

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No. 318/2004

R.A/C.P No.

E.P/M.A No. 3105

1. Orders Sheet..... O.A..... Pg. 1..... to 4.....
MP 3/05 order Pg 1 to 4 10/20/2005
2. Judgment/Order dtd. 18/08/2005 Pg. 1..... to 8.....
Received from H.C/Supreme Court
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... O.A..... Pg. 1..... to 2.....
5. E.P/M.P..... Pg. 1..... to 3.....
6. R.A/C.P..... Pg. 1..... to
7. W.S. h/f S.R. MP: 9..... Pg. 1..... to 9.....
W.S. L.W.O 1/03 Pg 1 to 9
8. Rejoinder..... Pg. 1..... to 4.....
9. Reply..... Pg. 1..... to 5.....
10. Any other Papers..... Pg. 1..... to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4
 (SEE RULE 42)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH

ORDER SHEET

318/04

Original Application No.

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants: Smti. S. Sankar

Respondents: B. S. T. T. B.

Advocates for the Applicant: Mr. J. D. D., Mr. T. N. Das, Mrs. M. Nath

Advocates of the Respondents: Case B. Bhattacharjee, P. K. Gogoi for
 A. K. Chaudhury

Notes of the Registry Date: 15.12.2004 Order of the Tribunal

15.12.2004 Present: The Hon'ble Mr. Justice R. K. Batta, Vice-Chairman.

Heard learned counsel for the applicant.

The person selected has not been made a party to the petition. Learned counsel for the applicant prays for time to make the person selected as party respondents.

Stand over to 20.1.2005.

R
Vice-Chairman

Steps taken w/ the
envelopes

bb

20.1.2005
R

After the amendment is carried out,
Notice be issued to all the respondents on admission. Returnable on
1.3.2005.

R. K. Bhattacharjee
Member (A)

R
Vice-Chairman

Notice & order with
M/s 3/05, sent to
D/Section for
issuing to resp.
Nos. 1 to 4 by regd.
A/D post.

im

Car
21/12/04

✓
Notice - 6/1/05Divisional Bench.
1/1/05 & 3 (By Hcndr.).

01.03.2005 Regd. at 11.00 a.m. 2005. H.C. No. 13/2005 (1)

(P.S.)
1/1/05No W/S has been
filed.✓
11/4/05

H.C. No. 13/2005 (1)

Date: 11.04.05

The learned Addl. C. S. C. is ad-
vised to file written statement.

Respondent to file

written statement within four
weeks.Date: 11.04.2005 for
orders.K. D. Basu
Member (X)

Axxess. mb

4.4.05 Mr. A. K. Choudhury, learned Addl.
C. G. S. C. appearing for Respondents
No. 1, 2 & 3 seeks further time to file
written statement.Post the matter on 11.4.05 before
the Division Bench.✓
Vice-Chairman12.4.05
1m

11.04.2005

Mr. B. K. Chaudhuri, learned Addl. C. G.
S. C. for the respondents 1 to 3 seeks
for further time to file written state-
ment. prayer is also made on behalf of
Mr. B. Buraghain, learned counsel for the
respondent no. 4 for four weeks time to
file written statement.Learned counsel for the applicant is
also present. the case is adjourned to
11.05.2005. Written statement if any in
the meantime.K. D. Basu
Member✓
Vice-Chairman

bb

9.8.05. Heard learned counsel for the parties.
Hearing concluded. Judgment reserved.


Member


Vice-Chairman

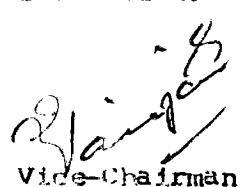
1m

18.8.2005 Judgment delivered in open Court,
kept in separate sheets. The application
is dismissed. No order as to costs.

30.8.05

Copy of the Judgment
handed over to the
Adv. CSC on 25.8.05
and copy of the Judgment
has been sent to the
opposite party by
the 2nd to the applicant
as well as to the Regd.
No. 4. by post.


Member


Vice-Chairman

Attd

Office Notes	Date	Order of the Tribunal
<u>31.5.05</u> No rejoinder submitted	11.5.05.	Mr. T.N. Das learned counsel for the applicant. Case is ready for hearing. Post the matter on 1.6.05. Rejoinder if any in the meantime. K. Dasgupta Member
<u>1.6.05</u> Rejoinder submitted by the applicant.	01.06.2005	Learned counsel for the applicant submits that a joinder is being filed today. Mr. B. Buragohain, learned counsel for the 4th respondent/s and Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the official respondents are present. Post on 17.6.2005. K. Dasgupta Member
<u>16.6.05</u> Wise and rejoinder has been filed.	17.6.2005	Post on 19.7.2005. Counsel for the applicant submits that 4th respondent today file reply to the rejoinder, either it may be rejected or time must be granted. K. Dasgupta Member
<u>20.6.05</u> Reply filed by the Repd. No. 4 against the Rejoinder.	19.07.2005	Heard Mr. J. Das, learned counsel for the applicant, Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for respondents 1, 2 & 3 and Mr. B. Buragohain, learned counsel for respondent no. 4. Post for hearing on 9.8.2005. K. Dasgupta Member
	bb	

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.318 of 2004

Date of Order: This the 18th day of August 2005

The Hon'ble Shri Justice G. Sivarajan, Vice-Chairman.

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

Smt Sikha Sarkar,
D/o Shri Rabindra Chandra Dey,
Kumarpara Narayanpur Nagar,
P.S.- Bharalumukh,
Guwahati- 781009, Assam,
District- Kamrup (Metro), Assam.

.....Applicant

By Advocates Mr J. Das, Mr T.N. Das
and Mrs M. Nath.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Communication,
Dak Bhawan, New Delhi.
2. The Chief Post Master General,
Assam Circle,
Meghdoot Bhawan, Guwahati-1.
3. The Sr. Superintendent of Post Offices,
Guwahati Division,
Meghdoot Bhawan, 3rd Floor,
Guwahati-1.
4. Shri Bhaskar Handique,
S/o Shri B.N. Handique,
Kumarpara Branch Post Master,
Kumarpara, F.A. Road, near Panch Ali,
P.O.- Bharalumukh,
Guwahati-1, Kamrup (Assam).
.....Respondents

By Advocates Mr A.K. Chaudhuri, Addl. C.G.S.C.;
Mr B. Buragohain and Mr P.K. Gogoi for
Respondent No.4.

.....

ORDERSIVARAJAN. J. (V.C.)

The matter relates to appointment to the post of Branch Post Master of Kumarpara Branch Post Office under the respondent No.3.

2. The applicant, who was working as Branch Post Master of Kumarpara Branch Post Office from 1983 to 1988 on a regular basis and resigned and for a period of fiftytwo days in 2004 on temporary basis, has filed this application with the allegation that ignoring her previous long experience of service as Post Master of Kumarpara Branch Office another person- additional respondent No.4- is appointed to the said post. The applicant seeks for a direction to appoint her to the post of Branch Post Master of Kumarpara Branch Post Office.

3. A written statement has been filed on behalf of respondent Nos.1, 2 and 3. It is stated therein that consequent on retirement of Shri Rabindra Chandra Dey, GDS BPM, Kumarpara Branch Post Office on 30.10.2003 the post of GDS BPM had fallen vacant. The Kumarpara Branch Post Office is a single handed Branch Office with one post of GDS BPM and to run the office, Md. Hamir Ali Choudhury, O/S Mail was directed to take over the charge of GDS BPM from Shri Rabindra Chandra Dey on 30.10.2003 temporarily and that since it was not possible to make regular appointment immediately, a provisional appointment was made by the Appointing Authority as per GDS (Conduct and Employment) Rules, 2001 for a specific period of time only. The applicant who is the daughter of Shri Rabindra Chandra Dey

98

was offered provisional appointment vide O.M. dated 19.11.2003 with clear understanding that the appointment will be terminated when regular appointment is made and she shall have no claim for appointment to the post and it was also mentioned therein that the Appointing Authority also reserved the right to terminate the provisional appointment at any time before expiry of the specific period without any notice and without assigning any reason. The applicant had accepted the offer with all terms and conditions and took over the charge of GDS BPM Kumarpara Branch Post Office from Md. Hamir Ali Choudhury. It is also stated that before her marriage the applicant worked as Branch Post Master, Kumarpara Branch Post Office from 5.2.1983 to 27.10.1988 and had resigned from the post. It is further stated that subsequently, applications were called for to fill the vacant post of GDS BPM, Kumarpara Branch Office through Employment Exchange as well as through open advertisement as per Office letter dated 3.3.2004; the name of the applicant was also sponsored by the Employment Exchange alongwith another candidate. Applications of five other candidates were also received direct from the Notification made through open advertisement. It is further stated that on receipt of seven applications for the post, a checklist was prepared and as the selection to the post of GDS BPM is based on the marks secured in the Matriculation examination or equivalent examination as per GDS (Conduct and Employment) Rules, 2001, the applicant was enlisted at serial No.7 taking into account the percentage of marks obtained by her in the Matriculation examination. The candidate selected to the post of GDS BPM, Kumarpara Branch Office was found eligible for appointment on the basis of fulfillment of all the eligibility criteria.

Spz

4. The additional respondent No.4 has also filed a written statement. It is stated therein that respondent No.4 had secured 52.35% marks whereas the applicant had secured only 31.78% marks in the Matriculation examination. He had further stated that he was appointed as Branch Post Master, Kumarpara Branch Office on 14.6.2004 on the basis of marks acquired in the Matriculation examination. He has also stated that his appointment as Branch Post Master, Kumarpara Branch Office was strictly in accordance with the provisions of GDS (Conduct and Service) Rules, 2001.

5. The applicant had filed a rejoinder. It is stated therein that respondent No.3 called her by letter dated 19.11.2003 and appointed her in the vacancy of Branch Post Master caused by the retirement of her father and that she immediately joined the service resigning her post in a Private Company. She has also stated that Kumarpara Branch Post Office was shifted from the premises owned by her father which functioned there for a quite long time to another premises without any proper facilities and that the people had protested against the shifting of the said Post Office. Regarding the statement that the appointments are made on the basis of marks obtained in the Matriculation examination, it is stated that a person (Sl.No.4 in the checklist) who secured 64.33% marks in the Matriculation examination was not appointed, but the respondent No.4 who had secured only 52.35% marks was illegally appointed. It is also stated that the applicant had no objection if the person at serial No.4 of the checklist who secured 64.33% marks in his Matriculation examination would have been appointed.

6. The respondent No.4 has also filed a rejoinder. He has specifically averred that the candidate whose position was first in the

Ypt

checklist had refused to accept the offer made by the department as he was not interested in the said post.

7. We have heard Mr J. Das, learned counsel for the applicant, Mr A.K. Chaudhuri, learned Addl. C.G.S.C. on behalf of the respondent Nos.1, 2 and 3 and Mr B. Buragohain, learned counsel for the additional respondent No.4. The building in which the Branch Post Office, Kumarpara Branch Office, was located belonged to Shri Rabindra Chandra Dey, father of the applicant. The said Branch Post Office was functioning in the said building upto 2004. The applicant was employed as the Branch Post Master, Kumarpara, from 1983 to 1988. She resigned from the said post, evidenced by her letter dated 8.6.1989 (Annexure A-1) and the same was accepted, evidenced by Annexure A-3, both to the written statement of respondent Nos.1, 2 and 3. Thereafter the applicant's father was appointed Branch Post Master from 1.1.1990 and he retired from service on 30.10.2003. When the post of Branch Post Master, Kumarpara, fell vacant the applicant was appointed provisionally for a period of three months as per communication dated 19.11.2003 (Annexure-1) and the same was extended upto 30.4.2004 or till final selection of the BPM was made, whichever was earlier by order dated 6.4.2004 (Annexure-2). The respondents, in the meantime, took steps for filling up the vacant post of GDS BPM by issuing a letter to the Employment Exchange and by Public Notification. The applicant's name alongwith another was sponsored by the Employment Exchange. Five more applications were received as a result of the public notice.

8. The rules regarding appointment to the post of Branch Post Master is contained in Annexure-C to the written statement. The educational qualification and the method of appointment for ED

h/t

Branch Post Master is "Matriculation (The selection should be based on the marks secured in the Matriculation or equivalent examinations. No weightage need be given for any qualification(s) higher than Matriculation)." Apart from the above, certain other requirements are also provided, namely Age, Income and ownership of property, Residence and Preferential Categories. So far as the applicant and respondent No.4 are concerned, it is stated that all the eligibility conditions are satisfied. In the circumstances the selection should be based on the marks secured in the Matriculation examination. The respondents have prepared a checklist (Annexure-D to the written statement). The applicant is at serial No.2 and the additional respondent No.4 is at serial No.3. The applicant had secured 31.78% marks while the additional respondent No.4 has secured 52.35% marks. Ofcourse, another person (Sr.No.4) had secured 64.33% marks, but he was not interested in the post and therefore refused the offer made by the official respondents. It is in the above circumstances, the additional respondent No.4, who secured higher marks than the applicant, i.e. 52.35% was selected and appointed. This appointment is made strictly in accordance with the relevant rules and the eligibility criteria contained in Annexure-E to the written statement.

9. Though it is a fact that the applicant had experience as Branch Post Master in the very same Post Office from 1983 to 1988 and for short period in 2003-04 and that the Post Office is located in a building belonging to the applicant's father, those were not relevant considerations under the Rules for the purpose of appointment to the post of ED Branch Post Master under the respondent No.3. The applicant's case is that her past experience had to be taken into

Qb4

3660000000

publications, which is now the case in the field of public finance, as
well as in the field of public administration. The first of these
publications, the *Journal of Public Finance and Public Choice*, was
published in 1947, and the second, the *Journal of Public Administration*, in
1951. The third, the *Journal of Public Choice and Public Finance*, was
published in 1958, and the fourth, the *Journal of Public Administration and
Public Finance*, in 1962. The fifth, the *Journal of Public Administration and
Public Finance*, was published in 1965, and the sixth, the *Journal of Public
Administration and Public Finance*, in 1968. The seventh, the *Journal of
Public Administration and Public Finance*, was published in 1971, and the
eighth, the *Journal of Public Administration and Public Finance*, in 1974.
The ninth, the *Journal of Public Administration and Public Finance*, was
published in 1977, and the tenth, the *Journal of Public Administration and
Public Finance*, in 1980. The eleventh, the *Journal of Public Administration and
Public Finance*, was published in 1983, and the twelfth, the *Journal of Public
Administration and Public Finance*, in 1986. The thirteenth, the *Journal of
Public Administration and Public Finance*, was published in 1989, and the
fourteenth, the *Journal of Public Administration and Public Finance*, in 1992.
The fifteenth, the *Journal of Public Administration and Public Finance*, was
published in 1995, and the sixteenth, the *Journal of Public Administration and
Public Finance*, in 1998. The seventeenth, the *Journal of Public Administration and
Public Finance*, was published in 2001, and the eighteenth, the *Journal of Public
Administration and Public Finance*, in 2004. The nineteenth, the *Journal of
Public Administration and Public Finance*, was published in 2007, and the
twentieth, the *Journal of Public Administration and Public Finance*, in 2010.
The twenty-first, the *Journal of Public Administration and Public Finance*, was
published in 2013, and the twenty-second, the *Journal of Public Administration and
Public Finance*, in 2016. The twenty-third, the *Journal of Public Administration and
Public Finance*, was published in 2019, and the twenty-fourth, the *Journal of Public
Administration and Public Finance*, in 2022. The twenty-fifth, the *Journal of Public
Administration and Public Finance*, was published in 2025, and the twenty-sixth,
the *Journal of Public Administration and Public Finance*, in 2028. The twenty-
seventh, the *Journal of Public Administration and Public Finance*, was published
in 2031, and the twenty-eighth, the *Journal of Public Administration and Public
Finance*, in 2034. The twenty-ninth, the *Journal of Public Administration and
Public Finance*, was published in 2037, and the thirty-first, the *Journal of Public
Administration and Public Finance*, in 2040. The thirty-second, the *Journal of Public
Administration and Public Finance*, was published in 2043, and the thirty-third,
the *Journal of Public Administration and Public Finance*, in 2046. The thirty-fourth,
the *Journal of Public Administration and Public Finance*, was published in 2049,
and the thirty-fifth, the *Journal of Public Administration and Public Finance*, in 2052.
The thirty-sixth, the *Journal of Public Administration and Public Finance*, was
published in 2055, and the thirty-seventh, the *Journal of Public Administration and
Public Finance*, in 2058. The thirty-eighth, the *Journal of Public Administration and
Public Finance*, was published in 2061, and the thirty-ninth, the *Journal of Public
Administration and Public Finance*, in 2064. The forty-first, the *Journal of Public
Administration and Public Finance*, was published in 2067, and the forty-second,
the *Journal of Public Administration and Public Finance*, in 2070. The forty-third,
the *Journal of Public Administration and Public Finance*, was published in 2073,
and the forty-fourth, the *Journal of Public Administration and Public Finance*, in 2076.
The forty-fifth, the *Journal of Public Administration and Public Finance*, was
published in 2079, and the forty-sixth, the *Journal of Public Administration and
Public Finance*, in 2082. The forty-seventh, the *Journal of Public Administration and
Public Finance*, was published in 2085, and the forty-eighth, the *Journal of Public
Administration and Public Finance*, in 2088. The forty-ninth, the *Journal of Public
Administration and Public Finance*, was published in 2091, and the fifty-first,
the *Journal of Public Administration and Public Finance*, in 2094. The fifty-second,
the *Journal of Public Administration and Public Finance*, was published in 2097,
and the fifty-third, the *Journal of Public Administration and Public Finance*, in 2098.
The fifty-fourth, the *Journal of Public Administration and Public Finance*, was
published in 2099, and the fifty-fifth, the *Journal of Public Administration and
Public Finance*, in 2100. The fifty-sixth, the *Journal of Public Administration and
Public Finance*, was published in 2101, and the fifty-seventh, the *Journal of Public
Administration and Public Finance*, in 2102. The fifty-eighth, the *Journal of Public
Administration and Public Finance*, was published in 2103, and the fifty-ninth,
the *Journal of Public Administration and Public Finance*, in 2104. The sixty-first,
the *Journal of Public Administration and Public Finance*, was published in 2105,
and the sixty-second, the *Journal of Public Administration and Public Finance*, in 2106.
The sixty-third, the *Journal of Public Administration and Public Finance*, was
published in 2107, and the sixty-fourth, the *Journal of Public Administration and
Public Finance*, in 2108. The sixty-fifth, the *Journal of Public Administration and
Public Finance*, was published in 2109, and the sixty-sixth, the *Journal of Public
Administration and Public Finance*, in 2110. The sixty-seventh, the *Journal of Public
Administration and Public Finance*, was published in 2111, and the sixty-eighth,
the *Journal of Public Administration and Public Finance*, in 2112. The sixty-ninth,
the *Journal of Public Administration and Public Finance*, was published in 2113,
and the七十, the *Journal of Public Administration and Public Finance*, in 2114.

account while filling up the post of Branch Post Master, Kumarpara Branch Office. In the absence of any such requirement and particularly in view of the specific provisions in the rules (Annexure-C) as also in Annexure-E regarding selection based on the marks secured in the Matriculation examination, the applicant having secured only 31.78% marks in the Matriculation examination is not entitled to be selected for the said post since other persons have secured more marks (additional respondent No.4 have secured 52.35%) in the Matriculation examination. The applicant had stated that she had no objection if the person at serial No.4 in the checklist (Annexure-D) who had secured 64.33% marks was selected for the post. Here since the said person was not interested in accepting the post the respondents were well justified in selecting the person who secured the next higher marks. In the instant case the additional respondent No.4 had secured the next higher marks, i.e. 52.35% in the Matriculation examination. The legal position being as stated above, the applicant is not entitled to any relief in this application.

10. The applicant has got a case that the Kumarpara Branch Post Office was shifted from the existing premises to another place, which did not have any facilities at all and that the people of the locality who are beneficiaries of the said facilities had protested against the shifting of the said Post Office. If the persons of the locality including the applicant are aggrieved by the shifting of the Branch Post Office, Kumarpara, certainly it is a matter for them to take it up separately with the authorities. It will not be possible for us to decide the said issue in this proceeding for want of proper materials.

Jpt

11. The O.A. is without any merits. It is accordingly dismissed.

In the circumstances, there will be no order as to costs.


(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(G. SIVARAJAN)
VICE-CHAIRMAN

nkm

13 DEC 2004

A.M. ৩০০৩৮/০৪

Guwahati

AL No. 318/04

INDEXPage No.

1. Application U/S 19 of the Administrative Tribunal Act, 1987	1 to 7
2. Verification	8
3. Annexure- 1 - Appoint ^{ment} letter dated 19.11.03 vide Memo No.AX-101/EDA appointing the petitioner- Smt. Sikha Sarkar for 3 months on vacancy	10
5. Annexure-2 Memo No.AX-101/EDA from Sr. Superintendent of Post Office extending her service upto 30.4.04	11
6. Annexure-3 Letter vide No.AX-101/EDA from Sri Superintendent of Post Office directing Srimati Sikha Sarkar to submit appli- cation on Standard Form	12
7. Annexure-4 Letter by Regd. Post with A/D Sr. Superintendent of Post Office directing Smt. Sikha Sarkar with original pass certificate of H.S.L.C. and marked sheet etc.	13
8. Annexure-5 Certificate from Sr.Superin- tendent of Post Office Sri B.R.Sukla on the earlier services of the Smt.Sikha of being satisfied.	14

-2-

9. Annexure-6- Public Petition from about
200members of Public Account
Holder in Post Office at Kumarpara
Narayan Nagar requesting not to shift
the Branch Post Office from present
site at that time

- 14

10. Annexure-7 ✗ letter dated 26.8.04 from
Smt. Sikha Sarkar asking the
Sr. Superintendent of Post Office
copy why she was not appointed
✓ as Branch Post Master

- 15

11. Annexure-8 Reply on the Sr. Superintendent of
Post Office vide letter No.AX-101/
EDA/Kumarpara showing reason why
Smt. Sikha Sarkar was not appointed. - 16

① A. No. 318/04

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT GUWAHATI.
GUWAHATI BRANCH: GUWAHATI-5.

Sikha Sarkar

IN THE MATTER OF:

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

-AND-

IN THE MATTER OF :

Smti. Sikha Sarkar,
daughter of Sri Rabindra Chandra Dey,
Kumarpara Narayan Nagar,
Police Station Bharalumukh,
Guwahati- 781 009,
District Kamrup (Metro), Assam.

....PETITIONER

-Versus-

THE UNION OF INDIA RESENTED By
1. The Secretary Govt. of India,

M/O Communication

Dak Bhawan, New Delhi.

2. The C.P.M.G.

Assam Circle,
Meghdoott Bhawan,
Guwahati-1.

3. The Sr. Superintendent of Post Office,
Guwahati Division, Meghdoott Bhawan,
3rd Floor,
Guwahati-1.

* Sri Bhasker Handique,
S/o = Sri B.N. Handique,
Kumarpara Branch post
Master, Kumarpara,
F.A. Road, Near panchali, 4
P.O = Bharalumukh,
Guwahati- 1, Kamrup (Assam),
Implidly vide order dt. 20/1/05
passed in M.P. 3/05.

contd....2

....RESPONDENTS

Sikha Sarkar

-2-

-AND-

IN THE MATTER OF :

Letter dated 5th April, 2004 in
Memo No. AX-101/EDA dated Guwahati
5.4.2004 asking the petitioner to
submit application in Standard Form
to reach the office within 7 days
for selection of the vacant Post of
GDS BPM, Kumarpara, B.O. which was
done in time.

.... ANNEXURE-3

-AND-

IN THE MATTER OF :

Letter dated 19th November, 2003 in
AX/101/EDA to the petitioner to give
provisional appointment to the said
Post for a period of three months or
till Regular appointment is made
whichever period is shorter.

.... ANNEXURE-1

-AND-

IN THE MATTER OF :

Further extension of the service
of the petitioner for a period
upto 30.04.2004.

.... ANNEXURE-2

contd.... 3

-AND-

IN THE MATTER OF :

Direction given by the Senior Superintendent of Post Offices, Guwahati Division to furnish original pass certificate of HSLC Examination, original mark sheet of HSLC Examination, Admit Card in original, Employment Exchange Card, original Caste Certificate for recruitment to the post of BDS, DPM Kumarpara, B.O. with Account Office of Bharalumukh. So vide Regd. letter with A/D vide letter NO.AX/101/EDA dated 22.04.2004.

.....ANNEXURE-4

-AND-

IN THE MATTER OF :

Order dated 3rd September, 2004 communicated to the petitioner vide No. AX-101/EDA/Kumarpara dated 3rd September, 2004 on the subject reason for non selection of the petitioner to the post of GDS BPM, Kumarpara, BO that the appointment to the petitioner to the post of GDS BPM Kumarpara, BO could not be considered with reasons stated in the said communication.

.....ANNEXURE-7

contd.....4

Sikha Sarkar

The petition of the petitioner
abovenamed-

MOST RESPECTFULLY SHEWETH:

1. That the petitioner was serving as Branch Post Master of Kumarpara from 1983 to 1988 before her marriage and during the period of his service the petitioner was managing the postal services to the public efficiently to the satisfaction of the members of the public of the locality.

A true copy of Certificate of Sri B.K. Sukla, Senior Superintendent of Post Offices, Guwahati Division is annexed herewith and marked as Annexure-5 to prove the efficiency of the petitioner on Postal Works.

2. That the father of the petitioner Sri Rabindra Ch. Dey son of late Jogeswar Ch. Dey worked as B.P.M. at Kumarpara Branch Post Office from 1.10.90 and the father of the petitioner was retired after continuous service on 30th October, 2003 and the Post of Branch Postmaster fell vacant from 31st October, 2003.

3. That after Sri Rabindra Chandra Dey, the father of the petitioner was retired from service as BPM, Kumarpara the Respondent by letter No. AX-101/EDA dated 19th November, 2003 appointed the petitioner as Branch Post Master of Kumarpara Branch Post Office for three months due to her experience in service of Branch Post Office. The petitioner at that time was serving in a private firm. As the service to the post office was a Govt. service, the petitioner

Sikha Sarkar

resigned from her service of private firm and joined as Branch Post Master, Kumarpara Branch Post Office. After expiry of 3 months, the service of the petitioner was extended for a period of another 52 days vide Memo No. AX-101/EDA dated 6.4.2004.

Both the letters are annexed as Annexure-1 and 2.

4. That thereafter before expiry of extended period of service the Respondent asked the petitioner to send original High School Leaving Certificate, original mark sheet of HSLC examination, Admit Card of HSLC examination, Employment Exchange Card, Cast Certificate vide letter No. AX-101/EDA dated 22nd April, 2004 which is enclosed and marked as Annexure-4.
5. That suddenly without previous notice to the petitioner on 1st June, 2004 the Respondent sent one Overseer to take charge of the property of Branch Post Office, Kumarpara and took all the properties to Bharalumukh Sub-Post Office by thela without prior notice to the petitioner.
6. That the petitioner came to know unofficially that some person was appointed without removing the petitioner from service of BPM Kumarpara Branch Post Office.
7. That the petitioner thereafter prayed by representation dated 25th August, 2004 to let the petitioner know why the petitioner was not appointed to the said post of Branch Post Master of Kumarpara B.O. though there was a

-6-

public representation from 200 members of the public of the locality who were account holders of Kumarpara Branch Post Office and without also considering previous experience of the petitioner in that same post office.

The true copy of the petition of the petitioner dated 25th August, 2004 and the true photostat copy of public representation are annexed herewith as Annexure-6 and 7.

8. That the Representation by letter No. AX-101/EDA/Kumarpara dated 3rd September, 2004 informed the petitioner that selection to the said post was made on the basis of marks obtained in the High School Leaving Certificate Examination.

A true copy of the said letter from Senior Superintendent of Post Office, Guwahati is annexed and marked as Annexure-8.

9. That it is respectfully submitted that the respondent illegally did not appoint the petitioner as Branch Post Master of Kumarpara B.O. and appointed some other person and as such the order of the Respondent in passing the impugned order is violation of the principle of natural justice and the petitioner be appointed to the post of Branch Post Master for which the petitioner had previous long experience of service in Post Office in the same Branch Post Office.

10. That it is submitted that the respondent has illegally appointed some other person without taking interview of the petitioner though the father of the petitioner had given security of landed property for his service and for the service of the petitioner.

It is therefore prayed that the Hon'ble Central Administrative Tribunal, Gauhati be pleased to appoint the petitioner to the post of Branch Post Master of Kumarpara Branch Post Office.

And for this act of kindness, the petitioner shall ever pray.

11. Particulars of Postal Orders :

- i) IPO No.20G 110378
- ii) Date of Issue : 4-12-04
- iii) Issued from ; Head Post Office, Meghdoot Bhawan, Panbazar, Guwahati-1
- iv) Payable at : The Central Administrative Tribunal Guwahati Branch, Guwahati-5 , of Rs. 50/- .

As per Index .

Contd..Affidavit p/8

Sukha Sarkar

VERIFICATION

I, Smti. Sikha Sarkar, daughter of Sri Rabindra Chandra Dey, aged about 42 years, by religion Hindu, by profession house hold, resident of Kumarpara, Narayan Nagar, P.S. Bharalumukh, Guwahati-9, District Kamrup (Metro), Assam do hereby solemnly affirm and declare as follows;

1. That I am the petitioner in the case and I am conversant with the facts and circumstances of the case.

This is true to my knowledge.

2. That the statements made in paragraph from 1 to 10 are true to my knowledge and the rest are my humble submission before this Hon'ble Court.

I sign this Verification on this day of December, 2004 at Guwahati.

Sikha Sarkar.

Signature of Applicant

5987124
P.S.D.
Guwahati

Annexur-1

95



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

Memo No : AX-101/ EDA

Dated at Guwahati the 19-11-2003

Whereas the Post of GDS BPM, Kumarpara EDBO has become vacant and it is not possible to make regular appointment to the said post immediately, the undersigned has decided to make provisional appointment to the said post for a period of 3 (Three) months or till regular appointment is made, whichever period is shorter.

2. Smt. Sikha Sarkar, of Kumarpara Narayan Nagar P.S. Bharalumukh is offered the provisional appointment. She should clearly understand that the provisional appointment will be terminated when regular appointment is made and she shall have no claim for appointment to the post.
3. The undersigned also reserves the right to terminate the provisional appointment at any time before the period mentioned in para-1 above without notice and without assigning any reason.
4. Smt. Sikha Sarkar will be governed by the GDS (conduct and service) Rules, 2001 as amended from time to time and all other rules and orders applicable to GDS.
5. In case, the above conditions are acceptable to Smt. Sikha Sarkar, she should sign the duplicate copy of this memo and return the same to the undersigned immediately.

To
Smt. Sikha Sarkar
D/O. Sri. Rabindra Dey (Ex GDS BPM)
Kumarpara Narayan Nagar
Bharalumukh
Guwahati-9

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

Annexure - 2r

10

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

Memo No : AX-101/EDA

Dated at Guwahati the 06-04-2004

Smt. Sikha Sarkar of Kumarpara , Narayan Nagar was ordered to work as GDS BPM Kumarpara BO temporarily for a period of 3 (Three) months vide this Office memo of even No. dated 27-11-2003 and Smt. Sarkar joined in the vacant post on 10-12-2003 . Now it is hereby approved to extend the said period up to 30-04-2004 or till final selection of the BPM is made , whichever period is shorter .

set

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

Copy to :

1. The Sr. Postmaster Guwahati GPO , Guwahati-1 for information and necessary action
2. The ASPOs (West) Guwahati for information .
3. The SPM, Bharalumukh SO for information .
4. OC .
5. *Smt. Sikha Sarkar, GDS BPM (offy) Kumarpara B.O.
in a/c Bharalumukh S.O.*

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

- 11 -

Regd

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

To

Smt. Sikhar Sarkar
C/O. Sri. Rabindra Chandra Dey
Narayan Nagar
P.O. Bharalumukh , Guwahati-9 .

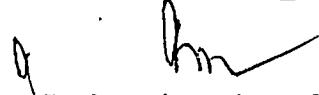
No : AX-101/EDA

Dated at Guwahati the 05-04-2004

Sub : Selection for filing up the vacant post of GDS BPM , Kumarpara BO in account with Bharalumukh SO .

✓ The application Form in which you have applied for the Post of GDS BPM , Kumarpara is not in Standard Departmental Form . So you are requested to submit application in the enclosed Standard Form so as to reach this Office within 7 (Seven) days from the date of receipt of this letter . The application received after the expiry period will not be entertained . HS1e worksheet should be attached .

Enclo : 1 (One) only .


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

12

Annexure (4)

Department of Posts, India

दरिद्र व्यवस्था दातार
ग्रामपाली मंडल, गुवाहाटी-781 001.
Sr. Superintendent of Post Offices
Guwahati Division, Gauhati-783001

Regd A/D

To

Smt. Sikha Debbarma
c/o Sri Rabindra Ch. Dey
Narayan Nagara
P.O. Bharatnagar
Guwahati - 9

No.: Ax-101/EDA Date: Guwahati, 22-4-04

sub:- Recruitment for the post of GDS B.P.M.,
Kumarpura B.O. in a/c with Bharatnagar

You are hereby directed to
attend this office on 27-4-04 positively with
the following documents:

1. original pass certificate (HSC)
2. original Marksheet (HSC)
3. Admit card (in original)
4. Employment Exchange card (in original)
5. caste certificate (in case of SC/ST/
OBC)

दरिद्र व्यवस्था दातार
ग्रामपाली मंडल, गुवाहाटी-781 001.
Sr. Superintendent of Post Offices
Guwahati Division, Gauhati-783001

Annexure-⑤ - 13 -

DEPARTMENT OF POSTS (INDIA)
OFFICE OF THE SR.SUPDT. OF P.O.S., GUWAHATI, GUWARATI-781003

Certified that Miss Sikha Dey daughter of Shri Rabindra Chandra Dey of Kumarpara (Guwahati) P.S. Guwahati has been working as Extra Departmental Branch Postmaster at Kumarpara Branch office with effect from 5.2.1983.

The service of Miss Sikha Dey is satisfactory.

Dated Guwahati-3
the 9th June/1987.

(B. K. Sukla)
Sr. Supdt. of Post Offices,
Guwahati Dn., Guwahati-3.
Superintendent of Post Offices
Guwahati Division, Guwahati-3.
प्रभार अधिकारी, डाक विभाग
गुवाहाटी-३

Annexur = ⑤

The Senior Superintend. of Post

CH-1005

Meghdut Bhattacharjee, Guwahati

dated 8/6/2004

Subject:— Public demand:

861

are the members of the public body
state as follows:

1. That it is learnt that the Kumanpore Branch Post Office is going to be supplied from the present office of R.K. Chaudhury, 10, Chaudhury Road, Kumanpore.

3. President Deus (A. C. Holden)

1/ Partha Kangshu Banik
 1/ Sagar Chatterjee
 1/ Sandeepan Sanyal
 1/ Goutam Sankar
 1/ PARTH K S S (Lia)
 1/ Goutam Sankar
 4/ PRAKASH J Dey
 1/ A.S. Bhattacharya
 1/ Abhijit Sengupta
 1/ Binod Chatterjee
 1/ Sri Bisheshwar Dutt
 1/ Sri Bisheshwar Dutt (B.T.O.A.P)
 1/ Sri Bisheshwar Dutt
 1/ Sri Bisheshwar Dutt
 1/ Sri Bisheshwar Dutt
 2/ Sri Bisheshwar Dutt
 3/ Sri Bisheshwar Dutt
 4/ Sri Bisheshwar Dutt
 5/ Sri Bisheshwar Dutt
 6/ Sri Bisheshwar Dutt
 7/ Subodh Ranjan Choudhury
 3/ Sri Lekha Bhawani
 7/ Sri Lekha Bhawani
 3/ Sri Lekha Bhawani
 3/ Sri Lekha Bhawani
 11/ Sri Lekha Bhawani
 2/ Sri Lekha Bhawani
 3/ Sri Lekha Bhawani
 4/ Sri Lekha Bhawani
 5/ Sri Lekha Bhawani
 6/ Sri Lekha Bhawani
 7/ Sri Lekha Bhawani
 8/ Sri Lekha Bhawani
 9/ Miss Mira Nandy
 10/ Sri Lekha Bhawani
 11/ Sri Lekha Bhawani
 12/ Sri Lekha Bhawani
 13/ Sri Lekha Bhawani
 4/ BARUN BHOWMIK
 5/ B.C. Datta
 16/ B.R. Datta

97/ Nirmal Chatterjee
 98/ Dola Dey
 99/ Dola Dey
 100/ Diksha Dey
 101/ Supriya Dey
 102/ Dipika Dey
 103/ Dharmendra
 104/ Biswajit Chakraborty
 105/ Sajalajani Datta
 106/ Joy Panigrahi
 107/ Purna Chandra Mondal
 108/ Bishnu Prasad N.C. Holder
 109/ Suresh Datta
 110/ D. Arpana
 111/ D. Arpana
 112/ N. Kanak Ch. Sarma
 113/ Ray
 114/ Binita Ghoshal Sarporna (Adventurous)
 115/ Miss Jyoti Chakraborty
 116/ Sree Arun Datta
 117/ Lakshmi Barua
 118/ Prakash Deka
 119/ AKW/ Saria
 120/ Babul Datta
 121/ D. Arpana
 122/ Ashis Bardhan
 123/ Rabinor Datta
 124/ Golinda Datta
 125/ Sadananda Datta
 126/ Pranita Bhattacharya
 127/ Sri Gopal Datta
 128/ D. Arpana
 129/ D. Arpana
 130/ Chiranjibal Sarker
 131/ Sreechandra Datta
 132/ D. Arpana
 133/ D. Arpana
 134/ Sardan Lal Chakraborty
 135/ Debmata Ch. Bhattacharya
 136/ Niharika Datta
 137/ Sri Tapasree Datta
 138/ Pardeep Verma
 139/ D. Arpana
 140/ D. Arpana
 141/ D. Arpana
 142/ Arpana Sarker
 143/ Payal Ch. Barua (O.P.M.P.D)

Annexure 7

To

The Senior Superintendent of Post Offices,
Guwahati Division,
Meghdoot Bhawan, Third Floor,
Guwahati-1.

Sub: Prayer for information to me why my prayer for
appointment to the post of Kumarpara Branch Post
Master was not made.

Petitioner: Sri Sikha Sarkar,
Daughter of Sri Rabindra Chandra Dey,
Kumarpara, Narayan Nagar,
Police Station Bharalumukh,
Guwahati-781009,
District Kamrup (Metro), Assam.

Sir,

Most humbly and respectfully I beg to state as
follows:

My father Sri Rabindra Chandra Dey with the consent
of the member of the locality of Kumarpara by making a
public petition with the signatures of the members of the
public to the Postal Department got established the Kumarpara
Branch Post Office in 1950 by the side of the PWD Road at
Kumarpara. The house of the Post Office was provided by my
father from 1950 to the shifting of the said Post Office on
1st June, 2004.

2. That during the said period of 54 years there was no
complaint from any source against the said Kumarpara Branch
Post Office and the Govt. got revenue and the members of
the Public got efficient service of Postal facilities in
the locality.

-2-

3. That I was serving as Branch Post Master of Kumarpara Branch Post Office from 1983 to 1988 before my marriage and during the said period I was managing the postal services to the public efficiently to the satisfaction of the members of the Public of the locality.

4. That the Senior Superintendent Sri S.K.Sukla being satisfied with my service as Branch Post Master gave a certificate of my efficiency.

5. That my father Sri Rabindra Chandra Dey was appointed as Kumarpara Branch Post Master from 1st January, 1990 and after serving as B.P.M. efficiently and sincerely my father was retired from his service on 31st October, 2003 and as the Post of Kumarpara Branch Post Master fell vacant the said Post Office was being run by you through Departmental overseen from 1st November, 2003 to 9th December, 2003.

6. That thereafter you appointed me as Branch Post Master from 10th December, 2003 vide Memo No.AX-101/EDA dated Guwahati the 19th November, 2003 on the basis of my previous experience for a period of 3(three months as Kumarpara Branch Post Master). But before expiry of 3 months you extended my service upto 30th April, 2004 vide Memo No.AX-101/EDA dated Guwahati 2.6.2004 and so I continuously served the Branch Post Office for a period of 142 days.

7. That thereafter you vide Memo No.AX-101/EDA dated 22nd April, 2004 you asked from me all my testimonials with qualifications then for my appointment to the post of Branch Post Master permanently and I submitted all my documents with testimonial to you.

-3-

8. That while I was continuously serving for 142 days the Overseer of your Department suddenly come to ~~the~~ me without prior notice to me ^{and} took charge of the Branch Post Office and used to run the said post office in the house of my father without allowing ^{me} to run the Post office as Branch Post Master without any reason.

9. That suddenly on 1st June, 2004 your ^{Supervisor} ~~seen~~ come to the Post Office and took away all the properties of Post Office by a thela without giving any prior notice to me and kept the properties of the Branch Post Office in the Bharatmukh Sub-Post Office.

10. That when the Branch Post Office was going to be shifted from the present side all the customers, S.B. and R.D. holder and general public with signatures of 200 persons submitted to you a representation requesting you to retain the post office in the present house of my father Sri Rabindra Chandra Dey.

11. That thereafter you asked me to submit an application before you in a Departmental Standard Form for appointment to the post of B.P.M. at Kumarpara Branch Post Office vide your Memo No.AX-101/EDA dated Guwahati the 5th April, 2004 and accordingly I submitted application in the standard form.

12. That earlier I was serving in a private firm of Medicines. Thereby got your letter as stated I resigned my service in the said private firm and joined the service of Branch Post Master at Kumarpara Branch. but you removed me from the service without giving me prior notice and without giving me opportunity of being heard. However I submitted application as asked for by you and also appeared before you for interview.

-4-

13. That I have come to know that you without considering my previous experience from 1983 to 1988 and also thereafter my experiences for last 142 days you appointed some other person as Branch Post Master of Kumarpara Branch Post Office.

I, therefore, request you kindly to let me know why I was not appointed as Kumarpara Branch Post Master inspite of my long previous experience in service within 15 days from the date of receipt of my representation and appointment in the said post which is due to me. If no reply is received from you I shall be compelled to file appeal before the Central Administrative Tribunal, Guwahati.

And for this I shall remain ever grateful to you.

Yours faithfully,

(Sikha Sarkar)
C/O Sri Rabindra Chandra Dey
Kumarpara, Narayan Nagar,
Guwahati-9.

P.S.D.

Guwahati



Annexur - (8)

✓ 21 ✓

Regd A/D

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

To

Smt. Sikha Sarkar
C/O. Sri. Rabindra Chandra Dey
Kumarpara , Narayannagar
Via. Bharalumukh SO
Guwahati-9

No : AX-101/EDA / Kumarpara

Dated at Guwahati the 03-09-2004

Sub : Reason for non-selection to the post of GDS BPM , Kumarpara BO .

Ref : Your application dated 25-08-2004 .

While referring to your application dated 25-08-2004 , it is to inform you that the selection of GDS BPM is made on the basis of marks obtained by the candidate in Matriculation or equivalent Examinations and this process of selection is as per GDS Conduct and Employment Rules'2001 .

Applications were called for to fill up the vacant post of GDS BPM , Kumarpara BO through Employment Exchange as well as through open advertisement vide this office letter of even No. dated 03-03-2004 and accordingly your name was sponsored by the Employment Exchange along with another candidate . Applications of 5 (Five) other candidates were received direct to this office . As per checklist , your name is enlisted at SL - 7 taking into account the percentage of marks secured in Matriculation Examinations and the candidate selected to the post of GDS BPM , Kumarpara BO is found eligible for appointment as he has obtained much higher marks (52.35%) than you i.e. 31.78% .

As such your case for appointment to the post of GDS BPM could not be considered .


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

12 APR 2005

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BRANCH AT GUWAHATI**

O.A. NO. 318 / 2004

SMT. SHIKHA SARKAR

.....APPELLANT

- VERSUS -

UNION OF INDIA & ORS.

.....RESPONDENTS

(WRITTEN STATEMENT ON BEHALF OF THE RESPONDENT NO.4)

That I, Sri Bhaskar Handique, aged about 33 years, son of Sri Bhupendra Nath Handique, resident of Noonmati in the district of Kamrup, Assam, do hereby solemnly affirm and state as follows:

1. That I have received a copy of an Appeal Memo and I have gone through the same and understood the contents thereof. That the statements and averment which are not specifically admitted herein are deemed to have been denied by the answering deponent.
2. That with regard the statement made in paragraph 1 of the appeal the answering deponent did not offer any comment as the same is appellant's own contention.
3. That with regards the statement made in Paragraph 2 of the appeal the answering deponent did not offer any comment.

Contd.../-

Bhaskar Handique
filed by - B.Buragohain, Adv. 4/4/05

4. That with regards the statement made in paragraph 3 of the appeal the answering deponent begs to say that the appellant was appointed as Branch Post Master of Kumarpara Branch Post Office on temporary basis for a period of three months then after her services was extended for a period of 52 days only for temporary arrangement.

5. That with regards the statement made in paragraph 4 of the appeal the answering deponent begs to say that the respondents authority has taken steps for regular appointment of Branch Post Master of Kumarpara Branch and accordingly asked the local employment exchange to sponsur the name of the candidates and accordingly the Employment Exchange was forwarded a list of candidates to the Superintendent of Post Office Guwahati Division. On the other hand an open advertisement was also made vide office letter dated 03-03-2004 for filling up the post of Branch Post Master Kumarpara. Accordingly the Employment Exchange sponsored the name of the ✓ appellant alongwith another candidates. ✓ Applications of five other candidates were received directly by the office. As per check list, the appellant's name is enlisted at serial number 7. The selection was made on the basis of percentage of marks secured in Matriculation Examinations and this deponent

Contd.../-

Bhaskar Handigra

was expended for a period of 25 days only for
removal of debris mountaing after an expenditure
of Brasgov Post Office on remuneration for services
rendered as Brasgov Post Master of Kurnool
department Peas to say that the appellants was
bestowable 3 of the largest of the surrounding
wells with regard to the same made in

has been selected to the post of G.D.S.B.P.M. Kumarpara Branch Office as he obtained much higher marks i.e. 52.35% than the appellant i.e. 31.78%.

A copy of the letter dated 03-09-04 issued by the Superintendent of Guwahati Division is annexed herewith and marked as ANNEXURE-A.

6. That with regards the statement made in paragraph 5 of the appeal the answering deponent begs to say that the appellant was appointed as Branch Post Master only for temporary arrangement and accordingly by following the procedure the charge of the Branch Post Master has been taken over from the appellant by the respondents.
7. That with regards the statement made in paragraph 6 of the appeal the answering deponent denies the same and begs to say that on 01-06-2004 the appellant removed from service by the department.
8. That with regards the statement made in paragraph 7 of the appeal the answering deponent doesnot offer any comment.
9. That with regards the statement made in paragraph 8 of the appeal the answering deponent begs to say that he was appointed as Branch Post Master Kumarpara Branch on 14-06-04

Contd.../-

Bhaskar Han ligni

...M.S.B.B.C.H. to the left of the body. The upper
limbs bent back and the upper limb of the right
hand held in front of the body. The right hand
is held in front of the body.

.803F.1E .e.i

A copy of the letter dated 03-00-00
is being forwarded to
Gumpert Division in annex
herein for handling as UNNECESSARY.

absent from the sea-board, and the following day he was able to get a boat and go ashore. He found that the sea was very rough and the wind was blowing hard. He had to wait for a while before he could get into the boat. When he finally did get into the boat, he found that the water was very cold and choppy. He had to paddle very hard to make his way through the waves. After a long and tiring journey, he finally reached the shore. He was exhausted but relieved to be back on land.

... *which* *should* *be* *done* *with* *the* *best* *possible* *efficiency* *and* *with* *the* *best* *possible* *result* *for* *the* *people* *of* *the* *country* *and* *the* *best* *possible* *result* *for* *the* *country*.

Group Book Master Computer Recovery on 11-09
Comments made to each user file was application
by individual of the file after the user
commented with regard to the state of the
file with regard to the state of the

on the basis of marks secured in the Matriculation Examinations and the deponent was found eligible for appointment as he obtained 52.35% and the appellant obtained only 31.78% of marks in the Matriculation Examinations.

A copy of the Marksheets of H.S.L.C. Examination in the year 1987 is annexed herewith and marked as ANNEXURE-B.

- AND -

A copy of the appointment letter dated 14-06-2004 is annexed herewith and marked as ANNEXURE-C.

10. That with regards the statement made in paragraph 9 of the appeal the answering deponent stoutly denies the same and begs to say that the respondents authority appointed this deponent as Branch Post Master of Kumarpara Branch Office by following the due procedure prescribed by the G.D.S. (Conduct and Service) Rules, 2001. There is no illegality or injustice has been done while appointing this deponent.
11. That with regards the statement made in paragraph 11 of the appeal the answering deponent denies the same and reiterated and reaffirm the statement made in paragraph 10 of this written statement. Further more, the deponent begs to state that the appellant

Contd.../-

Blaskar Handgrye

herself participated in the said selection process but she could not selected for the same.

12. That the deponent begs to state that the submission of the appellant are neither tenable in law nor infacts and the same are liable to be rejected. From the facts already stated it is apparent that the appellant had participated in the selection process for the said post but she could not be selected due to poor percentage of marks in the matriculation examination. That the appellant has failed to make out my case for interference by this Hon'ble Tribunal and as such, the same is liable to be dismiss.

13. That the statement made in this written statements in paragraphs are true to my knowledge, and those made in paragraphs are matters of records are true to my information derived from the records which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And accordingly, I sign this on this 4th day of April'2005 at Guwahati.

Identified by -

Suniti Barpatrajbar
4/4/05

Advocate's Clerk

Bhaskar Handique

DEPONENT

process put the country not satisfied for the
same reason.

And accordingly I send this on your behalf.

© 2002 by Holt, Rinehart and Winston, Inc.

ЧАСТЬ 3

Yadocage, a Clerk



Annexure - (8)

Roj. N/D

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

To

Smt. Sikha Sarkar
C/O. Sri. Rabindra Chandra Dey
Kumarpara, Narayannagar
Via. Bharalumukh SO
Guwahati-9

No : AX-101/EDA / Kumarpara

Dated at Guwahati the 03-09-2004

Sub : Reason for non-selection to the post of GDS BPM, Kumarpara BO.

Ref : Your application dated 25-08-2004.

While referring to your application dated 25-08-2004, it is to inform you that the selection of GDS BPM is made on the basis of marks obtained by the candidate in Matriculation or equivalent Examinations and this process of selection is as per GDS Conduct and Employment Rules'2001.

Applications were called for to fill up the vacant post of GDS BPM, Kumarpara BO through Employment Exchange as well as through open advertisement vide this office letter of even No. dated 03-03-2004 and accordingly your name was sponsored by the Employment Exchange along with another candidate. Applications of 5 (Five) other candidates were received direct to this office. As per checklist, your name is enlisted at SL -7 taking into account the percentage of marks secured in Matriculation Examinations and the candidate selected to the post of GDS BPM, Kumarpara BO is found eligible for appointment as he has obtained much higher marks (52.35%) than you i.e. 31.78%.

As such your case for appointment to the post of GDS BPM could not be considered.


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



This is to certify that Bhaskar Handique Roll K 1-2 No 2357 of

Don Bosco School has secured marks as detailed below, in the High School Leaving Certificate Examination, 1987.

Marks entered 

Marks compared

Date _____

Date 10/10/10

Work Experience Grade denotes
A—Excellent,
B—Good.
C—Fair.
D—Average,
E—Poor (needs improvement)

	Pass Marks			Pass Marks	
HOME SCIENCE :			AGRICULTURE :		
Theoretical—	70	21	Theoretical	60	18
Practical	30	9	Practical	40	12
CRAFTS & Adv. Sc.			DANCE, MUSIC & FINE ARTS :		
Theoretical—	50	15	Theoretical—	30	9
Practical—	50	15	Practical	70	21

Controller of Examinations

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

Memo No: AX-101/GDS BPM / Kumarpara BO Dated at Guwahati the 14-06-2004

Sri. Bhaskar Handique S/O. Sri. Bhupendra Nath Handique , Bishnu Rabha Nagar P.O. Noonmati is provisionally appointed as GDS BPM . Kumarpara BO under Bharalumukh SO subject to satisfactory verification of character and antecedents on a monthly allowance of Rs. 1640/- plus other allowances as admissible from time to time .

The conduct and service of Sri. Bhaskar Handique will be governed by the GDS conduct and Employment rules, 2001 .

sdt

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

Copy to :

1. The Sr. Postmaster Guwahati GPO , Guwahati-1 for information and necessary action .
2. The ASPOs , Guwahati West Sub Division , Guwahati for information . He will please handover the charge of the post of GDS BPM , Kumarpara BO to Sri. Bhaskar Handique terminating the officiating arrangement with an intimation to this office and also impart necessary training to the GDS BPM at least for 4 (Four) days .
3. Sri. Bhaskar Handique , C/O. Sri. Bhupendra Nath Handique , Bishnu Rabha Nagar , P.O. Noonmati , Guwahati-20 . He will contact the ASPOs , West Sub Division , Guwahati and start functioning of the BO immediately at the accommodation arranged at Kumarpara and send a copy of the charge report after taking over the charge of the office .

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

25 APR 2004

प्रतिक्रिया दस्तावेज़
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: : GUWAHATI

add:

Filed by
A. K. Chaudhury
Central Govt. Standing Counsel
C. A. T. 25/Year
Guwahati

Subdeputy DCA
Guwahati

Subdeputy DCA
Sr. Supdt. of Post Offices
Guwahati Div., Guwahati-781001

In the matter of :-

O.A. No. 318 of 2004

Smt. Sikha Sarkar

... Applicant

- Versus -

Union of India & Ors.

... Respondent

WRITTEN STATEMENTS FOR AND ON
BEHALF OF RESPONDENT NOS. 1, 2, & 3.

I, S. Das, Senior Superintendent of Post Offices, Guwahati Division, Guwahati-781001, do hereby solemnly affirm and say as follows :-

That I am the Senior Superintendent of Post Offices, Guwahati Division, Guwahati-781001 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 am authorised to file the written statement on behalf of all the respondents.

Contd.. p/2-

2. That the respondents beg to place the Brief History of the case before the Hon'ble Tribunal as follows :-

a) That consequent on retirement of Sri Rabindra Ch. Dey, GDS BPM Kumarpara, BO on 30-10-2003, the post of GDS BPM had fallen vacant, Kumarpara B.O. is a single handed BO with one post of GDS BPM and to run the Office, Md. Hamir Ali Choudhury, O/S Faiil was directed to take over the charge of GDS BPM from Sri Rabindra Ch. Dey on 30-10-2003 (A/N) temporarily. As it was not possible to make regular appointment immediately, a provisional appointment was made by the Appointing Authority as per GDS conduct and Employment Rules, 2001 for a specific period of time only.

b) That the applicant D/O Rabindra Ch. Dey of Narayan Nagar, Kumarpara under Pharalumukh P.O. was offered the provisional appointment vide this office memo No. AX-101/EDA dated 19-11-2003 with clear understanding that the appointment will be terminated when regular appointment is made and she shall have no claim for appointment to the post and it was also mentioned therein that the Appointing Authority also reserves the right to terminate the provisional appointment at any time before the specified period without any notice and without assigning any reason.

c) That the applicant accepted the offer with all terms and conditions and took over the charge of GDS BPM, Kumarpara BO from Md. Hamir Ali Choudhury, O/S Mail on 10-12-2003 A/N. Before her marriage she worked as Branch Postmaster Kumarpara BO from 5-2-1983 to 27-10-1988 and resigned.

d) That subsequently applications were called for to fill up the vacant post of GDS BPM, Kumarpara BO through Employment Exchange as well as through open advertisement vide this office letter No. AX-101/EDA/Kumarpara dated 03-03-2004 and accordingly, the name of the applicant was also sponsored by the Employment Exchange alongwith another candidate. Applications of 5(five) other candidates were also received the direct from the notification made through open advertisement.

e) That on receipt of 7(seven) applications for the post, a checklist was prepared at this end as the Selection of the post of GDS BPM is based on the marks secured in the Matriculation or equivalent Examinations (as per GDS Conduct and Employment Rules, 2001). As per checklist, the name of the applicant was enlisted at Sl.No.7 taking into the account the percentage of marks obtained in Matriculation Examinations. The candidate selected to the post of GDS BPM, Kumarpara BO found eligible for appointment on the basis of fulfillment of all prescribed eligibility criteria.

The appointment to the post of GDS BPM has been made strictly in accordance with the Rules and the case of the applicant for appointment to the post of GDS BPM could not be considered.

3. That with regard to the statements made in paragraph 1 of the application, the respondents beg to state that the applicant was working as Branch Postmaster of Kumarpara BO from 05-02-1983 to 27-10-1988 before her marriage. During the period from 28-10-1988 to 27-03-1989 her sister Smt. Sibani Dey was working as her nominee as she proceeded on leave. Smt. Sikha Dey tendered her resignation on 28-03-1989 which was accepted on 12-06-1989. The application for leave, letter of resignation of Smt. Sikha Dey and report of Assistant Superintendent, Guwahati (West) vide letter No. A 1/Kumarpara BO/89 dated 08-06-1989 are Annexed herewith as Annexure-A, A-1, A-2 respectively. Letter of acceptance of resignation marked as Annexure-A-3.

4. That the respondents have no comments to the statements made in paragraph 2 of the application.

5. That with regard to the statements made in paragraph 3 of the application, the respondents beg to state that she was working in a private firm and resigned the job after appointed as Branch Postmaster of Kumarpara BO is denied. The respondent beg to state that the applicant was provisionally appointed as GDS BPM of Kumarpara BO for a specified period as per GDS conduct and employment rules 2001 with clear understanding that the appointment will be terminated when regular appointment is made and the applicant shall have no claim for appointment to the post. As such resigning the job of private firm by the applicant is not related to her provisional appointment as GDS BPM as she accepted the terms and condition of such provisional appointment under her own signature Annexure-2 of the F.P. is the letter of extention of provisional appointment till final selection of BPM.

The provisional appointment acceptance letter marked as Annexure-B.

6. That with regard to the statements made in paragraph 4 of the application, the respondents beg to state that the name of the applicant was sponsored by the Employment Exchange as per requisition made for filling up the vacant post of GDS BPM and as such the respondents asked the applicant to send all the original testimonials for necessary verification and this particular formality was observed in respect of all the applicants who applied for the post and the applicant was not the exception.

7. That with regard to the statements made in paragraph 5 of the application, the respondents beg to state that as the final selection of BPM was over, the newly selected BPM was asked to take over the charge of BPM, Kumarpara BO and accordingly he went to take over the charge alongwith the over seer. As per terms and conditions of Provisional Appointment no prior notice was necessary in this case.

8. That with regard to the statements made in paragraph 6 of the application, the respondents beg to state that the question of removing the applicant does not arise, as no such conditions was prescribed in the Provisional Appointment.

9. That with regard to the statements made in paragraph 7 of the application, the respondents beg to state that the applicant was not appointed to the post of GDS BPM, Kumarpara BO as the petitioner did not fulfill all the recruitment criteria.

10. That with regard to the statements made in paragraph 8 of the application, the respondents beg to state that the selection of GDS BPM is bases on the marks secured in the Matriculation or equivalent Examinations as per ~~the~~ GDS Conduct and Employment Rules, 2001.

Section-IV dealing with Method of recruitment in Swamy's Compilation is Annexed as Annexure-C.

11. That with regard to the statements made in paragraph 9 of the application, the respondents beg to state that the respondents appointed the person as ~~the~~ GDS BPM by violating the rule is denied. The appointment to the post is made strictly in accordance with the rules mentioned above and previous experience of service is not taken into account as a recruitment criteria for the said post. Out of 7(seven) candidates applied for the post, her merit position was 7th and therefore she could not be considered for the post. The check list for recruitment is Annexed as Annexure-D.

12. That with regard to the statements made in paragraph 10 of the application, the respondents beg to state that no interview is conducted while selecting to the post of GDS BPM. The selection is bases on fulfillment of eligibility criteria which was clearly mentioned when applications were called for filling up the vacant post of GDS BPM, Kumarpara BO vide this office letter No. AX-101/EDA dated 03-03-2004 (a copy of the letter is enclosed as Annexure-E).

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

VERIFICATION

I, S. Das presently working as Senior 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 of the application are true to my knowledge and belief, those made in paragraphs 2 - 11 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 19 th day of APRIL, 2005

Sukleeswar Das
Senior Superintendent - 781001
S. Super. of Post Offices
Guwahati Div., Guwahati-781001

APPLICATION FOR LEAVE FOR EXTRA-DEPARTMENTAL AGENTS
(To be filed in quadruplicate)

1. Name :-- Sikha Dey
 2. Designation :-- E.D.B.P.M. (R. N. P. S. Guwahati-4)
 3. Period for which leave is required:- 10.88 to 28.11.87
 4. Date from which leave is required:- 10.88
 5. Full address while on leave:- Nargan, Nager Guwahati-9
 6. Name, age and address of the substitute:- Sibani Dey, Nargan, Nager Guwahati-9

7. Specimen signature of the substitute:- S. Dey

I hereby propose Shri Sibani Dey whose particulars are given above to work as my substitute during my leave on my responsibility according to the terms of the terms of the security bond executed by me.

A character report signed by myself and by my nominee will be submitted as per certificated in.

Rule 50 of Rules for Branch offices
Rules 45 & 46 of FCT Manual Vol. IV.

Necessary approval may kindly be accorded to this arrangement.
The allowance for the period of my leave may be paid to the above mentioned Shri Sibani Dey

Station:- Guwahati-9

Date:- 11.11.88

Signature of Sikha Dey
(For use of the sanctioning Authority)

No. HX-101/214 Dtd 11-11-88
Shri Sikha Dey (designation) E.D.B.P.M.
Division Guwahati has been permitted to proceed on leave
for 9 days from 28-10-88 to 28-11-88

The appointment of Shri Sibani Dey as his substitute is approved on the clear understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason.

Date:- 11-11-88

Signature of the Sanctioning Authority

S. Supermer

To
 (1) Shri Sikha Dey E.D. Agent
 (2) Shri Sibani Dey (Substitute).
 (3) The Supt. of M. / G.M. P. K. N. P. D. via. Blrakamukhi
 GPO - for information
 (4) None for necessary action

Mr. Chatterjee

To

The Senior Superintendent of Post office Guwahati West Sub Division
Guwahati - 781003

Through the Assistant Superintendent of Post Office Guwahati West Sub Div
Guwahati - 781003

Subject:- Resignation from the Post of B.P.M. Kamarpata -
Guwahati - 9

Respected Sir,

I have the honour to inform you that due to some
unavailable circumstances I am not in a position to work as
B.P.M. Kamarpata, Guwahati - 9 from 28.3.89

So, please accept my resignation for the post -
immediate.

Attested - Thanking you.

Yours faithfully -

Sikha Dev

B. P.M. Kamarpata
Guwahati - 9

Attested 8/3/89
Asst. Supdt. of P.O.
Guwahati West Sub-Div.
Guwahati

M. Chandra

भारतीय डाक-नारा. F. M. T. M.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

संपाद

From

Asstt. Supdt. of P.Os.
Guwahati West Sub-Div.
Guwahati-8

क्रम संख्या

No.

A-1/Kumarpur B.O./89

संवाद में

To The Sr. Supdt. of P.Os

Guwahati-8

दिनांक Guwahati-3

Dated at

Guwahati on 8/6/89

विषय

Re resignation - tendered
by Smt. Sisika Dey Ex-
ED B.P., Kumarpur EDBD,
in of Gharabuonika SO.

Smt. Sisika Dey Ex-ED B.P., Kumarpur
B.O. in of Gharabuonika SO, was granted
leave since 28.10.88 and thereafter
she tendered her resignation from the
post of ED B.P. Kumarpur B.O. on 28.3.89.
Following her resignation, the

past works relating to the period of her
works have been verified thoroughly
and found nothing wrong or
irregularity, except 5) her works found
to be mark of satisfaction.

The resignation letter tendered
by Smt. Sisika Dey is submitted herewith
for favours of acceptance.

The advertisement may kindly
be issued for early selection of ED B.P.
for Kumarpur B.O.

Smt. Sisika

10.

Smt. Shabani says a DO has been working as EDO PM, Kumanigarh since 28.10.88 nominated by Smt. Sikha. She says EX-EDO PM Kumanigarh may kindly be allowed to continue to work as ~~EDO~~ since selection of a new E.D.O. for Kumanigarh B.O.

Encl:- As above

GFF:mt

27/6/89

Asstt. Supdt. of P.Os.
Guwahati West Sub-Divn.
Guwahati-3

M. Chandra

Re

11-44612.28
Cont. 21

11 - EXHIBIT - A-3

Annexure A-3

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

8. In consideration of the following
Government of Assam
Guwahati Division Guwahati S.
Post & Telegraph, Dak & Tel
Gauhati - UC 1001

Smt. Sikha Devi

Ex. ED B.Pm.

Kumarpur a ED B.O

via P. Karakomukh

Dated 11

A/x-101/ExA

:- Acceptance of Resignation

The resignation letter tendered
by you from the post of ED B.Pm
Kumarpur a ED B.O. is hereby
accepted at this end.

Am 12/6

Guwahati Division Guwahati S.

Post & Telegraph, Dak & Tel

Gauhati - UC 1001

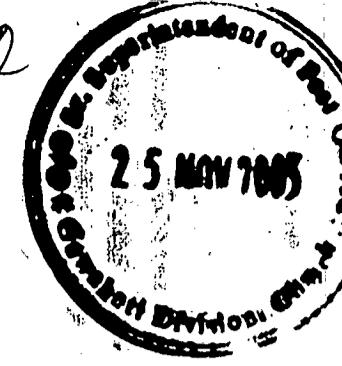
Chandu

SD
vahati

Exth

12

ANNEXURE-B



भारतीय डाक



Annexure B

DEPARTMENT OF POSTS
OFFICE OF THE SR. SUPERINTENDENT OF POSTS
MAGHDOOR LIMBAWAN THIRD FLOOR

Memo No: AX-101-11A

INDIA
OFFICES, GUWAHATI DIVISION
GUWAHATI - 781001

Dated Guwahati the 11-11-2003

Whereas the Post of GDS I.P.M. Kumarpara is not possible to make regular appointment to the said post, the undersigned has decided to make provisional appointment to the post until monins or till regular appointment is made, whichever

post has become vacant and it is, immediately, the undersigned to post for a period of 3 (Three) months or till regular appointment is made.

2. Smt. Sikha Sarkar, of Kumarpara Narayan Nagar, will be offered the provisional appointment. She should clear the examination for the post. The appointment will be terminated when regular appointment is made and she shall have no claim for appointment to the post.
3. The undersigned also reserves the right to terminate the appointment at any time before the period mentioned in the above conditions.
4. Smt. Sikha Sarkar will be governed by the GDS Rules, 2001 as amended from time to time and all other GDS Rules.
5. In case, the above conditions are acceptable, she should sign the duplicate copy of this memo and return it immediately.

It is understood that the undersigned has been offered the provisional appointment mentioned in the above conditions with the understanding that she shall conduct herself in accordance with the GDS Rules, 2001 as amended from time to time and all other GDS Rules and orders applicable to the post. Smt. Sikha Sarkar, she should return the same to the undersigned.

To

Smt. Sikha Sarkar
D.O. Sri. Rabindra Dey, GDS I.P.M.
Kumarpara Narayan Nagar
Bharalumukh
Guwahati-9

Superintendent of Offices
Guwahati Division, Guwahati-781001

Smti Sikha Sarkar

PK Chakraborty

25

13

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

Memo No : AX-101/EDA

Dated at Guwahati the 06-04-2004

Smt. Sikha Sarkar of Kumarpara, Narayan Nagar was ordered to work as GDS BPM Kumarpara BO temporarily for a period of 3 (Three) months vide this Office memo of even No. dated 27-11-2003 and Smt. Sarkar joined in the vacant post on 10-12-2003. Now it is hereby approved to extend the said period up to 30-04-2004 or till final selection of the BPM is made, whichever period is shorter.

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

Copy to :

1. The Sr. Postmaster Guwahati GPO, Guwahati-1 for information and necessary action
2. The ASPOs (West) Guwahati for information
3. The SPM, Bharalumukh SO for information.
4. OC.

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

[Signature]

Annexure C | 14 | Annex - C

SECTION IV

Method of Recruitment

(1) **Instructions regarding selection.**—The question of consolidating various instructions issued from time to time governing the appointment and other service conditions of ED Agents has been engaging the attention of this Directorate. After careful examination of all aspects of employment of ED staff, it has been decided to observe the following instructions scrupulously while making selection of ED Agents:—

1. Age:

The minimum age-limit for employment as ED Agent will be 18 years and maximum age up to which an ED Agent can be retained in service will be 65 years. The Director-General, Posts and Telegraphs, may consider relaxation of this age-limit in exceptional cases.

2. Educational Qualifications:

ED Sub-Postmasters and Matriculation. [The selection should be based on the marks secured in the Matriculation or equivalent examinations. No weightage need be given for any qualification(s) higher than Matriculation.]

ED Branch Postmasters: Matriculation.

ED Delivery Agents, ED Stamp Vendors and All other Categories of EDAs: VIII Standard. Preference may be given to the candidates with Matriculation qualifications. No weightage should be given for any qualification higher than Matriculation. Should have sufficient working knowledge of the regional language and simple arithmetic so as to be able to discharge their duties satisfactorily. Categories such as ED Messengers should also have enough working knowledge of English.

3. Income and ownership of property:

The person who takes over the agency (EDSPM/EDBPM) must be one who has an adequate means of livelihood. The person selected for the post of EDSPM/EDBPM must be able to offer space to serve as the agency premises for postal operations. The premises must be such as will serve as a small Postal Office with provision for installation of even a PCO (Business premises such as shops, etc., may be preferred).

METHOD OF RECRUITMENT

89

4. Residence:

(i) The EDSPM/EDBPM must be a permanent resident of the village where the Post Office is located. He should be able to attend to the Post Office work as required of him keeping in view the time of receipt, despatch and delivery of mails which need not be adapted to suit his convenience or his main avocation.

(ii) ED Mail Carriers, Runners and Mail Peons should reside in the station of the main Post Office or stage wherefrom mails originate terminate, i.e., they should be permanent residents of the delivery jurisdiction of the Post Office.

(iii) ED Agents of other categories may, as far as possible, reside in or near the place of their work (Letters No. 5-9/72-EL Cell, dated 18-8-1973 and No. 43-312/78-Pen., dated 20-1-1979, stand modified to this extent).

5. Security:

ED Agents of all categories including ED Delivery Agents should furnish security of Rs. 4,000/- subject to the condition that the amount of security may be increased decreased so as to be equal to the amount of cash and valuables that is authorized to be entrusted to them under the orders of Divisional Superintendent or the Head of the Circle, as the case may be.

6. Preferential Categories:

With reference to the last orders issued under Letter No. 43-191/79-Pen., dated 22-6-1979, fixing the four preferential categories according to the earlier orders issued *vide* D.G., P. & T., Letter No. 43-1472-Pen., dated 2-3-1972, No. 43-24677-Pen., dated 8-3-1978, to Scheduled Castes and Scheduled Tribes candidates; and No. 43-231/78-Pen., dated 17-2-1979 (regarding Ex-Army Postal Service Personnel); No. 43-312/78-Pen., dated 20-1-1979 (regarding Backward Classes and weaker sections of Society) and to the educated unemployed persons, it is clarified that the above preference should be subject to first and foremost condition that the candidate selected should have an adequate means of livelihood, which though already prescribed, seems to have been ignored for some time past especially in view of these preferential categories being introduced in the above orders.

The criterion to judge "adequate means of livelihood" should be that, in case he loses his main source of income, he should be adjudged as incurring a disqualification to continue as EDSPM/EDBPM. In other words, there must be absolute insistence on the adequate source of income of EDSPM/BPM and the allowances for his work as EDSPM/BPM must be just supplementary to his income. To ensure this condition, the candidate must be able to offer office space to serve as the agency premises for postal operations as well as public call office and as such, business premises such as shops, etc., must be preferred regardless of the various categories of preferences mentioned above.

[D.G., P. & T., Letter No. 43-84/80-Pen., dated the 30th January, 1981 and corrigendum, dated the 29th March, 1981, D.G., Posts Letter No. 41-301/87-PE-II (ED & Trg.), dated the 6th June, 1988 and No. 17-366/91-ED & Trg., dated the 12th March, 1993.]

W. Chandra

checklist in c/w recruitment of GDS BPM, Kumarpara B.O. in a/c. Bhowanipur S.O.
The E/Exchange has sponsored 2 (Two) candidates for the post and 5 (five) other applications have been received from open advertisement. Documents received from the candidates are detailed below:-

Sl. No.	Name of the candidate	Age & yr of qualification	HSLC pass certificate & Mark sheet	D/ Birth as per admit card of HSLC	Year of passing HSLC	Division obtained	Percentage of marks obtained	E/Exchange card	whether the candidate is agreeable to provide accommodation for the P.O.
1.	Sri Swapan K. Ray	Received	Received	1-9-1976	1992	III	40.66%	Received	Mentioned yes in the application
2.	Smt Sikkha Sarkar	Received	Received	28-5-1961	1976	III	31.78%	Received	do
3.	Sri Bhaskar Haregna	Received	Received	16-12-1971	1987	II	52.35%	Received	do
4.	Sri A. Datta	Received	Received	1-2-77	1993	I	64.33%	Received	do
5.	Sri Debabrat Choudhury	Received	Received	28-1-76	1991	II	44.55%	Received	do
6.	Sri Kandaswar Das *(NOT applied in standard form)	Received	Received	1-3-75	1991	II	47.88%	NOT received	—
7.	Sri Parag D. Dinger *(not applied in standard form)	Received	Received	1-1-72	1990	III	31.17%	Received	—

PK Chakraborty

DEPARTMENT OF POSTS: IN IA
OFFICE OF THE SR.SUPDT.OF POST OFFICE, GUWAHATI DIVISION
GUWAHATI - 781001.

NO. AX-101/EDA

Dated Guwahati the 3-3-2004.

Rephd

To

- (1) The Asstt. Director of Employment
District Employment Exchange
Rehabari, Guwahati- 781008.
- (2) The Asstt. Employment Officer
Employment Exchange, Rangia
Kamrup, Assam.

Sub : Sponsoring of candidates for recruitment of Extra Departmental Sub Postmaster/branch Postmaster at KUMARPARA P.O.
via Bharahankhuri P.O.

Sir,

Kindly sponsor the names along with full address of at least 5 (five) suitable candidates for filling up the post of ED-SPM and ED BPM ... KUMARPARA P.O. in a/c with Bharahankhuri P.O.

..... HO/SO carrying monthly allowance of Rs.1280.00 (revised) Plus admissible allowances thereon. It is requested kindly to furnish the list of candidates keeping in view to the eligibility criteria in respect of the candidates for the post mentioned below, within a period of 30 (thirty) days from the date of issue of this letter positively.

Eligibility criteria

1. The candidates should be permanent resident of the Post village or take up his residence on or before selection where the P.O. is located. Candidates from other villages (i.e. which area not served by the EDSO/EDBO) may also apply to the post and should be agreeable to provide accommodation of the PO and take up his residence just on or after he or she be selected for the post.

2. The candidates must have passed HSLC or equivalent examination. But no weightage is allowed for higher qualification.

3. The minimum age limit is 18 years and maximum age upto which ED Agent could be retained in service will be 65 years.

4. The candidates should have landed property of Kneroj Myadi Patta in his own name and the land should exist in the Post village. Further he/she must have his/her own independent source of income derived from his/her own landed property.

5. The candidates must be able to offer adequate suitable accommodation for the PO with provision for PCO.

The selection will be made on the basis of marks obtained in HELC examination provided other conditions are satisfied. There will be no written test for selection of candidate.

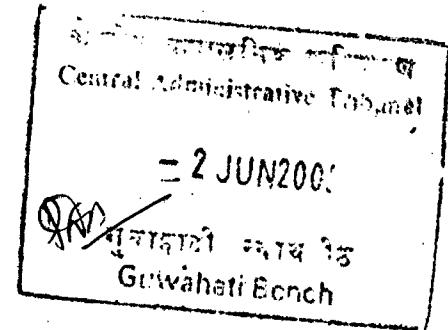
You sincerely,

Sr. Supdt. o Post Offices,
Guwanati Division, Guwahati-781001.

Contd..2.

Copy to:-

Sr. Supdt. of Post Offices,
Guwahati Division, Guwahati-781001.



leg by
IE Deffitioner/app-
Scant-
through
Taganta Nath
Dey
Dey
1/6/01

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BRANCH:
GUWAHATI-5

OA NO. 318 of 2004

Srimati Sikha Sarkar

.....APPLICANT

-Versus-

Union of India & others

.....RESPONDENTS

IN THE MATTER OF:

Rejoinder against the Written
Statement of the Respondent No.1,
2,3 and 4.

I, Srimati Sikha Sarkar, the applicant do hereby solemnly
affirm and state as follows:

1. That it is an admitted fact that I have long experiences
of service in the same post office from 05.02.1983 to 28.10.1988
before my marriage. I had been working sincerely and efficiently
and so the then Senior Superintendent of Post Offices, Guwahati
Division Sri B.K. Sukla gave me a certificate to the effect
that "the service of Miss Sikha Dey is satisfactory". I had
to resign my service as Branch Post Master due to my marriage.
2. That after I resigned from service my father Sri Rabindra
Chandra Dey was appointed as Branch Postmaster from 01.10.90

contd.....2

and retired from service on 31st October, 2003. The Senior Superintendent of Post Office called me by appointment letter No. AX-101/EDA dated 19th November, 2003 and appointed me in the vacancy of Branch Post Master caused by retirement of my father and I immediately joined the Govt. Service of Branch Postmaster resigning my service in private Company as I was badly in need of service for maintenance of my minor children as my ailing husband could not earn any income. I also registered my name in employment exchange as I am in need of employment.

3. That it is a admitted fact that my name was sponsored by the Employment Exchange for the said post.
4. That after I served for 52 days in the said temporary vacancy, the Kumarpara Branch Post Office was taken away from the side of the Main Road namely, R.K.Choudhury Road to a narrow Bye lane, a gali with Kaccha narrow Bye lane ignoring the sale proceeds of Revenue of Branch Post Office of R.K.Choudhury Road from which the said Branch Post Office was shifted to said narrow Bye lane of Kumarpara inspite of objection petition of about 200 persons who made transactions with Branch Post Office of R.K.Choudhury Road. From the record it will be available that there is no postal transaction at all at the narrow Bye lane of Kumarpara.
5. That the statements made by the Respondent No. 3 the Senior Superintendent of Post Offices that the appointments made on the basis of marks obtained in the Matriculation Examination is not correct. The person at Serial No. 4 Check list obtained first Division in Matriculation Examination with 64.33% marks was not appointed to the Post of

Branch Post Master but the Respondent No.4 Sri Bhaskar Handique with only Second Division with 52.35 % marks obtained in Matriculation Examination was illegally and arbitrarily appointed who is at Serial No.3 at Check list ignoring just and legitimate claims of the applicant for appointment to the said post. I had no objection if the person at Serial No.4 of the check list who is a first division passed candidate with 64.33% in his Matriculation Examination would have been appointed to the post of Branch Post Master. The Respondent No.4 Sri Bhaskar Handique 's name was not registered in Employment Exchange and there can not be question of sponsoring his name for such appointment as admitted by the Respondent No.4 Sri Bhaskar Handique.

6. That the applicant was not called for interview and so the appointment order made in favour of the Respondent No.4 without hearing the applicant is violative of principle of natural justice. The appointment made illegally and partially is liable to be cancelled and the applicant be appointed as Branch Post Master to the Kumarpara Branch Post Office. The Respondent No.4 Bhaskar Handique has also not given any security for handling govt. money as learnt.

7. That it is apparent that the appointment was not made on the basis of Marks obtained in Matriculation Examination as proved by the records of check list. As appointment was not made strictly on the basis of marks obtained in Matriculation Examination, there remains only for consideration who had previous experience to the post of Branch Postmaster.

As the applicant had admittedly previous long experience from the same Post of Kumarpara Branch Post Master from 1983 to 1988, applicant Smti. Sikha Sarkar is entitled to be appointed as Branch Postmaster of Kumarpara Branch post office.

VERIFICATION

I, Srimati Sikha Sarkar, aged about 42 years, by religion Hindu, by profession unemployed, resident of Kumarpara, Narayan Nagar, P.O. Bharalumukh, Guwahati-9, District Kamrup (Metro) Assam do hereby solemnly affirm and declare as follows:

1. That I am the applicant in the case and I have submitted a Rejoinder in this case and I am conversant with the facts and circumstances of the case.

This is true to my knowledge.

2. That the statements made in paragraphs 1 to 7 are true to my knowledge and the statements made in those paragraph from 1 to 7 that relates to the record are true to my information derived from the records of the case which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

I sign this Verification today the 1st June, 2005 at Guwahati.

S. Sarkar
Signature of the applicant

19/2/05
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

Filed by
Bhaskar Handique
Respondent No.4
through - B. Bumagohain
Advocate
17, 6, 05

O.A. NO. 318 / 2004

IN THE MATTER OF: -

SMTI. SIKHA SARKAR

.....APPLICANT

- VERSUS -

UNION OF INDIA & OTHERS

.....RESPONDENTS

A reply filed by the Respondent No.4
against the re-joinder filed by the
applicant.

I Sri Bhaskar Handique, aged about 33 years, son of
Sri Bhupendra Nath Handique, R/O. Noonmati, in the
District of Kamrup, Assam, do hereby solemnly affirm and
state as follows -

1. That I have received a copy of the re-joinder filed
by the applicant and I have gone through the same
and understood the contents thereof. That the
statements and averment which are not specifically
admitted herein are deemed to have been denied by
the answering deponent.

Contd.../-

2. That with regards the averments made in paragraph 1 of the re-joinder the answering deponent did not offer any comment as the same is applicant's own contention.

3. That with regards the averments made in paragraph 2 of the re-joinder the answering deponent stoutly denied the same and begs to say that the applicant husband is a govt. employee and has been serving outside the district of Kamrup. The statement made by the applicant that her husband is ailing could not earn any income is totally false.

4. That with regards the averments made in paragraph 3 of the re-joinder the answering deponent begs to say that the authority were called for applications to filled up the vacant post of GDS BPM, Kumarpara B.O. through Employment Exchange as well as through open advertisement vide office letter No.AX-101/EDA/Kumarpara dated 03-03-2004 and the name of the applicant was also sponsored by the Employment Exchange alongwith another candidate and the deponent submitted application alongwith 4 others as per notification made through open advertisement.

5. That with regards the averments made in paragraph 4 of the re-joinder the answering deponent begs to say that the applicant served 52 days as GDS BPM, Kumarpara Branch Office on purely temporary basis till the post is regularly filled up at her

Shankar Sandigra

parent's residence. Now the department shifted the said Branch Office into a convenient place where the deponent has been serving. The applicant has no right to interfere in the matter of shifting of the said office.

6. That with regards the averments made in para 5 of the re-joinder the answering deponent stoutly denied the same and begs to say that the method of recruitment based on marks secured in the matriculation or equivalent examination and accordingly the deponent position is second in the check list and percentage of marks obtained in the matriculation examination is 52.35%. The candidates, whose position was first in the check list he refused to accept the offer made by the department and he was not interested in the said post of B.P.M., Kumarpara Branch Office and accordingly offer has been made to the deponent and accordingly joined in service as B.P.M., Kumarpara Branch. The deponent has already stated that he applied for the said post in-pursuance of open advertisement made by the department.
7. That with regards the averment made in paragraph 6 of the re-joinder the answering deponent denied the same and begs to say that on 05-04-2004 the applicant was asked to submit application in the enclosed standard form by the Sr. Superintendent post office and also request was made by the Department to submit H.S.L.C. mark sheet alongwith applications and as such, the question of hearing

Bhaskar Bandigra

of the applicant does not arise. Furthermore, the deponent prior joining in service as GDS BPM, Kumarpara Branch Office has produced "Patta" of land as security before the Department, as such the contention made by the applicant is totally false and baseless.

8. That with regards the averment made in paragraph 6 of the re-joinder the answering deponent denies the same and begs to say that the appointment was made on the basis of marks obtained in the Matriculation Examination as it appears that the persons who secured highest percentage of marks in the matriculation examination, at first he was asked to attend the office alongwith the original documents but he did not attend the office as he was not interested the said post and accordingly this deponent was called for to attend the office and this deponent appeared alongwith, documents and accordingly this deponent was appointed as GDSBPM, Kumarpara Branch Office. The applicant has no right to claim the said post as because she earlier resigned the said post on 08-06-1989 and the same was accepted by the superintendent of post office on 12-06-1989 as such the applicant has no legal right to claim for appointment of the said post, the applicant filed this application by suppressing the material facts and as such the same is liable to be dismissed with cost.

9. That the statements made in this reply in paragraphs 1,2,3,5 and 8 are true to my knowledge and the statements made in paragraphs 4,6 and 7 are

Shashan Handigone

my information derived from the records which I believed to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this reply on this 17th day of June 2005 at Guwahati.

Bhaskar Mandigra

DEPONENT