

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 156/2005

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet..... OAPg. 1to. 1.....
2. Judgment/Order dtd 01.07.2005Pg. 1to. 2.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 156/2005Pg. 1to. 25.....
5. E.P/M.P.....Pg.to.....
6. R.A/C.P.....Pg.to.....
7. W.S.....Pg.to.....
8. Rejoinder.....Pg.to.....
9. Reply.....Pg.to.....
10. Any other Papers.....Pg.to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Baliti
2.6.17

FORM NO. 34
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 156/05
Misc. Petition No. _____
Contempt petition No. _____
Review Application No. _____

Applicant(s) R. B. Singh

Respondents u.o. 7 9 88

Advocate(s) for the Applicant(s) H.K. Nair, B.K. Talukdar, B. Sarma
Anne, Mrs. B. Chakrabarty

Advocate(s) for the Respondents Call

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide IPC/BB No. <u>119386165</u> Dated <u>11.6.05</u></p> <p><u>Auto</u> Dy. Registrar</p> <p><u>mb</u> 21/6/05</p> <p>Steps not taken</p> <p><u>mb</u> Recd copy 4-7-05 For Affiliates</p> <p><u>mb</u> Permitted Copy 6/12/05</p>	<p>01.07.2005</p> <p>mb</p>	<p>Heard learned counsel for the parties. The application is disposed of at the admission stage itself in terms of the order passed in separate sheets.</p> <p><u>Varejani</u> Vice-Chairman</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A. No. 156/2005

DATE OF DECISION 01.07.2005.

Sri R.B. Singh.....APPLICANT(S)

Mr. U.K. Nair.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

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

Mr. G. Baishya, Sr. C.G.S.C.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR.

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

G. Sivarajan

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 156/2005

Date of Order : This the 1st day of July, 2005.

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

Shri Rajkumar Binoy Singh, aged 35 years
S/o Shri R.K. Leipaksana Singh,
Vill. & BP.O. - Nighthoukhong (Ward No. 8)
P.O. : Bishenpur S.O.
Distt. : Bishenpur, State : Manipur.

... Applicant

By Advocates Mr. U.K. Nair, Mr. B.K. Talukdar,
Mr. B. Sarma, Aruna C, Mrs. B. Chakrabarty.

- Versus -

1. Union of India,
Represented by the Director General (Posts)
Dak Bhawan, Sansad Marg, New Delhi - 110 001.
2. The Director Postal Services
Manipur, Imphal - 795 001.
3. The Supdt. Of Post Offices
Manipur Division, Imphal - 795 001.
4. Shri Soibam Sunder Singh,
C/o - Supdt. Of Post Offices,
Manipur Division, Imphal - 795 001.

... Respondents

By Mr. G. Baishya, Sr. C.G.S.C.

.....

ORDER (ORAL)SIVARAJAN. I. (V.C.)

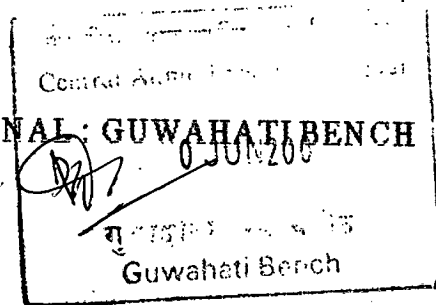
The applicant is a prospective applicant for the post of Gramin Dak Sevak Branch Post Master at Ningthoukhong Branch Post Office in Manipur State. The grievance of the applicant is that violating the relevant rules and regulations, the 3rd respondent appointed the 4th respondent to for the post of Gramin Dak Sevak Branch Post Master. It is stated that the applicant had submitted a complaint dated 13.10.2004 (Annexure - A/10) pointing out all the irregularities before the 3rd respondent, but so far there is no response from the said respondent. The applicant has filed this application in the above circumstances.

2. I have heard Mr. U.K. Nair, learned counsel for the applicant and Mr. G. Baishya, learned Sr. C.G.S.C. for the respondents. Since the applicant has already submitted a complaint (Annexure - A/10) pointing out the irregularities in the appointment of the 4th respondent to the post of Gramin Dak Sevak Branch Post Master and since no reply is stated to be forthcoming from the 3rd respondent, there will be a direction to the 3rd respondent to consider the said complaint and intimate the result to the applicant within a period of two months from the date of receipt of this order.

3. The O.A. is disposed of as above at the admission stage itself. The applicant will produce this order before the 3rd respondent for compliance.


(G. SIVARAJAN)
VICE CHAIRMAN

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI



O.A. No. 156 of 2005

BETWEEN

Shri Rajkumar Binoy Singh

..... Applicant.

-VERSUS-

Union of India & Ors.

..... Respondents.

SYNOPSIS

This application is directed against the illegal committed in appointing the Respondent No. 4 as Gramin Dak Sevak Branch Post Master at Ningthoukhong Branch Post Office in violation of the Rules and executive instruction in this connection.

The respondent no.4 who did not fulfill the eligibility criteria was not entitled to have his case considered for such appointment. Such irregular appointment has the effect of denying the applicant his right for the appointment against the said post inspite of the fact that he fulfilled all the eligibility criteria prescribe.

The appeal made by the applicant before the respondent authority against the illegal appointment of the respondent no. 4 have been not being consider, he has by way of this application come under the protective hands of the Hon'ble Tribunal prayed for redressal of his grievances.

APPENDIX - A

[FORM - I]

[See Rule 4]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

ORIGINAL APPLICATION No: of 2005.
APPLICATION UNDER SECTION-19 OF THE A.T ACT 1985

Shri Rajkumar Binoy Singh

..... Applicant.

- Versus -

Union of India & Others.

..... Respondents.

INDEX

Sl No	Description of documents relied upon	ANNEXURE	Page number
1	Application		01-11
2	Copy of Director Postal Services Memo No.A-1/PF/Ningthoukhong BO dt 06.08.2003	ANNEXURE-A/1	12
3	Copy of Supdt of Post Offices Memo No. A-1/PF/Ningthoukhong BO dated 01.10.2004	ANNEXURE-A/2	13
4	Copy of Director Postal Services recruitment notifi No.A-1/GDS-Rectt/2001 dt 21.11.2001	ANNEXURE-A/3	14-16
5	Copy of method of recruitment prescribed in EDAs (Conduct and Service) Rules 1964 [presently called as 'Gramin Dak Sevaks (Conduct & Employment) Rules 2001']	ANNEXURE-A/4	17-18
6	Extract of D.G (Posts) Letter No. 17-104/93-ED & TRG dated 06.12.1993	ANNEXURE-A/5	19-20
7	Extract of Rule-3 of Posts & Telegraphs Manual Volume-IV	ANNEXURE-A/6	21
8	Extract of D.G P&T Letter No. 43-198/85 dated 14 th Aug 1985	ANNEXURE-A/7	22
9	Extract of D.G., P&T., Letter No.43/66-Pen dated 17 th Oct 1966	ANNEXURE-A/8	23
10	Extract of D.G., P&T., Letter No.43-4/77-Pen dated 18 th May 1979	ANNEXURE-A/9	24
11	Copy of Applicant's representation/ complaint dated 13.10.2004	ANNEXURE-A/10	25

Date : 20.6.2005

R.K. Binoy Singh
Signature of the applicant

Place: Guwahati

For use in Tribunal's office

Date of filing :

Or

Date of Receipt by post :

Registration No. :

Signature
For Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION No: _____ of 2005.

Shri Rajkumar Binoy Singh, Aged 35-years
S/o Shri R K Leipaksana Singh,
Vill & BPO : Ningthoukhong [Ward No.8],
PO : Bishenpur S.O
Distt: Bishenpur State: Manipur

..... Applicant.

- Versus -

1. Union of India
[Represented by: -
The Director General (Posts),
Dak Bhawan, Sansad Marg,
New Delhi - 110 001.]
2. The Director Postal Services,
Manipur, Imphal - 795 001.
3. The Supdt of Post Offices,
Manipur Division, Imphal - 795 001.
4. Shri Soibam Sunder Singh,
C/o Supdt of Post Offices,
Manipur Division, Imphal - 795 001.

..... Respondents.

In the matter of:

Irregular recruitment and appointment of
Gramin Dak Sevak Branch Post Master at
Ningthoukhong Branch Post Office in violation of
Note-(vii) below Rule-3 of Gramin Dak Sevaks
(Conduct & Employment) Rules 2001 and
executive instructions issued vide Director
General (Posts) Letter No.17-104/93-ED & TRG
dated 06.12.1993.

-AND-

In the matter of:

Irregular recruitment and appointment of
Gramin Dak Sevak Branch Post Master at
Ningthoukhong Branch Post Office in violation of
Article-14 & Article-16 of the Constitution of
India.

Filed by the applicant
through → Sonijesh Sparewa
Advocate.

[Handwritten signature]

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

The application is made against irregular selection and appointment of ineligible candidate as Gramin Dak Sevak Branch Post Master at Ningthoukhong Branch Post Office vide Director Postal Services, Manipur, Imphal Memo No.A-1/PF/Ningthoukhong BO dated 06.08.2003 and Supdt of Post Offices, Manipur Division, Imphal Memo No.A-1/PF/Ningthoukhong BO dated 01.10.2004.

- ANNEXURE-A/1 is the copy of Director Postal Services, Manipur, Imphal Memo No. A-1/PF/Ningthoukhong BO dated 06.08.2003.
- ANNEXURE-A/2 is the copy of Supdt of Post Offices, Manipur Division, Imphal Memo No.A-1/PF/Ningthoukhong BO dated 01.10.2004.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject-matter of the application in which the applicant wants redressal is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION:

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

4. FACTS OF THE CASE:

- 4.1. The applicant is one of the intending candidates for the post of Gramin Dak Sevak Branch Post Master [here-in-after called as 'GDSBPM'] at Ningthoukhong Branch Post Office. The post of Gramin Dak Sevak Branch Post Master at Ningthoukhong Branch Post Office fell vacant in the year 2001. The applicant, who is fully eligible for being considered for the post of GDS-BPM at Ningthoukhong Branch Post Office, submitted his application for

the post in response to the recruitment notification issued vide

Director Postal Services, Manipur, Imphal letter No.A-1/GDS-

✓ Rectt/2001 dated 21.11.2001.

- ANNEXURE-A/3 is the copy of recruitment notification issued vide Director Postal Services, Manipur, Imphal letter No.A-1/GDS-Rectt/2001 dated 21.11.2001.

4.2. The post of 'Gramin Dak Sevak Branch Post Masters' falls within the cadre of 'Gramin Dak Sevaks' in the Department of Posts; and the recruitment of GDSBPMs is governed by the executive instructions issued by the Director General(Posts) from time to time. As per the relevant executive instructions printed as 'Method of Recruitment' in Section-III of Swamy's compilation of EDAs (Conduct and Service) Rules 1964 [presently called as 'Gramin Dak Sevaks (Condcut & Employment) Rules 2001'], the eligibility criteria for GDSBPMs are as under:

- (i) The candidate should be a matriculate; and the selection shall be made on the basis of merit on the basis of marks obtained in the matriculation or equivalent examination;
- (ii) The candidate should be more than 18-years but less than 65-years as on the last date of application;
- (iii) The candidate should possess an independent source of livelihood, own income and property; and
- (iv) The candidate should take up his residence in the post village in which the Branch Post Office functions, and the appointment can be issued only if the selected candidate could satisfy that he/she has taken up residence in the post village after selection for appointment.

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- ANNEXURE-A/4 is the copy of 'Method of Recruitment' prescribed in EDAs (Conduct and Service) Rules 1964 [presently called as 'Gramin Dak Sevaks (Conduct & Employment) Rules 2001'].

- ANNEXURE-A/5 is the Extract of D.G (Posts) Letter No. 17-104/93-ED & TRG dated 06.12.1993.

- 4.3. The cadre of 'Gramin Dak Sevaks' was earlier called as 'Extra Departmental Agents'. As per Rule-3 of Posts & Telegraphs Manual Volume IV, appointment of Extra Departmental Agents [now called as 'Gramin Dak Sevaks'] should be made only after satisfactory verification of character and antecedents of the selected candidate.

- ANNEXURE-A/6 is the Extract of Rule-3 of Posts & Telegraphs Manual Volume-IV.

- 4.4. The appointing authority viz. The Director Postal Services, Manipur, Imphal irregularly appointed an ineligible candidate as GDSBPM at Ningthoukhong Branch Post Office as because the selected candidate did not take up residence in the post village before appointment. The appointment order dated 06.08.2003 was also not issued in accordance with Rule-3 of Posts and Telegraphs Manual Vol-IV as because the mandatory verification of character and antecedents of selected candidate was not completed by the appointing authority before issuing the appointment order dated 06.08.2003. As per D.G., P&T., New Delhi letter No.43-198/85 dated 14th Aug 1985 and D.G., P&T., Letter No.43/66-Pen dated 17th Oct 1966, verification of property and income of the selected candidate as well as the verification of character and antecedents of

the selected candidate should be completed in advance, before appointment and not after appointment. Thus, the appointment order vide Director Postal Services, Manipur, Imphal Memo No.A-1/PF/Ningthoukhong BO dated 06.08.2003 was issued in violation of Rule-3 of Postal and Telegraphs Manual Volume-IV, and in violation of executive instructions issued vide D.G P&T letters cited above.

ANNEXURE-A/7, A/8 are the extracts of D.G P&T Letter No. 43-198/85 dated 14th Aug 1985 and D.G., P&T., Letter No.43/66-Pen dated 17th Oct 1966 respectively.


4.5. As per D.G., P&T., Letter No.43-4/77-Pen dated 18th May 1979

✓ 'Provisional appointments should not be made to fill the vacancies caused by the retirement of ED-Agents [now called as Gramin Dak Sevaks]. But in this instant case, the order of provisional appointment was issued by the Director Postal Services, Manipur in spite of the fact that the vacancy in the post of GDS-BPM at Ningthoukhong Branch Post Office occurred after the retirement of the incumbent GDSBPM. Therefore, issue of provisional appointment order by the Director Postal Services, Manipur, Imphal was also totally against the express provision of D.G., P&T letter No.43-4/77-Pen dated 18th May 1979.

ANNEXURE-A/9 is the extract of D.G., P&T., Letter No.43-4/77-Pen dated 18th May 1979.

4.6. The provisional appointment order issued vide Director Postal Services, Manipur, Imphal Memo No.A-1/PF/Ningthoukhong BO expired on 05.02.2004, and no extension of provisional appointment was given to the provisionally appointed candidate.

But, the Supdt of Post Offices, Manipur Division, Imphal issued an order of appointment to the same candidate vide Memo No.A-1/PF/ Ningthoukhong BO dated 01.10.2004. The selection for the appointment of GDSBPM at Ningthoukhong Branch Post Office was over in the month of June/2003 before the order of provisional appointment was issued by the Director Postal Services, Manipur, Imphal vide Memo No.A-1/PF/Ningthoukhong BO dated 06.08.2003; and hence, it is obvious that the eligibility condition as on the last date of application should only be taken into consideration for appointment of GDSBPM at Ningthoukhong Branch Post Office. If the selected candidate had not fulfilled any of the conditions as on the last date of application or had not taken up residence in the post village within a reasonable period after the intimation of selection, then the candidate cannot be appointed as GDSBPM and the next eligible candidate should be offered the chance. But, in this instant case, the selected candidate who has not yet taken up his residence in the post village was appointed as GDSBPM at Ningthoukhong Branch Post Office vide Supdt of Post Offices, Manipur Division, Imphal Memo No.A-1/PF/ Ningthoukhong BO dated 01.10.2004, which is irregular and totally against the provisions of D.G., P&T Letter No.17-104/93-ED & TRG 06.12.1993 as regards the income, property and residence of the selected candidate.

- 4.7. ✓ The applicant submitted a formal complaint dated 13.10.2004 to the above Respondent 1 to 3, but the applicant has not been informed about any action taken on the said complaint by the
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above Respondents 1 to 3, till today. The applicant, therefore, has approached the Hon'ble Tribunal for redressal and justice.

5. GROUNDS FOR RELIEF(S) WITH LEGAL PROVISIONS:

- 5.1. The Respondent No.2 violated the Rule-3 of Postal and Telegraphs Manual Volume-IV as well as the executive instructions issued vide D.G., P&T., Letter No.43-198/85 dated 14th Aug 1985; No.43/66-Pen dated 17th Oct 1966; and No.43-4/77-Pen dated 18th May 1979 while issuing the provisional appointment order vide Memo No.A-1/PF/Ningthoukhong BO dated 06.08.2003. Hence, the order of provisional appointment dated 06.08.2003 was irregular, illegal and void.
- 5.2. The Respondent No.3 failed to ensure that the selected candidate could take up his residence in the post village within the reasonable period before issuing the appointment order. Since the selected candidate has not taken up his residence in the post village within the reasonable period from the date of intimation of his selection; and has not yet taken up his residence in the post village, the order of appointment issued vide Supdt of Post Offices, Manipur Division, Imphal Memo No.A-1/PF/Ningthoukhong BO dated 01.10.2004 is also irregular, illegal and void for non-fulfillment of condition for appointment set out in D.G (Posts), Letter No. 17-104/93-ED & TRG dated 06.12.1993.
- 5.3. The recruitment and appointment of Gramin Dak Sevak Branch Post Master at Ningthoukhong Branch Post Office by the above Respondents was not made in accordance with the relevant executive instructions applicable to the recruitment of Gramin Dak Sevak Branch Post Masters in the Department of Posts. Therefore,



the order of provisional appointment issued vide Director Postal Services, Manipur, Imphal Memo No.A-1/PF/Ningthoukhong BO dated 06.08.2003 as well as the order of appointment issued vide Supdt of Post offices, Manipur Division, Imphal Memo No.A-1/PF/Ningthoukhong BO dated 20.09.2004 are totally bad in the eyes of law, and are liable to be declared as illegal and void.

5.4. The constitution of India provides equal opportunity in the matter of employment under Article-16. But, a selective attitude has been adopted by the authorities concerned in the recruitment and appointment of GDSBPM at Ningthoukhong Branch Post Office. Hence, the irregular appointment of GDSBPM at Ningthoukhong Branch Post Office vide Director Postal Services, Manipur, Imphal Memo No.A-1/PF/Ningthoukhong BO dated 06.08.2003 and Supdt of Post Offices, Manipur Division, Imphal Memo No.A-1/PF/Ningthoukhong BO dated 01.10.2004 is violative of Article-16 of the Constitution of India.

5.5. The constitution of India also guarantees equality before law to all persons under Article-14. But, a selective and special approach has been given to a particular candidate in the selection and appointment of GDSBPM at Ningthoukhong Branch Post Office, in which the order of appointments were issued by the above Respondents-2 & 3, in violation of Rule-3 of Posts & Telegraphs Manual Volume-IV and various executive instructions issued by the Director General (Posts) from time to time. Thus, the irregular appointment of GDSBPM at Ningthoukhong Branch Post Office vide Director Postal Services, Manipur, Imphal Memo No.A-1/PF/Ningthoukhong BO dated 06.08.2003 and Supdt of Post Offices,

B

Manipur Division, Imphal Memo No.A-1/PF/ Ningthoukhong BO dated 01.10.2004 is violative of Article-14 of the Constitution of India.

6. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant declares that the applicant has no statutory remedy to be availed from the departmental authorities of Postal Department. The applicant, however, submitted a complaint dated 13.10.2004 with the Supdt of Post offices, Manipur Division, Imphal and the said complaint is still pending with the said authority without any intimation to the applicant about the action taken.


- ANNEXURE-A/10 is the copy of Applicant's representation/ complaint dated 13.10.2004.

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

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF(S) SOUGHT:

In view of the facts mentioned in Para-6 above, the applicant prays the Hon'ble Tribunal that:

- (i) The order of provisional appointment issued vide Director Postal Services, Manipur, Imphal Memo No.A-1/PF/Ningthoukhong BO dated 06.08.2003 [ANNEXURE-A/1] and the order of appointment issued vide Supdt of Post Offices, Manipur Division, Imphal Memo No.A-1/PF/Ninthoukhong BO dated 01.10.2004
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[ANNEXURE-A/2] may be declared irregular, illegal and void;
and

- (ii) The above Respondents may be directed to consider the candidature of the above applicant along-with other eligible candidates and finalise the recruitment of GDSBPM at Ningthoukhong Branch Post Office strictly in accordance with the relevant executive instructions on the basis of eligibility of the intending candidates as on the last date of receipt of applications, with further direction to appoint the eligible and right candidate in accordance with relevant departmental rules and executive instructions in this regard, within such time limit as the Hon'ble Tribunal may deem proper;
- (iii) The applicant may be allowed the cost of this application; and
- (iv) The applicant may be allowed any other benefit(s), which the Hon'ble Tribunal may deem proper to render justice.

9. INTEIM ORDER, IF ANY PRAYED FOR:

Pending final decision on the application, the applicant, most submissively prays before the Hon'ble Tribunal that the operation of Supdt of Post Offices, Manipur Division, Imphal Memo No.A-1/PF/Ningthoukhong BO dated 01.10.2004 may be kept in abeyance in the interest of justice.

10. IN THE EVENT OF APPLICATION BEING SENT BY REGISTERED POST:

The applicant declares that the application is filed through his advocate.

11. PARTICULARS OF BANK DRAFT / POSTAL ORDER FILED IN RESPECT OF THE APPLICATION FEE:

Indian Postal Order Number : 11 G 386165
Office of Issue : Imphal H.P.O
Date of Issue : 05-02-2005
Office of Payment : Guwahati

12. LIST OF ENCLOSURES:

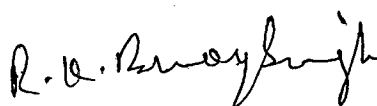
1. Application accompanied by Index in Appendix-A
2. ANNEXURE-A/1 to ANNEXURE-A/10.
3. Indian Postal Order for Rs.50/- for application fee.

VERIFICATION

I, Shri R K Binoy Singh, S/o Shri R K Leipaksana Singh, aged 35 years, resident of Ningthoukhong village, [Ward No.8], PO & PS : Bishnupur Distt: Bishnupur, State: Manipur do hereby verify that the contents of Paras 1 to 12 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Date : 20.6.2005

Place: Guwahati


Signature of the applicant

To

The Registrar,
Central Administrative Tribunal,
Rajgarh Road, Guwahati -781 005.

DEPARTMENT OF POST, INDIA

LETTER OF PROVISIONAL APPOINTMENT

Memo No. A-1/PP/Ningthangkhang Dated at Imphal, the 06-08-03

Whereas the post of Extra Departmental Agent has become vacant/has been newly created and it is not possible to make regular appointment to the said post immediately the

SPS/ Japhar has decided to make provisional appointment to the said post for a period of 6 (six) months from the date of assuming charge or till regular appointment is made whichever to shorter.

Shri/Smt. Soibam Sundar Singh S/o (1) S. Grawahar Singh offered with provisional appointment. He/She should clearly understand that the provisional appointment will be terminated when regular appointment to be made and he/she shall have no right to claim for appointment to any post.

The SPS/ Jp also reserves the right to terminate the provisional appointment at any time before the period mentioned para-1 above without assigning any reasons.

Shri/Smt. S. Sundar Singh

will be governed by the Extra Departmental Agents (Conduct and Service) Rules, 1964, as amended from time to time and all other rules and orders applicable to Extra Departmental Agents.

In case the above conditions are acceptable to Shri/Smt. S. Sundar Singh he/she should sign the duplicate copy of this memo and return the same to the undersigned.

sd/-

Copy to:-

1. Shri/Smt. Soibam Sundar Singh S/o (1) S. Grawahar Singh. He/she should sign the duplicate copy of the memo enclosed and return the same to this office immediately.
2. The Postmaster, Imphal for information and n/a.
3. The SDOs/ Bishenpur Sub-divisions, Japhar
4. The SPM/ Bishenpur So

A. N. SINGH
Advocate
Nagawhong Aung

Certified to be true Copy

Advocate

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES: MANIPUR: IMPHAL 795 001

ORDER OF APPOINTMENT

S.O.A-UP/FNingthoukhong BO

01 Oct 04

Shri Soibam Sunder Singh, S/o Shri Soibam Gourahari of Naranseina is hereby appointed as GDS BPM-Ningthoukhong B.O in account with Bishenpur S.O with immediate effect. He shall be paid such allowances as are admissible from time to time.

Shri Sunder Singh should clearly understand that his employment as GDS BPM shall be on the nature of a contract liable to be terminated by him or by the undersigned by notifying the same in writing and that his conduct and service shall also be governed by the Posts and Telegraphs Extra-Departmental Agents (Conduct and Service) Rules, 1964, as amended from time to time.

If these conditions are acceptable to him, he should communicate his acceptance in the enclosed proforma.

4.1. As stated above (in duplicate)

Sd/-
(M.C.DAS)

Superintendent of Post Offices
Manipur, Imphal 795 001

Copy to:

1. The Postmaster, Imphal H.O. for information and necessary action.
2. Shri Soibam Sunder Singh, S/o Shri S.Gourahari Singh, Naranseina via Bishenpur S.O. He should sign the duplicate copy of the memo enclosed and return the same to this office immediately.
3. The SDIPOs 3rd Sub-division, Imphal for information.
4. The SPM-Bishenpur S.O for information and necessary action.

Sd/-
(M.C.DAS)

Superintendent of Post Offices
Manipur, Imphal 795 001

M. S. S.
M. S. S.
A. NLOCHAMATA SINGH
Advocate
Ningthoukhong Awang

Certified to be true Copy

Advocate

DEPARTMENT OF POSTS : INDIA
NORTH EASTERN POSTAL CIRCLE : MANIPUR : IMPHAL : 795001

A-1/GDS-Recdt/2001.

21st November, 2001.

1. The Station Director,
All India Radio, Imphal-795001.
2. The Station Director,
Doordarshan Kendra, Imphal-795001.
3. The Director,
Information & Public Relations,
Govt. of Manipur, Imphal-795001.

Subject: Recruitment of Gramin Dak Sevak Post Masters.

The following vacancies in the cadre of Gramin Dak Sevak Branch Post Masters (GDSBPMs) in Manipur Postal Division are to be filled by calling applications from the willing and eligible candidates fulfilling the criteria shown in para-2 below.

Sl. No.	Name of the Vacant Post	Place, where vacant	
		Name of Branch Post Office	Name of the Sub Post Office
(1)	(2)	(3)	(4)
1.	Gramin Dak Sevak Branch Post Master	Lungther BPO	Yairipok SO (Thoubal Distt)
✓	Gramin Dak Sevak Branch Post Master	Lourembam BPO	Yairipok SO (Thoubal Distt)
	Gramin Dak Sevak Branch Post Master	Leimaram BPO	Nambol SO (Bishenpur Distt)
	Gramin Dak Sevak Branch Post Master	Ningthoukhong BPO	Bishenpur SO (Bishenpur Distt)
	Gramin Dak Sevak Branch Post Master	Tangkhum	Litan SO (Ukhrul Distt)
	Gramin Dak Sevak Branch Post Master	Hundung BPO	Ukhrul SO (Ukhrul Distt)
	Gramin Dak Sevak Branch Post Master	Pushing BPO	Ukhrul SO (Ukhrul Distt)
	Gramin Dak Sevak Branch Post Master	Phungcham BPO	Ukhrul SO (Ukhrul Distt)
	Gramin Dak Sevak Branch Post Master	Longpi BPO	Nungba SO (Tamenglong Distt)
	Gramin Dak Sevak Branch Post Master	Makeng Ngulrou BPO	Saikul SO (Kangpokpi Distt)

Atty (C.)
N. NILAKANTH SINGH
Advocate

Advocate

2. A candidate aspiring to apply for any of the above posts should fulfill the following criteria:

- (1). AGE : Should not be less than 18-years but below 65-years as on 21-12-2001.

(3) EDUCATIONAL QUALIFICATION: Matriculation or Equivalent from the recognised Board/University.

(iii). OTHERS: (a). The candidate must have own income & property (ie. adequate means of livelihood).

(b). The candidate must be able to offer space/room for functioning of Post Office.

(c) School/College going students and State/Central Government employees are ineligible.

Applications, neatly handwritten or typewritten in blank paper, enclosed in an envelope super-scribed "APPLICATION FOR THE POST OF GDSBPM AT _____ (Name of the Branch Post Office)" and addressed to THE DIRECTOR, POSTAL SERVICES, MANIPUR, IMPHAL - 795001, should reach the office of the Director Postal Services, Manipur, Imphal on or before 22-10-2001. The applications should accompany the following:

- The following:
- (i). 2 (Two) attested copies of recent passport size photographs.
 - (ii). Attested copies of certificates and testimonials in proof of age and educational qualifications.
 - (iii). Income certificate issued by revenue authority not below the rank of Sub Divisional Officer.
 - (iv). Attested copy of document in proof of property holding.
 - (v). Declaration that the candidate will be able to provide accommodation for functioning of the Branch Post Office.

Applications received after the last date, i.e. 21-12-2001, will not be entertained.

Detailed information may be had from Yairipok, Nambol, Manempur, Litan, Ukhrul, Nungba and Saikul Post Offices.

A. RILASCHENBERG Str.
Admission
Northbrook Award

[Signature]

It is therefore requested that the matter may kindly be given wide publicity.

Thanking you,

Yours sincerely,

Signature
21/11/02

Aasst. Supdt. of Post Offices (HQ),
For Director Postal Services,
Manipur : Imphal-795001.

- Recd AD to:-
1. The District Employment Officer, Employment Exchange, Thoubal/Bishenpur/Ukhrul/Tamenglong/Kangpokpi for information. They are requested to sponsor not less than 3 (Three) candidates each in respect of the Branch Post Offices mentioned Col. (3) of Para-1 of the letter and are falling under their jurisdiction. While nominating the candidates the requirements of para-2 of the letter may be ensured, and the sponsorship letter should reach "The Director Postal Services, Manipur State, Imphal" latest by 21-12-2001.
 2. The Editor, Imphal Free Press/The sangai Express/Manipur News/Manipur Mail/Freedom/Poknapham/Huiyai Lampao/Matamdee Yakairoi, (English/Manipuri) Daily, Imphal for publishing the above matter as news item in his esteemed daily.
 3. The Sub Post Master, Yairipok SO/Litan SO/Nambol SO/UKHOLI SO/Bishenpur SO/Nungba SO/Saikul SO for information. They will display a copy of this letter in the office notice board for public information.
 4. The Est. Files concerned.

Signature
A. WACHANDRA SINGH
Advocate
Minister's Office, Aizawl

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2002/01/02

SECTION IV

Method of Recruitment

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

1. Age:

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

2. Educational Qualifications:

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

ED Delivery Agents

ED Stamp Vendors and

All other Categories of

EDAs.

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

3. Income and ownership of property:

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

A. N. LACHANDRA SINGH
Advocate
Ningthoukhong Awang

Certified to be true Copy

Advocate

4. Residence:

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

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

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

5. Security:

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

6. Preferential Categories:

With reference to the last orders issued under Letter No. 43-191/79-Pen., dated 22-6-1979, fixing the four preferential categories according to the earlier orders issued *vide* D.G., P. & T., Letter No. 43-14/72-Pen., dated 2-3-1972, No. 43-246/77-Pen., dated 8-3-1978, to Scheduled Castes and Scheduled Tribes candidates; and No. 43-231/78-Pen., dated 17-2-1979 (regarding Ex-Army Postal Service Personnel); No. 43-312/78-Pen., dated 20-1-1979 (regarding Backward Classes and weaker sections of Society) and to the educated unemployed persons, it is clarified that the above preference should be subject to first and foremost condition that the candidate selected should have an adequate means of livelihood, which though already prescribed, seems to have been ignored for some time past especially in view of these preferential categories being introduced in the above orders.

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

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

A. N. SINGH
A. N. SINGH
A. N. SINGH

Certified to be true Copy

Advocate

Extract of Dept of Posts Letter No.17-104/93-ED & Trg dated 06.12.93

Sub : Income and proper qualifications prescribed for appointment to various categories of Extra Departmental Agents – Review thereof.

I am directed to invite your kind attention to this office letters no.43-84/80-Pen dated 30.1.81 and subsequent letter No.45-22/71-SPB-I/Pen. 04.09.82, no.41-461/87-PE.II dated 14-12-87 and no.17-497/90-ED & Trg dated 10-5-91 wherein detailed instructions about the method of recruitment, income and property qualifications etc have been laid down.

2. Past experience has shown that the instructions issued by this office from time to time governing recruitment of various categories of ED agents are being interpreted differently and there is a lack of uniformity among different units within the same circle on the one hand and among the various postal circles on the other. As a result of marked difference in the interpretation and application of the existing instructions a spate of complaints have been received through public representatives, service unions and the affected candidates themselves. Some of the basic conditions such as permanent residence in the village in which the post office is located have also, of late, come under close scrutiny by the different Benches of the Central Administrative Tribunals and the same has not stood judicial scrutiny as being violative of the provisions contained in Article 16(2) of the Constitution of India.

3. Against the aforesaid backdrop, the whole matter has been examined in this office in its entirety. Having regard to all the relevant considerations including the judicial pronouncement, proposals were formulated and placed before the Postal Services Board for its consideration/decision. The Postal Services Board, after careful deliberation, has decided as follows: -

(i) It is not necessary to quantify "adequate means of livelihood". However, it may be laid down that in the case of appointment of ED Sub Postmasters/Branch Post Masters preference may be given to those candidates whose "adequate means of livelihood" is derived from landed property or immovable assets if they are otherwise eligible for the appointment. Heads of Circles may be asked to issue suitable instructions to the appointing authorities on these lines so that they could follow these while making appointment to the posts of EDSPM and EDBPM. In respect of other EDAs, the present "adequate means of livelihood" will hold good.

(ii) The Board also decided that having regard to the judgment of the CAT, it may be clarified that while making selections for appointment to ED posts, permanent residence in the village/delivery jurisdiction of the ED Post Office need not be insisted upon as a pre-condition for appointment. However, it should be laid down as a condition of appointment that any candidate, who is selected, must before appointment to the post take up his residence in the village/delivery jurisdiction of the ED Post Office as the case may be.

A. N. LACHANDRA SINGH
Advocate
Nagpur - 461001

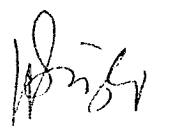
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Advocate

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4. It is reiterated that the candidates concerned should have adequate means of independent livelihood and the income property in the name of their guardians will not make them eligible for consideration for appointment as ED agents in this Department.
5. The other conditions of recruitment remain unchanged.
6. The contents of the letter may kindly be brought to the notice of all concerned for information/guidance/strict compliance. These orders will come into force from the date of issue.
7. The receipt of this letter may kindly be acknowledged to the undersigned.

Sd/-
(U. S. Puria)
Asstt Director-General (ED & Trg)


MR CHANDRA SINGH
Advocate
Mangthekhong Awang

Certified to be true


Advocate



Extract of Rule-3 of Posts and Telegraphs Manual Volume-IVRule-3:

Before appointing or nominating persons to vacancies in the Department, or employing as extra-departmental agents persons who do not hold Government or quasi-Government posts or who are not Government pensioners, careful enquiry must be made regarding their character and antecedents, and no one may be employed in the Department who is unable to furnish satisfactory references. No person who has been dismissed for misconduct from any Government post may be employed. The papers showing the result of enquiries into the character and antecedents of permanent departmental officials should be kept with their character sheets or confidential records as the case may be, in which a note, duly signed and dated, should be made to the effect that the papers have been appended to them. In respect of candidates, the enquiry papers may be kept by the recruiting officer concerned in a special guard book, arranged in the order of entries in the gradation list of such candidates and these papers should be transferred to the character sheets or confidential records, as the case may be, as soon as they are given permanent appointments. In the case of extra-departmental agents in respect of whom the usual enquiries regarding their character and antecedents have not been dispensed with the enquiry papers may be kept with their security bonds with necessary remarks in the register of security bonds. If, however, an extra-departmental agent is exempted from furnishing a security bond the enquiry papers in this case may be kept along with the security bonds of other officials in the place where his security bond would otherwise have been kept, i.e., in the order of entries in the register of security bonds had he not been so exempted, necessary remark being recorded in the register.

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A. NILAKHANTA SINGH
Advocate
Mangalore Awang

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Advocate

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Extract of D.G., P&T., ND., Letter No.43-198/85 dated 14th August 1985

VERIFICATION OF CONDITIONS FOR APPOINTMENT TO BE DONE PRIOR TO APPOINTMENT:

One of the pre-conditions for appointment to the post of EDBPM/EDSPM relates to the verification of property and income. A number of cases have come to light where such verification was carried out only after the candidates were appointed. This practice of verification after appointment is not in order and needs to be discontinued immediately. The particulars regarding property and private income should be verified before and not after the appointment. This should be brought to the notice of all appointing authorities for strict compliance.

Handwritten signature
A. MACHAN SINGH
Advocate
Ningthoukhong Aung

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Advocate

Extract of D.G., P&T., Letter No.43-66/Pen., dated 17th October 1966

FORMALITIES TO BE UNDERTAKEN BEFORE APPOINTMENT:

In accordance with Rule 3 of P&T Manual, Volume-IV, the character and antecedents of ED Agents should be verified in advance. A declaration about vocation and private income has to be obtained from all categories of ED-Staff. The required information may be obtained in the prescribed form of declaration. A medical certificate of fitness for service is required in the case of ED Agents in accordance with Instruction No.(5) below.

(Handwritten signature)
A. NILACHARYA SINGH
Advocate
Ningthoukhong Aizang

(Handwritten signature)
Certified to be a true copy

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1966/10/13

Extract of D.G., P&T., Letter No.43-4/77-Pen dated 18th May 1979

PROVISIONAL APPOINTMENT OF ED AGENTS:

It has come to the notice of this office that provisional appointments made to the ED posts are being allowed to continue for indefinite periods and when regular appointment are made, the provisionally appointed persons do not readily head over the charge. The following instructions are issued in this regard: -

- (i) As far as possible, provisional appointments should be avoided. **Provisional appointments should not be made to fill the vacancies caused by the retirement of ED Agents.** In such cases, the Appointing Authority should take action well in time before the retirement of the incumbent ED Agent, to select a suitable successor.
- (ii) Wherever possible, provisional appointments should be made only for specific periods. The appointed person should be given to understand that the appointment will be terminated on expiry of the specified period and that he will have no claim for regular appointment. Where a new post office is opened or where a new post is created or where an ED Agent dies while in service or resigns from his post and it is not possible to make regular appointment immediately, a provisional appointment should be made for a specific period. The offer for appointment should be in the form annexed (Annexure A).
- (iii) Where an ED Agent is put off duty pending departmental or judicial proceedings against him and it is not possible to ascertain the period by which the departmental/judicial proceedings are likely to be finalized, a provisional appointment may be made, in the form annexed (ANNEXURE B). It should be made clear to the provisionally appointed person that if ever it is decided to reinstate the previous incumbent the provisional appointment will be terminated and that he shall have no claim to any appointment.

Even in cases where an appointment is made to fill the vacancy caused by the dismissal/removal of an ED Agent and the dismissed/removed employee has not exhausted all channels of appeal, the appointment should only be provisional. The offer of appointment should be in the form annexed (ANNEXURE B).

2. Efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years service. In such cases their names should be included in the waiting list of ED Agents discharged from service, prescribed in D.G., P&T., Letter No.43-4/77-Pen., dated 23-2-1979.

These instructions may be brought to the notice of all Appointing Authorities.

ACHANDE SINGH
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2/3/79

Copy

2/3/79

To

The Supdt of Post Offices,
Manipur Division,
Imphal - 795 001.

Sub: Irregular appointment of Gramin Dak Sevak Branch Post Master at
Ningthoukhong EDBO under Bishenpur S.O.

Respected Sir,

I am one of the eligible candidates who had applied for the post of Gramin Dak Sevak Branch Post Master at Ningthoukhong B.O. As per the documentary evidences, submitted along-with my application, I fulfill all the eligibility criteria prescribed for the post of GDSBPM. I am a permanent resident of Post village and I also own landed property in my own name. I also have adequate means of livelihood as a cultivator from agricultural land owned on my own name. But, unfortunately my candidature has not been considered for the appointment of GDSBPM on regular basis at Ningthoukhong B.O although I fulfill all the eligibility criteria prescribed in the recruitment rules.

In the mean time, it is reliably learnt that Shri Solbam Sunder Singh of Naranseina village has been appointed as Gramin Dak Sevak Branch Post Master at Ningthoukhong B.O under your order of appointment No.A-1/P.17 Ningthoukhong BO dated 01 Oct 04.

It is reported for your kind information that the said Shri Solbam Sunder Singh is a resident of Naranseina village and he has not taken up residence in Ningthoukhong village, which is the post village for Ningthoukhong EDBO. But, Naranseina village has one EDBO namely Naranseina EDBO, which is under Moirang S.O. So, appointment of the said Shri Solbam Sunder Singh as BPM at Ningthoukhong B.O is irregular as because the Gramin Dak Sevak (Conduct & Employment) Rules 2001 specifically provide that 'Residence in post village/in the delivery jurisdiction of the post office before appointment shall be mandatory for a Sevak'.

I therefore request your good office to look into the matter and take immediate action for termination of irregular appointment as well as to appoint an eligible candidate as GDSBPM-Ningthoukhong BO without any delay. I also most fervently request your good office to consider my candidature for the post in accordance with eligibility criteria prescribed in the recruitment rules; and I assure that in case of my selection to the post, I shall render my whole-hearted service to the department.

Dated : 13.10.2004

Place : Ningthoukhong

Yours Faithfully,

R.K. Binay Singh
(Raj Kumar Binay Singh)

Ward No.8,

VIII & BPO - Ningthoukhong,
PO : Bishenpur S.O
(Moirang State)

Certified to be true Copy

Advocate

A. N. Singh
A. N. Singh
Ningthoukhong Awarang