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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 326/2006

R.A/C.P No.

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FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

326/04 OF 199

Applicant(s) *Sri D. Majumdar*Respondent(s) *Lot 2018*Advocate for Applicant(s) *Absentia*Advocate for Respondent(s) *CGSC*

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C.F. for Rs 70/- deposited vide P.D. No. 86 425545 Dated 16.12.04 <i>W. J. 22/12/04</i> Dy. Registrar <i>Steps taken.</i> 14.3.05 Copy of the order has been sent to the Dy. Registrar for issuing the same to the applicant as well as to Respond No 2.	23.12.2004 mb 5.1.2005 mb 09.02.2005 mb	None for the parties. List on 6.1.2005. List on 02.02.2005. Present : The Hon'ble Mr. M.K. Gupta Judicial Member. The application is dismissed in terms of the order passed in separate sheets.
		<i>10/1/05</i> Member (A) <i>10/1/05</i> Member (A) <i>10/1/05</i> Member (J)

mb

Notes of the Registry	Date	Order of the Tribunal
1970-1971 e.g. (1)	1970-1971 1970-1971	(1) 1970-1971 (2) 1970-1971 (3) 1970-1971 (4) 1970-1971 (5) 1970-1971 (6) 1970-1971 (7) 1970-1971 (8) 1970-1971 (9) 1970-1971 (10) 1970-1971 (11) 1970-1971 (12) 1970-1971 (13) 1970-1971 (14) 1970-1971 (15) 1970-1971 (16) 1970-1971 (17) 1970-1971 (18) 1970-1971 (19) 1970-1971 (20) 1970-1971 (21) 1970-1971 (22) 1970-1971 (23) 1970-1971 (24) 1970-1971 (25) 1970-1971 (26) 1970-1971 (27) 1970-1971 (28) 1970-1971 (29) 1970-1971 (30) 1970-1971 (31) 1970-1971 (32) 1970-1971 (33) 1970-1971 (34) 1970-1971 (35) 1970-1971 (36) 1970-1971 (37) 1970-1971 (38) 1970-1971 (39) 1970-1971 (40) 1970-1971 (41) 1970-1971 (42) 1970-1971 (43) 1970-1971 (44) 1970-1971 (45) 1970-1971 (46) 1970-1971 (47) 1970-1971 (48) 1970-1971 (49) 1970-1971 (50) 1970-1971 (51) 1970-1971 (52) 1970-1971 (53) 1970-1971 (54) 1970-1971 (55) 1970-1971 (56) 1970-1971 (57) 1970-1971 (58) 1970-1971 (59) 1970-1971 (60) 1970-1971 (61) 1970-1971 (62) 1970-1971 (63) 1970-1971 (64) 1970-1971 (65) 1970-1971 (66) 1970-1971 (67) 1970-1971 (68) 1970-1971 (69) 1970-1971 (70) 1970-1971 (71) 1970-1971 (72) 1970-1971 (73) 1970-1971 (74) 1970-1971 (75) 1970-1971 (76) 1970-1971 (77) 1970-1971 (78) 1970-1971 (79) 1970-1971 (80) 1970-1971 (81) 1970-1971 (82) 1970-1971 (83) 1970-1971 (84) 1970-1971 (85) 1970-1971 (86) 1970-1971 (87) 1970-1971 (88) 1970-1971 (89) 1970-1971 (90) 1970-1971 (91) 1970-1971 (92) 1970-1971 (93) 1970-1971 (94) 1970-1971 (95) 1970-1971 (96) 1970-1971 (97) 1970-1971 (98) 1970-1971 (99) 1970-1971 (100) 1970-1971

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No. 326/2004

DATE OF DECISION 09.02.2005

Sri D. Mazumdar.....APPLICANT(S)

Absentia.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

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

.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. M.K. Gupta, Judicial Member.

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether the judgment is to be circulated to the other benches ?
- Judgment delivered by Hon'ble Member (J)

[Handwritten signature]

CENTRAL ADMINISTRATIVE TRIBUNAL :::: GUWAHATI BENCH

Original Application No. 326/2004

Date of Order: This the 9th day of February, 2005.

THE HON'BLE MR. M.K. GUPTA, JUDICIAL MEMBER.

Sri Debal Majumdar
S/O Late N.K. Majumdar
Asst. Supdt. of Post Offices
O/O the Director of Postal Services
Agartala – 799 011

... Applicant

In Absentia

- Versus -

1. The Union of India
Represented by the Secretary
To the Ministry of Communication
2. The Chief Postmaster General
N. E. Circle
Shillong – 793 001

... Respondents.

None for the Respondents.

ORDER (ORAL)

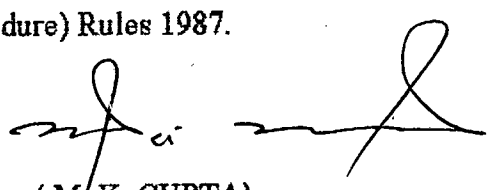
M.K. Gupta, Member (J):

The applicant is not present. On last two dates also, i.e. 23.12.2004 and 05.01.2005, the applicant did not appear.

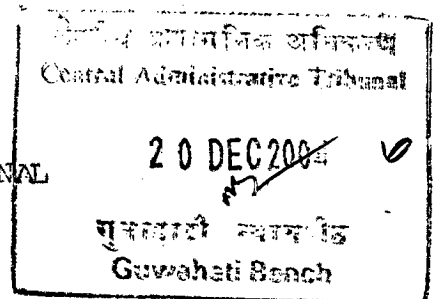
By the present O.A. the applicant seeks direction to the respondents to post him to the post of DSP Kohima so that he could secure promotional as well as retrial benefits before retirement.

On perusal of the O.A., I find that the applicant attained the age of superannuation on 31.01.2005 and therefore the issues raised in the present O.A. has become academic in nature. It also appears that applicant has lost interest in prosecuting the present O.A.

Accordingly I do not find any subsistence in present O.A. and dismiss the same by invoking Rule 15(1) of Central Administrative Tribunal (Procedure) Rules 1987.


(M/ K. GUPTA)
JUDICIAL MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



Title of the case.

OA NO...326.../2004

Sri Debal Majumdar

-VS-

Union of India and others

INDEX

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For use in the Tribunal Office
Date of filing :
Registration No :
REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA No. - - - /2004

Synopsis/List Dates

November/2004- The Chief Postmaster General N.E. Circle
Shillong issued order, posting Sri Pranab
Chakraborty, Postmaster Agartala, to the post
of DSP Kohima.

30-11-04- The applicant represented to the
respondent No. 2 to stop the order of
supersession and give him (applicant) a chance
before his retirement if no other senior
willing official is available

1
20-12-04
a

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

An application under section 19 of AT Act 1985

OA NO...../2004

Sri Debal Majumder
S/O Late N.K. Majumder
Asst. Supdt. of Post Offices
O/O the Director Postal Services
Agartala-799 001Applicant

VS-

1. The Union of India
Represented by the Secretary
to the Ministry of Communication~~A~~
2. The Chief Postmaster General
N.E. Circle
Shillong- 793 001Respondents

PARTICULARS OF THE CASE

1. Particulars of the orders against which this application is made.

This application is made against the order of supersession issued by the respondent No. 2.

2. LIMITATION

This application is filed within the limitation period prescribed under section 20 of limitation Act.

3. JURISDICTION

This Hon'ble Tribunal has got jurisdiction in this matter.

40-51-02
9

4. FACTS

4.1 Sri Pranab Chakraborty Postmaster Agartala and myself passed IPO examination in 1981 in the same batch, but according to merit he ranked junior to me. My serial in the list was 8 while that of Sri Chakraborty was 10.

(The Xerox copy of the Supdt. of POs Nowgong conveying CO's letter No. Staff/40-3/81-82 dt. 16-6-82 is enclosed as annexure-A)

4.2 The seniority in the IPO cadre is fixed according to merit. Promotion to the cadre is made within the circle from inspector cadre. The Postmaster Agartala is of IPO line and Sri Chakraborty was posted as Postmaster Agartala which is of the same status of ASP.

4.3 Promotion to the cadre of PSS Gr B is made from IPO/ASP as per seniority. The seniority in the IPO cadre is always taken into account for promotion to PSS Gr B.

4.4 Sri Chakraborty has been posted as DSP. Kohima which belongs to PSS Gr B. That order superseded me and deprived me from the benefits before retirement.

4.5 I represented to the respondent No. 2 against the order of supersession.

(The Xerox copy is enclosed as annexure-B)

4.6 As I am going to retire on 31-1-05, it is not possible to submit further appeal and wait.

4.7 I have no objection if the post is filled up by a senior willing official. But if no such hand is available I should not be deprived of the benefits before my retirement.

4.7

28-12-84

10

4.8 One disciplinary case is pending against me, but it is on flimsy ground and is not of moral turpitude, bribery or monetary involvement. The case was inflicted only on personal ground which could not be concluded within three years. For that I am not at all responsible.

4.9 Sri Chakraborty had been relieved from the post of Agartala and unless the Hon'ble CAT intervenes immediately I will be deprived of the benefits though being senior to him.

5. GROUND

5.1 For that the respondents acted illegally and arbitrarily in non consideration of the cause of the applicant.

5.2 For that the order of supersession is quite unjustified.

5.3 For that the order of supersession will deprive of the benefits of the senior official.

5.4 For that the order of supersession is biased.

5.5 For that the order of supersession will hamper the prestige of the senior official.

6. Matter not previously filed nor pending.

7. DETAILS OF REMEDIES EXHAUSTED

7.1 Representation was submitted to the authority concerned with due promptitude against the order of supersession.

8. RELIEF

8.1 To direct the respondent No. 2 to stop the order of supersession.

- 8.2 To direct the respondent No. 2 to post the applicant to the post of DSP Kohima in order to get him benefit before retirement. if no other senior willing hand is available.
- 8.3 To give deployment benefit to the applicant from the date of joining of Sri Chakraborty to the post of DSP Kohima if the order of supersession materialises.
- 8.4 Any other relief as deemed fit by the Hon'ble CAT.

9. INTERIM ORDER

- 9.1 To direct the respondent No. 2 to keep in abeyance immediately the order of supersession.

10. The case may be decided on its merit.

11. IPO

IPO No. 8G 425545
Dated 16-12-04
Payable at Guwahati

12. ENCLOSURES

As stated above.

VERIFICATION

I, Sri Debal Majumder, S/O Late N.K. Majumder, aged 59 years 10 months, resident of Agartala, employed as ASP HQ O/O the Director Postal Services Agartala do hereby verify that the contents of the application are true to my personal knowledge and belief and that I have not suppressed any material facts.

Signed on the 20th day of December two thousand four.


APPLICANT

No. DL-17/IP0s/Exam/81
Dated at Nowgong the 26/6/82

To,

1. Sri Debal Majumder, O.S. Divl. Office

2. Sri Premadhar Sania S.P.M. Morikelong.

Subj:

Result of the examination for selection of the
Posts of Inspector of Post Offices and Railway
Mail Services held from 22nd to 24th Dec/81

A copy of G.O.'s Letter No. Staff/40-3/81-82 dt.
16th June/82 on the above subject is reproduced below for information

(N.K. Baruah)

Supdt. of post offices,
Nowgong Division : Nowgong 78200

Copy of letter referred to above:-

1. A list of candidates who have been selected for appointment as Inspectors of Post Offices and Railway Mail Services on the results of the above mentioned examination as declared by the Directorate under no. 2-10/81-DE dt. 11.6.82 is given in the enclosed list. If it is later found that any of these candidates were not eligible to take the examination under the rules or instructions on the subject or for other reasons, then their names will be deleted. The list of selected candidates is subject to cancellation or modification in the light of the High Court's orders in respect of the writ petition if any, under their consideration.

2. In respect of candidates, if any, whose admission to the examination was provisional, the results if announced in their cases will be subject to the final decision regarding their eligibility for taking the examination.

3. The names of the candidates have been arranged in the order of merit except the candidates who have been bracketed together. The position of the bracketed candidates will be determined in accordance with the principles laid down in letter no. 27-24/65.NCG dated 7th April 1966.

4. The "carried Forward" vacancies for S.Cs and B.Ts candidates have been filled up to the extent possible in accordance with paragraph 4 of P&T Dte's letter No. 7-7/80-SP-II dated the 20th Sept 1980.

Sd/ (J.C. CHAKRABORTY)
Asstt. Postmaster-General (Staff)
For Postmaster-General
N.E. Circle, Shillong -1.

LIST OF CANDIDATES SELECTED FOR APPOINTMENT AS I.P.O. S/I.R.M.S
ON THE RESULT OF EXAMINATION HELD FROM 22nd to 24th DECEMBER 1981

I.P.O. ROLL NO. NAME DIVISION TO WHICH HE BELONGS

1. NE-75/IP0/81 NE-221/IP0/81	Sri Badal Sharma " Ranjit Kr. Masumata	Goalpara Division. S.C. Arunachal Division.
2. NE-201/IP0/81	Sri Bimalendu Shekhar Chowdhury.	Tinsukia Division.
3. NE-73/IP0/81 NE-77/IP0/81	Sri Nirmal Kr. Saha " Dwipendra Nath Sharma	Goalpara Division. -do-
4. NE-194/IP0/81	" Kshetrimayum Tombe Singh	Manipur Division.
5. NE-197/IP0/81 NE-192/IP0/81	" Jnanesh Chandra Paul Md. Gatabuddin	Tinsukia Division. Manipur Division.
6. NE-253/IP0/81	Sri Ranjit Singh	(A.P.S.)
7. NE-203/IP0/81	" Surya Sangari (ST)	Tinsukia Division.
8. NE-134/IP0/81	" Debal Majumdar	Nowgong Division.
9. NE-220/IP0/81	" Dipak Kr. Ray	Arunachal Division.
10. NE-78/IP0/81	" Pranab Chakraborty	Goalpara Division.
11. NE-79/IP0/81	" Girish Ch. Das	-do-
12. NE-62/IP0/81 NE-86/IP0/81	" Bhubheshwar Haloi " Charitra Mohan Nath	Nalbari, Barpeta Division D.P.S. Guwahati.
13. NE-202/IP0/81	" Uttam Sengupta	Tinsukia Division.
14. NE-200/IP0/81	" Dhaneshwar Behingia	Tinsukia Division.
15. NE-76/IP0/81	" Rabindra Biswas (SC)	Goalpara Division.
16. NE-7/IP0/81	" Khageswar Barman	Shillong Division.
17. NE-80/IP0/81	" Madan Ch. Kalita	Dibrugarh Division.
18. NE-120/IP0/81	" Tarun Ch. Kalita	Darrang Division.
19. NE-89/IP0/81	" Samir Chakraborty	Dibrugarh Division.
20. NE-86/IP0/81	" Abdul Rashid	Dibrugarh Division.
21. NE-214/IP0/81	" H. Malswana (ST)	Mizoram Division.
22. NE-131/IP0/81	" Premadhar Barua (SC)	Nowgong Division.
<u>I.R.M.</u>		
1. NE-243/IRM/81	" Bhutosh Barman (SC)	'S' Division.

No qualified A.P.S. Candidates under I.R.M. cadre available.

- 3 - May - 4 19

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUPDT. OF POST OFFICES : NOWGONG DIVISION, NOWGONG, ASSAM

No. DL-17/IPDs/Exam/81
Dated at Nowgong the 26/6/82

To,

1. Sri Debal Majumder, O.S.Dvl. Office

2. Sri Premadhar Barua S.P.M. Marikelong.

Sub:

Result of the examination for selection of the
Posts of Inspector of Post Offices and Railway
Mail Services held from 22nd to 24th Dec/81

A copy of G.O.'s letter No. Staff/40-3/81-82 dt.
16th June/82 on the above subject is reproduced below for information

(D. N. Barua)

Supdt. of post offices:
Nowgong Division : Nowgong 7820

Copy of letter referred to above:-

A list of candidates who have been selected for appointment as Inspectors of Post Offices and Railway Mail Services on above mentioned posts is enclosed.

RECEIVED
POST OFFICE
Agartala H.O.

I.P.O.	ROLL NO.	NAME	DIVISION TO WHICH HE BELONGS
1. NE-75/IP0/81 NE-221/IP0/81	Sri Badal Sharma " Ranjit Kr. Dasumata	S.C	Goalpara Division. Arunachal Division.
2. NE-201/IP0/81	Sri Bimalendu Bhakhar Chowdhury.		Tinsukia Division.
3. NE-73/IP0/81 NE-77/IP0/81	Sri Nirmal Kr. Saha " Dwipendra Nath Sharma		Goalpara Division. -do-
4. NE-194/IP0/81	" Kshetrimayum Bombe Singh		Manipur Division.
5. NE-197/IP0/81 NE-192/IP0/81	" Jnanesh Chandra Paul Md. Qutabuddin		Tinsukia Division. Manipur Division.
6. NE-253/IP0/81	Sri Ranjit Singh	(A.P.S.)	
7. NE-203/IP0/81	" Surya Sanglari (ST)		Tinsukia Division.
8. NE-134/IP0/81	" Debal Majumder		Nowgong Division.
9. NE-220/IP0/81	" Dipak Kr. Roy		Arunachal Division.
10. NE-78/IP0/81	" Pronab Chakraborty		Goalpara Division.
11. NE-79/IP0/81	" Girish Ch. Das		-do-
12. NE-62/IP0/81 NE-36/IP0/81	" Bhubneswar Laloi " Charitra Mohan Nath		Nalbari, Barpeta Division D.P.S. Gauhati.
13. NE-202/IP0/81	" Uttam Sengupta		Tinsukia Division.
14. NE-200/IP0/81	" Dhaneswar Dehingia		Tinsukia Division.
15. NE-76/IP0/81	" Rabindra Biswas (SC)		Goalpara Division.
16. NE-7/IP0/81	" Khageswar Barman		Shillong Division.
17. NE-30/IP0/81	" Madan Ch. Kalita		Dibrugarh Division.
18. NE-120/IP0/81	" Tarun Ch. Kalita		Darrang Division.
19. NE-39/IP0/81	" Samir Chakravorty		Dibrugarh Division.
20. NE-36/IP0/81	" Abdul Rashid		Dibrugarh Division.
21. NE-214/IP0/81	" H. Malswana (ST)		Mizoram Division.
22. NE-131/IP0/81	" Premadhar Baria (SC)		Nowgong Division.
I.R.M.			
1. NE-243/IRM/81	" Shutesh Barman (SC)		"S" Division.
No qualified A.P.S. Candidates under I.R.M. cadre available.			

TESTED
POSTMASTER
Agartala H.O.

To
The Chief Postmaster General,
N.E. Circle
Shillong-793 001

Sub:- Request for stoppage of supersession.

Respected Sir,

With due respect and humble submission I beg to state that it is learnt from a reliable source that Sri Pranab Chakraborty, Postmaster, Agartala has been posted as DSP Kohima. But he is junior ~~xxxx~~ to me in IPO cadre and also in ASP cadre. As such I earnestly request you to kindly stop the order of supersession. If no other senior willing ^{hand} is available, then I offer myself as a candidate for the same, and earnestly pray to you kindly to give me the last chance before my retirement in Jan/05.

With profound regards,

Yours faithfully,

(D. MAJUMDER)

ASP HQ

C/O the DPS
Agartala

Dated at Agartala
the 30-11-04

ATTESTED

POST MASTER,
Agartala H.O.