Hussain

The application also directed against the arbitrary, malafide, bias, discriminatory and highhanded exercise of postal of the Respondents authorities regarding Termination of the service ~~service~~ of the Complainant who has completed ~~about~~ 5(five) years as EDDA (C) EDMC at Suapata Branch Post office.

2. JURISDICTION OF THE TRIBUNAL.

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

3. LIMITATION :

The applicant further declared that the application is filed within the limitation period prescribed under Section-21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :

4.1) That the applicant is a citizen of India and a permanent resident of village and post office - Suapata, P.S. Bilasipara, and in the District of Dhubri (Assam) and as such his entitled to get all sorts of right, previlleges, benifits and protection ~~g~~anted by the Constitution of India and ~~an~~ other laws of the land.

Contd...4

Monowar Hussain

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4.2) That the applicant has passed L.C.Examination in the year 1996. Thereafter the applicant could not prosecute further studies due to financial hardships and he himself enrolled his name in the Local employment Exchange office Dhubri and searching a suitable job to maintain his family.

4.3) That on 2.12.1998, the applicant was appointed as EDDA -Cum-EDMC at Suapata Branch post office as per the Order we should vide Memo No.A-2/Suapata Dated 2.12.1998 issued by the Sub-Divisional Inspector of Post Offices, Dhubri Sub-Division, Dhubri. Accordingly, the applicant joined in his service and working for a period of about 5(five) years W.E.F.2.12.98 to 30.3.04. The applicant's service was extended from time to time vide 2.12.98 to 29.2.99, 2.7.99 to 30.9.99 and from 4.10.99 to 31.12.99 and finally he was provisionally appointed in the same post by taking interview and selection as per the (Conducts & Service) Rules 1964.

A type copy of the appointment order dated 2.12.98 is annexed herewith and marked as Annexure No.1.

A type copy of the appointment order dated 2.7.99 is annexed herewith and marked as Annexure No.2.

Contd...5

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A photocopy of the appointment order dated 4.10.99 is annexed herewith and marked as Annexure No.3.

4.4) That on 1.1.2000 an advertisement was made, issued by the Sub-Divisional Inspector of Post Offices, Dhubri Sub-Division, Dhubri to fill up the post of EDDA -Cum- EDMC at Suapata Branch & Post Office, Bilasipara, against the Put off (Suspension) duty. Accordingly the applicant tendered his application for the same post and appeared for the selection Board and got selection for the same. Subsequently, the applicant was ~~was~~ duly selected and appointed to the said post against the put off post held by Respondent No.6 till the departmental proceeding against Respondent No.6 are finally disposed of and he has exhausted all channels of departmental and in case it is finally decided not to take respondent No.6 back into service till regular appointment is made. Accordingly he was in service till 30.3.04. On 18.3.2002 the applicant submitted his security Bond of Rs.20/- P.year and since 24.1.2000 at Rs. 15/- P.M. has been deposited as provident fund and gratuity till 30.3.04.

A copy of the advertisement dated on 01.01.2000 is annexed herewith and marked as Annexure-No.4.

A copy of the provisional appointment dated 24.1.2000 is annexed herewith and marked as Annexure No.5 herewith as Annexure No.5-A.

4 - 5. That on 31.3.04, the applicant was put off/Terminated from service in violation of Rules - 6, 9, and 13(2) of the P & T . EDA's (Conducts & Service) Rules - 1964 and also without giving any notice and without giving any opportunity of any hearing in a arbitrary malafide and discriminatory manner which ought not have been passed by which the applicant has been deprived from his livelihood which is head by Article 14, 16 , 19 and 21 of the Constitution of India the said impugned order vide Memo No. A - 2/Sarupata dated 31.3.04 issued by the Inspector of posts Dhubri sub Division, Dhubri.

A copy of the impugned order dated 31.3.04 is annexed herewith marked as Annexure No. 6.

4- 6. That on 8.4.04 the applicant was forced to hand over the charge as EDDA cum EDMC to the respondent No. 6 while the applicant was in duty on the same day at Bilasipara post offices . Accordingly the applicant under treamandus pressure handed over charge to the Respondent No. 6.

A copy of the certificate of Transfer of Charge dated 8.4.04 is annexed herewith and marked as Annexure No. 7.

4- 7. That on 10.4.04, the applicant submitted an application to the Superintendent of Post offices

Goalpara.....

Goalpara Division, Dhubri, through the Sub-Divisional Inspector of Post officer Dhubri praying for a alternative post fall vacants under the Respondent in view of the past experience as a EDDA cum EDMC for a period of about five years at Suapata Branch post office. But the Respondent has not given any positive response to engage/appoint in any alternative post as per the conducts and service Rules 1964.

A copy of the Representation dated 10.4.04 is annexed herewith as Annexure No. 8.

4-8. That on 22.4.04, the applicant has submitted and appeal to the Superintendent (Postal) Goalpara Division Dhubri against the Termination order from the post of EDDA cum EDMC at Suapata Branch post office under Bilasipara sub Divisional Office and also praying for setting aside and causing the impugned part of Termination order dated 31.3.04 issued vide Memo No. A-2/Suapata, by the Inspector of post Dhubri, Sub-Division, Dhubri and also prayed for receiving the impugned order and back him in his service with all benefits under the Rules but the respondent has not taken any decision on the subject matter till now.

A copy of the appeal petition dated 22.4.04 is annexed herewith and marked as Annexure No. 9.

contd..

Memorandum

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4-9. That the applicant begs to state that his qualified for the post of EDDA (C) EDMC and he was appointed in the same post on 2.12.98 and continued upto 30.3.04. In the year 2000 there was an Interview and selection Board for the same post and the applicant got selection and was duly appointed and he continued service about 5(five) years and as such his Termination is in violation of Rules of Rules - 6, 9, & 13 (2) of the P & T E D T (Conduct & Service) 1964 - which is illegal, malafide, arbitrary, without jurisdiction and discriminatory, without application of mind which is bad in law and the same is liable to be set aside and quash and the cause of justice.

4-10. That the applicant begs to state that he was in service for a period of about five years and he was Terminated from his post without giving any notice and without any opportunity of hearing and as such the said ex-facie impugned order is in violation of the principle and natural justice, and ^{ad-}ministrative fair play and good consequences and as such the same is liable to be set aside and quashed.

4-11. That considering the facts and circumstances of the case, Impugned order dated 31.3.04 may kindly be stayed in the interest of justice.

4-12. That this application has been made bonafide and to secure the ends of justice.

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5. GROUND FOR RELIEF WITH LEGAL PROVISION

51 1. For that Impugned put off/Termination order vide Memo No. A-2/Suapata Dated 31.3.04 is in violation of the Rule - 6/9/13(2) of the P & T EDA's (conducts & Service) Rule - 1964 and as such the same is illegal arbitrary malafide without jurisdiction as per the conducts and service Rule - 1964 and as such the same is not tenable in the eye of law and is liable to be set aside ~~to be~~ ~~caused~~.

5-2. For that the applicant has already crossed the maximum age limite of geting any Govt. job and as such if he deprived fromthe post which he was holding, he will be ruined foreover for his no fault. The applicant was in service for a period of around Five years and he was discharging his duties with all sincerities and no fault was found on the part of applicant while he was in service. considering the age and length of service the applicant may kindly be re-instated in his service or inany job under the Respondent authorities by seting aside the Impugned order in the interest of justice.

5-3. For that the impugned order was without giving any notice and without viving any oportunity of hearing

contd...

Memorandum

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to the applicant which has violated not only the Fundamental rights of the applicant conferred under Article 14, 16, 19 and 21 of the Constitution of India but also violated the principle of Natural Justice, Administrative fair play and good consciences for which the Impugned order is highly illegal and bad in Law and same is liable to be set aside and ~~quashed~~ ~~quashed~~ ~~quashed~~.

5-4. For that in any view of the matter the impugned order is liable to be set aside and ~~quashed~~.

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

6. DETAILS OF THE REMEDIES EXHAUSTED :-

The applicant declares that he has no other alternative and efficacious remedy except by may be filing this application.

7. MATTER NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT.

The applicant further declares that no other application, writ petition or suit in respect of the

contd..

monowar Hussain

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Hon'ble Tribunal for 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 most respectfully prayed that Your Lordships would be pleased to admit this application, call for the records issue a Rule to Respondent to show cause as to why the Impugned order vide Memo No. A-2/Suapata dated 31.3.04 shall not be set aside and caused by issuing a writ of circiorari should not be issued by setting aside and causing the Impugned order and or cause or causes shown upon hearing the parties and or perusal of the records be pleased to grant the following relief :-

- 8-1 To issue a writ of circiorari by setting aside and causing the Impugned order vide Memo No. A-2/ Suapata dated 31.3.04 issued by Inspector of posts Dhubri Sub-Division Dhubri where by the applicant is Terminated/put off from his service.
- 8-2. To direct the Respondent to re-instate the service of the applicant as a EDDA(C) EDMC and or the applicant may kindly be appointed in any post under the respondents authorities

Considering the age and length of service rendered by the applicant for a period of five years as per the provision of the (Conducts and service) Rules 1964.

- 8-3. Any other relief or reliefs to which the applicant is entitled to.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant pressed that Your Lordships would be pleased to stay the operation of the Impugned order vide memo No. A-2/Suapata dated 31.3.04 and also the respondent may be directed not to give effect to the Impugned order and or the applicant may be given alternative job under the respondent in the interest of justice.

Further your Lordships would be pleased to direct the respondents authorities that there shall be no bar to appoint the applicant in any vacant post under the respondent in the end of justice.

10. That the application is filed through Advocate.

Monowar Hussain

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11. PARTICULARS OF THE I.P.O

- i) I.P.O No. 11648749
- ii) Date 25/8/2004.
- iii) Payable at :- Gauhati.

12. List of ENCLOSURES

As stated in the Index.

contd...

Monowar Hussain

VERIFICATION

I, Md Monowar Hussain aged near about 29 years, son of Noor Hussain, Resident of village Suapata, P.O. Suapata P.S. - Bilasipara and in the District of Dhubri, Assam, do hereby solemnly affirm and declare and verify that the statement made in paragraphs 1 to 4.1, 4.2, 4.3, 4.10, 4.11, 4.12 to 5.1, 5.2, 5.3, 5.4, 6, 7, 10, 8.1, 8.2, 8.3, 9, 10, 12, 12- those made in paragraphs in 4.3, 4.4, 4.5, 4.6, 4.7, ~~4.8~~ 4.8- are derived from the records and rest are my humble submission before this Hon'ble Tribunal.

I signed this verification on this day of 28th June/2004 at Guwahati.

Monowar Hussain

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Annexure - 1

SUB DIVISIONAL INSPECTOR OF POST OFFICE
DHUBRI SUB DIVISION
DHUBRI - 788 801

No. A-2/ Suapata Dated Dhubri 2-12-98.

In supession of this office memo of even no dated 28.11.98 the following arrangement is made against the EDDA cum EDME/ Suapata R/o in a/c Bilasipara So vide Afazuddin on put off duty.

1. Mohammad, Monowar Hussain S/o Md Noor Hussain vide & P.O. Post Suapata B O is hereby allowed to work on very temporary measure from 2.12.98 to 29.2.1999.

The undersigned is reserve the write to terminate the arrangement at any time without assigning any reason. M.D. ~~Monowar~~ Monowar Hussain has been .. clear understanding that he will leave no future claim for appointment in any post inthe department.

Sd/- SARMA..
Sub Divisional Inspector of Post
office, Dhubri Sub Division.
Dhubri.

Copy to :-

1. The Bfom./ Suapata / Bilasipata for information and n/a.
2. The SPML Bilasipara for information and n/a.
3. The Postmaster/ Dhubri H/O for information n/a.

Sd/-
Sub Divisional Inspector of
Post Office, Dhubri Sub Division.

...

attested by
28/6/04
Adn

24

16 -

- -

Annexure - 2

No. A-21 Suapata Dated Dhubri - 2.7.99

Sub Divisional Inspector of Post Office

Dhubri Sub Division

DHUBRI - 788 801.

The following temporary arrangement is ordered and to hand immediately of fact in the vacant post of the EDDM cum Lone Suapata Bu in a/c Bilasipara. So

i) M D Monowar Hussain S/o Noor Hussain of Suapata is hereby ordered to work as LDDA cum EDMA Suapata By Bilasipara vide M.D. Afazuddin(Put off duty) with effect from 02.7.99 (F/N) to 30-09;99.

The U/s is reserve the right to terminate the arrangement at any time without anything any reason.

M.D. Menowar Hussain has been given clear understanding that he will leave no future. Claim for appointment in any post in he deptt. for the work on such temporarily regular.

Sd/-

(is SARMA),
Sub- Divisional Inspector of
Post Office, Dhubri Sub Division
Dhubri - 788 801.

Copy to :-

1. The/Suapata / Bilasipara.
2. The Supdt. Bilasipara.
3. The Postmaster Dhubri H/O.

Sd/- Illegible,

Sub Divisional Inspector of

attested by
28/6/04
Adm.

DEPARTMENT OF POSTS : GOVT OF INDIA :
OFFICE OF THE SUB-DIVISIONAL INSPECTOR OF POST OFFICES DHUBRI.

Suapata

Dated Dhubri the 4.10.99.

Under the Provision of the EDA (Conduct & Service) Rules 1964 and in exercising the power conferred upon the undersigned Vide D.G.Posts Letter No 41-286/87-PS-II the following provisional appointment is ordered in the post of the EDDA cum EDMC Suapata B.O. in account Bilasipara S.O. for the interest of Service and to have immediate effect.

1. Sri Monowar Hussain S/O Nur Hussain of vill and PO Suapata B.O. is provisionally appointed as EDDA cum EDMC Suapata B.O. in account with the Bilasipara S.O. with effect from 04.10.99 to 31.12.99 under the term and condition of ANNEXURE - B of the EDA (Conduct & Service) Rules 1964.

SD
Subdivisional Inspector of post offices,
Dhubri Subdivision Dhubri.

Copy to:-

1. Sri Monowar Hussain Vill and PO Suapata via Bilasipara
2. The SPM/Suapata via Bilasipara.
3. The Postmaster Dhubri for favour of information & necessary action.
4. The SPM/Bilasipara for N/A.
5. The assistant Director of the District Employment Exchange Dhubri for favour of information with ref. to the E/D Card No 1316/97 Dtd 13.1.97. A copy of the agreed condition in ANNEXURE - B is enclosed H/W.

Rasm
Sub-Divisional Inspector of Post Offices,
Dhubri Sub Division
DHUBRI-786 001

attested by
28/10/99
Adv.

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Annexure-6

Sl-

-2/Suapata

Dated 01.01.2000

To
The Asstt Director
District Employment Exchange
Dhubri

Sub:-

Sponsor of candidates in a very temporary nature for the post of EDA cum EDMC Suapata B.C./Bilasipara against the put off (suspension) Duty.

Sir,

The EDA cum EDMC Suapata EPO has been placed put off (suspension) duty and departmental proceeding initiated.

Till finalization of the case (disciplinary proceedings) no regular appointment is possible and to maintain the regular postal service a candidate (temporary nature) is needed. Kindly arrange to sponsored 3 (three) candidates for work in a very temporary nature as EDA cum EDMC Suapata B.C. with the following qualification.

1. The candidate should be the permanent resident of the Suapata and its villages under the delivery jurisdiction of the PO.
2. Minimum qualification class VIII pass.
3. Age should be 18 year on 01.01.2000 and not more than 65 years of age on 01.01.2000.
4. The candidate must have other means of livelihood

The last date of receipt of the application has been fixed on 22.01.2000.

Sd/
Subdivisional Inspector of PO's
Dhubri Sub Division Dhubri

Copy to:-

1. The BDM/Suapata B.O for displaying the notice in the notice board.

*attested by
Mm
28/1/04
Adv.*

Sd/
Sub-Divisional Inspector of Post Office
Dhubri Sub Division
DHUBRI-788 301

LETTER OF THE : : : : :
OF THE SUBDIVISIONAL INSPECTOR OF POST OFFICES DHUBRI.

No:-

A-2/Suapata

Dtd Dhubri 24.01.2000

ANNEXURE B
 (In Duplicate)

Whereas Sri ~~XXXXXXXXXXXX~~ AFAZUDDIN EDDA CUM EDMC Suapata B.O. in account Bilasipata S.O. has been put off duty pending finalisation of disciplinary proceedings and the need has arisen to engage a person to look after the work of EDDA cum EDMC the undersigned (Subdivisional Inspector of post offices Dhubri) has decided to make a provisional appointment to the said post.

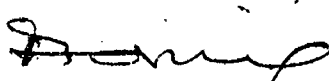
2. The provisional appointment is tenable till the disciplinary proceedings against Sri Afazuddin are finally disposed of and he has exhausted all channels of departmental and in case it is finally decided not to take Sri Afazuddin back into service till regular appointment is made.

3. Sri MONOWAR HUSSAIN of Suapata Bilasipara is offered the provisional appointment to the post of EDDA cum EDMC. Suapata B.O. Sri MONOWAR HUSSAIN should clearly understand that if ever it is decided to take Sri Afazuddin back into service, the provisional appointment will be terminate without notice.

4. The Subdivisional Inspector of post offices reserve the right to terminate the provisional appointment any time before the period mentioned above without notice and without assigning any reason.


5. Sri MONOWAR HUSSAIN EDDA cum EDMC Suapata B.O. shall be governed by the EDA (Conduct and Service) Rules 1964 and all other rules and orders applicable to EDA's.

6. In case the above condition are acceptable to Sri MONOWAR HUSSAIN he should sign the duplicate copy of the memo and return the same to the undersigned immediately.


 Subdivisional Inspector of PO's
 Dhubri Sub-Dn Dhubri.

To

Md Monowar hussain
 S/O Nur hussain
 PO:- Suapata
 Via Bilasipara

attested by

 28/1/04
 Adv.

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ANNEXURE - 5A

Corr-7

DEPARTMENT OF POSTS, INDIA

Office of the Postmaster (HSDT)

Dhubri H Q - 783301

To

Shri Monowar Hussain

EDDA/MC Suapata B.O.

Via Bilasipara.

No. A2/S. Bond dated 18.3.02

Sub: Issue of S/Bond.

The enclosed request form may be got filled in and return to this office duly signed. You need not send any premium for this.

^{TI}This is urgent.

Enclo : One

Sd/- Illegible,

18/3

Postmaster (HSDT)

Dhubri H Q

attested by
J.P.M.
28/6/04
Adv.

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Annexure-6

DEPARTMENT OF POSTS :: INDIA
OFFICE OF THE INSPECTOR OF POSTS :: DHUBRI SUB-DIVISION
DHUBRI - 783301

Memo No.A-2/Suapata

Dated 31-03-04

Whereas Sri Afazuddin (Ahmed), EDDA (C) EDMC (Now GDSMD (C) MC), Suapata EDBO in account with Bilasipara S.O. under Dhubri H.O. has been placed under "put off" duty on 01-08-1998 vide memo of even no. dated 01-08-1998.

Now, therefore, the undersigned under the power conferred upon me in GDS (conduct and employment) rules, 2001 revoke the said order of "put off" duty with immediate effect.

Sd /-

(A.J.Sarkar)

Inspector of posts
Dhubri Sub-division
Dhubri-783301

Copy to :

1. Sri Afazuddin (Ahmed), EDDA (C) MC, Suapata EDBO on "put off" duty for information. He will join to his post immediately.
2. Sri Monowar hussain S/o. Nur Hussain, Vill+P.O. suapata EDBO with information that his provisional appointment as EDDA (C) MC, Suapata EDBO made by this office memo of even no. dated 24-01-2000 is hereby terminated with immediate effect.
3. BPM, Suapata EDBO for information. He will relieve Sri Monowar Hussain on the date of receipt without awaiting the arrival of Sri Afazuddin (Ahmed) to his duty.
4. SPM, Bilasipara S.O. for information.
5. Postmaster Dhubri H.O. for information and necessary action.
6. Supdt. Of post offices, Goalpara division, Dhubri for information.
7. Personal file of Sri Afazuddin (Ahmed)
8. Office Copy.

attested by
28/6/04
Rdr.

[Signature]
Inspector of Posts
Dhubri Sub-Division
Dhubri-783301

ACG-61

Amendment to General Financial Rules, 1963

Form VFR 33

(See Rule 77B)

Certificate of transfer of Charge



Certified that I /We have in the forenoon /afternoon of this day respectively made over and received charge of the Office G.D.SMD(C)MC Swapalā in pursuance of Order No A-2/Swapalā

dated 31-3-04

Relieved Officer MANOWAR HUSSAIN Relieving Officer AFRIZUDDIN AHMED

Signature Manowar Hussain

Signature Afrizuddin Ahmed

(Name in Block Letters)

(Name in Block Letters)

Designation G.D.SMD(C)MC

Designation G.D.SMD(C)MC

Station Swapalā

Station Swapalā

Date 31/03/04 afternoon

Date 31/03/04 afternoon

(For use in Audit Office / RAO only)

Noted in A/R at page _____

SO / AAO / AO / PAO

Noted in A/R at page _____

SO / AAO / AO / PAO

Forwarded Manowar Hussain

Note : Separate Certificate (as per Form appended) also to be used where transfer/assumption of charge involves responsibilities for cash, stores etc.

29/4/04
AOR

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Annexure No. 8

Translated copy From Assamese.

To

The Superintendent of Post office Goalpara,
Division, Dhubri Dist. Dhubri.

Through Sub- Divisional Inspector of Post
offices Dhubri.

Dated - Suapata on 10.4.04.

Sir,

With due most respectfully pray before your honour
that I have been working as a EDMA(C) EDDA on the put
off post of Afazuddin at Suapata Branch office since
continuously
1998 and after/ working 5 or 6 years the authority
Terminated me from this work.

So , my humble pray before your Honour that
after my Termination by the authority my
family willbe face a headship condition. There
of please appointt to me in any alternative
post for my future. This is my humble
pray to your honour.

Yours faithfully,

Name :- Md. Monowar Hussain,

Sonof Nur Hussain,

Village & P.O. Suapata,

P.S: Bilasipara, Dist. Dhubri, (Assam).

...

attested by
28/4/04
ADN

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Annexure - 9

To,

The Hon'ble Superintendent (Postal)
Goalpara Division, Dhubri.

Dated - Dhubri the 22-4-2004

Sub : Appeal against termination and thrown away from the Post of EDDA - C - EDMC, Suapata B.O. under Bilasipara S.O.

Honourable Sir,

Most respectfully and humbly I beg to appeal before your goodself the following few lines for favour of your kind information and setting aside the orders issued against me vide SDI (P), Dhubri Memo No. S - 2/ Suapata dated 31-3-2004.

- (i) That sir, I "Monowar Hussain" worked as EDDA - C - EDMC on adhoc basis at Suapata B.O. for the following period and I had raised no objection during that period for termination from job.
- (a) From 2/12/98 to 29/2/99 = 3 Months.
- (b) From 2/7/99 to 30/9/99 = 3 Months.
- (ii) But sir, after the said temporary period my service was regularised by issuing formal appointment under Memo No. A-2/Suapata dated 4/10/99 and as per said appointment I joined as EDDA - C-MC at Suapata B.O. on 4/10/99 and I was working in the said post upto the first week of April, 2004 with full devotion and upto the mark of satisfaction of all concerned without any interruption and break.
- (iii) That sir, I was amazed at and overwhelmed with on 8-4-2004 when I received one order from the Inspector of Post, Dhubri bearing No. A - 2/Suapata date 31-3-2004 (Copy enclosed) wherein it was ordered to terminate my service with immediate effect and I was at a loss to decide what to be done on receipt the said order. At that moment I was called for at Bilasipara S.O. and I attended there at the evening hour on 8/4/2004. Then all the staff of Bilasipara S.O. forced me to make the charge to one Shri Afaz Uddin as per Memo and in such a situation I compelled to hand over the charge to the said Afaz Uddin at Bilasipara in presence of other staff of Bilasipara on 8/2/2004 (A / N).
- (iv) That sir, the termination orders as issued by the Inspector of Post, Dhubri is contrary to the rules and denial of natural Justice. It is very obvious in general sense that the service of a Govt. servant who rendered more than 3 (three) years continuous service are not terminate. An elaborated formalities are to be observed for termination of a whose service period is not more than 3 (three) years. But sir, I rendered service more than 4.1/2 (Four years and six months) in the said post and the Inspectors, Dhubri terminated me from service without issuing any notice and giving no chance. The Inspector of Post, Dhubri disregarded all rules and regulations just to fulfill his vested interest by fits and starts leaving me in the lurch.

Contd.....2

attested by
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(2)

- (v) That Sir, Immediately after relief in compelled situation at Bilasipara S.O. I approached to the Inspector, Dhubri and submitted one application for providing me alternative job, but nothing fruitful has yet been done till to -day though reasonable period has already been passed away.
- (vi) That sir, I am a poor man and I have no other ways and means to run my family except the job I was engaged in and all my family members will die on starvation due to throw away me from the job illegally at the present day of crisis of getting a service.

It is therefore, requested your high honour would kindly review the case considering the pros and cons of my case and set aside the order passed illegally by the Inspector of Post, Dhubri and convey necessary order to take back me into service within very short spell of time for my survival with my family. I shall remain ever grateful to your honour for your act of kindness.

Yours faithfully,

Monowar Hussain
(MONOWAR HUSSAIN) 23/4/04
S/o. Nur Hussain
Vill. & P.O. Suapata
Dist. Dhubri (Assam)
PIN - 783348

Noted by
Mr.
28/6/04
A.C.V.