

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

- Applicant(s) Tirtha Nath Sharma

Applicant's _____
Respondant's _____

Respondants M. O. I. 7016
Advocate for the Applicant(s). P. Samra, S. K. Singha, Q. P. Samra, R. De

Advocate for the Respondant(S).....*Case*.....

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C F. for Rs. 50/- deposited in P. B. No. 266324214 Dated 9.5.06</p> <p><i>Heer</i> Dy. Registrar</p> <p><i>NS</i> 31.5.06</p> <p>Steps taken with • envelopes.</p> <p><i>Din</i></p>	<p>01.06.2006</p> <p>mb</p> <p>9.6.2006</p> <p>bb</p> <p>30.06.2006</p> <p>mb</p>	<p>Post on 09.06.2006 for admission.</p> <p>Vice-Chairman</p> <p>None appeared for the applicant. post the matter on 30.6.2006, for admission.</p> <p>Vice-Chairman</p> <p>Learned counsel for the applicant wanted time to get instruction from the applicant.</p> <p>Post on 24.07.2006.</p> <p>Vice-Chairman</p>

24.7.2006

The O.A. has been filed claiming regularisation of the service of the applicant who is stated to have been working for 35 years. Counsel for the applicant wanted to ~~have~~ improve the pleadings by adding some more grounds. Hence learned counsel for the applicant prays for withdrawing the O.A. with a liberty to file fresh O.A. in appropriate forum.

Liberty is given to the applicant and the O.A. is dismissed as withdrawn.

Vice-Chairman

bb

4.8.06
Copy of the
order has been
sent to the office
for filing in
the court as well
as to the respondent
by post.
sh

3/ FROM No. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORIGINAL APPLICATION NO. 128/06

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) Tirtha Nath Sarma

Respondants M. O. I. Joms

Advocate for the Applicant(s) P. Sarma, S. K. Singha, O. P. Sarma, R. Day

Advocate for the Respondant(s) Case

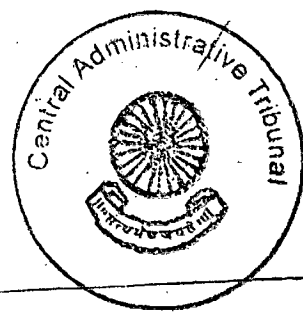
Notes of the Registry | Date | Order of the Tribunal

24.7.2006

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Liberty is given to the applicant and the O.A. is dismissed as withdrawn.

Sd/VICE CHAIRMAN



Memo No 821 & 822

Dtd. 8-8-06

Copy for information and necessary action to:

- 1) Tirtha Nath Sarma, S/o Sri Kashinath Sarma, A/O No 1 Jhargam, PO Rong Chawali, Dist. Udalguri, (BTRD), Assam.
- 2) The Chief Post Master General, Highdooz Bhanran, Pan Bazar, Guwahati - I.

N. S. S. 18-06
Secy H/Sec (1)
#5415

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

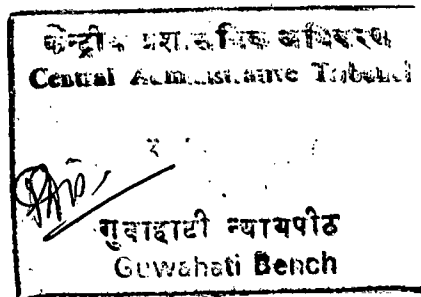
128/06

ORIGINAL APPLICATION NO. _____

1. a) Name of the Applicant:- T.N. Sanna
b) Respondants:- Union of India & Ors
c) No. of Applicant(S) :-
2. Is the application in the proper form:- Yes/No.
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/ No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the Copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed:-Yes/No.
7. Whether all the annexure parties are impleaded :-Yes/No.
8. Whether English translation of documents in the Language : Yes/No.
9. Is the application in time :- Yes/No.
10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:-Yes/No.
11. Is the application by IPO/BD/For Rs: 5/- 264324214
12. Has the application is maintainable :- Yes/No.
13. Has the Impugned order original duly attested been filed : Yes/No.
14. Has the legible copies of the annexures duly attested filed:-Yes/No.
15. Has the Index of documents been filed all available:- Yes/No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/ No.
17. Has the declaration as required by item 17 of the form:- Yes/No.
18. Whether the relief sought for arises out of the single :- Yes/ No.
19. Whether the interim relief is prayed for :- Yes/ No.
20. In case of condonation of delay is filed is it supported :-Yes/No.
21. Whether this Case can be heard by Single Bench/Division Bench:
22. Any other point:-
23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-
The application is in order.

SECTION OFFICER(J)
31.5.06

DEPUTY REGISTRAR
Address of R-1 is incomplete
31.5.06



IN THE CENTRAL ADMINSTRIBUNAL
GAUHATI BENCH AT GAUHATI

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 128 OF 2006

B E T W E E N

Sri Tirtha Nath Sarma

...Applicant

-Versus-

Union of India & others

...Respondents

SYNOPSIS

This Original application has been filed in the interest of justice. The instant applicant is serving under Indian postal Department since last more than 35 years, but the respondents have neither regularized the service of the applicant not promoted him to a suitable post. Hence this application has been filed before this Hon'ble tribunal seeking regularization of service of the petitioner from such date on which he became eligible for serving as a Government employee, as he was rendering his service from the under age. Further, this application has also been filed

seeking direction from this Hon'ble Tribunal to direct the respondents to promote the applicant to the Group-D post from such date on which his juniors were promoted to the Group-D post and also to direct the respondents to give all service benefits to the applicant with retrospective effect from the date from which his contemporary employees were provided with such benefits.

Filed by

O.P. Sunar

(Advocate)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

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Union of India & Others - Respondents.

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4]	Annexure-B is the copy of letter issued by the Sub-Divisional Inspector of Post Offices, Dhekiajuli Division, Dhekiajuli.	26-07-1996	30
5]	Annexure-C is the copy of letter issued by the Sub-Divisional Inspector of Post Offices, Dhekiajuli Division, Dhekiajuli.	19-02-1997	31

8]	Annexure-D is the copy of representation submitted before the respondents.	23-03-1997	32 to 33
9]	Annexure-E is the copy of letter issued by the Sub-Divisional Inspector of Post Offices, Dhekiajuli Division, Dhekiajuli.	29-06-1998	34 to 35
8]	Annexure-F is the copy of representation submitted before the respondents.	21-08-1998	36
9]	Annexure-G is the copy of representation submitted before the respondents.	09-11-1998	37
10]	Annexure-H is the copy of letter issued by the Sub-Divisional Inspector of Post Offices, Dhekiajuli Division, Dhekiajuli.	02-12-1998	38 to 39
12]	Annexure-I is the copy of order issued by the Sub-Divisional Inspector of Post Offices, Dhekiajuli Division, Dhekiajuli.	04-01-1999	40 to 41
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14]	Annexure-L is the copy of order issued by the Sub-Divisional Inspector of Post Offices, Dhekiajuli Division, Dhekiajuli.	09-06-2003	46 to 47
15]	Annexure-M is the copy of certificate issued by the Sub-Divisional Postmaster, Udalguri.	01-09-2003	48
16]	Annexure-N is the copy of order issued by the Sub-Divisional Inspector of Post Offices, Dhekiajuli Division, Dhekiajuli.	01-01-2004	50

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18]	Annexure-P is the copy of representation submitted before the respondents.	03-10-2005	54 to 55
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21]	Annexure-S is the copy of representation submitted before the Post Master General, Assam Circle, Meghdoot Bhawan, Guwahati.	22-03-2006	60 to 62

Filed by

D. P. Sunar

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. 128 OF 2006.

BETWEEN

Sri Tirtha Nath Sarmah,
S/o Sri Kashi Nath Sarmah
Resident of No. 1 Jhargaon,
P.O.-Rowta Charali,
P.S.-Udalguri,
District-Udalguri, (BTAD) Assam.
-Applicant.

-AND-

- 1] Union of India,
represented by the Secretary
to the Government of India,
Postal Department, New Delhi-1.
- 2] The Chief Post Master General,

Filed by the applicant to
through Om Prasad Sunar
Advocate

Tirtha Nath Sarmah

Meghdoot Bhawan,
Pan Bazar, Guwahati-1.

3] The Post Master-General,
Assam Circle,
P.O.-Dibrugarh,
Dist.-Dibrugarh, Assam.

4] The Superintendent of Post Offices
Darrang Division, Tezpur,
P.O.-Tezpur,
Dist.-Sonitpur, Assam.

5] The Sub-Divisional Inspector of
Post Offices, Dhekiajuli Sub-Divn.
Dhekiajuli-784110.

-Respondents.

DETAILS OF THE APPLICATION:

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

This application is not made against any particular order. This application is filed against the discriminatory actions

Tintha Nath Barman

of the respondents. The petitioner has been serving under the respondents since more than 35 years in the post of E.D.M.C., but till date the respondents have neither regularized his service nor promoted him to any suitable Grade-D posts as they have done in case of some other similarly situated candidates who were more than 10 years junior to the applicant. Hence, this application.

2] JURISDICTION OF THE TRIBUNAL

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

3] LIMITATION

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

4] FACTS OF THE CASE:

11/12/85 North District

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Facts of the case in brief are given below:

4.1. That your humble applicant is a citizen of India having his permanent residence at village No.1 Jhargaon, P.O. Rowta Charilai under police station udalguri in the District of Udalguri (B.T.A.D) and as such, he is entitled to all the rights and privileges guaranteed under the Constitution of India.

4.2. That your applicant begs to state that his father late Kashi Nath Sarma was working as E.D.M.C before the year 1970 in the Rowta Chariali Sub- post office. From that year petitioner's father started to suffer from illness and could not discharge his duties regularly. The respondent in place of his father and also allowed to draw monthly salary. The applicant had started the job to assist his father. In this way he some how managed to read up to class -IX. Unfortunately, his father did not recover from illness and ultimately left the job. The post of the petitioner's father was a temporary one and the petitioner

Kashi Nath Sarma

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was allowed to work in his father's temporary post. The respondents did not issue any appointment letter to the applicant, as his age was not permissible for Government job. The applicant worked in the post of E.D.M.C for some years and thereafter he requested the authorities to issue appointment letter in favour of the applicant, as he became eligible to be appointed in Government job. The respondents did not show any interest in the case of the applicant and left his case undecided but continuously used his services.

Mr. The North Board

4.3 That your applicant begs to state that he submitted application before the authorities for promotion to the Grade -D officials (Departmental) post. On the basis of such application the respondents permitted the applicant to appear examination, which was going to be held on 21.07.1996 for promotion of Grade D officials (Deptl) and ED staff (outsiders) to the cadre of postman/ mail guard. In this regard the respondents also issued a hall permit to the petitioner vide No.81-3/ Postman Exam /96 dated at Tezpur the 11.07.1996. But the respondents neither issued the result of the examination nor

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informed anything to the petitioner . They have never took any step to regularize the service of the petitioner to promote the applicant to the Group-D post.

A copy of Hall permit dated 11.07.1996 is annexed as Annexure-A to this application.

4.4. That your applicant begs to state that the Sub-Divisional Inspector of Post offices, Dhekiajuli Sub-Division, Dhekiajuli issued a letter vide No. AL/EDMC-ROWTA/T Sarma dated 26.07.1996 and officiated the applicant as Night guard and posted him to Hatigarh sub-office (S.O) with immediate effect. The respondent has allowed the applicant to officiate as Night Guard only to solve their own interest and not for the welfare of the applicant. They have clearly reflected their intention in the aforementioned letter dated 26.07.1996. The last paragraph of the aforementioned letter dated 26.07.1996 is quoted below for the ready reference of this Hon'ble Tribunal:

T. H. Sarma

"Shri Tirtha Nath Sarma can not claim any future absorption in the Dpt."

A copy of such letter dated 26.07.1996 issued by the Sub Divisional Inspector of post offices, Dhekiajuli Sub-Division, Dhekiajuli is annexed as Annexure-B to this application.

11/2 The Nath Sarma

4.5 That your humble applicant begs to state that the Sub-Divisional Inspector of post offices, Dhekiajuli Sub-Division, Dhekiajuli issued another letter vide No. B 2/Staff/96—97 dated 19th February, 1997 and reverted the applicant to his original post of EDMC at Rowta Chariali.

A copy of the such letter dated 19th February 1997 issued by the Sub-Divisional Inspector of Post Offices, Dhekiajuli Sub-Division, Dhekiajuli is annexed as Annexure-C to this application.

4.6. That your humble applicant begs to state that being aggrieved he submitted a representation before the Superintendent of

Post Offices, Darrang Division, Tezpur on 23rd March 1997 stating detail facts and prayed for appointment in the Departmental Group-D (inner) post. The translated relevant portion of such representation is quoted below for the ready reference of this Hon'ble Tribunal:

"I am serving under you in Rowta Chariali Branch Post Office in the post of EDDA since 01-01-1970. I am serving since then while I was reading at Class VI. My father was also serving as EDDA in the aforementioned Rowta Chariali Office. My father was suffering from illness at that time and frequently I had offered my service to the office in addition to carrying out my studies."

"Amidst such situation I also appeared departmental examinations. From the year 1985 I was allowed to work as EDMC and since then I am working as EDMC. Till that no promotion has been given to me. But, it is, very regrettable to mention here that the persons who are ten years junior to me were appointed in the govt. post and some similarly circumstanced persons had also

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Tia the North Green

obtained the chance of getting their appointment. The Departmental Authority have not considered my case."

"At last 26.07.96 vide Memo No. AC/EDMC-Rowta/T. Sarmah I was promoted to the post of Night Guard in Hatigorh Sub-Office. I was rendering my duties there. But without having any fault or allegation against me on 29.02.97 I was again reverted to the post of EDMC at Rowta Chariali Branch Office."

"Therefore, I request your honour to appointment me in any post in the inner department."

A copy of aforementioned representation dated 23-03-1997 is annexed as Annexure-D to this petition.

4.7] That your humble applicant begs to state that the Sub-Divisional Inspector of Post Offices, Dhekiajuli Division, Dhekiajuli issued a letter vide Memo No.A2/Hatigorh /97-98 dated Dhèkiajuli 29-06-1998 and again officiated the

Tirkey Nathelara

applicant for 90 days as Night Guard and posted at Hatigarh Sub-Office (S.O.).

A copy of aforementioned letter dated 29-06-1998 issued by the Sub-Divisional Inspector of Post Offices, Dhekiajuli Sub-Division, Dhekiajuli is annexed as Annexure-E to this application.

4.8] That your humble applicant begs to state that after being appointed at such officiating post the petitioner filed another representation before the Superintendent of Post Offices, Tezpur Division, Tezpur and requested him to promote the applicant to any Group-D post.

A copy of such representation dated 21-08-1998 is annexed as Annexure-F to this petition.

4.9] That your humble applicant begs to state that as stated earlier he was officiated as Night Guard from 01-07-1998 but the respondents have not released his salary for

for the night guard

the month of October 1998. In this regard he filed another representation on 09-11-1998 and alongwith the prayer for releasing his salary he also prayed for considering his case of promotion/appointment.

A copy of representation dated 09-11-1998 is annexed as Annexure-G to this petition.

4.10] That your humble applicant begs to state that as stated above the pay of the applicant for the month of October was not released by the respondents. In this regard the Sub-Divisional Inspector of Post Offices, Dhekiajuli Sub-Division, Dhekiajuli issued a communication to the Postmaster, Mangaldoi Head Office, vide his Memo No. A2/Hatigarh/97-98 dated 02-12-1998 and requested him to release the pay of the applicant.

A copy of letter dated 02-12-1998 issued by the Sub-Divisional Inspector of Post Offices, Dhekiajuli Sub-Division, Dhekiajuli is annexed herewith and marked as Annexure-H.

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T. H. Nath Sena

4.11] That your humble applicant begs to state that the Sub-Divisional Inspector of Post Offices, Dhekiajuli Sub-Division, Dhekiajuli issued an order under Memo No. B1/Abdul Jabbar/98-99 dated 04-01-1999 and allowed the applicant to continue as Night Guard at Hatigarh until further orders.

A copy of such order dated 04-01-1999 issued by the Sub-Divisional Inspector of Post Offices, Dhekiajuli Sub-Division, Dhekiajuli is annexed herewith and marked as Annexure-I.

4.12] That your humble applicant begs to state that the Sub-Divisional Inspector of Post Offices, Dhekiajuli Sub-Division, Dhekiajuli again issued an order vide Memo. No. B2/Staff/Adhoc/98-99 dated 22-02-1999 and reverted the applicant to his original post of E.D.M.C. at posted at Rowta Chariali Sub-Office (S.O.).

A copy of aforementioned order dated 22-02-1999 issued by the Sub-Divisional Inspector of Post Offices,

Through Mr. H. S. Das

Dhekiajuli Sub-Division, Dhekiajuli is annexed herewith and marked as Annexure-J

4.13 That your humble applicant begs to state that he again filed a representation on 26.05.2003 before the post Master General, Assam Circle, Dibrugarh, Assam and requested him to promote the applicant in a permanent Group-D post. But no step had been taken by the Respondents in this regard.

11/11/04 Nath Sarmah

A copy of the representation dated 26.05.2003 is annexed as Annexure-K to this application.

4.14 That your humble applicant begs to state that the Sub-Divisional Inspector of post offices, Dhekiajuli Sub-Division, Dhekiajuli again issued an order vide No.B 2/K.P.Sarmah/03/04 dated Dhj 09.06.2003 whereby the applicant was allowed to officiate as G/D-peon at Udalguri Sub-office with effect from 16.06.2003 to 30.08.2003.

A copy of such order dated 09.06.2003 issued by the Sub-Divisional Inspector

of Post Offices, Dhekiajuli Sub-Division, Dhekiajuli is annexed as Annexure-L to this petition.

4.15] That the applicant begs to state that the Sub-Postmaster, Udalguri issued a certificate of transfer of charge in favour of the applicant on 01-09-2003.

A copy of such certificate date 01-09-2003 is issued by the Sub-Postmaster, Udalguri is annexed as Annexure-M to this application.

4.16] That the applicant begs to state that the Sub-Divisional Inspector of Post Offices, Dhekiajuli Sub-Division, Dhekiajuli issued an Order No.A1/Letter Box/Rowta Charali/03-04 dated 01-01-2004 and directed the applicant to clear the letter box standing a Rowta Charali with effect from 01-01-2004 daily at 09.30 hours.

A copy of such order dated 01-01-2004 issued by the Sub-Divisional Inspector

Tirtha Nath Sharma

of Post Offices, Dhekiajuli Sub-Division, Dhekiajuli is annexed as Annexure-N to this petition.

4.17] That your humble applicant begs to state that the facts of the applicant's case were also published twice in local news papers. For the first time in "Natun Doinik" on Sunday, 13th April 2003 and for the second time in "Doinik Batori" on Monday, 18th July 2005. The relevant portion of translated copy of such news published on 18-07-2005 is furnished below for the ready reference of this Hon'ble Tribunal:

"Astonishing Act of Postal Department,
35 Years Service Without Appointment Letter.

Reporter, Rowta Chariali, 17th July: It seems impossible to do a Government service without obtaining a Departmental appointment letter, but this impossible task has been done possible by one postal worker of Rowta Chariali. An astonishing fact has come to light that one postal

worker of Indian Postal Service served under the Superintendent of Post Offices, Tezpur at Rowta Chariali Branch Post Office which is within the District of Udalguri (BTAD) for long 35 years without getting the appointment letter from the concerned higher authority and is receiving regular salaries serving in the same post. According to the facts found on the investigation done by the 'Doinik Batory' One Kashi Nath Sharma of Village Jhargaon near Rowta Chariali was serving in the post of EDDA before the year 1970.

On the other hand, the service period of Sri Sarma is going to be finished and he need the appointment letter on various reasons and when he approach before the authorities demanding appointment letter, the authorities in turn demand the appointment letter from Sri Sarmah. Such act of the departmental authorities shows the anarchy within the department."

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Kashi Nath Sharma

A translated copy of such news published on 18-07-2005 in the "Doinik Batori" is annexed as Annexure-O to this application.

4.18] That your humble applicant begs to state that as state above the respondents neither appointed the petitioner in a permanent post nor promoted him to any Grade-D post he filed separate representations on 03-10-2005 before the Post Master General and Superintendent of Post Offices, Darrang Division, Tezpur. He prayed before them to appoint/promote him to a Group-D post.

Copies of such representations dated 03-10-2005 are annexed as Annexures-P and Q to this application.

4.19] That your humble applicant begs to state that he submitted an application form for appearing the examination for promotion of Group-D and DGS in the cadre of Postman. But nothing has been done in this regard.

For the Petitioner

A copy of such application form submitted before the Respondents on 09-10-2005 is annexed as Annexure-R to this application.

4.20] That your humble applicant begs to state that in spite of so many correspondences the respondents did not consider the case of the applicant. As such, he again filed a representation on 22-03-2006 before the Post Master General, Assam Circle, Meghdhoot Bhawan, Guwahati stating all the facts in detail. Relevant portion of the aforementioned representation is quoted below for the ready reference of this Hon'ble Tribunal.

"The departmental authorities have always assured me that they will provide me a formal appointment letter but till date they have not provided the same. I appeared for selection test on several times but I was not promoted to any Grade-D post of the Department with malafide intention. At the same time all my colleagues and juniors, who were more than 10 years junior to me, were also provided

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T. H. N. S. S. S.

with regular appointment and are enjoying the better service life and enjoying various service benefits. But the departmental authorities have neither appointed me to a regular post nor promoted me to a suitable post even after rendering more than 35 years of my best and sincere service. The Departmental authorities have shown a step motherly behaviour towards me.

I, therefore, request your honour to issue appointment letter immediately to me with retrospective effect and give me all the service benefits as has been given to those regularly appointed persons who are contemporary to me. I, further, request you to promote me to a suitable inner departmental Group-D post."

A copy of such representation dated 22-03-2006 is annexed as Annexure-S to this application.

4.21] That your applicant begs to state that he is an experienced candidate having more than

35 years experience. The applicant has accrued every right to get his service regularized with retrospective effect with all service benefits, including the promotion to the suitable Grade-D post. The respondents have already regularized the services of some similarly situated persons and also the persons who are more than 10 years junior to the applicant.

4.22] That your applicant humbly submits that the respondents have willfully and intentionally deprived the applicant from his legal as well as fundamental rights. Hence, the action of the respondents is violative of Articles 14, 16, 21 and 300-A of the constitution of India.

4.23] That your applicant humbly submits that the action of the respondents is discriminatory, malafide and with a motive behind.

4.24] That your applicant submits that the respondents action of the respondents is illegal, arbitrary and violative of administra-

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T. K. Nath, Secy

tive fair play as well as violative of the principles of natural justice.

4.25] That the applicant begs to state that if the Hon'ble Tribunal does not interfere immediately in to the matter than irreparable loss will be caused to the applicant. As such, finding no other alternative your applicant compelled to approach this Hon'ble Tribunal for seeking justice.

4.26] That this application is filed bona fide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that, on the reasons and facts which are narrated above the action of the Respondents is prima facie illegal, arbitrary, malafide and with a motive behind.

5.2 For that action of the Respondents is illegal, arbitrary, discriminatory and also violative of the principle of

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T. H. N. H. S. S. S.

natural justice as well as administrative fair play.

5.3 For that it is not just and fair to deprive the applicant from appointing him against a regular Group-D post with retrospective effect and also not just and fair to deprive him from promotion, as the respondents have given promotion to such persons who were more than 10 years junior to the petitioner.

5.4 For that the respondents have willfully and negligently deprived the applicant from his legal as well as fundamental rights.

5.5 For that the respondents have caused to suffer the applicant from pecuniary loss from the initial days of his service, for which he is deprived from all service benefits. On the other hand, similarly situated candidates are enjoying all the service benefits.

1/17/74 North Carolina

5.6 For that the Central Government being a model employer cannot be allowed to adopt a differential treatment to the applicant.

5.7 For that the action of the Respondents is not maintainable in the eye of law.

The applicant craves Leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of the instant application.

For the North Zone

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the applicant further declares that he has not filed any application, writ petition or suit in respect of

the subject matter of the instant application before any other court , authority or any other bench of this Hon'ble tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR

Under the facts and circumstances stated above the applicant most respectfully prayed that your Lordship may be pleased to admit this application, call for the records and after hearing both the parties the Hon'ble tribunal may be pleased to direct the respondents to give the following relief's.

- a. that the Respondents may be directed by the Hon'ble Tribunal to regularize the service of the applicant giving effect from the date on which he became eligible to work as a government employee.

Tieba North Caran

- b. that the respondents may be directed by this Hon'ble Tribunal to promote the applicant to the grade-D post from such date on which his juniors were promoted to the Group-D post.
- c. That the respondents may be directed by the Hon'ble Tribunal to give all service benefits to the applicant with retrospective effect from the date from which his contemporary employees were provided with such benefits.
- d. Cost of the application.

With same

9. INTERIM ORDER PRAYED FOR:

That this Hon'ble tribunal may be pleased to direct the respondents to allow the applicant to continue his service in the same post presently working and / or pass any other order as this Hon'ble tribunal may deem fit and proper.

10. Application Is Filed Through Advocate.

11] Particulars of I.P.O.:

I.P.O. NO. 26 G 324214

Date Of Issue 15/5/2006

Issued from Gurehati

Payable at Gurehati.

12. LIST OF ENCLOSURES:

As stated above.

- Verification.

T. K. Nath

VERIFICATION

I, Sri Tirtha Nath Sarma, S/o Late Kashi Nath Sarmah, Working in Rowta Sub-Post Office, Resident of Village- No.1 Jhargaon, P.O.-Rowta Charali, P.S.-Udalguri in the District of Darrang, Assam do hereby solemnly verify that the statements made in paragraphs are true to my know-ledge, those made in paragraphs 4.3 to 4.16 —

_____ are being matters of records are true to information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification today on this 30th day of May '2006 at Guwahati.

Tirtha Nath Sarma
Deponent.

Annexure-A

DEPARTMENT OF POSTS:: INDIA
OFFICE OF THE SUPERINTENDANT OF POST OFFICES::

DARRANG DIVISION: TEZPUR:: 784001

NO. 81-3/Postman Exam/96,

Dated at Tezpur, the 11-07-96.

H A L L P E R M I T

To: Shri Tirtha Nath Sarmah,
E.D.M.C. Rowta Chariali.

Sub: Examination for promotion of Gr. D.
officials (Deptl) and ED Staff (outsiders)
to the cadre of postman/Mail guard to be
held on 04.08.96 (Sunday).

You are hereby permitted to appear in the
above mentioned examination to be held on
04.08.96 (Sunday) at Tezpur centre.

1. Your Roll Number is TZ-91/96.
2. The venue of the Examination: TEZPUR
COLLEGE, TEZPUR.
3. The Examination will commence from 1000
hrs. on 04.08.96. You should bring your

pen and pencil and this Hall Permit should be produced in the Examination Hall at the time of commencement.

4. Please put your signature below and get the signature attested by the Head of the Office/Unit.

Tirtha Nath Sarmah

Signature of the candidate

Sd/- (B.R. Haldar)

Supdt. Of post offices

Darrang Division, Tezpur.

Certified to be true Copy

O. P. Suran
Advocate

Annexure-B

Dhekiajuli Sub Division,
Dhekiajuli- 784110.

A1/EDMC-Rowta/T. Sarmah,

Dated-26.07.96

Shri Tirtha Nath Sarma, EDMC, Rowta Charali P.O in o/c with Rowta So is hereby ordered to officiate as Night Guard. Hatigarh So with immediate effect, relieving Shri Uma Kanta Barman to who in turn will join to his original post at Ambaguon PO.

Shri Tirthanath Sarma cannot claim any future absorption in the Dpt.

Sd/-(N.N. Sonowal)
Sub-Div. Inspector of P.O.
Dhekiajuli sub-Divn.
Dhekiajuli-784119

Copy to:

- 1] Sub Postmaster Hotigarh who will relieve Sri Barman.
- 2] Post master, Mangaldoi for information and n/a
- 3] Sri Tirtha Nath Sarma.

Sd/-illegible,
26/7/96
Sub-Div. Inspector of P.O.
Dhekiajuli Sub-Divn.
Dhekiajuli-784119.

Certified to be true Copy
O.P. Suram
Advocate

Annexure-C

DEPARTMENT OF POSTS, INDIA

From: Sub postmaster, Hatigarh.

To: The SDI(P) Dhekiajuli
Sub Divn., Dhekiajuli.

No.. B. 2/Staff/96-97, dated 19th February, 97.

Sub: Resume in duty.

Md. Mainuddin Ahmed Group D has been resume his duty on 19.02.97 releaving Sri Tirtha Nath Sarma offg/Group D (Night Ground) at Hatigarh vide SDI(P) Dhekiajuli letter No. Nil, dated ---- S.-- posts Tezpur letter No. B1-3/unit transfers/1 dtd. 09.08.96.

Sri T.N. Sarmah will join to Ps original post at Rowta Charali.

- 1] Copy to the SDI(P), Dhekiajuli Sdn.
- 2] Copy to the Postmaster Mangaldoi HO.
- 3] Copy to Sri T.N. Sarmah.
- 4] Office copy.

Sd/-illegible,

19.02.97

(Office seal)

Certified to be true Copy
O. P. Suran
Advocate

Annexure-D

(Translated from Assamese)

To

The Superintendent of Postal,
Darrang Division, Tezpur.

Dated the 23rd March 1997, Rowta Chariali BO.

Sub: Promotion from the outer Department to
inner Department.

Sir,

Respectfully I beg to state that I am serving under you in Rowta Chariali Branch Post Office in the post of EDDA since 01-01-1970. I am serving since then while I was reading at Class VI. My father was also serving as EDDA in the aforementioned Rowta Chariali Office. My father was suffering from illness at that time and frequently I had offered my service to the office inspite of carrying out my reading. I had guarded the Office and took much pain at the time of transferring the office. In this way, I studied up to class IX. I took the service as my means of livelihood and till today I am offering my services. Amidst such situation I also appeared departmental

examinations. From the year 1985 I was allowed to work as EDMC and since then I am working as EDMC. Till that no promotion has been given to me. But, it is, very regrettable to mention here that the persons who are ten years junior to me were appointed in the govt. post and some similarly circumstanced persons had also obtained the chance of getting their appointment. The Departmental Authority have not considered my case.

At last 26.07.96 vide Memo No. AC/EDMC-Rowta/T. Sarmah I was promoted to the post of Night Guard in Hatigarh Sub-Office. I was rendering my duties there. But without having any fault or allegation against me on 29.02.97 I was again reverted to the post of EDMC at Rowta Chariali Branch Office. It is regrettable that I am unable to know why the departmental authority has given me such a painful blow. Therefore, I request your honour to appointment me in any post in the inner department.

Yours faithfully,
Sri Tirtha Nath Sarmah,
EDMC, Rowta Chariali, BO.

Certified to be true Copy
O. P. Sutar
Advocate

Annexure-E

Memo No. A2/Hatigarh/97-98, dtd. -29.06.98.

This is in continuation of this office Memo No. B2/Md. M. Ahmed dt. 23.04.98 following orders are issued in the interest of and to have effect from 01.07.98.

Shri Tirtha Nath Sarma, EDMC of Rowta Chariali BO. To a/c Rowta SO will officiate as Night guard, Hatigarh SO terminating the local existing arrangement. This order will be valid for (90) ninety days only.

On being relieved, Sri Ashok Daimari EDMC -- office, as Nigh guard Hatigarh, will join against his original post as EDMC Ahatgaon BO in a/c. Harisinga SO terminating his nominee.

This arrangement is purely temporary and likely to be terminated at any time. Shri Sarma will get relieved by providing his nominee to work as EDMC/Rowta Chariali at his risk.

Sd/-illegible,

Sub-divisional Inspector of Post
Dhekiajuli Sub-division
Dhekiajuli-784110.

Copy to:

- 1] The Postmaster, Mangaldoi HO for n/a
- 2] The Spl./ Hatigarh for n/a.
- 3-4] The officials concerned for compliance.
- 5] Estt. File of Hatigarh SO.
- 6]. Spare.

Sd/-illegible,

Sub-divisional Inspector of Post

Dhekiajuli Sub-division

Dhekiajuli-784110.

Certified to be true Copy

O.P. Sen or
Advocate

Annexure-F

(Translated from Assamese)

To: The Superintendent of Post Office,
Tezpur Division.

Dated-21.08.98.

Sub: Prayer for promotion to Group D.

Sir,

With due respect I beg to state that I had been serving in the branch of Rowta Chariali post Office as EDMC since last 01.01.70. The SO had appointed me as a Night Guard in Dhekiajuli on 01.07.98. After serving as SO/G for 7 months I was again appointed as Bo EDMC in Rowta Chariali.

I, therefore, request your honour to kindly appoint me in any permanent post. And for this act of kindness I shall remain ever grateful.

Yours faithfully,

Sri Tirtha Nath Sarmah

Rowta Chariali.

N.B.: A true Copy of appointment letter is annexed herewith.

Certified to be true Copy
O.P. Sarmah
Advocate

Annexure-G

(Translated from Assamese)

To,,

The Superintendent of Post Offices,
Darrang Division, Tezpur.

Dtd. Hatigarh the 9th Nov/98.

Sub:- Duty pay for the month of October/98.

Sir,

With due respect I beg to state that I have been serving from 01.07.98 in Hatigarh Sub post office as Grade 'D' (Night guard) till today.

It is painful to state here that I had not received any salary of last month of October till today. The Divisional Inspector did not give any information about this. Therefore, I could not understand the reason.

So I request you to kindly consider about my salary for the month of October last and also be pleased to consider my case for appointment in near future.

Yours faithfully,

Sri Tirtha Nath Sarmah,
Hatigarh.

Certified to be true Copy
O.P. Senar
Advocate

Annexure-H

From: Sub Divisional Inspector of Posts
Dhekiajuli Sub-Division, Dhekiajuli-
784110.

To: The Post Master, Mangaldoi, HO.

No. A2/Hatigarh/97-98,

dtd.-Dhekiajuli, 02.12.98.

Sub: Officiating arrangement of Night Guard of
Hatigarh SO and drawl of duty pay w.e.f.
30.09.98.

Kindly refer to this office memo of
letter No. dt. 29.06.98 under which Sri Tirtha
Nath Sarma, EDMC of Rowta Chariali BO. was
ordered to officiate as Night guard, Hatigarh
w.e.f. 01.07.98 by providing his nominee at
R.C. Ali, BO. Accordingly, Sri Tirtha Nath
Sarma has been continuing as Night guard
Hatigarh w.e.f. 30.09.98 and Sri Anjan Sarma as
the nominee of Sri T.N. Sarma. The leave was
granted to Sri T.N. Sarma for 90 days w.e.f.
30.09.92 to 28.12.98 vide this office letter
No. A2/RCMI/98-99 dt. 12.10.98 and Sri Anjan
Sarma was approved as nominee.

Sri T.N. Sarma has been officiating as N/G Hatigarh w.e.f. 30.09.98 --- duty pay has not been drawn from 01.10.98. You are, therefore, requested to kindly draw the duty pay of both officials w.e.f. 01.10.98 against the posts they work.

It is further stated that Sri Tirtha Nath Sarma will continue to officiate as N/G Hatigarh till posting of another approved Gr. D official there.

Sd/-illegible,
Sub-Divisional Inspector of Post,
Dhekiajuli Sub-division,
Dhekiajuli 784110.

Copy to:

- 1] The Sp. Hatigarh for information.
- 2] Sri Tirtha Nath Sarma, Offg. Night guard, Hatigarh.
- 3] O/C

Sd/-illegible,
Sub-Divisional Inspector of Post,
Dhekiajuli Sub-division,
Dhekiajuli 784110

Certified to be true Copy
O.P. Suman
Advocate

Annexure-I

Memo No. B2 Abdul Jabbar/98-99,

Dtd. Dhekiajuli 04.01.99.

On administrative grounds the orders issued under this office Memo No. B2/RC. B03/98-99 dtd. 22.12.92 are hereby cancelled as Abdul Jabbar Gr. 'D' K.P. Ghat S.O. has reported sick on At/C w.e.f. 01.01.99. Following orders are hereby issued in the interest of service and to have effect from 02.01.99. Sri R.C. Das will continue as Tele Messenger K.P. Ghat vice Abdul Jabbar.

- 1] Shri Dasharath Saha will continue to officiate as Night guard K.P. Ghat vice Abdul Jabbar who reported sick.
- 2] On recovery Abdul Jabbar will join as Night guard relieving Sri Dasarath Saha.
- 3] Shri Tirtha Nath Sarma will continue to officiate as Night guard, Hatigarh till further order.

4] Sri Deepak Saha and Sri Anjan Sarma are approved as nominees of Sri Dasarath Saha EDDA/MC of Ekrabari BO and Sri Tirtha Nath Sarma EDMC/R.C. Ali BO. Respectively w.e.f. 02.01.99 to 31.03.99.

The officials may be paid their duty pay against the post they work. Leave memo of Abdul Jabbar will be issued separately.

Sd/-illegible,

Sub-Divisional Inspector of Post,

Dhekiajuli Sub-division,

Dhekiajuli 784110

Copy to:

- 1] The postmaster Mangaldai HO for n/a
- 2-3] The Sp. K.P. Ghat/Hatigarh for compliance and n/a.
- 4-7] The Officials concerned for compliance.
- 8] O/C.
- 9-10] P/F of Gr. 3 officials.

Sd/-illegible,

Sub-Divisional Inspector of Post

Dhekiajuli Sub-division,

Dhekiajuli 784110

Certified to be true Copy
C. P. Senar
Advocate

Annexure-J

Memo No. B2/Staff/Adhoc/98-99,

Drd. Dhekiajuli, 22.02.99.

In pursuance of CPMG/Ghy Memo No. NLF/2-26/89 dt. 23.05.98 and SP/TZ Memo No. Bx/Relaxation/Coop/1. dtd. 01.07.98, following orders are issued in the interest of service and to have effect (for three months) w.e.f. 01.03.99 to 31.05.99.

1] Shri Moinuddin Ahmed approved under relaxation rules for appointment as group 'D' will officiate as Night guard, Hatigarh SO w.e.f. 01.09.99 to 31.05.99 terminating local arrangement Sri Ahmed may be relieved on 01.06.99 respectively by Spn. Hatigarh.

2] On being relieved Sri Tirtha Nath Sarma now officiating as Night guard/Hatigarh, will join as EDMC/R.C. Ali BO against his original post by terminating his nominee.

This is in partial modification of the orders issued under this office Memo No. B2/A. Jabbar/98-99 dtd. 04.01.99.

Sd/-Illegible,
Sub-Divisional Inspector of Post,
Dhekiajuli Sub-division,
Dhekiajuli 784110

Copy to:

- 1] The Supdt. Of Pos as Tezpur for information. This refers his no. BX/Relaxation/Corr.1. dt. 1.7.98.
- 2] The Postmaster Mangaldoi HO for n/a.
- 3] The Spn./Hatigarh for n/a and compliance.
- 4-5] The Officials concerned for compliace.
- 6-7] O/C.

Sd/-Illegible,

Sub-Divisional Inspector of Post,

Dhekiajuli Sub-division,

Dhekiajuli 784110

Certified to be true Copy

O. P. Sana
Advocate

Annexure-K

(Translated from Assamese)

To

The Post Master General,
Assam Circle, Dibrugarh, Assam.

Sub: Promotion to the inner departmental post.

Sir,

Respectfully I beg to state that I am serving in the post of EDMC, outer departmental post, since 1970 in Rowta Chariali Branch Post Office. I was allowed to serve for 7(seven) months in the inner departmental post Group 'D' (Night Guard) with effect from 26.07.96 to 29.02.97. Unfortunately, after the expiry of such 7(seven) months period I was reverted to the post of EDMC and am serving in such post. I have not obtained any promotion to the inner departmental post. I come to know that many workers were promoted to the inner departmental posts. Therefore, I request your honour to promote me to an inner departmental post.

Therefore, I request your kind self to promote me in an inner departmental post. This is the humble prayer before you.

Yours faithfully,

Sri Tirtha Nath Sarmah,
EDMC, Rowta Chariali Branch Office
Vill-Jhargaoon, P.O-Rowta Chariali,
Dist.-Darrang, Assam.

Date-26.05.2003.

Certified to be true Copy

O. P. Sena
Advocate

Annexure-L

Received latter

16.06.03

No. b2/K.P. Sarmah/03-04,

Dated Dhj: 09.06.03.

As Sri SN Kalita o/S mail-1 Dhekiyajuli Sub-division retired on 31.05.03 Shri K.P. Sarmah postman Mazbat S.O. jointed as O/S mail-1 Dhekiyajuli Subdivision w.e.f. 31.05.03 A/N. As instruction given of SP/T3 No. substitutes is allowed to work. Hence the following arrangement is made terminating the substitute the previous arrangement for the interest of service.

1. Sri Niren Ch. Sarmah G/D mailpur Udalguri S.O. will be officiated as a postman of Mazbat S.O. against the vacant post w.e.f. 16.06.03 to 30.08.03 for 76 days only Sri Dasarath Saha EDDA/MC will be joined to his original post at Ekrabari BO termination his nominee w.e.f. 16.06.03.

2. Sri Tirtha Nath Sarmah EDMC Rowta Chariali BO under Rowta SO will be officiated

as a G/D mail peon at Udalguri S.O. w.e.f. 16.06.03 to 30.08.03 for 76 days.

3. Sri Sunil Kumar Talukdar FDDA Rowta Chariali BO will perform the daily of EDDA/EDMC at Rowta Chariali BO w.e.f. 16.06.03 to 30.08.03 for 76 days only.

Sd/-lllegible,
Sub-Divisional Inspector of POs,
Dhekiajuli Sub-division,
Dhekiajuli 784110

Copy to:

- 1] Postmaster Mangaldoi HO n/a
- 2] Spm. Mazbat n/a
- 3] Spm. Udalguri, n/a
- 4] Spm. Rowta, S.O. n/a
- 5] Sri Tirtha Nath Sarmah
- 6] Sri Sunil Kumar Talukdar
- 7] Sri Niran Ch. Sarmah
- 8] Sri Dasarath Saha
- 9] O/C

Sd/-lllegible,
Sub-Divisional Inspector of POs,
Dhekiajuli Sub-division,
Dhekiajuli 784110

Certified to be true Copy
O. P. Saha
Advocate

Annexure-M

ACG-61

Amendment to General Financial Rules, 1963

Form VFR 33

(See Rule 77B)

(office Seal)

Certificate of transfer of Charge

dated-01.09.03

Certified that I/We have in the forenoon of this day respectively made over and received charge of the Office Gr. D Packer Cum Mail Peon Udalguri in pursuance of Order No. B-2/K.P. Sarmah/03-04.

Dated 20.08.03.

Relieved officer: SRI TIRTHA NATH SARMAH

Signature Tirtha Nath Sarmah

(Name in Block Letters)

Designation G.D.S. M.C.

Station: Udalguri

Date 01.09.03.

Relieving Officer SRI RAJENDRA NATH MAHANTA

Signature Rajendra Nath Mahanta

(Name in Block Letters)

Designation: G.D.S./Stp-VDR

Station: Udalguri

Date: 01.09.03

(For use in Audit Office/RAO only)

Noted in A/R at page -----

SO/AAO/AO/PAO

Noted in A/R at page -----

SO/AAO/AO/PAO

Forwarded T. Sarmah

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

Certified to be true Copy
O. P. Senar
Advocate

Annexure-N

NO. A1/Letter Box/Rowta Chariali/03-04,

Dated 01/01/04.

To,

Sri Tirtha Sarmah,

EDMC, Rowta Chariali BO.

You are hereby order to clear the letter box standing at Rowta Chariali Town w.e.f. 01.01.04 daily at 09.30 hours.

This is for your information and necessary action.

Sd/-illegible,

Sub-Divisional Inspector of POs,

Dhekiajuli Sub-division,

Dhekiajuli 784110

Copy to:

- 1] The Supdt. Of Po's Tezpur.
- 2] SPM Rowta Chariali.
- 3] O/C

Sd/-illegible,

Sub-Divisional Inspector of PO

Dhekiajuli Sub-division,

Dhekiajuli 784110

Certified to be true Copy
O.P. Sarmah
Advocate

Annexure-O

(Translated from Assamese)

Doinik Batori Anchalik Batori

Guwahati 18th July 2005, Monday, Page No.6Astonishing Act of Postal Department,
35 Years Service Without Appointment Letter.

Reporter, Rowta Chariali, 17th July: It seems impossible to do a Government service without obtaining a Departmental appointment letter, but this impossible task has been done possible by one postal worker of Rowta Chariali. An astonishing fact has come to light that one postal worker of India Postal Service served under the Superintendent of Post Offices, Tezpur at Rowta Chariali Branch Post Office which is within the District of Udalguri (BTAD) for long 35 years without getting the appointment letter from the concerned higher authority and is receiving regular salaries serving in the same post. According to the facts found on the investigation done by the 'Doinik Batory' One Kashi Nath Sharma of Village Jhargaon near Rowta Chariali was serving in the post of EDDA before the year

1970. At that time Sri Tirtha Nath Sarma who was the son of Sri Kashi Nath Sarma was helping in the Departmental works of Sri Kashi Nath Sarma, as he was suffering from illness. In this way Sri Kashi Nath Sarma served for few years and later on he took retirement from his service on medical ground. In the year 1970 Sri Tirtha Nath Sarma was reading at Class-VI and his age was not permissible for the government job and hence the departmental higher authority gave the verbal approval to Sri Tirtha Nath Sarma to work in his father's post. Thereafter, the departmental higher authority had verbally allowed Sri Sarma to serve in the post of GDSMC (Gramin Dak Sevak Mail Carrier) but no formal appointment letter had been issued. It is noteworthy that after serving in the post of GDSMC since 1985, he was promoted to the post of Night Guard on 26th July 1996 vide Memo. No. AC/GDSMC Rowta/ T. Sarma alias Tirtha Sarma and posted at Hatigarh Sub-Post. Thereafter, by an astonishing way he was again reverted to the post of GDSMC on 29th February 1997 and posted at Branch Post Office, Rowta Chariali. It has come to know from special source that a large number of persons who are more than ten years

junior to Sri Tirtha Nath Sarma were appointed by the Departmental authority with malafide intention and they are getting Departmental facilities but Sri Sarma has been deprived till date from such Departmental facilities. It is known that Sri Tirtha Sarma had submitted an application on 23rd March 1997 before the Asst. Superintendent, Tezpur Division, praying for promotion from the outer departmental post to the inner departmental post but he could not obtain a good result in this regard. In this way Sri Sarma has passed 35 years since 1970 without getting appointment letter from the Departmental Authority, such action of the Departmental authority has made impatient to Sri-Sarmah. On the other hand, the departmental authority has stopped the bicycle allowance of Rs. 30/- from the month of September 1989. Sri Sarma, who is enjoying regular salary from the Postal Department, frequently wants appointment letter from the higher authorities, but it has been alleged by all that the concerned departmental officer wants to avoid the matter. On the other hand, the service period of Sri Sarma is going to be finished and he need the appointment letter on various reasons and when

he approach before the authorities demanding appointment letter, the authorities in turn demand the appointment letter from Sri Sarmah. Such act of the departmental authorities shows the anarchy within the department. From the reliable source it has come to light that at the beginning of the service career of Sri Tirtha Nath Sarma the departmental authorities had increased the age of Sri Sarma, now his age has crossed the age of his father and for that reason the Postal Department is at a loss. Even after approaching near the date of retirement Sri Sarma has not received the appointment letter from the Postal Department which is a remarkable fact.

Certified to be true Copy
O.P. Sengar
Advocate

Annexure-P

(Translated from Assamese)

Dated-03.10.2005.

To,

The Post Master General,
Assam Circle, Meghdhoot Bhawan,
Guwahati.

Sub: Application for promotion to the post of
Group 'D'.

Sir,

Respectfully I beg to state that I am working in the post of EDMC cum EDDA i.e., GDSME post in Rowta Chariali Post Office since 1970. I appeared for selection test on several times but I was not promoted. It is unfortunate to state here that my juniors have been promoted. It is worthy to mention here that my father had also serving in the junior post and from the same post without getting promotion he resigned from his service. Similarly, inspite of serving such a long period in the postal department I have also not been promoted till today. Hence, I have submitted this application praying for promotion to the group 'D' post.

Therefore, it is my humble prayer before your honour to consider my case for the promotion/appointment to the aforementioned Group 'D' post. Copy to Communication Minister, New Delhi.

Yours faithfully,
Sri Tirtha Nath Sarmah,
EDDA, EDMC, Rowta Chariali.

Certified to be true Copy
O. P. Sena
Advocate

Annexure-Q

(Translated from Assamese)

Dated-03.10.2005.

To,
The Superintendent of Post Offices,
Darrang Division, Tezpur.

(Through the Sub-divisional Inspector,
Dhekiajuli Sub-Division).

Sub: Application for the promotion and
appointment to the post of Group 'D'.

Sir,

Respectfully I beg to state that I am working in the post of EDMC and GDSMC post in Rowta Chariali Post Office since 1970. I appeared for selection test on several times but I was not promoted. It is unfortunate to state here that my juniors have been promoted. Hence, I have submitted this application praying for promotion to the group 'D' post.

Therefore, it is my humble prayer before your honour to consider my case for the appointment to the aforementioned Group 'D' post.

Copy to:

- 1] The Communication Minister, New Delhi.
- 2] The Post master General, Meghdoot Bhawan,
Guwahati.
- 3] Union Secretary, Postal Department, Govt.
of India.

Yours faithfully,

Sri Tirtha Nath Sarmah,

EDDA+EDMC, Rowta Chariali.

Certified to be true Copy
O. P. Senar
Advocate

Annexure-R

Date-09.10.05

Application for examination for promotion of
Group D and GDS in the cadre of postman.

-
1. Name of applicant
(in block letters): Sri TIRTHA NATH SARMA
 2. Date of birth: 01.02.53
 3. Present designation & office
now working with A/C office: G.D.S.M.G. Rowta
Chariali BO under
Rowta S.O
 4. Permanent post held: Nil
 5. Date of substantive entry in the Deptt: Nil
 6. Particulars of officiating service with date in the
Deptt. prior to confirmation: Nil
 7. Whether SC/ST/OBC? (Photocopy of caste
certificate may be attached): General
 8. Unit for which applied for: Any Unit.
 9. If an ED official date from which continuously in
service: 01.01.1970
 10. Name of local recognized regional language you
know: Assamese, Hindi, English.
 11. Do you know any additional regional language? If
so state the language and attach a certificate
with the form: Nil
 12. Educational Qualification: Class IX
 13. Whether examination fees paid? If so particulars
of deposits may be furnished: Through ACG 67 Rs/
5/- (Five only) at Rowta S.O. Recpt. No. 016.

I Shri Tirtha Nath Sarmah hereby declare that the particulars furnished by me in the form are true.

Tirtha Nath Sarma, EDMC
Signature of applicant.

REMARKS OF THE HEAD OF THE UNIT

- 1] Has he good record?--:-
- 2] Are all the entries in the application correct? ---:-
- 3] If he eligible? ---:-
- 4] Recommendation --- ---:-

Signature & Seal

REMARKS OF THE DIVISIONAL SUPERINTENDENT.

1. RECOMMENDED/NOT RECOMMENDED.

Supdt. Of Post Office,
Darrange Division, Tezpur.

Certified to be true Copy
O. P. Sengupta
Advocate

Annexure-S

Dated-22.03.2006.

To,
The Post Master General,
Assam Circle,
Meghdoot Bhawan,
Guwahati-1.

(Through the Sub-divisional Inspector,
Dhekiajuli Sub-Division).

Sub: Prayer for the providing appointment
letter and promoting to Group 'D' post.

Sir,

Respectfully I beg to state that I am working in the post of EDMC in Rowta Chariali Post Office since 1970. I have served the Department from my childhood days which is known to all concerned. The departmental authority had given me verbal appointment and exploited my service from my childhood days. The departmental authorities have always assured me that they will provide me a formal appointment letter but till date they have not provided the same. I appeared for selection

test on several times but I was not promoted to any Grade-D post of the Department with malafide intention. At the same time all my colleagues and juniors, who were more than 10 years junior to me, were also provided with regular appointment and are enjoying the better service life and enjoying various service benefits. But the departmental authorities have neither appointed me to a regular post nor promoted me to a suitable post even after rendering more than 35 years of my best and sincere service. The Departmental authorities have shown a step motherly behaviour towards me.

Sir, I have rendered my nearly entire service life to the department, I have no other source of income, at this stage, if a regular appointment is not issued in favour of me giving all service benefits with retrospective effect then I will ruin utterly.

I, therefore, request your honour to issue appointment letter immediately to me with retrospective effect and give me all the service benefits

as has been given to those regularly appointed persons who are contemporary to me. I, further, request you to promote me to a suitable inner departmental Group-D post.

And for this act of kindness I shall remain ever obliged.

Yours faithfully,

Sri Tirtha Nath Sarmah,
EDMC, Rowta Chariali.

Copy to:

- 1] The Communication Minister, New Delhi.
- 2] The Post master General, Meghdoot Bhawan, Guwahati.
- 3] Union Secretary, Postal Department, Govt. of India, New Delhi.

Certified to be true Copy
O. P. Suran
Advocate