

FORM NO. 4  
(See Rule 42)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
ORDER SHEET

1. ORIGINAL APPLICATION No. : -----/2013
2. Transfer Application No. : -----/2013 in O.A. No.-----
3. Misc. Petition No. : -----/2013 in O.A. No.-----
4. Contempt Petition No. : -----/2013 in O.A. No.-----
5. Review Application No. : -----/2013 in O.A. No.-----
- ✓ 6. Execution Petition No. 25 -----/2013 in O.A. No. 157/2005

Applicant (S) : Shri Ghaneswar Singh

Respondent (S) : Union of India & Ors

Advocate for the [Applicant (S)] : Mr. H.K. Das, Ms. M. Talukdar

Advocate for the [Respondent (S)] : CLSL

Notes of the Registry

Date

Order of the Tribunal

The's EP is filed by the applicant through Mr. H.K. Das, Advocate with a prayer for under Rules 24 of CAT, procedure Rules 1987 for implementation of the order dated 22.9.2013 passed in OA. 157/2005.

Laid before the Hon'ble court for court for favour of order.

19/9/13  
Section Officer

19.9.2013

Joint Registrar

Proper Verification filed by the applicant,

List the matter on 04.10.2013 after filing proper affidavit.



(Manjula Das)  
Judicial Member

Mr H.K.Das, learned counsel is present for the applicant.

List the matter 08.10.2013.



(Manjula Das)  
Judicial Member

E.P. 25/13 in O.A. 157/05

08.10.2013

By this E.P., petitioner makes a prayer for implementation of the order dated 22.09.2006 passed in O.A. No. 157 of 2005.

Mr. H.K. Das, learned counsel appearing for the petitioner submits that this Tribunal vide order dated 22.09.2006 allowed the O.A. No. 157 of 2005 by directing the respondents to declare the applicant as eligible to be considered for selection as per O.M. dated 30.01.1990 and give the applicant a proper posting forthwith, however, with notional benefits.

According to Mr. Das, in view of the judgment passed by this Tribunal, the petitioner (applicant) ought to have been reinstated. However, the department has not reinstated the petitioner till now. Petitioner did make several representations before the authority for implementation of the order passed by this Tribunal. However, the respondent authority has been sitting tight over the matter and even did not feel it necessary to comply with the said order and the action of the respondents amounts to negligence and willful disobedience of the order of the Tribunal on their part.

In view of the above, issue notice to the respondents under Rule 11(1)(i) of the CAT (Procedure) Rules, 1987, by making returnable within four weeks.

List the matter on 18.11.2013.

(Manjula Das)  
Judicial Member

① Steps not taken  
by the applicant.

22  
8.10-2013.

15.11.13 :

1) Steps not taken by applicant.  
2) Hence no notice is issued  
under rule.

Man

EP.25-13

28-11-2013

Notice prepared  
and issued vide  
D/NO. 1888, 1889, 1890  
dated 27-11-2013

03/12/13

1) Service report -  
awaited  
2) No Reply filed

16/12/13

Memorandum appearance  
filed by the Mrs S.  
Bora on behalf of  
all respondents

30-12-13.

1) Service completed  
2) No reply is filed.

18.11.2013

Ms.M.Talukdar, learned counsel for the petitioner is present. Petitioner is directed to take fresh steps by Regd. A/D through the Registry of this Bench within two days.

List the matter on 04.12.2013 at Imphal Circuit Sittings, Manipur.



(Mohd. Haleem Khan)  
Administrative Member



(Manjula Das)  
Judicial Member

/bb/

04.12.2013

Ms.M.Talukdar, learned counsel for the petitioner and Mrs.S.Bora, learned Addl. C.G.S.C. for the respondents are present.

List the matter on 06.01.2014 before the Circuit Sittings at Imphal, Manipur.



(Mohd. Haleem Khan)  
Administrative Member



(Manjula Das)  
Judicial Member

/bb/

EP 25/2013

06.01.2014  
Camp Imphal

Ms U.Das, learned counsel for the applicant and Mrs S.Bora, learned counsel for the contemnors are present. Mrs Bora submits that reply is ready and it will be filed during the course of the day with copy to the petitioner. Ms U.Das prays for four weeks time to file rejoinder.

List the matter on 14.02.2014.



(Mohd. Haleem Khan)  
Administrative Member

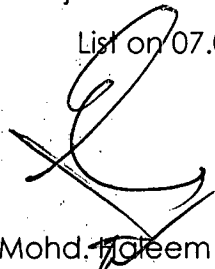


(Manjula Das)  
Judicial Member

/pg/  
14.02.10`4

Mrs. S. Bora, learned counsel for the respondents submits that reply has already been filed with due copy to petitioner's counsel. Ms. M. Talukdar, learned counsel for the petitioner prays for three weeks time to file the rejoinder. Prayer is allowed.

List on 07.03.2014 for filing rejoinder.



(Mohd. Haleem Khan)  
Administrative Member



(Manjula Das)  
Judicial Member

PB

17/01/14  
WTS filed by the-  
respondents of 33 to  
39

&

13/02/14  
No rejoinder filed  
by applicant

&

06/03/14  
No rejoinder filed  
by the applicant  
&

07.03.2014

By this E.P., petitioner makes a prayer for implementation of the order dated 22.09.2006 passed by this Tribunal in O.A. No. 157 of 2005 where this Tribunal set aside and quashed the termination order of the applicant and directed the respondent authorities to declare the applicant as eligible to be considered for selection as the O.M. dated 30.01.1990 and to give proper posting forthwith.

Mr. H.K. Das, learned counsel appearing for the petitioner submitted that by challenging the order of the Tribunal, respondent authority did approach before the Hon'ble Gauhati High Court by filing WP(C) No. 941 of 2007. Thereafter, the Hon'ble Gauhati High Court vide order dated 25.08.2010 dismissed the said Writ Petition. However, according to learned counsel, petitioner was not aware about the order of the Hon'ble High Court. No notice has been received by the petitioner so far. Only recently petitioner came to know about the order of the Hon'ble High Court and accordingly applied for certified copy of the said order and same has been received on 07.02.2014 by which petitioner came to know about the dismissal of the said WP(C). According to learned counsel, since 2006, petitioner is waiting for implementation of the order of the Tribunal. However, respondent authority sitting tight over the matter by not implementing the same. Thus, thereby, flouted the order of the Tribunal.

On the other hand, Mrs. S. Bora, learned Addl. CGSC appearing for the respondents submitted that while written statement filed before the Bench / Registry, it was not knowledge about the dismissal of the WP(C) No. 941 of 2007 by the Hon'ble High Court. Accordingly, learned counsel prayed for two months time to implement the order dated 22.09.2006 passed in O.A. No. 157 of 2005.

Contd/-

07.03.2014

Having heard the learned counsel for both parties and submission made by learned counsel for the respondents, I hereby allowed two months time to implement the order of the Tribunal failing which the Director of Postal Services, Manipur, Imphal shall appear in person before this Tribunal on the next date fixed on 22.05.2014.

List on 22.05.2014. Copy of the order of Hon'ble Gauhati High Court shall be kept for record.



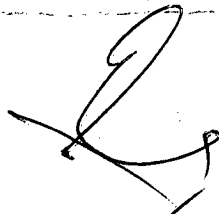
(Manjula Das)  
Judicial Member

PB

22.05.2014

Mr. H.K. Das, learned counsel for the petitioner appeared. Mrs. S. Bora, learned Addl. CGSC for the respondents / opposite party appeared and submitted that the order of the Tribunal dated 22.09.2006 passed in O.A. No. 157 of 2005 has been duly complied with. Accordingly, there remains nothing.

-E.P. stands closed.



(Mohammad Haleem Khan)  
Administrative Member



(Manjula Das)  
Judicial Member

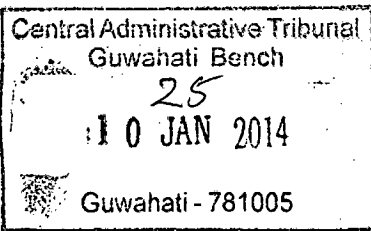
PB

Received order  
dt 7.3.14  
S. Bora  
C-4-2-C  
14-3-14

Received  
from H.K. Das  
Advocate  
14/3/14

21/05/14  
order communicated  
Hon'ble Court order dt-  
07.03.14 Copy to both -  
the Counsel on 14/3/14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:: GUWHATI



**Execution Petition No. 25/ 2013**  
**In O.A. No. 157/2005**

Shri Ghaneswar Singh ..... Applicant  
-Vs -  
U.O.I. & Ors ..... Respondents  
-AND-

IN THE MATTER OF:

Written Statement filed by the Respondents

Filed by  
the Respondents  
through  
Ms Sachitra Bora  
Addl C.A.-S. at  
Imphal circuit Bench


I, Shri T. Mang Min Thang s/o Shri T. Vungthang aged about 43 years, presently working as the Director Postal Services, Manipur Division, Imphal - 795001 do hereby solemnly affirm and state as follows:

1. That I am at present working as Director Postal Services, Manipur Division, Imphal - 795001. A copy of thr E.P. has been served on me. I perused the same and understood the contents thereof. I have been impleaded as Respondent No.3 in the E.P. I am duly authorized to swear and file this reply on behalf of all the Respondents.
2. That in regard to the statements made in paras 1 and 8 of the E.P, I do not have any comment to make thereon as those are mostly maters of records. However, I do not admit anything in consistent with and/ or contrary to the records.
3. That before giving the parawise reply, the deponent begs to give the brief history of the case.

Brief History

1. Under the instruction of Chief PMG, Shillong , Manipur Postal Division invited applications from the eligible Gramin Dak Sevaks (GDS) staff of Manipur Postal Division, for filling up 1 (one ) unreserved (UR) Post of Postal Assistant, giving the age limit as 35 (thirty-five) years of age for unreserved candidates.  
(Kindly refer Annexur-A-4, enclosed by the applicant regarding advertisement published in local Newspaper, and submitted while filing the case in OA No.

Received  
Inha Son,  
Advocate  
For H.K. Son,  
Advocate  
6/1/2014

  
**T. Mang Min Thang, IPS**  
DIRECTOR  
MANIPUR POSTAL DN.  
IMPHAL-795001

C-1-2014

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- 2 -

157/05. As declared by the applicant namely Shri. S.Ghaneswar Singh, GDSMC © MD, Langthabal Kunja BPO, he was 36 years 1 month and 10 days as on 10/02/2003, the last date of receipt of application forms.

2. On completion of the written test/interview, the applicant was declared selected in the recruitment of Postal Assistants from the GDS Agents for the year 2001 in Manipur Division on the basis of merit vide this office memo No. B-10/PA-DR/2001 dated 25/04/2003.

*(Ref- Enclosed Xerox copies of the said memo as Annexure-I).*

3. He was directed by this office to undergo Induction Training for Postal Assistant at Postal Training Center(PTC), Darbhanga, Bihar vide this office memo No.B-7/Induction Training /Corr dated 15/07/2003

*(Xerox copy of the said letter is enclosed for reference as ANNEXURE-II)*

4. On completion of the Induction Training for Postal Assistant at PTC, Darbhanga, Bihar w.e.f. 22/07/2003 to 29/09/2003 for 70(Seventy) days, Shri. S.Ghaneswar Singh(applicant) assumed his duty as Postal Assistant in Imphal HPO on 06/10/2003 in pursuance with this office memo No.B-2/Pf/S.Ghaneswar Singh Dated 23/09/2003 *(Xerox copy of the said memo is enclosed for reference).*

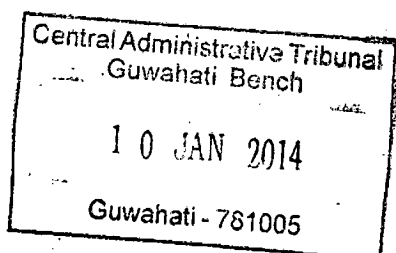
5. Later on, in pursuance of Chief PMG, N.E.Circle, Shillong letter No.Staff/118-14/2003(20) dated 1-2 /12/2003, the Director Postal Services, Manipur issued the order terminating the appointment of Shri. S.Ghaneswar Singh vide this office memo No. B-2/Pf/S.Ghaneswar Singh, on the ground that the said recruitment process was not permissible under the guidelines issued vide Ministry of Personnel, PG & Pensions, Deptt.of Personnel & Trg.OM No.36011/1/98-Estt(Res) dtd.1-7-1998 circulated under Dte's letter No.137-2/99-SPB-Idtd.29-1-1999.

*( Xerox copy of the said (i) CO memo No.Staff/118-14/2003(20) dated 1-2/12/2003, (ii) DPS Manipur, Memo No. B-2/Pf/S.Ghaneswar Singh, (iii) Ministry of Personnel, PG & Pensions, Deptt.of Personnel & Trg.OM No.36011/1/98-Estt (Res) dtd.1-7-1998. are enclosed for reference).*

6. Shri. S.Ghaneswar Singh filed against the order of termination of service to the Hon'ble CAT in OA No. 157/05.The Hon'ble CAT order dated 22/05/2006 passed the judgment in OA No.157 of 2005 that the termination of the applicant is not justified. The Hon'ble tribunal quashed and set aside the termination of appointment dated 1-2/12/2003 and directed the respondents to declare that applicant as eligible to be considered for selection as per the O.M. dated 30.1.1990 on the subject in Swamy's Compilation on Reservations & Concessions in Govt.Services.

*(Xerox copy of the said O.M. dtd.30.1.1990 is enclosed for reference.*

7. Having aggrieved with the judgment of the Hon'ble CAT Guwahati a Writ Petition (Civil) No: 941 of 2007 was filed by CO/Shillong in the Hon'ble High Court, Guwahati against the order dated 22-09-2006 of Hon'ble CAT Guwahati in O.A.No.157/05. Since then no development in the matter has come up till date either from the angle of the Hon'ble High Court, Guwahati or from Circle Office. Shillong.



  
**T. Mang Min Thang, IPS**  
DIRECTOR  
MANIPUR POSTAL DN.  
IMPHAL-795001

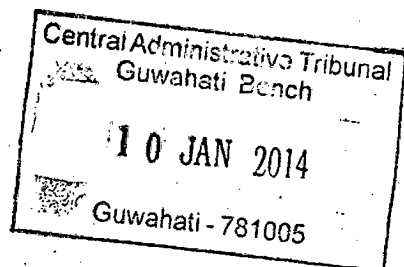


- 3 -
- 35 -
- 131
8. Hon'ble CAT Guwahati directs the respondents (Deptt) to file written reply to the E.P.No.25/13 in O.A.No.157/2005.

Comment: The contention and humble submission of the Respodants to the Hon,ble Tribunal is that the is that the **Ministry of Personnel, PG&Pensions, Deptt.of Personnel & Trg.OM No.35011/1/98-Estt(Res) dtd.1-7-1998 has a legality which says".....[Copy of the OM dtd.1-7-1998 is enclosed for kind reference As annexure- ..III.]. Based on the essence of the said OM dtd. 1-7-1998, the termination of appointment of Shri.S.Ghaneswar was issued by the competent authority(respondent).**

4. That in regard to the statements made in paras 2, 3, 4, 5, 6 and 7 of the E.P., the deponent begs to state that the statement of the petitioner thst the respondents are with 'tremendous lackadaisical attitude towards the order of the Hon'ble Tribunal, is not correct. The fact of the matter is on being aggrieved with the judgement order of the Hon'ble CAT Guwahati dated 22.09.2006 in O.A. No.157/05, a Writ Petition (Civil) no: 941, of 2007 was filed by the Chief Postmaster General, North Eastern Circle, Shillong (Respondent 1) in the Hon'ble High Court, Guwahati against the order dated 22.09.2006. Since then no development in the matter has come up till date from the angle of the Hon'ble High Court, Guwahati. As the said Writ Petition (Civil) No. 941 of 2007 is pending at the Hon'ble High Court, Guwahati the order of the Hon'ble Tribunal could not be implemented.
5. That this Reply is filed bonafide and for ends of justice

  
**T. Mang Min Thang, IPS**  
**DIRECTOR**  
**MANIPUR POSTAL DN.**  
**IMPHAL-795001**



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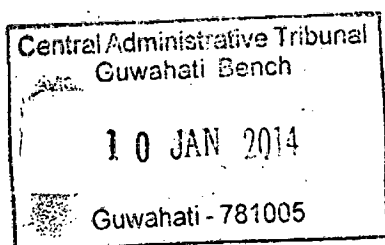
132

VERIFICATION

I, Sri, T. Mang Min Thang s/o Shri T. Vungthang aged about 43 years, presently working as Director Postal Services, Manipur Division, Imphal - 795001, being duly authorized, do hereby verify that the statements made in paras .....1, 2..... of this W.S. are true to my knowledge and those made in paras .....3, 4..... are true to my information based on records which I believe to be true and the rest are my humble submissions made before this Hon'ble Tribunal.

And I signed this verification on this .....<sup>5<sup>th</sup></sup> day of Jan 2014 at Imphal.

  
DEPONENT



**T. Mang Min Thang, IPS**  
DIRECTOR  
MANIPUR POSTAL DN.  
IMPHAL-795001

ANNEXURE - I, 37 (S) - 133

OFFICE OF THE DIRECTOR POSTAL SERVICES, MANIPUR, IMPHAL - 795001

No. B-10/PA-DN/2001

Dated 25.04.2003

NOTICE

The following candidate has been declared selected in the recruitment of Postal Assistants from GDS agents for the year 2001 in Manipur Division on the basis of merit.

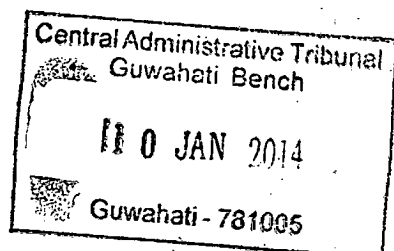
<u>Sl.No.</u>	<u>Name</u>	<u>Roll No.</u>	<u>Total mark secured</u>
1.	S. Ghaneshwar Singh	NE/MN-13	61.6

(R.K.B. Singh)  
Director Postal Services  
Manipur, Imphal - 795001

Copy to:

1. Notice board, divisional office Imphal.
2. Notice board, Imphal HO.

*T. Mang Min Thang, IPS*  
DIRECTOR  
MANIPUR POSTAL DN.  
IMPHAL-795001



ANNEXURE - II 38 - (6) - 196

DEPARTMENT OF POSTS AND TELEGRAPH  
OFFICE OF THE DIRECTOR, POSTAL SERVICES, MANIPUR  
IMPHAL-795001

No. P-7/Induction Training/Corr.

dated 15.07.2003

To  
✓  
Shri S. Ghaneshor Singh  
Short Duty Staff  
Imphal-H.O.

Subj: Induction Training for Postal Assistant for the Session commencing from  
22.07.2003 at Postal Training Centre, Darbhanga (Bihar).

You are hereby directed to undergo Induction Training for Postal Assistant at  
Postal Training Centre, Darbhanga, Bihar for the session commencing from 22.07.2003.  
You should report to the Director, P.T.C., Darbhanga, Bihar in time.

(R.K. B. Singh)  
Director Postal Services  
Manipur: Imphal-795001

Copy to:

1. The Chief PMG (Staff), N.E. Circle, Shillong-793001 for information w.r.t. his  
letter No. Staff/146/6/2002 dated 14.07.2003.
2. The Director, P.T.C., Darbhanga-816005 (Bihar) for information.
3. The Postmaster, Imphal H.O. for information and necessary action. She will  
please relieve Shri S. Ghaneshor Singh in time.

(R.K. B. Singh)  
Director Postal Services  
Manipur: Imphal-795001

Central Administrative Tribunal  
Guwahati Bench

10 JAN 2014

Guwahati - 781005

T. Mang Min Thang, IPS  
DIRECTOR  
MANIPUR POSTAL DN.  
IMPHAL-795001

-(7) -

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ANNEXURE-III

118/c

135

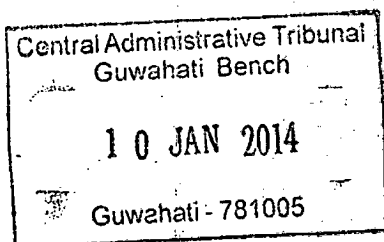
330

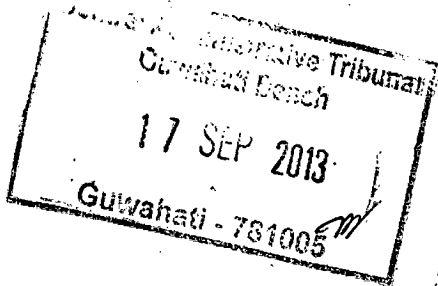
SWAMY'S — ESTABLISHMENT AND ADMINISTRATION

It is clarified that only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, when a relaxed standard is applied in selecting an SC/ST/OBC candidates, for example in the age-limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for General category candidates etc., the SC/ST/OBC candidates are to be counted against reserved vacancies. Such candidates would be deemed as unavailable for consideration against unreserved vacancies.

[ G.I., Dept. of Per. & Trg., O.M. No. 36011/1/98-Estt. (Res.), dated the 1st July, 1998. ]

**T. Mang Min Thang, IPS**  
DIRECTOR  
MANIPUR POSTAL CN.  
IMPHAL-795001





**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**GUWAHATI BENCH :: GUWAHATI**

**E.P. No. 25 of 2013**

**In O.A. No. 157/05**

**Sri Ghaneswar Singh**

**...PETITIONER**

**- Vs -**

**Union of India & others**

**.....RESPONDENTS**

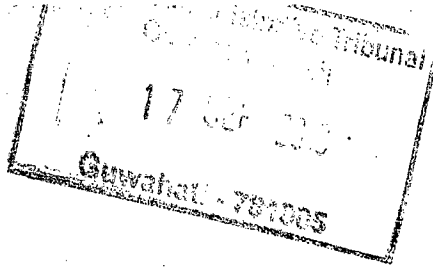
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4.	<b>Annexure- 2 (Representation dated 09.10.06).....</b>	<b>3</b>
5.	<b>Annexure- 3 (Forwarding letter dated 13.12.06).....</b>	<b>3</b>
6.	<b>Annexure- 4 Colly (Representations dated 27.05.09, 22.12.09, 03.02.10; 13.03.10 and 23.05.10).....</b>	<b>3</b>

**Filed by**

  
**(Hridip Kumar Das)**

**Advocate**



Filed by:  
The Petitioner - 96  
through  
Hdship Mr. Dab  
Advocate  
16.9.13

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**GUWAHATI BENCH :: GUWAHATI**

**Execution Petition No. 25 /2013**

**In O.A. No. 157/2005**

**Sri Ghaneswar Singh.**

**APPLICANT**

**-Versus-**

**The Union of India & Others.**

**RESPONDENTS**

**- AND -**

**IN THE MATTER OF:**

An application under Rule 24 of Central Administrative Tribunal (Procedure) Rules' 1987 for implementation of the order dated 22.09.06 passed in O.A. No. 157/05.

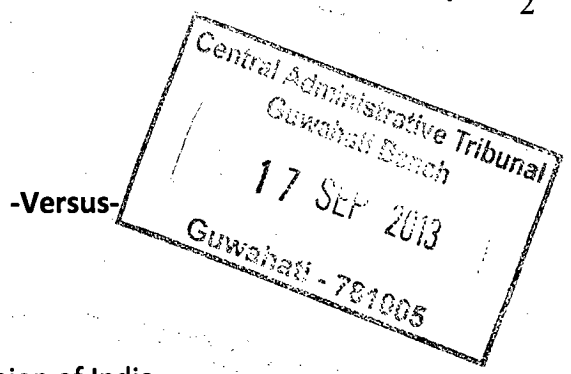
**- AND -**

**IN THE MATTER OF:**

Sri Ghaneswar Singh,  
Son of S. Komolo Singh,  
Vill & P.O. Langthabal Kunja, P.O. Manipur University  
SO, Pin- 795003, Manipur.

**PETITIONER**

*S. Ghaneswar Singh*



1. The Union of India

Represented by the Chief Postmaster General, North Eastern Circle, Shillong- 793001.

2. The Post Master General, North Eastern Circle, Shillong- 793001.

3. The Director of Postal Services, Manipur, Imphal- 795001.

**OPPOSITE PARTIES/**

**RESPONDENTS**

The applicant above named

**MOST RESPECTFULLY SHEWETH:**

1. That the petitioner being aggrieved by termination of his service as Postal Assistant with prayer of reinstatement in service with all consequential benefits approached the Hon'ble Tribunal by way of filling O.A. No. 157/05. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to pass the judgment and order dated 22.09.06 setting aside and quashing the impugned termination order dated 02.12.03 with a direction to declare the applicant as eligible to be considered for selection and give him proper posting forthwith with notional benefits.

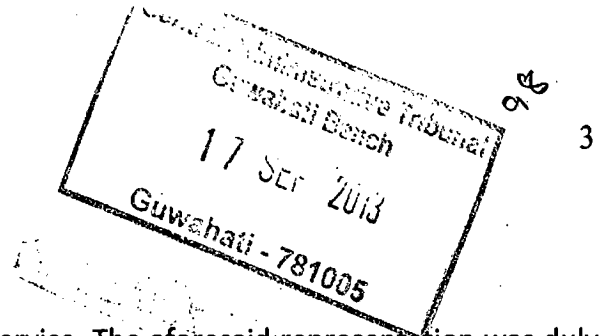
A copy of the order dated 22.09.06 passed in O.A. No. 157/05 is annexed herewith and marked as Annexure-

1.

2. That the petitioner begs to state that immediately after receipt of the copy of the judgment and order passed by the Hon'ble Tribunal the applicant submitted representation

S. Ghameswar Sin





dated 09.10.06 praying for reinstatement in service. The aforesaid representation was duly forwarded by the Deputy Superintendent of Post Offices to the Chief Post Master General (Staff), N.E. Circle, Shillong on 13.12.06. However, the respondents showing tremendous lackadaisical attitude did not heed to the order of the Hon'ble Tribunal and till date the order has not been implemented.

A copy of the representation dated 09.10.06 and forwarding letter dated 13.12.06 are annexed herewith and marked as Annexure- 2 & 3.

3. That the applicant begs to state that the official respondents without there being any reason are not implementing the order granting reinstatement in service and posting to the applicant. It is stated that in spite of there being a clear cut direction by the Hon'ble Tribunal the officials respondents are not implementing the directions passed by the Hon'ble Tribunal forcing the applicant to a precarious condition and causing civil death.

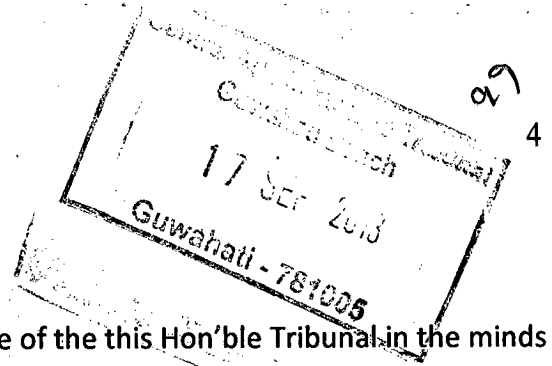
4. That the petitioner submitted several representations and reminders dated 27.05.09, 22.12.09, 03.02.10, 13.03.10 and 23.05.10 praying for implementation of the judgment and order passed by the Hon'ble Tribunal vide order dated 22.09.06 in O.A. No. 157/05. However, causing serious illegality and acting in a contemptuous manner the respondents chose not to implement the directions contained in the order dated 22.09.06.

Copies of the representations dated 27.05.09, 22.12.09, 03.02.10; 13.03.10 and 23.05.10 are annexed herewith and marked as Annexure- 4 Colly.

5. That the petitioner begs to state that the respondents have neither implemented the order nor has preferred any writ petition against the order dated 22.09.06 and as such same has attained its finality. It is therefore, the respondents are bound to follow the said order dated 22.09.06 passed by this Hon'ble Tribunal in its true spirit.

6. That the petitioner begs to state that the respondent's non implementation of the directions given by this Hon'ble Tribunal of which they had full and specific knowledge have

S. Ghosh Sir



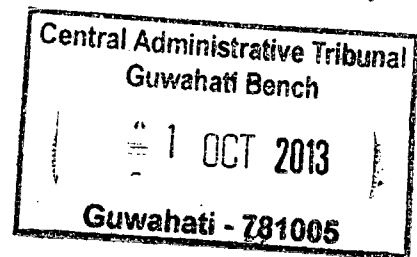
the effect of diminishing the authority and prestige of the this Hon'ble Tribunal in the minds of the public and is likely to disturb the confidence of the public in the unquestioned effectiveness of the order of the Hon'ble Tribunal. As such, the respondents are duty bound to implement the Hon'ble Tribunal's order dated 22.09.06 passed in O.A. No. 157/05. It is stated that the attempt made by the respondents to frustrate the claim of the petitioner by not implementing the directions of the Hon'ble Tribunal is highly deprecated.

7. That the petitioner has made out a prima facie case for passing appropriate direction to the official respondents to implement the directions contained in the judgment an order dated 22.09.06 passed in O.A. No. 157/05.

8. That this petition has been filed bonafide and for securing ends of justice.

In view of the aforesaid facts and circumstance of the case the applicant prays before the Hon'ble Tribunal to pass order for implementing the directions contained in the order dated 22.09.06 passed in O.A. No. 157/05 posting the petitioner in the post of Postal Assistant with notional benefits and upon considerations of relevant facts be further pleased to pass any such further order/orders as Your Lordships may deem fit and proper.

And for this act of kindness the applicant as in duty bound shall ever pray.

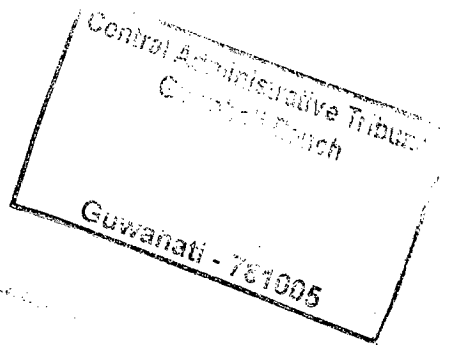


**VERIFICATION**

I, Sri Ghaneswar Singh, Son of S. Komolo Singh, Vill & P.O. Langthabal Kunja, P.O. Manipur University SO, Pin-795003, Manipur, do hereby solemnly affirm and verify that the statements made inw the accompanying application in paragraphs 3, 5, 6, 7 are true to my knowledge, those made in paragraphs 1, 2, 4 being matters of records are true to my information derived there from and the grounds urged are as per legal advice. I have not suppressed any material fact.

And I sign this verification on this the 29<sup>th</sup> day of September, 2013 at Guwahati.

S. Ghaneswar Singh  
SIGNATURE



**AFFIDAVIT.**

I Shri Ghaneswar Singh, Son of Shri S.K. Singh, Vill & BPO Langthabal Kunja, P.O. Manipur University S.O. Pin 795003 , Manipur do hereby solemnly affirm and state as Follow:

That I am the petitioner in the instant petitioner hence well acquainted with the facts and circumstances of the case.

That the statements made in paragraph .....<sup>3, 5, 6, 7</sup>.....are true to my knowledge and the paragraphs...<sup>1, 2, 4</sup>..... are matter of records and rests are my humble submissions before the Hon'ble Tribunal. And I have not suppressed any material facts before the Hon'ble Tribunal.

And I signed this affidavit on this .....<sup>15<sup>th</sup></sup>.....day of September, 2013

S. Ghaneswar Singh  
DEPONENT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 157 of 2005.

Date of Order : This the 22<sup>nd</sup> day of September 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice Chairman.

The Hon'ble Sri Gautam Ray, Administrative member.

Shri Ghaneswar Singh  
Son of Shri S.Komolo Singh,  
Vill & BPO : Langthabal Kunja,  
P.O. Manipur University S.O.  
Pin 795003 (Manipur State)

...Applicant

By Advocate Mr B.Sarma

- Versus -

1. Union of India,  
Represented by the Chief Post Master General,  
North Eastern Circle,  
Shillong-793001.

2. The Post Master General,  
North Eastern Circle,  
Shillong-793001.

3. The Director of Postal Services,  
Manipur, Imphal - 795 001.

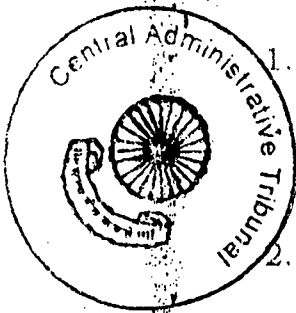
...Respondents

By Advocate Miss Usha Das, Addl.C.G.S.C

ORDER

K.V.SACHIDANANDAN (V.C)

The applicant was appointed as Gramin Dak Sevak (GDS) in the department of Post, Manipur from 1.11.94 and ever since working as Mail Carrier without any break in service. Director, Postal Services, Manipur published an advertisement in the local daily newspaper on 21.1.2003 inviting applications for eligible GDS staff of Manipur Postal

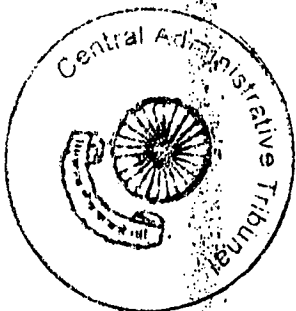


Attested  
9/12

-7-  
Central Administrative Tribunal  
11.12.2003  
No. 78/2003

103

Division for filling up one vacant post of Postal Assistant in Manipur Postal Division. The applicant having educational qualification and fulfilled the eligibility criteria with 3 years of continuous service as GDS and he belongs to OBC category had applied for the said post. His date of birth being 1.1.67 and he was only 36 years 1 month and 10 days as on the date of receipt of application i.e. 10.2.2003. The applicant contends that he is within the prescribed age of 38 years as stipulated in Employment Notice. He was selected to the said post which was done on the basis of merit. He was ordered to undergo pre appointment practical raining at Imphal Head Post Office and 70 days theoretical training at Postal Training Centre, Darbhanga (Bihar). After successful completion of the said training programmes he had joined as Postal Assistant at Imphal Head Post Office on 6.10.2003. He was served with a show cause notice on 24.9.03. He was asked to show cause as to why his selection as Postal Assistant should not be terminated. The selection was made in accordance with the relevant Recruitment Rules and after satisfied that the applicant fulfilled all eligibility criteria. By Annexure A/2 order dated 2.12.2003 and Annexure A/1 order dated 9.12.2003 his services were arbitrarily and illegally terminated. The applicant filed appeal under the provisions of Rule 5(2) of CCS (Temporary Service Rules 1965. But instead of disposing of the said appeal he was informed by letter dated 17.2.2004 (Annexure A/3) that review petition did not lie on the ground that original action was not taken by the DPS, Manipur. The applicant thereafter submitted a representation dated 2.3.2004 to the Chief Postmaster General, N.E.Circle, Shillong. Finding no response from the Chief Postmaster General he has filed this O.A seeking the following reliefs.

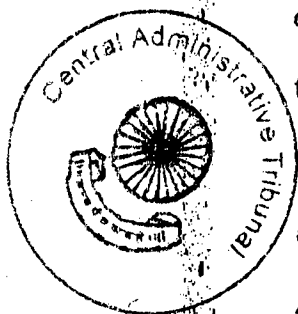


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- (i) An order declaring the order of termination of services of the applicant issued vide Annexure-A/1 & A/2 as illegal and arbitrary,
- (ii) Such order/direction to the above Respondents to re-instate the applicant in service with all consequential benefits,
- (iii) Such order/direction to treat the period between the date of termination and the date of re-instatement as duty with all consequential benefits.

2. The respondents have filed a detailed written statement contending that applications were invited from eligible GDS from Manipur Postal Division for filling up of one post of Postal Assistant (unreserved) giving age limit as 35 years for unreserved candidate, 40 years of age for SC/ST candidate and 38 years of age for OBC candidate. The applicant was eligible in all respect except for age limit as he was 36 years 1 month 10 days as on 10.2.2003 i.e. on the date of receipt of the application. The post advertised to be filled up was for unreserved category. For the reserved candidates to compete for the un-reserved post the reserved candidates should fulfill the eligibility conditions prescribed for the un-reserved candidates. After the written test, interview the applicant was declared selected for recruitment to the post of Postal Assistant in the year 2001 on the basis of merit vide Memo dated 25.4.2003 (Annexure-9). He was made to undergo theoretical and practical training. Show cause notice was issued on 24.9.2003 (Annexure R3). The applicant submitted representation on 9.10.2003 (Annexure A-16). The Chief Postmaster General, N.E.Circle, issued letter dated 2.12.2003 contending that relaxation of age admissible to an OBC candidate which is not permissible in the instant case according to the Ministry of Personnel, PG & Pensions, Department of Personnel & Training, OM dated 1.7.1998 and therefore the services of the applicant was terminated. The applicant has no legal right for claiming the post and respondents has not violated any provision or process and O.A be dismissed.



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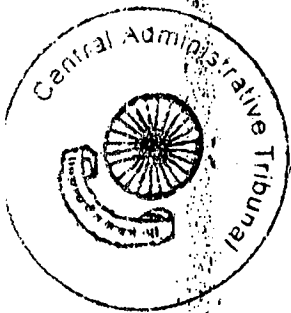
Maripur issued order of termination of the applicant from the post of Postal Assistant vide memo dated 9.12.2003. The contention of the applicant is that the said circular also does not stipulate that, age relaxation cannot be granted to reserved category candidate in a selection process of un-reserved category. The said OM has been produced by the respondents, which is re-produced below :

"The undersigned is directed to refer to this Department's OM No.36012/13/88-Estt.(SCT), dated 22.5.1989 (Vide Sl.No.344 of Swamy's Annual 1989) and to clarify that the instructions contained in the O.M apply in all types of direct recruitment whether by written test alone or written test followed by interview or by interview alone.

2. O.M. dated 22.5.1989 referred to above and the O.M.No.36012/2/96-Estt. (RES) dated 2.7.1997 (vide sl.No.187 of Swamy's annual 1997) provide that in cases of direct recruitment the SC/ST/OBC candidates who are selected on their own merit will not be 'adjusted against reserved vacancies."

3. In this connection, it is clarified that only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, when a relaxed standard is applied in selecting an SC/ST/OBC candidates, for example in the age limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for general category candidates etc. the SC/ST/OBC candidates are to be counted against reserved vacancies. Such candidates would be deemed as unavailable for consideration against unreserved vacancies."

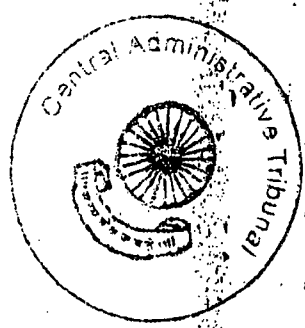
The respondents would argue that reserved vacancies are to be filled up only by SC/ST candidates and not by candidate selected through merit. The notification which is very clear that relaxation standard of age has been permitted to the SC/ST and OBC as 38 years but the selection admittedly is based on merit alone. After written test interview an all other hurdles the applicant stood first in merit. The respondents also cited the decision in State of U.P vs. Neeraj Awasthi and others, reported in (2006) 1 SCC 667 wherein it is held that illegal appointments cannot be regularised and neither temporary nor permanent status be conferred by regularisation. Para 75 of the said judgement is quoted herein below:



*Attested*  
*[Signature]*

The fact that all appointments have been made without following the procedure, or services of some persons appointed have been regularised in the past, in our opinion, cannot be said to be a normal mode which must receive the seal of the court. Past practice is not always the best practice. If illegality has been committed in the past, it is beyond comprehension as to how such illegality can be allowed to perpetuate. The State and the Board were bound to take steps in accordance with law. Even in this behalf Article 14 of the Constitution will have no application. Article 14 has a positive concept. No equality can be claimed in illegality is now well settled. (See State of A.P. v. S.B.P.V. Chalapatia Rao, SCC para 8; Jalandhar Improvement Trust v. Sampuran Singh, SCC para 13 and State of Bihar v. Kameshwar Prasad Singh, SCC para 30).

We are in respectful agreement with the said decision but the facts of the reported case and the present case are different in its character and perspective. Therefore, we are of view that the decision is not squarely applicable in this case.



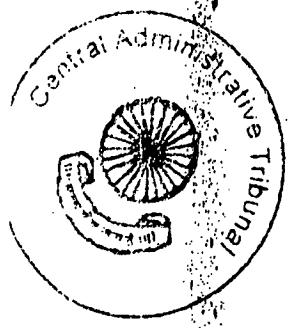
5. The learned Addl. C.G.S.C for the respondents was good enough to produce the selection file which we have closely perused which only shows that the applicant has been stood top in the selection and nominated for selection among the candidates and nobody pointed out about any alleged irregularity. The applicant also did not misrepresented as to the facts while making the application. It cannot be said that it is for his fault. Therefore, the applicant would argue that relaxation that has been granted on age will not effect the selection because that concession is granted to such community as per the constitutional provisions which cannot be taken away by an office memorandum or any other administrative decision. Therefore, it is argued that the intention of the Selection Committee calling for applications from various category granting relaxation of age to SC/ST and OBC and conduct the selection on merit. It is well settled position of reservation policy that if a reserved candidate come on merit he should be considered on the merit quota and

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not on reserved quota. Based on the said circular the respondents would argue "It is clarified that only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, in the age limit, experience, qualification permitted number of chances in written examination, extended zone of consideration larger than what is provided for general category candidates etc, the SC/ST/OBC candidates are to be counted against reserved vacancies. Such candidates would be deemed a unavailable for consideration against unreserved vacancies." In the present case the applicant is over aged at the time of selection and he cannot be considered. Another question is the applicant was subjected to all other tests as that of unreserved category and he came meritorious in the selection list except otherwise the age relaxation. It is an admitted fact of the respondents that except the age he has fulfilled all criteria and stood in the top rank in the selection. Had it been within 35 years of age according to them that his selection would not have been under challenge though he belongs to unreserved category. The larger question involved whether the age relaxation granted to applicant will stand as a hindrance to his selection. When we were about to go further in the matter, the learned counsel for the applicant has taken our attention to the O.M dated 30.1.1990 on the subject in Swamy's Compilation on Reservations & Concessions in Govt. Services. The said circular dated 30.1.1990 is reproduced as under :

"The undersigned is directed to say that this Department's OM, dated the 20<sup>th</sup> May, 1988, provides that departmental candidates may be allowed to compete along with candidates from open market for appointment to Group 'C' posts upto the age of 40 years in the case of general candidates and 45 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes subject to the usual condition that the Group 'C' posts to which direct recruitment is being made are in the same line or allied cadres and



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-13-

Central Administrative Tribunal  
C.A.T. Bench  
1 / 11 / 2010

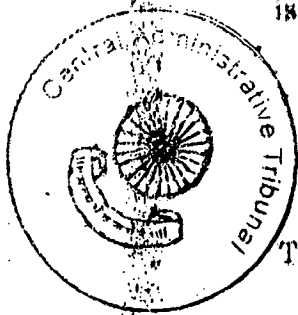
109

that a relationship could be established that service rendered in the post will be useful for efficient discharge of the duties in other categories of posts. It has been decided to extend this concession for departmental candidates for appointment of Group 'D' posts also subject to the same conditions.

2. It is also clarified that the age relaxation up to 40/45 years as the case may be, for appointment to Group 'C' and Group 'D' post will be available only to those departmental candidates who have rendered at least 3 years continuous service under Government.

This circular has been already available for Group 'C' post but now it is extended to Group 'D' post. Admittedly the applicant is a departmental candidate and as per rule 1(3)(i) of CCS (Temporary Service) Rules 1965 is applicable to all persons -

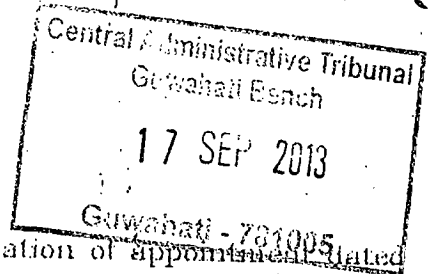
who hold a civil post including all civilian paid from the Defence Services Estimates under the Government of India and who are under the rule making control of the President.



The legal status of GDS, holders of civil post has been settled in the celebrated decision of the Apex Court in Superintendent of Post Offices vs. P.K. Rajamma, reported in 1977(3) SCC 94 (AIR 1977 SC 1677), which was referred/accepted by the Talwar Committee Report declaring EDA's 'holders of civil post.' If that is so they should be construed/considered as a departmental candidate appeared for a regular post. Therefore, the said O.M is applicable in the case of GDS as well. Accepting the proposition we declare that the applicant is entitled to go upto 40 years of age considering as a general candidate and this O.M. being latest one, it supersedes the O.M of 1998.

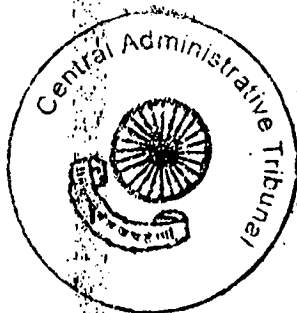
6. We also direct the Registry to send a copy of this order to the Director General, Department of Posts, New Delhi for issuance of instructions to all concerned extending the age benefit to all GDS, if not already done. Therefore, we are of the considered view that the termination of the applicant is not justified. For that purpose we quash

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and set aside the impugned order of termination of appointment dated 2.12.2003 (Annexure A/2) and direct the respondents to declare the applicant as eligible to be considered for selection as per the said O.M dated 30.1.1990 and give the applicant a proper posting forthwith, but however with notional benefits.

Original Application is allowed. In the circumstances no order as to costs.



P8

SA/ VICE CHAIRMAN  
SA/ MEMBER (A)

TRUE COPY

प्रतिलिपि

अनुभाग अधिकारी

Section Officer (Judl)

Central Administrative Tribunal

गुवाहाटी बेंच

GUWAHATI BENCH

गवाह: Guwahati-5

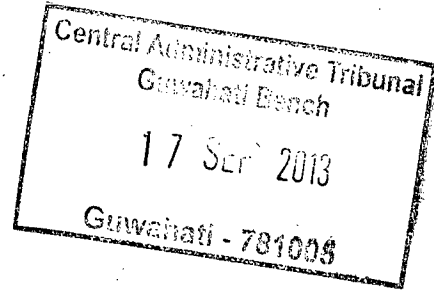
12/11/06

Attested  
Mia

Imphal,  
09<sup>th</sup> Oct 2006.

To

1. The Chief Post Master General,  
N.E.Circle, Shillong - 793 001.
2. The Post Master General,  
N.E.Circle, Shillong - 793 001.
3. The Director Postal Services,  
Manipur, Imphal - 795 001.



Subject: - Implementation of the order of the Hon'ble Central Administrative Tribunal, Guwahati Bench dated 22<sup>nd</sup> Sept 2006 in O.A No: 157 of 2005.

- AND -

Prayer for immediate reinstatement in the cadre of Postal Assistants in Manipur Postal Division - Case of Shri. S. Ghaneswar Singh, GDSMC(C)MD, Langthabal Kunja EDBO under Manipur University S.O.

Respected Sir,

While deciding and disposing of the O.A No: 157 of 2005 filed by the undersigned against the order of termination of his services issued by the Director Postal Services, Manipur vide order dated 09.12.2003 read-with C.O/Shillong order dated 02.12.2003, the Hon'ble Central Administrative Tribunal, Guwahati Bench has already quashed and set aside the afore-stated termination orders in its order dated 22<sup>nd</sup> September 2006 passed in O.A No: 157 of 2005.

2. Consequent upon the said order, the undersigned is required to be re-instated into service with notional benefits.

3. Therefore, a copy of the order is furnished herewith for immediate compliance, and for issuing the order for reinstatement of the undersigned without any delay.

4. For the act of your kindness, the undersigned shall ever be grateful and obliged.

Encl: Order dated 22<sup>nd</sup> Sept 2006  
Passed by Hon'ble CAT/Guwahati  
In O.A No: 157 of 2005.

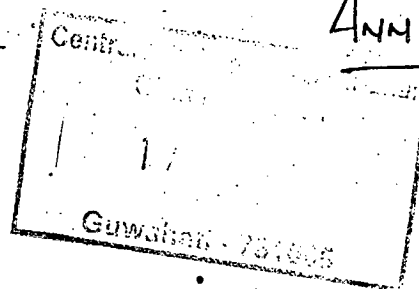
Yours truly,

S. Ghaneswar Singh

(S. Ghaneswar Singh)  
Gramin Dak Sevak Mail Carrier ©  
Mail Deliverer,  
Langthabal Kunja EDBO,  
Manipur University S.O.  
795 003 (Manipur State)

Attested  
[Signature]

- 16 -



ANNEXURE- 3 112

DEPARTMENT OF POSTS INDIA  
OFFICE OF THE DIRECTOR POSTAL SERVICES MANIPUR IMPHAL-795001

No.B-2/S.Ghaneswar Singh/CAT

Dated 13<sup>th</sup> Dec 2006

To

The Chief Postmaster General (Staff)  
N.E.Circle, Shillong-795001

Sub: - Implementation of the order of the Hon'ble Central Administrative Tribunal, Guwahati Bench dated 22<sup>nd</sup> sept 2006 in O.A.No.157 of 2005.

Ref: - This office letter of even no did 13-10-06.

Kindly refer this office letter cited above on the subject. In this regard Shri S.Ghaneswar Singh, GDSDA of Langthabal Khunja BO in a/c with Manipur University SO, has submitted his representation dtd 24-11-06 seeking reinstatement into service immediately.

The copy of the application is enclosed herewith for kind perusal.

Kindly intimate the decision of the CO on the CAT order.

Encl: - As stated above.

Sd -  
(A.Kesava Rao)  
Dy Supdt of post Offices  
Manipur:Imphal-795001

Copy to:

1. Shri S.Ghaneswar Singh, GDSDMC cum MD, Langthabal Kunja EDBO, MU SO for information.

A.Kesava Rao)  
Dy Supdt of post Offices  
Manipur:Imphal-795001

Imphal - 795 001,  
27<sup>th</sup> May 2009.

1. The Chief Post Master General,  
N.E-Circle, Shillong - 793 001.  
[Thro' the Director Postal Services, Manipur]
2. The Director Postal Services,  
Manipur, Imphal - 795 001.

Sub: - Implementation of the order of the Hon'ble Central Administrative Tribunal,  
Guwahati Bench dated 22<sup>nd</sup> Sept 2006 in O.A. No: 157 of 2005.

- AND -

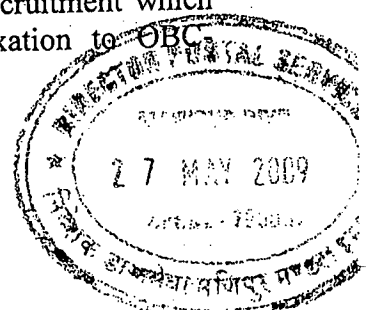
Humble prayer to remove the 'Discriminatory Treatment as regards  
reinstatement into service' comparing to the similar case of Miss.  
R.K.Sanjeeta Devi, the then P.A(SBCO), Imphal HPO who has been  
reinstated into service.

Respected Sir,

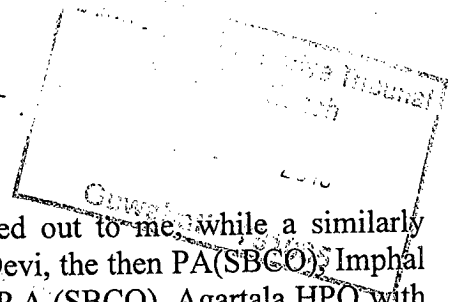
With due respect and humble submission, I would like to submit the following  
few lines before your kind honour for favour of your favourable consideration and  
orders: -

- 1.1. That, my services were terminated on the ground that I was over-aged for  
recruitment against the 'Un-reserved' vacancy when in fact the notification issued  
for the recruitment prescribed age relaxation of 3(Three) years for OBC  
candidates and my recruitment was actually made strictly in accordance with the  
recruitment notification issued for the purpose. Thus, the order of termination  
from service issued against me was totally illegal and arbitrary for the simple  
reason that my recruitment was made strictly in accordance with the eligibility  
conditions prescribed in the recruitment notification issued by the department for  
the purpose.
- 1.2. That, when my appeal was not heard by the departmental authorities, I had to  
approach the Hon'ble Central Administrative Tribunal, Guwahati Bench for  
justice through O.A No: 157 of 2005; and the Hon'ble Central Administrative  
Tribunal, Guwahati Bench, while deciding and disposing the O.A No: 157 of 2005  
on 22<sup>nd</sup> Sept 2006 had ordered that I may be reinstated into service immediately.
- 1.3. That, unfortunately, the order of the Hon'ble CAT/Guwahati Bench has not been  
implemented yet by the department; and in the meantime, a similar case of  
termination from service ordered to Miss. R.K.Sanjeeta Devi, the then  
P.A(SBCO), Imphal HPO has been considered in her favour on the ground that  
she was not responsible for the irregularity took place in her recruitment which  
was also done against 'Unreserved vacancy' with age relaxation to OBC  
candidate.

Attested  
P.A.S.







1.4. Thus, a discriminatory treatment has been meted out to me, while a similarly recruited candidate namely Miss. R.K. Sanjeeta Devi, the then PA(SBCO), Imphal HPO has already been reinstated into service as P.A (SBCO), Agartala HPO with all consequential benefits.

2. Under the above circumstances, I earnestly request your kind honour to consider my case most sympathetically so that no differential treatment is meted out to 2(Two) similarly situated candidates.

3. For the act of your kindness, I shall ever be grateful and obliged.

Yours faithfully,

*S. Ghaneswar Singh*

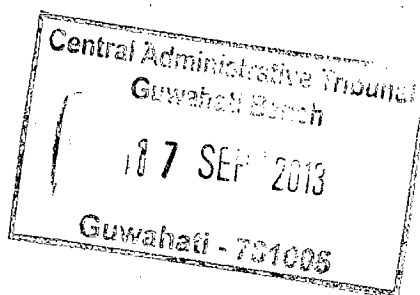
(S. Ghaneswar Singh)

GDSMC, Langthabal Kunja EDBO

Via : Manipur University S.O - 795 003

*Attested*  
*[Signature]*

Imphal,  
22<sup>nd</sup> Dec 2009.



To

The Director General of Posts,  
Department of Posts,  
Dak Bhawan, New Delhi - 110 116.

[Through Proper Channel]

Subject: - Implementation of the order of the Hon'ble Central Administrative Tribunal, Guwahati Bench dated 22<sup>nd</sup> Sept 2006 in O.A No: 157 of 2005.

- AND -

Prayer for immediate reinstatement in the cadre of Postal Assistants in Manipur Postal Division - Case of Shri. S. Ghaneswar Singh, GDSMC(C)MD, Langthabal Kunja EDBO under Manipur University S.O.

Respected Sir,

While deciding and disposing of the O.A No: 157 of 2005 filed by the undersigned against the order of termination of his services issued by the Director Postal Services, Manipur vide order dated 09.12.2003 read-with C.O/Shillong order dated 02.12.2003, the Hon'ble Central Administrative Tribunal, Guwahati Bench has already quashed and set aside the afore-stated termination orders in its order dated 22<sup>nd</sup> September 2006 passed in O.A No: 157 of 2005.

2. Consequent upon the said order, the undersigned is required to be re-instated into service with notional benefits.

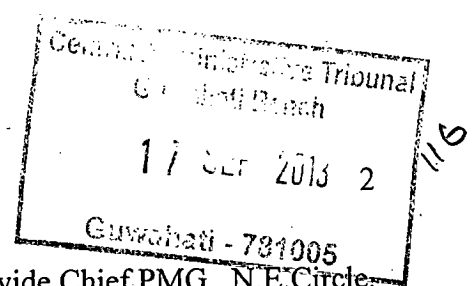
3. The undersigned represented the above facts to the Chief Post Master General, N.E-Circle, Shillong as well as the Post Master General, N.E-Circle, Shillong and also to the Director Postal Services, Manipur, Imphal vide representation dated 09-10-2006 followed by reminder dated 24-11-2006.

- Copies of representations dated 09-10-2006 and 24-11-2006 are attached as ANNEXURE-A & ANNEXURE-B for ready reference.

4. But, the genuine grievances of the undersigned have not been attended by the Chief Post Master General, N.E-Circle, Shillong as well as the Post Master General, N.E-Circle, Shillong and also to the Director Postal Services, Manipur, Imphal for more than 3(Three) years now..

5. One Miss. R. K. Sanjeeta Devi, who was recruited as Postal Assistant (SBCO) in the same recruitment by granting similar age relaxation, was also terminated from service in the year 2007 vide DPS (HQ), Shillong Memo No: Staff/95-65/SBCO dated

*Attested  
[Signature]*



12-10-2007, but the same candidate has been re-instated vide Chief PMG., N.E. Circle, Shillong No.Staff/ 95-65/SBCO dated 15<sup>th</sup> Oct 2008, as the Hon'ble. CAT/Guwahati Bench quashed the termination order in that case also. When one candidate has already been re-instated, the case of the undersigned, which is similarly placed, has been delayed unjustifiably.

6. But, a differential treatment has been meted out to the undersigned, whose case is also exactly similar to the case of Miss. R. K. Sanjeeta Devi.

7. The undersigned therefore requests your kind intervention in his case, so that the undersigned can also get re-instatement into service without any further delay.

8. For the act of your kindness, the undersigned shall ever be grateful and obliged.

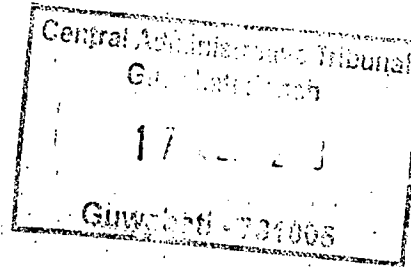
Yours truly,

S. Ghaneswar Singh

(S. Ghaneswar Singh)  
Gramin Dak Sevak Mail Carrier ©  
Mail Deliverer,  
Langthabal Kunja EDBO,  
Manipur University S.O.  
795 003 (Manipur State)

An Advance copy forwarded to-  
The Director General of Posts,  
Department of Posts,  
Dak Bhawan, New Delhi - 110 116, for kind information.

Attested  
M/S



Imphal,  
03<sup>rd</sup> Feb 2010.

To

The Director General of Posts,  
Department of Posts,  
Dak Bhawan, New Delhi - 110 116.

[Through Proper Channel]

Subject: - Implementation of the order of the Hon'ble Central Administrative Tribunal, Guwahati Bench dated 22<sup>nd</sup> Sept 2006 in O.A No: 157 of 2005.

- AND -

Prayer for immediate reinstatement in the cadre of Postal Assistants in Manipur Postal Division - Case of Shri. S. Ghaneswar Singh, GDSMC(C)MD, Langthabal Kunja EDBO under Manipur University S.O.

Ref: - Representation of the undersigned dated 22-12-2009.

Respected Sir,

While deciding and disposing of the O.A No: 157 of 2005 filed by the undersigned against the order of termination of his services issued by the Director Postal Services, Manipur vide order dated 09.12.2003 read-with C.O/Shillong order dated 02.12.2003, the Hon'ble Central Administrative Tribunal, Guwahati Bench has already quashed and set aside the afore-stated termination orders in its order dated 22<sup>nd</sup> September 2006 passed in O.A No: 157 of 2005.

2. Consequent upon the said order, the undersigned is required to be re-instated into service with notional benefits.

3. The undersigned represented the above facts to the Chief Post Master General, N.E-Circle, Shillong as well as the Post Master General, N.E-Circle, Shillong and also to the Director Postal Services, Manipur, Imphal vide representation dated 09-10-2006 followed by reminder dated 24-11-2006.

- Copies of representations dated 09-10-2006 and 24-11-2006 have already been attached to the representation dated 22-12-2009 as ANNEXURE-A & ANNEXURE-B for ready reference.

4. But, the genuine grievances of the undersigned have not been attended by the Chief Post Master General, N.E-Circle, Shillong as well as the Post Master General, N.E-Circle, Shillong and also to the Director Postal Services, Manipur, Imphal for more than 3(Three) years now.

*Attested  
[Signature]*

5. One Miss. R. K. Sanjeeta Devi, who was recruited as Postal Assistant (SBCO) in the same recruitment by granting similar age relaxation, was also terminated from service in the year 2007 vide DPS (HQ), Shillong Memo No: Staff/95-65/SBCO dated 12-10-2007, but the same candidate has been re-instated vide Chief PMG., N.E.Circle, Shillong No.Staff/ 95-65/SBCO dated 15<sup>th</sup> Oct 2008, as the Hon'ble CAT/Guwahati Bench quashed the termination order in that case also. When one candidate has already been re-instated, the case of the undersigned, which is similarly placed, has been delayed unjustifiably.

6. But, a differential treatment has been meted out to the undersigned, whose case is also exactly similar to the case of Miss. R. K. Sanjeeta Devi.

7. In spite of repeated representations, no response is received from any authority till date. Hence, the undersigned will initiate legal action in case no reply is received within 15(Fifteen) days from to-day.

8. The undersigned therefore requests your kind intervention in his case, so that the undersigned can also get re-instatement into service without any further delay.

9. For the act of your kindness, the undersigned shall ever be grateful and obliged.

Yours truly,

S. Ghaneswar Singh

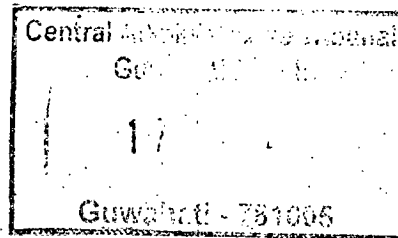
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Langthabal Kunja EDBO,  
Manipur University S.O.  
795 003 (Manipur State)

An Advance copy forwarded to-  
The Director General of Posts,  
Department of Posts,  
Dak Bhawan, New Delhi - 110 116, for kind information.

Attested  
[Signature]

Imphal,

13<sup>th</sup> Mar 2010.



To

The Director General of Posts,  
Department of Posts,  
Dak Bhawan, New Delhi - 110 116.

[Through Proper Channel]

Subject: - Implementation of the order of the Hon'ble Central Administrative Tribunal, Guwahati Bench dated 22<sup>nd</sup> Sept 2006 in O.A No: 157 of 2005.

- AND -

Prayer for immediate reinstatement in the cadre of Postal Assistants in Manipur Postal Division - Case of Shri. S. Ghaneswar Singh, GDSMC(C)MD, Langthabal Kunja EDBO under Manipur University S.O.

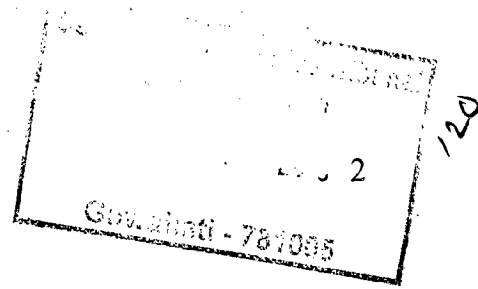
Ref: - Representation of the undersigned dated 22-12-2009 & Reminder dated 03-02-2010.

Respected Sir,

A kind reference is invited to the undersigned's representation dated 22-12-09 & 03-02-2010 in which the undersigned has humbly requested for your immediate intervention to remove the injustice caused by the administrative authorities of North Eastern Postal Circle and Manipur Postal Division. But, unfortunately, nothing has been done on my representation in spite of fervent appeal and repeated reminders. The undersigned, therefore, once again submit the following facts for favour of your kind consideration and immediate necessary action.

- 1.1. That, while deciding and disposing of the O.A No: 157 of 2005 filed by the undersigned against the order of termination of his services issued by the Director Postal Services, Manipur vide order dated 09.12.2003 read-with C.O/Shillong order dated 02.12.2003, the Hon'ble Central Administrative Tribunal, Guwahati Bench has already quashed and set aside the afore-stated termination orders in its order dated 22<sup>nd</sup> September 2006 passed in O.A No: 157 of 2005.
- 1.2. That, consequent upon the afore-stated order, the undersigned, ought to have been re-instated in service at-least with notional benefits; but, nothing has been done till date.
- 1.3. That, the undersigned represented the above facts to the Chief Post Master General, N.E-Circle, Shillong as well as the Post Master General, N.E-Circle, Shillong and also to the Director Postal Services, Manipur, Imphal vide representation dated 09-10-2006 followed by reminder dated 24-11-2006.

Attested  
[Signature]



- Copies of representations dated 09-10-2006 and 24-11-2006 have already been attached to the representation dated 22-12-2009 as ANNEXURE-A & ANNEXURE-B for ready reference.

1.4. But, the genuine grievances of the undersigned have not been attended by the Chief Post Master General, N.E-Circle, Shillong as well as the Post Master General, N.E-Circle, Shillong and also to the Director Postal Services, Manipur, Imphal for more than 3(Three) years now.

1.5. That, One Miss. R. K. Sanjeeta Devi, who was recruited as Postal Assistant (SBCO) in the same recruitment by granting similar age relaxation, was also terminated from service in the year 2007 vide DPS (HQ), Shillong Memo No: Staff/95-65/SBCO dated 12-10-2007, but the same candidate has been re-instated vide Chief PMG., N.E.Circle, Shillong No.Staff/ 95-65/SBCO dated 15<sup>th</sup> Oct 2008, as the Hon'ble CAT/Guwahati Bench quashed the termination order in that case also. When one candidate has already been re-instated, the case of the undersigned, which is similarly placed, has been delayed unjustifiably.

1.6. That, a serious injustice and an obvious differential treatment have been meted out to the undersigned, whose case is also exactly similar to the case of Miss. R. K. Sanjeeta Devi.

2. Under the above facts and circumstances, the undersigned most respectfully requests your kind intervention in his case, so that the undersigned can also get re-instatement into service without any further delay:

3. That, the undersigned has already made clear in his representation dated 03-02-2010 that the undersigned, in the absence of immediate necessary action by your high authority, would be left with no alternative but to initiate legal action. The undersigned, therefore, once more submit before your kind authority that the undersigned will be initiating legal action in the first week of April 2010, if nothing is heard from your high authority by 31-03-02010.

9. The undersigned shall however be highly grateful and extremely obliged for every kind and sympathetic action.

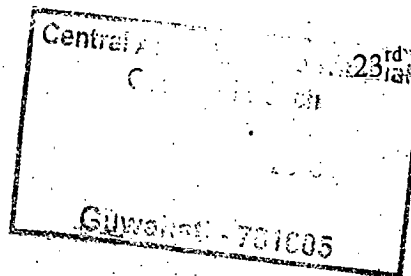
Yours truly,

*S. Ghaneswar Singh*  
(S. Ghaneswar Singh)  
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Mail Deliverer,  
Langthabal Kunja EDBO,  
Manipur University S.O.  
795 003 (Manipur State)

*Attested*  
*Mal*

Imphal,

23<sup>rd</sup> May 2010.



To

The Director General of Posts,  
Department of Posts,  
Dak Bhawan, New Delhi - 110 116.

[Through Proper Channel]

Subject: - Implementation of the order of the Hon'ble Central Administrative Tribunal, Guwahati Bench dated 22<sup>nd</sup> Sept 2006 in O.A No: 157 of 2005.

- AND -

Prayer for immediate reinstatement in the cadre of Postal Assistants in Manipur Postal Division - Case of Shri. S. Ghaneswar Singh, GDSMC(C)MD, Langthabal Kunja EDBO under Manipur University S.O.

Ref: - Representation of the undersigned dated 22-12-2009 & Reminder dated 03-02-2010 & 13-03-2010.

Respected Madam,

This is regarding differential treatment in the matter of service benefits in respect of 2(Two) similarly situated candidates. In this connection, it is respectfully submitted that the services of the undersigned as well as one Smt. R.K. Sanjeeta Devi, who were recruited as Postal Assistants in the year 2003 were terminated on the ground that the age relaxation to the OBC candidates in the recruitment was wrongly granted by the Recruiting Authority. The termination order to the undersigned was issued in the year 2003, while the termination order to Smt. R.K. Sanjeeta Devi was issued in the year 2007. The undersigned approached the Hon'ble CAT/Guwahati Bench vide O.A No: 157 of 2005 and the Hon'ble CAT/Guwahati Bench set aside the termination order vide order dated 22<sup>nd</sup> Sept 2006 in O.A No: 157 of 2005. In a similar manner, Smt. R.K. Sanjeeta Devi also approached the Hon'ble CAT/Guwahati Bench, which had quashed and set aside the termination order passed against her too. But, while the said Smt. R.K. Sanjeeta Devi has already been reinstated into service in the year 2008 with all consequential and financial benefits, the case of the undersigned has not been considered for reinstatement in spite of representations dated 09<sup>th</sup> Oct 2006 and 24<sup>th</sup> Nov 2006 addressed to the Chief Post Master General, N.E-Circle, Shillong; the Post Master General, N.E-Circle, Shillong; and the Director Postal Services, Manipur. The undersigned, having been aggrieved of the inaction in the part of the authorities concerned, represented his case to your good authority vide representations dated 22<sup>nd</sup> Dec 2009, 03<sup>rd</sup> Feb 2010 and 13<sup>th</sup> Mar 2010. But, no action has been taken till date; and even my above representations to any of the authorities have been acknowledged yet.

Copies of representations dated 09<sup>th</sup> Oct 2006, 24<sup>th</sup> Nov 2006, 22<sup>nd</sup> Dec 2009, 03<sup>rd</sup> Feb 2010 and 13<sup>th</sup> Mar 2010 have been attached as ANNEXURE-A to ANNEXURE-E for ready reference.



Central	Tribe's Tribunal
	2
Caveat No. 1005	

2. Under the above circumstances, the undersigned is left with no alternative but to be forced to approach the Hon'ble CAT/Guwahati Bench for intervention and favourable orders.

3. The undersigned, however, before filing the proposed application at the Hon'ble CAT/Guwahati Bench, respectfully submits this ultimate reminder to consider his case in an equitable manner with reference to the case of Smt. R.K.Sanjeeta Devi. In case, the undersigned's genuine grievances are not settled within 15(Fifteen) days from to-day, the undersigned will file his case in the Hon'ble CAT/Guwahati Bench without any further notice. For such an eventuality, the inaction in the part of the Department will be the sole cause; and the undersigned will be fully justified to claim the cost of litigation from the department.

4. The undersigned shall however be highly grateful and extremely obliged for every kind and sympathetic action from your good authority.

Yours truly,

S. Ghaneswar Singh

(S. Ghaneswar Singh)  
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Mail Deliverer,  
Langthabal Kunja EDBO,  
Manipur University S.O.  
795 003 (Manipur State)

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Department of Posts,  
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Attested  
H. A. L.