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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. OA 157/2005

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SECTION OFFICER (Judl.)

(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDERSHEET

Original Application No. 157/05

Misc. Petition No. _____

Contempt petition No. _____

Review Application No. _____

Applicant(s) S. Ghanemou Singh

Respondents U.O.I. Govt

Advocate(s) for the Applicant(s) U.K. Nair, B.K. Talukdar, B. Sarma
Arun C, Mrs. B. Chakraborty

Advocate(s) for the Respondents case

Notes of the Registry	Date	Order of the Tribunal
<p>Application is on file/C.F. No. 10/ deposited vide P. No. <u>116288880</u> Dated <u>11.6.05</u></p> <p><u>Mem</u> Dy. Registrar</p> <p><u>Steps not taken</u></p> <p><u>Steps taken</u></p> <p><u>6 on 6/7/05.</u></p> <p><u>Notice & order sent to D/section for issuing to resp. Nos. 1, 2 & 3 by regd. A/D post.</u></p> <p><u>8/7. D/No = 1112 to 1114</u></p> <p><u>DT = 12/7/05.</u></p> <p><u>Notice duly served on resp. Nos. 3.</u></p>	<p>01.07.2005</p> <p>mb</p> <p>3.8.2005</p> <p>mb</p>	<p>Heard Mr. U.K. Nair, learned counsel for the applicant and also Ms. U. Das, learned Addl. C.G.S.C. for the respondents.</p> <p>Issue notice to the respondents to show cause as to why this application shall not be admitted.</p> <p>Post on 3.8.2005.</p> <p><u>V. Vargha</u> Vice-Chairman</p> <p>Mr. U.K. Nair, learned counsel for the applicant is present. Ms. U. Das, learned Addl. C.G.S.C. for the respondents seeks further time to file written statement. Post on 2.9.2005.</p> <p><u>Member</u> Member</p> <p><u>V. Vargha</u> Vice-Chairman</p>

(2)

O.A. 157 of 2005

① Notice duly served
on R.No 3, other
respondents are still
awaited.

2.9.05

Mr.M.U.Ahmed, learned Addl.
C.G.S.C. on behalf of Ms.U.Das learned
Addl.C.G.S.C seeks for time.

Post the matter on 3.10.05.

[Signature]
Vice-Chairman

② No. reply has been
filed.

lm

[Signature]
2.8.05

~~3.10.05~~

~~post the matter on 3.10.05.~~

1-9-05
no W/S filed.

~~Member~~

~~Vice-Chairman~~

lm

3.10.05.

Mr.U.K.Nair learned counsel for
the applicant is represented by Mr.S.
Nath. Ms.U.Das learned Addl.C.G.S.C.
seeks some more time for filing written
statement.

Post the matter on 8.11.05.

[Signature]
Member

[Signature]
Vice-Chairman

7-11-05
No. W/S has been
filed.

8.11.2005

Mr. B. Sarma, learned counsel
for the applicant is present. Ms. U.
Das, learned Addl. C.G.S.C. for the
respondents seeks some more time to
file written statement. Post on
14.12.2005.

[Signature]
Vice-Chairman

13-12-05

No. written statement
has been filed.

mb

14.12.2005

Mr. B. Sarma, learned counsel
for the applicant is present. Ms. U.
Das, learned Addl. C.G.S.C. for the
respondents seeks further time. Post
on 18.1.2006.

[Signature]
Vice-Chairman

17-1-06

No. W/S has been
filed.

mb

[Signature]
No W/S has been filed.

18.01.2006 Present : Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

When the matter came up for hearing counsel for the respondents submits that written statement is being filed today. The applicant is given liberty to file rejoinder, if any. Post on 03.02.2006.

Vice-Chairman

20.1.06

W/s filed by

The Respondents

As

2-2-06

03.02.2006

At the request of counsel for the applicant let the case be posted on 2.3.2006.

Vice-Chairman

① W/s has been filed.

② No Rejoinder has been filed.

2.3.2006

The issue involved in this case is that the applicant, who was working under the respondents as GDS for some years, pursuant to employment notification Annexure-4 inviting application from eligible GDS for the post of Postal Assistant, applied for the post. The required age for the unreserved candidates OBC candidates and for other categories had been specified therein. Having fulfilled all the conditions he participated in the recruitment test. On being found fittest amongst the selected candidates he was appointed in the post of postal Assistant. But the respondent on finding that the appointment was irregularly made since the post was declared for OC and the applicant was a reserved and OBC candidate was appointed relaxing his age issued show cause notice and finally terminated the service of the applicant. Hence this O.A.

No Rejoinder has been filed.

As

Contd.

2.3.2006

Heard Mr.B.Sarma, learned counsel for the applicant. Considering the larger issue involved in this case, the O.A. is admitted. Ms.U.Das, learned Addl.C.G.S.C. submits that written statement has been filed. Respondents are at liberty to file additional written statement, if any. Applicant will also file rejoinder, if any. Post on 19.4.06.

In the meantime respondents are directed to produce the selection file in the next date. Copy of the order shall be ~~exam~~ furnished to the Addl. C.G.S.C.

Vice-Chairman

bb

25.4.06.

Rejoinder has not been filed by the applicant. Ms. U.Das learned Addl. C.G.S.C. has prayed for 15 days time to file produce the selection file. Post the matter on 18.5.06.

Vice-Chairman

18.05.2006

At the request of learned counsel for the respondents post on 24.05.2006.

Vice-Chairman

mb

24.05.2006

When the matter came up for hearing, Ms. U. Das, learned Addl. C.G.S.C. for the respondents submitted that she has received the records pertaining to the selection as directed by this Hon'ble Tribunal and she will produce at the time of hearing. Mr. B. Sarma, learned counsel for the applicant submits that the O.M. dated 01.07.98 which is mentioned in the written statement has not produced. The respondents are at liberty

Copy of the order
is one to the C.G.S.C.

2/3/06

Recd 6/3/06
Addl C.G.S.C.

Recd 6/3/06
Addl C.G.S.C.

24-4-06

- ① Wks has been filed
② No Rejoinder has been filed.

lm

17-5-06

No Rejoinder has been filed.

No Rejoinder has been filed.

23-5-06

22.09.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Judgment pronounced in open Court, kept in separate sheets. The Application is allowed in terms of the order passed in separate sheets. No order as to costs.

Received
Mhe Das.
Adell Chsc
26/9/06

Vice-Chairman

mb

2/11/06
Copy of the order
has been sent to
the office for
issuing the rule to
the applicant by post
sh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

157 of 2005

O.A. No.

DATE OF DECISION 22.09.2006

Shri Ghaneswar Singh

Applicant/s

Mr B.Sarma.

Advocate for the
Applicant/s.

- Versus -

- Union of India & Others

Respondent/s


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

Advocate for the
Respondents

CORAM

THE HON'BLE MR K.V. SACHIDANANDAN, VICE CHAIRMAN.
THE HON'BLE MR GAUTAM RAY, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers
may be allowed to see the Judgment ? ☒ Yes/No
2. Whether to be referred to the Reporter or not ? ☒ Yes/No
3. Whether to be forwarded for including in the Digest
Being complied at Jodhpur Bench ? ☒ Yes/No
4. Whether their Lordships wish to see the fair copy
of the Judgment ? ☒ Yes/No


Vice-Chairman (J)/Member(A)

✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 157 of 2005.

Date of Order : This the 22nd day of September 2006.

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

The Hon'ble Sri Gautam Ray, Administrative member.

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

...Applicant

By Advocate Mr B.Sarma

- Versus -

1. Union of India,
Represented by the Chief Post Master General,
North Eastern Circle,
Shillong-793001.
2. The Post Master General,
North Eastern Circle,
Shillong-793001.
3. The Director of Postal Services,
Manipur, Imphal - 795 001.

...Respondents

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

ORDER

K.V.SACHIDANANDAN (V.C)

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

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

|

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

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

3. We have heard Mr B.Sarma, learned counsel for the applicant and Miss Usha Das, learned Addl. C.G.S.C for the respondents. The learned counsel for the applicant submitted that the applicant was selected after a due process of selection. In the notification also it is stipulated that age of the applicant in the reserved category of OBC is 38 years and his application alongwith other applications were scrutinized and selection process was done on that basis and the termination order has been passed without any rhyme or reason. Therefore the said order may be set aside. Learned counsel for the respondents on the other hand persuasively argued that the applicant cannot take advantage of the relaxation of age for a post which is meant for unreserved category. He was over aged and the selection made by mistake which was rectified through the termination order and O.A be dismissed.

4. We have given due consideration to the arguments, pleadings and evidence placed on record. Admittedly the applicant was a GDS right from 1994. In response to an employment notice inviting applications from eligible candidates for filling up of one vacant post of Postal Assistant the applicant was a candidate. The eligibility criteria as prescribed in the employment notice runs thus :

- a. They should pas the minimum educational qualification of 10+2 standard or equivalent from a recognized Board/University.
- b. They should have a minimum continuous service of 3(three) years as on 10.02.2003.
- c. They should be within 35 years of age (40-forty years for SC/ST and 38-thirty eight years for OBC.)"

He has fulfilled the required eligibility criteria for the said post. The contentions of the respondents is that the relaxation of age admissible to OBC candidate is not permissible in the instant case according to the Ministry of Personnel, PG& Pensions, Department of Personnel & Training O.M dated 1.7.98 and therefore the Director of Postal Services,

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

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

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

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

The respondents would argue that reserved vacancies are to be filled up only by SC/ST candidates and not by candidate selected through merit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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


(GAUTAM RAY)
ADMINISTRATIVE MEMBER


(K.V. SACHIDANANDAN)
VICE CHAIRMAN

THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh)

W.P.(C) NO. 941/2007

Central Administrative Tribunal
केन्द्रीय प्रशासनिक
881
01 NOV 2010
Guwahati Bench
गुवाहाटी न्यायालय

THE UNION OF INDIA & ORS.

.....

Petitioners

-VERSUS-

SHRI S. GHANESWAR SINGH

.....

Respondents

PRESENT

THE HON'BLE MR. JUSTICE RANJAN GOGOI

THE HON'BLE MR. JUSTICE B.P. KATAKEY

For the Petitioners

....

Mr. Hasibur Rahman

Assistant Solicitor General of India

For the Respondents

....

Date of Order

....

25-08-2010

:: ORDER ::

The writ petitioners who are the Postmaster General, North Eastern Circle and the Director of Postal Services have failed to serve notices on the respondent from the year 2007. In fact, from the year 2009 the writ petitioners have not taken fresh steps for service of notice despite orders of the Court and grant of several opportunities.

In the above circumstances, the Court is of the view ^{that} ~~that~~ the writ petition ought not to be kept pending any further. It is accordingly dismissed for the above stated reasons.

Sd/- B.P. KATAKEY
JUDGE

Sd/- RANJAN GOGOI
JUDGE

Memo No.HC.XXI

22,598 — 601

R.M.Dtd

28/10/2010

Copy forwarded for information and necessary action to: -

1. The Union of India, represented by the Chief Post Master General, North Eastern Circle, Shillong-793001.
2. The Post Master General, North Eastern Circle, Shillong-793001.
3. The Director of Postal Services, Manipur, Imphal-795001.
4. The Section Officer, Central Administrative Tribunal, Guwahati Bench, Rajgarh Road, Bhangagarh, Guwahati-781005, Assam. He is requested to acknowledge the receipt of the following case records. This has a reference to his letter No. 16-3/02-JA/366 dtd. 14th May, 2007.

Encl.-

OA. No. 157 of 2005

Part 'A' file with original judgment and order sheets.

By order

[Signature]

Deputy Registrar
Gauhati High Court, Guwahati.

M. Ahmed
25/10/2010

Central Administrative Tribunal

20 JUN 2005

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLICATION NO: - 157 / 2005

Shri S Ghaneswar Singh

... Applicant

-Versus-

Union of India & ors

... Respondents

SYNOPSIS

That the instant application under section 19 of the Administrative Tribunals Act, 1985 is directed against the arbitrary, illegal and malafide action on the Respondents part in terminating the applicants service as the Postal Assistant in the Manipur Postal Division without any rhyme or reason thereby violating all the provisions of law laid down in the relevant service rules and also in clear violation of the principles of natural justice.

The applicant was appointed in the cadre of "Gramin Dak Sewaks" in the year 1994. The Director Postal Services, Manipur, vide an Employment Notice published in the local daily newspaper namely "Imphal Free Press" on 21.01.2003, invited application from eligible Gramin Dak Sewaks of Manipur Postal Division for filling up 1 (one) vacant post of Postal Assistant in the Manipur Postal Division. Having fulfilled all the requisite criteria's, the applicant

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participated in the " Recruitment Test " and was appointed against the post advertised vide the said notification dated: - 21.03.2003 on being found to be the fittest amongst the selected candidates. While he was discharging his duties as a Postal Assistant, the applicant was shocked and surprised to come across a show cause notice (Ann-A/15) asking him to show- cause as to why his services should not be terminated. The applicant preferred his reply and was waiting for a response from the respondents but, he was shocked and surprised to come across a letter dated: - 09.12.2003 (Ann- A/1) terminating his services. Immediately on receipt of the said order of termination, the applicant preferred a review petition against the said order of termination but the same was rejected on the flimsiest of grounds of the respondent no.1 being not the authority issuing the order of termination. The services of the applicant could not have been terminated in the manner it was done. The manner and method in which the service of the applicant was terminated is in clear violation of the provisions of Article 311 of the Constitution of India. Hence, this application, praying for appropriate orders/directions for redress of his genuine grievances.

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APPENDIX - A

[FORM - I]

[See Rule 4]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

ORIGINAL APPLICATION No: 157 of 2005.
APPLICATION UNDER SECTION-19 OF THE A.T ACT 1985

Shri S Ghaneswar Singh

..... Applicant.

- Versus -

Union of India & Others.

..... Respondents.

I N D E X

Sl No	Description of documents relied upon	ANNEXURE	Page number
1	Application		01-22
2	Copy of Director Postal Services, Manipur Memo No B-2/ P.F / S Ghaneshwar Singh dated 09.12.2003	ANNEXURE-A/1	23
3	Copy of Director Postal Services(HQ), Shillong Memo No Staff/118-14/2003(20) dated 1 st /2 nd December 2003	ANNEXURE-A/2	24
4	Copy of Chief Post Master General, N.E.Circle, Shillong letter No Staff/118-14/2003(20) dated 17.02.2004	ANNEXURE-A/3	25
5	Copy of 'Employment Notice' published on 21.01.2003 in the local daily newspaer	ANNEXURE-A/4	26
6	Copy of appointment order No.A-1/PF/EDMC/L.Kunja Dated 3.11.94	ANNEXURE-A/5	27
7	Copy of Pre-University Certificate issued by Manipur University dated 3 rd Aug 1987	ANNEXURE-A/6	28
8	Copy of HSLC-Certificate issued by the Board of Secondary Education, Manipur	ANNEXURE-A/7	29
9	Copy of OBC-Certificate issued by the Deputy Commissioner, Imphal West District (Manipur) certificate No.DC(IW)/OBC/IW/96 [Sl No.452 of 2005] dated 04 th Feb 2003	ANNEXURE-A/8	30
10	Copy of Director Postal Services Manipur Notice No.B-10/PA-DR/2001 dated 25.04.2003	ANNEXURE-A/9	31
11	Copy of Director Postal Services/Manipur Ltr No.B-10/ P.A-D.R/2001 dated 22.05.2003	ANNEXURE-A/10	32
12	Copy of Director Postal Services/Manipur letter No.B-7/ Induction Training/Corr dated 15.07.2003	ANNEXURE-A/11	33

13	Copy of Director, Postal Training Centre, Darbhanga Memo. No. H-1/TRG-Induction/Unified PA/SA Cadre/03-04 dated 29.09.2003	ANNEXURE-A/12	34
14	Copy of Director Postal Services, Manipur order No.B-2/P.F/S Ghaneshwor Singh dated 23.09.2003	ANNEXURE-A/13	35
15	Copy of joining report in the prescribed form [A.C.G-61] for assumption of charge of P.A-Imphal Head Post Office w.e.f 06.10.03 (F/N)	ANNEXURE-A/14	36
16	Copy of Show-Cause Notice vide Director Postal Services(HQ), N.E.Circle, Shillong letter No.Staff/118-14/2003(20) dated 24.9.2003	ANNEXURE-A/15	37
17	Copy of applicant's reply dated 9.10.2003	ANNEXURE-A/16	38-39
18	Review Petition of the applicant-dated 18.01.2004	ANNEXURE-A/17	40-48
19	Extract of Rule-5(2) of CCS (Temporary Service) Rules 1965	ANNEXURE-A/18	49
20	Applicant's representation dated 02.03.2004	ANNEXURE-A/19	50-51
21	Extract of G.I., Dept of Per & Trg O.M No.28034/6/2002-Estt(A) dated 11.01.2002	ANNEXURE-A/20	52
22	VAKALATNAMA		

Date : 20.6.2005

Place: Guwahati

S. Ghaneshwar Singh
Signature of the applicant

For use in Tribunal's office

Date of filing :

Or

Date of Receipt by post :

Registration No. :

Signature
For Registrar

21
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Filed by:- the Applicant
through → Brijesh Sharma
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 157- of 2005.

Shri S Ghaneswar Singh, Aged 38-years
S/o Shri S Komolo Singh,
Vill & BPO : Langthabal Kunja,
PO : Manipur University S.O
PIN: 795 003 (Manipur State)
Employed as : Gramin Dak Sevak Delivery Agent @
Gramin Dak Sevak Mail Carrier,
at
Langthabal Kunja Branch Post Office.

..... Applicant.

-Versus-

1. Union of India
[Represented by the Chief Post Master General
North Eastern Circle, Shillong - 793 001.]
2. The Post Master General,
North Eastern Circle, Shillong - 793001.
3. The Director Postal Services,
Manipur, Imphal - 795 001.

..... Respondents.

In the matter of:
Irregular 'Termination from service' and
Denial of the statutory opportunity of
'Review Petition' envisaged under Rule-5(2)
of CCS(Temporary Service)Rules 1965.

-AND-

In the matter of:
Non-disposal of applicant's representation
for alternative employment within the time
limit prescribed in Dept of Per & Trg., O.M
No.28034/6/2002-Estt.(A) dated 11-01-2002.

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

The application is made against the following arbitrary orders:

- (i) Irregular order of termination from service vide Director Postal Services, Manipur [Respondent No.3] Memo No B-2/P.F/S Ghaneshwar Singh dated 09.12.2003 read-with Director Postal Services(HQ), Shillong Memo No Staff/118-14/2003(20) dated 1st / 2nd December 2003;

- AND -

- (ii) Denial of the statutory opportunity of 'Review petition' envisaged under Rule-5(2) of CCS(Temporary Service) Rules 1965 vide Chief Post Master General, N.E.Circle, Shillong letter No Staff/118-14/2003(20) dated 17.02.2004.

- Copy of Director Postal Services, Manipur Memo No B-2/P.F / S Ghaneshwar Singh dated 09.12.2003 is attached as ANNEXURE-A/1.

- AND -

- Copy of Director Postal Services(HQ), Shillong Memo No Staff/118-14/2003(20) dated 1st/2nd December 2003 is attached as ANNEXURE-A/2.

- AND -

- Copy of Chief Post Master General, N.E.Circle, Shillong letter No Staff/118-14/2003(20) dated 17.02.2004 is attached as ANNEXURE-A/3.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject-matter of the order(s) against which the applicant wants redressal is within the jurisdiction of the Hon'ble Tribunal.

[Handwritten signature]

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 was recruited and appointed in the cadre of 'Gramin Dak Sevaks' [here-in-after called in short as 'GDS'] in the Department of Posts in Manipur Postal Division with effect from 1.11.1994; and, had been working as Gramin Dak Sevak Delivery Agent @ Gramin Dak Sevak Mail Carrier [here-in-after called in short as 'GDSDA @ GDSMC'] at Langthabal Kunja Branch Post Office without any break/interruption in service.

4.2. The Director Postal Services, Manipur, vide an Employment Notice published in the local daily newspaper namely 'Imphal Free Press' on 21.01.2003, invited application from eligible GDS-staff of Manipur Postal Division for filling up 1(One) vacant post of Postal Assistant in Manipur Postal Division. As per the said 'Employment Notice', the eligibility criteria of GDS-Staff for applying for the post was as under:

- (a) The GDS-Staff should have passed the minimum Educational qualification of 10+2 standard or equivalent from a recognized Board/ University;
- (b) The GDS-Staff should have completed a minimum continuous service of 3(Three) years as on 10.02.2003 [ie. as on the Last Date fixed for receipt of applications]
- (c) The GDS-Staff should be within 35-years of age for general category candidates; 40-years of age for SC/ST category candidates; and 38-years of age for OBC-category candidates.

- Copy of 'Employment Notice' published on 21.01.2003 in the local daily newspaper 'Imphal Free Press' by the Respondent No.3 is attached as ANNEXURE-A/4.

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4.3. The applicant fulfilled all the eligibility criteria given in the said 'Employment Notice' as submitted below:

- (i) The applicant passed pre-university Examination in Science [ie. P.U(Sc)] which is equivalent to 10+2 standard from Manipur University in the year 1985; and the applicant is also a graduate from Manipur University, having passed a three year degree course in Botony in the year 1993. So, the applicant has possessed the minimum educational qualification of 10+2 standard or equivalent from a recognized university as on the last date of receipt of application [ie.10.02.2003]; and
- (ii) The applicant was appointed as GDS-Staff with effect from 1.11.1994 vide appointment order No.A-1/PF/EDMC/L.Kunja dated 3.11.1994. So, the applicant had completed 3(Three) years of continuous service as on the last date of receipt of application [ie.10.02.2003]; and also
- (iii) The applicant's date of birth as per the HSLC-certificate No.045974 dated 15th October 1982 issued by the Board of Secondary Education, Manipur is 1st January 1967; and the applicant belongs to OBC-category as per the OBC-Certificate issued by the Deputy Commissioner, Imphal West District (Manipur) certificate No.DC(IW)/OBC/IW/96 [Sl No.452 of 2005] dated 04th Feb 2003. The applicant was, therefore, only 36-years 01-month and 10-days as on the last date of receipt of application [ie. 10.02.2003]. So, the applicant was, within the prescribed 38-years of age as on the last date of receipt of application as stipulated in the 'Employment Notice' published by the above Respondent No.3.

- Copy of appointment order No.A-1/PF/EDMC/L.Kunja Dated 3.11.94 is attached as ANNEXURE-A/5.

- AND -

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- Copy of Pre-University Certificate issued by Manipur University dated 3rd Aug 1987 is attached as ANNEXURE-A/6.

- AND -

- Copy of HSLC-Certificate issued by the Board of Secondary Education, Manipur is attached as ANNEXUE-A/7

- AND -

- Copy of OBC-Certificate issued by the Deputy Commissioner, Imphal West District (Manipur) certificate No.DC(IW)/OBC/IW/96 [SI No.452 of 2005] dated 04th Feb 2003 is attached as ANNEXURE-A/8.

4.4. The applicant, having been found to have fulfilled all the eligibility criteria prescribed in the Employment Notice attached as ANNEXURE-A/4 and also having submitted the application within the prescribed time limit [ie. before 10.02.2003], was selected to the post of Postal Assistant in Manipur Postal Division after going through the rigorous selection process consisting of Written Aptitude Test, Typing Test, Computer Test and Oral Interview. The selection of the applicant was declared vide Director Postal Services, Manipur Notice No.B-10/PA-DR/2001 dated 25.04.2003.

It is submitted for the kind information of the Hon'ble Tribunal that the recruitment to the post of Postal Assistant is done on merit on the basis of aggregate marks secured by the candidates in the following five components:

- 40-Marks [ie. 40% weightage] for the percentage of marks secured in the Educational Qualification;
 - 5-Marks for Proficiency in Typing;
 - 5-Marks for Knowledge in Computer Data Entry Operation;
 - 30-Marks for Written Aptitude Test; and
 - 20-Marks for Interview.
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It is also submitted for the kind information of the Hon'ble Tribunal that a Committee comprising of the following high-level officers conducted the interview, in the month of April/2003:

- A. Shri.R.K.B.Singh, Director Postal Services, Manipur, Imphal;
- B. Shri.I.Pangernungsang, Director Postal Services, Mizoram, Aizawl; and
- C. Shri.Joseph Lalrinsailova, Sr Supdt of Post Offices, Meghalaya Division, Shillong.

It is also further submitted that the Interview Committee also went through all the relevant recruitment records including the application submitted by the applicant for the post, and only after the complete satisfaction of the Interview Committee regarding the eligibility of the applicant to participate in the recruitment, the applicant was interviewed and selected as Postal Assistant in Manipur Postal Division vide DPS/Manipur Notice No.B-10/PA-DR/ 2001 dated 25.04.2003.

- Copy of Director Postal Services Manipur Notice No.B-10/PA-DR/2001 dated 25.04.2003 is attached as ANNEXURE-A/9.

4.5. The applicant, thereafter, was ordered to undergo the prescribed pre-appointment training viz 15(Fifteen) days practical training at Imphal Head Post Office vide Director Postal Services/Manipur letter No.B-10/P.A-D.R/2001 dated 22.05.2003 and 70(Seventy) days theoretical training at Postal Training Centre, Darbhanga (Bihar) vide Director Postal Services/Manipur letter No.B-7/Induction Training/Corr dated 15.07.2003. After successful completion of the prescribed pre-appointment training, as certified by the Director, Postal Training Centre, Darbhanga Memo No H-1/TRG-Induction/Unified PA/SA Cadre/03-04 dated 29.09.2003, the applicant was ordered to join as Postal Assistant at Imphal Head Post Office [in short called as 'P.A-Imphal HO] vide Director Postal Services, Manipur order No.B-2/P.F/S Ghaneshwor Singh dated 23.09.2003. The applicant also joined as Postal Assistant at Imphal HPO with effect from 06.10.2003 (Fore-noon).



- Copy of Director Postal Services/Manipur Ltr No.B-10/ P.A-D.R/2001 dated 22.05.2003 as ANNEXURE-A/10.

- AND -

- Copy of Director Postal Services/Manipur letter No.B-7/ Induction Training/Corr dated 15.07.2003 as ANNEXURE-A/11.

- AND -

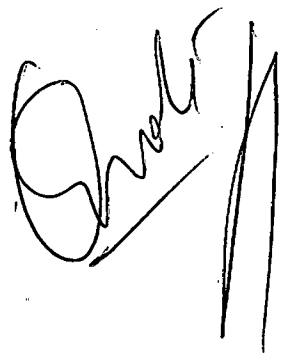
- Copy of Director, Postal Training Centre, Darbhanga Memo. No. H-1/TRG-Induction/Unified PA/SA Cadre/03-04 dated 29.09.2003 as ANNEXURE-A/12.

- AND -


- Copy of Director Postal Services, Manipur order No.B-2/P.F/S Ghaneshwar Singh dated 23.09.2003 as ANNEXURE-A/13.

- AND -

- Copy of joining report in the prescribed form [A.C.G-61] for assumption of charge of P.A-Imphal Head Post Office w.e.f 06.10.03 (F/N) is attached as ANNEXURE-A/14.



4.6. Thereafter, the applicant was served with a show cause notice vide Director Postal Services(HQ), N.E.Circle, Shillong letter No.Staff/118-14/2003(20) dated 24.9.2003, through which the applicant was asked to show cause as to why his selection as Postal Assistant, Manipur Division should not be terminated. In the said letter, it was also conveyed [in para-3] that it was decided to terminate the selection of Shri S Ghaneshwar Singh as P.A., Manipur Division. Thus, it is evident that, the show-cause notice dated 24.9.2003 was only an empty formality; and the Director Postal Services(HQ), N.E.Circle, Shillong had already decided to terminate the applicant from service well before issuing the show-cause notice dated 24.9.2003.

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- Copy of Show-Cause Notice vide Director Postal Services(HQ), N.E.Circle, Shillong letter No.Staff/118-14/2003(20) dated 24.9.2003 is attached as ANNEXURE-A/15.

4.7. The applicant replied to the show-cause notice vide representation dated 9.10.2003.


- Copy of applicant's reply dated 9.10.2003 is attached as ANNEXURE-A/16.

4.8. But without considering the facts that the selection of the applicant as Postal Assistant in Manipur Postal Division was made in accordance with the relevant recruitment rules and after satisfying that the applicant fulfilled all the eligibility criteria given the 'Employment Notice' published by the competent recruiting authority in the local daily newspaper dated 21.01.2003 [ANNEXURE-A/4], the services of the applicant were irregularly and arbitrarily been terminated vide Director Postal Services/Manipur Memo.No.B-2/P.F/S.Ghaneshwar Singh dated 9.12.2003 [ANNEXURE-A/1] read-with Director Postal Services(HQ), N.E.Circle, Shillong Memo.No.Staff/118-14/2003(20) dated 1st /2nd Dec 2003 [ANNEXURE-A/2].

4.9. The applicant thereafter submitted a review petition dated 18.01.2004 to the Chief Post Master General, N.E.Circle, Shillong under the provisions of Rule-5(2) of CCS(Temporary Service)Rules 1965. But, instead of disposing of the said review petition, the Chief Post Master General, N.E.Circle, Shillong intimated the applicant vide letter No.Staff/114-18/2003(20) dated 17.02.2004[ANNEXURE-A/3] that the review petition did not lie on the ground that the original action was not taken by the Director Postal Services/Manipur.

- Review Petition of the applicant-dated 18.01.2004 is attached as ANNEXURE-A/17.

- AND -

- Extract of Rule-5(2) of CCS(Temporary Service)Rules 1965 is attached as ANNEXURE-A/18.
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4.10. The applicant, thereafter, submitted a representation dated 02.03.2004 in which the applicant had prayed to the Chief Post Master General, N.E.Circle, Shillong that:

- (i) the applicant might be intimated the authority to whom a review petition or appeal lies against the termination order, if the Chief Post Master General, N.E.Circle, Shillong is not the competent authority to entertain the review petition dated 18.1.2004 submitted by the applicant; and
- (ii) the review petition dated 18.01.2004, submitted by the applicant, in the event of not being entertained under the provisions of Rule-5(2) of CCS(Temporary Service)Rules 1965, might be treated as a representation by a Government Employee under the provisions of G.I., Dept of Per & Trg O.M No.28034/6/2002-Estt(A) dated 11.01.2002 and disposed of under the provisions of the said O.M.

But, the Chief Post Master General, N.E.Circle, Shillong has not disposed of the review petition dated 18.01.2004, either under Rule-5(2) of CCS(Temporary Service)Rules 1965 or under G.I., Dept of Per & Trg O.M No.28034/6/2002-Estt(A) dated 11.01.2002, yet.

- Applicant's representation dated 02.03.2004 is attached as ANNEXURE-A/19.

- AND -

- Extract of G.I., Dept of Per & Trg O.M No.28034/6/2002-Estt(A) dated 11.01.2002 is attached as ANNEXURE-A/20.

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4.10. The applicant, therefore, has now approached the Hon'ble Tribunal for redressal of his genuine grievances and to get justice.


5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1. As per Rule-1(3)(i) of CCS(Temporary Service)Rules 1965, the Central Civil Services(Temporary Service) Rules 1965 is applicable to all persons-

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

In this instant case, the applicant was appointed to hold a civil post namely ‘Postal Assistant’ under Government of India in the Department of Posts in Manipur Postal Division. Therefore, the decision of the Chief Post Master General, N.E.Circle, Shillong to deny the statutory right, [ie. right to submit a ‘review petition’ against the order of termination under Rule-5(2) of the CCS(Temporary Service)Rules 1965] to the applicant vide ANNEXURE-A/3 is not only arbitrary and unconstitutional but totally illegal.

5.2. As per Rule-2 of CCS(T.S)Rules 1965, the Chief Post Master General, N.E.Circle, Shillong, who is a ‘Head of Department’ under the provisions of S.R.2(10) read-with D.G., P&T Letter No.7-46/83/Vig.II dated 26th March 1984, is competent to re-open the case on the representation of the applicant dated 18.1.2004 and pass such orders as necessary under the said rule. As evident from the Director Postal

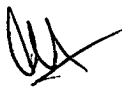


Services(HQ), N.E.Circle, Shillong Memo No.Staff/ 118-14/2003(20) dated 24.09.2003 [ANNEXURE-A/2], the decision to terminate the services of the applicant as Postal Assistant, Manipur Postal Division was taken as desired by the Post Master General, N.E.Circle, Shillong [in short called as 'PMG/Shillong']. Therefore, the applicant preferred the review petition to the Chief Post Master General, N.E.Circle, Shillong to whom the Post Master General/Shillong is also subordinate. But, the Chief Post Master General, N.E.Circle, Shillong failed to perform his statutory functions as a 'Head of Department' envisaged under Rule-5(2) of CCS(T.S)Rules 1965. Therefore, the decision of the Chief Post Master General, N.E.Circle, Shillong vide Letter No.Staff/118-14/2003(20) dated 17.02.2004 [ANNEXURE-A/3] to deny the statutory right, [ie. right to submit a 'review petition' against the order of termination under Rule-5(2) of the CCS(Temporary Service)Rules 1965] to the applicant is not only arbitrary and unconstitutional but totally illegal.

5.3. As per Rule-2(a) of CCS(T.S)Rules 1965, the definition of 'appointing authority' is as under-

'appointing authority' means, in relation to a specified post, the authority declared as such under the Central Civil Services(Classification, Control and Appeal) Rules, 1965;

As per the 'Schedule of appointing/disciplinary/appellate authorities in the Department of Posts' circulated vide letter No.Vig dated , the appointing authority for the post of Postal Assistant(Post Offices) in the Department of Posts is the 'Head of the Division'. The Head of Manipur Postal Division is the Director Postal Services, Manipur, and hence the



appointing authority for the applicant was 'Director Postal Services, Manipur, Imphal'.

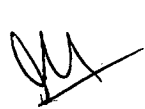
Further, as per Rule-5(1) of CCS(T.S)Rules 1965, the services of a temporary Government servant who is not in quasi-permanent service shall be liable to termination at any time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government Servant; and the period of such notice shall be one month. Hence, no other authority except the 'appointing authority' is empowered by rules to issue notice of termination to the Government servant. But in this instant case, the notice was issued vide Director Postal Services(HQ), N.E.Circle, Shillong Memo No.Staff/118-14/2003(20) dated 24.09.2003. Director Postal Services(HQ), N.E.Circle, Shillong was not the appointing authority for the post of 'Postal Assistant' in Manipur Postal Division. Therefore, the notice issued vide Director Postal Services(HQ), N.E.Circle, Shillong Memo No.Staff/118-14/2003(20) dated 24.09.2003 was ab-initio void for want of statutory authority. Hence, the order of termination vide Director Postal Services(HQ), Shillong Memo No Staff/118-14/2003(20) dated 1st / 2nd December 2003 followed by the notice dated 24.09.2003 is also totally illegal and unlawful.

5.4. The Chief Post Master General, N.E.Circle, Shillong, in the event of not entertaining the review petition of the applicant under Rule-5(2) of CCS(T.S)Rules 1965, must have treated the review petition dated 18.1.2004 as a representation from the Government employee under the provisions of G.I., Dept of Per & Trg O.M No.28034/6/2002-Estt(A) dated

11.01.2002; and must have disposed of with reply to all points raised therein within the time limit stipulated in the O.M dated 11.01.2002. But, the review petition of the applicant dated 18.1.2004 as well as the representation of the applicant dated 2nd Mar 2004 are lying pending with the Chief Post Master General, N.E.Circle, Shillong for more than 10(Ten) months. Thus, the action of the Chief Post Master General, N.E.Circle, Shillong to ignore the review petition of the applicant dated 18.1.2004 and representation of the applicant dated 02.03.2004 has violated the requirements of G.I., Dept of Per & Trg O.M No.28034/6/2002-Estt(A) dated 11.01.2002.

5.5. As per the above Respondents and the termination order issued vide Memo.No.B-2/P.F/S.Ghaneshwar Singh dated 9.12.2003, the termination of the services of the applicant was ordered on the ground that the selection of the applicant to the post was irregular. But, the facts in Para-4 above confirms that the selection of the applicant to the post was made in accordance with relevant recruitment rules on the basis of eligibility criteria published in the advertisement/ Employment Notice issued by the competent recruiting authority, attached as ANNEXURE-A/4. If the recruiting authority was responsible for not following G.I., Dept of Per & Trg., O.M No.35011/1/98-Estt(Res) dated 1.7.1998, then the applicant can not be penalized for the wrong done by the recruiting authority. Therefore, the action of the above Respondents to penalize the applicant for the wrongs if any done by the recruiting authority is not only irregular but totally against the principles of natural justice;

5.6 As per Memo.No.Staff/118-14/2003(20) dated 1st /2nd Dec 2003 (ANNEXURE-A/2), the DPC consisting of Director Postal Services/ Imphal, Director of Accounts(Postal) & Sr Supdt of Post Offices, Shillong as members selected an OBC candidate after relaxing the general eligibility criteria. But in this instant case, the applicant was selected by the Committee consisting of Director Postal Services/Imphal, Director



Postal Services/Mizoram and Sr Supdt Post Offices/Shillong and not by any committee in which the Director of Accounts(Postal) [in short called as 'DA(P)'] was a member. Since selection made by the committee consisting of the DPS/Imphal, DPS/Mizoram and SSPOs/Shillong as members can not be cancelled for something done by a committee which consisted DA(P) also as members, termination of the applicant is not only arbitrary but totally unwarranted;

5.7. The Recruitment to a post has to be made on the basis of terms and eligibility conditions given in the open advertisement made for the purpose. In this instant case, the advertisement dated 21.01.2003 (i.e. Employment Notice dated 21.01.2003 - ANNEXURE-A/4), clearly showed that the maximum age limit for SC/ST candidates is 40-Years and the maximum age limit for OBC-candidates is 38-years; and the applicant was only 36-Years 1-month and 10-days as on 10.02.2003. Since there is no provision in the recruitment rules or any other departmental rules to modify the eligibility conditions prescribed in the recruitment notification at a later state, the action of the Respondents to modify the eligibility criteria to the disadvantage of the applicant in a later date [ie. much after the recruitment and selection was over; and after the appointment of the applicant to the post] much after the completion of the selection and appointment was totally irregular against the principles of law and natural justice. Hence, the termination of the applicant vide Memo No.B-2/P.F/S.Ghaneshwar Singh dated 9.12.2003 (ANNEXURE-A/1) is totally against the principle of law as well as the principle of natural justice;

5.8. The Respondents have specifically stated and admitted in the first paragraph of the Memo No.Staff/118-14/2003(20) dated 1st/2nd Dec 2003 (ANNEXURE-A/2) that the DPS, Manipur Dn, Imphal ignored the prescribed procedure for selection. But, the Respondents have not at all explained in the said memo as to how the applicant was responsible for the wrong or irregularity committed by the DPS, Manipur Dn, Imphal. If the DPS, Manipur Dn, Imphal was responsible for irregular selection, then suitable action should be initiated against the DPS, Manipur Dn, Imphal for the irregularity committed by the said authority; and the principle of

law does not warrant that the applicant, who is innocent, should be punished for the foul-play done by the DPS, Manipur Dn. The authority decided to terminate the services of the applicant was also required to reply the following suppositions:

- i) If the irregularity in any selection is noticed after the retirement of the recruited officer, then 'Whether the pension admissible to the irregularly recruited officer who had already retired from service will be stopped?'
- ii) If the irregularity in any selection is noticed after the death of the irregularly recruited employee, then 'Whether the family pension admissible to family of the irregularly recruited deceased govt servant will be discontinued?'

If the reply to the above suppositions is negative that the pension or family pension, as the case may be, in the above suppositions cannot be discontinued, then there is no justification in the action of the Respondents to terminate the services of the applicant in the present case.

5.6. The applicant did not get himself selected to the post of Postal Assistant, Manipur Division by fraud, coercion, intimidation, duress, misrepresentation of facts or any other such illegal act. Therefore, there is no justification in the termination of the services of the applicant after appointment in the cadre, as because the selection of the applicant to the post of Postal Assistant, Manipur Postal Division was made after finding the applicant of having fulfilled all the eligibility criteria given in the 'Employment Notice' published in the local daily newspaper dated 21.01.2003 [ANNEXURE-A/4]. Hence, a serious injustice has been done to the applicant by the arbitrary termination order [ANNEXURE-A/1].

5.7. Neither the termination order dated 09.12.2003 [ANNEXURE-A/1] nor the Memo No.Staff/118-14/ 2003(20) dated 1st /2nd Dec 2003 [ANNEXURE-A/2] show that the applicant was responsible for any irregular act. The Respondents have also not shown any-where that the applicant was either responsible for wrongly including the age-relaxation criteria in the Employment Notice or responsible for the action of the selection committee to select him with relaxed standards. Therefore, the

action of the Respondents to terminate the services of the applicant, instead of initiating appropriate departmental action against the officers responsible for violating the government instructions in the recruitment, is not only irregular but meant to penalize the applicant for the fault of recruiting authority and the officers in the selection committee.

It is submitted for the kind information of the Hon'ble Tribunal that no action has been taken yet against any of the officers involved in the selection/recruitment process. This clearly shows that there was no wrong in the selection/recruitment of the applicant to the post of Postal Assistant in Manipur Postal Division. In case there was something wrong in the selection/recruitment, then certainly the officers responsible for the wrong must have been booked for their omission(s) and commission(s). But, in this instant case, only the service of the applicant has been terminated and no other action has yet been taken. This, vividly, shows that the service of the applicant has been terminated arbitrarily and illegally.


5.8. The termination order issued vide Memo.No.B-2/P.F/S.Ghaneshwar Singh dated 9.12.2003 (ANNEXURE-A/1) read-with Memo No Staff/118-14/2003(20) dated 1st /2nd Dec 2003 is not a termination-simpliciter prescribed in Rule-5(1) of CCS(Temporary Service)Rules 1965. The service rules, do not provide for termination of services of a holder of civil post other than by way of termination under Rule-5(1) of CCS(Temporary Service) Rules, 1965 or by imposing a penalty of compulsory retirement/removal/dismissal from service in accordance with the procedure laid down in Central Civil Services (Classification, Control and Appeal) Rules 1965. The applicant was neither given mandatory one month notice by the appointing authority nor one month pay and allowances in lieu of notice. Hence, the order of termination amounts to removal from service within the principles of law laid down by various legal forums including the Hon'ble Supreme Court of India. In this instant case, the termination of services of the applicant was not ordered on the basis of inadequacies in his probationary or for not having completed the satisfactory probation. It is also a well-settled principle of law that 'if the order of termination is not in innocuous terms

but attaches a stigma, a disciplinary proceedings is necessary for the termination even in the case of a temporary servant'. Hence, the termination of applicant's services for the faults of the Director Postal Services, Manipur Dn, Imphal or any other authority is not only arbitrary but totally unjustifiable in the eyes of law.

5.9. The applicant has no business to look into the powers and functions of the appointing authority or the recruiting authority or the selection committee. Therefore, action if any warranted against any irregularity committed by the appointing authority or the recruiting authority or the selection committee has to be directed against the authority concerned, and not against the innocent applicant. But, in this instant case, the applicant has been penalized for certain alleged irregularities committed by the Director Postal Services, Manipur Division, Imphal. Hence, the action of the Respondents is irregular and against the principle of law.

5.10. The department and the competent authorities in the department has no vested discretion to put the prestige and self-esteem of the low rung employees in such a way that one authority would select and appoint a person to a post after going through the formalities of selection, and another authority higher than the appointing authority would declare the selection and appoint as void for some fault which is not directly or even indirectly attributable to the selected person by putting the selected person at embarrassment and under greater mental agony. Such type of action is always arbitrary in the eyes of law. In this instant case, the above Respondents have victimized the applicant, with such proved arbitrariness. Hence, the action of the above Respondents to terminate the service of the applicant for his no fault is totally arbitrary and against the principles of law and justice.

5.11. It is not yet proved, in any departmental enquiry under CCS(CCA)Rules 1965, either against the appointing authority or the recruiting authority or the members of the selection committee that any or all of them, namely appointing authority or recruiting authority or the selection committee, was guilty of violating the recruitment procedure.



Hence, in the absence that none has been held guilty of any offence or irregularity and in the absence that no penalty has been inflicted upon any of the above authorities namely appointing authority, recruiting authority, selection committee, for any proved irregularity in the recruitment, it is not only premature to conclude that the selection of the applicant was irregular but it is totally against the well-settled principle of law that none can be penalized before proving the guilt/irregularity.

5.12. Neither the appointing authority nor the recruiting authority, nor also selection committee or any of the members of selection committee has admitted in explicit terms that he/they acted against the prescribed rules and instructions in the recruitment of the applicant to the post of Postal Assistant(PO) in Manipur Postal Division. Therefore, in the absence that none has yet been fixed responsible for any proved irregularity in the recruitment; and in the absence that no authority involved in the recruitment has voluntarily admitted any irregularity as ever happened, the termination of services of the applicant is totally against the principles of law and natural justice.

5.13. The applicant cannot be victimized for the fault, if any, committed by the appointing authority or the recruiting authority or the selection committee for the following reasons that:

- i) the applicant was appointed by the competent appointing authority;
- ii) the applicant was recruited by the competent recruiting authority; and
- iii) the applicant's candidature was recommended by the competent selection committee duly constituted by none else than Head of the Circle.

Therefore, the termination of services of the applicant is irregular, arbitrary and unlawful.



5.14. The power to terminate a temporary govt servant is a prerogative exclusively of the appointing authority. In the case of the applicant, the prescribed and competent appointing authority for the P.A-Cadre officials in Manipur Postal Division is the Director Postal Services, Manipur, Imphal. But, the decision to terminate the services of the applicant was taken by the authorities other than the prescribed appointing authority such as Post Master General, N.E.Circle, Shillong and the Director Postal Services(HQ), N.E.Circle, Shillong. Thus, the order of termination issued by the prescribed appointing authority, which was issued under a specific direction from the higher authorities, clearly shows that the termination of services of the applicant was not done under the exclusive powers and privilege of the prescribed appointing authority independently with due application of mind but has been done under direction from higher authorities. As the power of termination vested with the appointing authority is not a tool to please the wishes and personal whims of the higher authorities even if the conclusion arrived at by the higher authorities may be logically justified, termination under the orders of higher authorities is bad in law and in the interest of justice, in as much as that the power so exercised violates the principle of statutory provisions embodied in the CCS(Temporary Service)Rules 1965.

6. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant declares that he has availed of all the departmental remedies available to him under the relevant service rules as shown below:

- (i) The applicant submitted the review petition dated 18.01.2004[ANNEXURE-A/17] against the order of termination dated 09.12.2003[ANNEXURE-A/1]; but the petition is still lying pending with the Chief Post Master General, N.E.Circle, Shillong for more than 1(One) year.

dy

- (ii) The applicant submitted a representation dated 02.03.2004 against the order of the Chief Post Master General, N.E.Circle, Shillong dated 17.02.2004 [ANNEXURE-A/3]; and the said representation-dated 02.03.2004[ANNEXURE-A/19] is also still lying with the Chief Post Master General, N.E.Circle, Shillong-793001 for more than 11(Eleven) months.

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 that the Hon'ble Tribunal be pleased to issue:

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

- (v) Any other order/direction as the Hon'ble Tribunal may deem proper to render justice.

9. INTERIM ORDER, IF ANY PRAYED FOR:

Pending final decision on the application, the applicant seeks the following interim relief: -

The Respondents, especially Respondent No.1 viz: The Chief Post Master General, N.E.Circle, Shillong - 793 001, may kindly be directed to dispose of the applicant's review petition dated 18.01.2004 and the applicant's representation dated 02.03.2004 by speaking orders within such time limit as the Hon'ble Tribunal may fix.

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 388880
 Office of Issue : Imphal H.P.O
 Date of Issue : 11-06-2005
 Office of Payment : Guwahati

12. LIST OF ENCLOSURES:

1. Application along-with Index in Appendix-A
2. Annexure - ANNEXURE-A/1 to ANNEXURE-A/20
3. Indian Postal Order for Rs.50/- shown in Para-11 of the O.A.

VERIFICATION

I, Shri S Ghaneswar Singh, S/o Shri Komolo Singh, aged about 38 years employed as Gramin Dak Sevak Delivery Agent © Gramin Dak Sevak Mail Carrier at Langthabal Kunja Branch Post Office under Manipur University Sub Post Office in the Department of Posts in Manipur Postal Division; resident of Langthabal Kunja village in the Imphal West District of Manipur State, 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

S. Ghaneswar Singh
Signature of the applicant

To

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

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Annexure - A/1

23

9/

DEPTT OF POSTS:INDIA

OFFICE OF THE DIRECTOR POSTAL SERVICES:MANIPUR:IMPHAL: 795001

Memo No:-B-2/P.F./S.Ghaneshwar Singh

Dated 9.12.2003.

In pursuance of C.O.Shillong Memo No Staff/118-14/2003(20) dtd/2.12.2003 and having fully satisfied with the reasoning given therein, I Sri Lalhluna Director Postal Services, Manipur Imphal do hereby order that the services of Sri S.Ghaneshwar Singh as Postal Assistant(P.O) Manipur Postal Division are terminated with immediate effect.

The Termination of the services of the said Sri S.Ghaneshwar Singh as Postal Assistant(P.O) Manipur Postal Division is Ordered on the ground that the recruitment of the said Sri S.Ghaneshwar Singh to the Post of Postal Assistant(P.O) Manipur Postal Division was irregular as explained in the C.O. Memo dtd 2.12.2003 cited above.

The said Sri S.Ghaneshwar Singh had been working as GDS in Longthabal Kunja EDBO in A/C with Manipur University S.O. prior to his recruitment to the Post of Postal Assistant (P.O) Manipur Postal Division. Hence, it is further ordered that the said Sri S.Ghaneshwar Singh, on being terminated from the irregular appointment of Postal Assistant(PO), Manipur Postal Division, will join in his previous assignment as GDS in Longthabal Kunja EDBO on account with Manipur University S.O.

The copy of C.O Memo.No.Staff/118-14/2003(20) dated 1/2-12-2003 containing the reason for termination is attached herewith for ready reference. It is further ordered that the C.O's Memo dated 1/2-12-2003 be read-with the present order, and it is categorically stated that the present order is issued after considering all the aspects of the case.

(Lalhluna)
Director Postal Services,
Manipur, Imphal - 795 001.

cc to:

Sri S.Ghaneshwar Singh, Postal Assistant(PO), Manipur Division (Now : P.A., Imphal HO).

The Chief Postmaster General(Staff), N.E.Circle, Shillong - 793001 for information. This refers to C.O/Shillong Memo No.Staff/118-14/2003(20) dated 1/2-12-2003.

The Postmaster, Imphal HO for information and necessary action. The date of relief of the official (terminated official) may be intimated so as to reach this office by return post.

CC: Manipal 2nd Sub Div 2nd Sub Div Imphal for information & N/A.

Certified to be true Copy

Advocate

(Lalhluna)
Director Postal Services,
Manipur, Imphal - 795 001

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL N.E. CIRCLE: SHILLONG-793 001.

Memo No.Staff/118-14/2003(20)

Dated at Shillong, the 1st December' 2003
2nd

The case in brief is one Sri S. Ghaneshwar Singh was selected as PA(PO), Manipur Division, Imphal ignoring the prescribed procedures for selection of PAs set by the department by the DPS, Manipur Dn., Imphal.

Review of the case by the competent authority shows that Sri S. Ghaneshwar Singh, GDS DA, Langthabal Kunja EDBO and an OBC candidate was recruited against a vacancy in PA(PO) cadre declared for OC, in order of merit and with relaxation of age admissible to an OBC candidate which is permissible in the instant case according to the Ministry of personnel, PG & Pensions, Deptt of Personnel & Trg. OM No.35011/1/98-Esu(Res) dtd.1-7-1998 circulated under Dte's letter No.137-2/99-SPT dtd.29-1-1999. In view of the facts stated above the selection was evidently irregular & it was decided to terminate the appointment of Sri S. Ghaneshwar Singh as PA, Manipur Dn.

Following the principles of natural justice, Sri S. Ghaneshwar Singh was given an opportunity to explain his point of view, in the form of a show cause notice as to why his selection as PA(PO), Manipur Dn. should not be terminated under C.O. Shillong No.Staff/118-14/2003(20) dtd.21-10-2003. In his reply to the notice, which was received in the C.O. on 15-10-2003, Sri S. Ghaneshwar Singh has stated that he was initially appointed as GDS DA, Langthabal Kunja EDBO and worked as such till 25-5-2003 when he was appointed as PA(PO), Manipur Dn. That he had applied for the unreserved post of PA(PO), Manipur Dn. in response to the notification calling applications from eligible GDS Staff, Manipur Dn. for the post showing age relaxation of 40 yrs. for SC/ST and 38 yrs. for OBC and was selected by the DPC after necessary formalities like written test, Type Test Computer test and viva-voce and requested for continuance in the post of PA(PO), Manipur Dn.

After giving careful consideration to his submissions, it was found that the above facts do not in any measure change the position that in the present case DPC consisting of DPS, Imphal, D.A.(P) & SSP as members has selected an OBC candidate after relaxing the general eligibility criteria for a PA(PO) vacancy earmarked as OC/UR.

Accordingly, the competent authority has ordered the termination of appointment of Sri S. Ghaneshwar Singh, irregularly appointed as PA(PO), Manipur Dn., with immediate effect and revert him to his original post of GDS DA after termination of his irregular appointment as PA(PO), Manipur Dn.

sd

(LALILUNA)

Director of Postal Services(HQ)
O/O the C.P.M.G., N. E. Circle,
Shillong.

Copy for information & necessary action to:-

(1) The DPS, Manipur Dn., Imphal. He is requested to cause to deliver the letter to the addressee under receipt and implement the order. He will also please inform the delivery particulars and compliance of implementation of the order for information of the CPMG.

(2) Sri S. Ghaneshwar Singh.

Director of Postal Services(HQ)
O/O the C.P.M.G., N. E. Circle,
Shillong.

Certified to be true Copy



Advocate

पत्र व्यवहार-22

Corr 22

भारतीय डाक विभाग

DEPARTMENT OF POSTS, INDIA

प्रेषक

From

Chief Postmaster General
N. E. Circle, Shillong.

क्रम संख्या

No. Staff/118-14/2003(20)

सेवा में

Ref To Shri S. Lhaneshwor Singh
PA Manipur (Since terminated)

दिनांक Now GDS SA (C) GDS MC

Dated at Lengthabal Kunga F.S.B.CO
W. Manipur University, S.O.विषय
Subject

Filed at Shilling the 17-2-2004.

Subj- Review Petition under Rule - 5 (2) of C.C.S (Temporary Service) Rules 1965.

Ref. Your letter dated 18.1.2004.

I am directed to refer to the letter cited above and to inform that review petition does not lie, since original action was not taken by the SPS Manipur.

(B. R. Halder)
Asstt Director (Staff)
Of the Chief Postmaster General
N. E. Circle, Shillong.

Verified to be true Copy

Advocate

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EMPLOYMENT NOTICE

1. Applications in the prescribed proforma are invited from Indians nationals for 1 (one) post of Postal Assistant for Savings Bank Control Organisation (SBCO), Department of Posts, India, N.E. Circle, Shillong. Application form duly filled in English should be addressed to the Chief Postmaster General, N.E. Circle, Shillong - 793 001. The Cover containing the application should be super scribed with "APPLICATION FOR POSTAL RECRUITMENT OF POSTAL ASSISTANT (SBCO) 2003".

Age Limit : Between 18 to 25 years as on 31-01-2003. Upper age limit is relaxable for SC/ST by 5 years and OBC by 3 years.

Educational Qualification : Minimum educational qualification is 10+2 or 12th Class pass for a recognised University or Board of School Education or Board of Secondary Education with English as a compulsory subject (excluding vocational stream). Type writing and Computer knowledge are added benefit to the candidate.

Admission of candidate for test: 5 (five) candidates will be short-listed based on the marks obtained (40%) and knowledge of English (5) and Typing (5).

Instruction and attention to the candidates:

a. The candidates should have registered their names with the Employment Exchange which should be current on the date of application.

b. Last date of receipt of application form is 31-01-2003. Detailed information and prescribed sample application form can be had from the office of the Director Postal Services, Manipur, Imphal.

2. Applications are invited from eligible GDS staff of Manipur Division for 1 (one) post of Postal Assistant in the vacancy of un-reserved.

ELIGIBILITY CRITERIA

a. They should pass the minimum Educational qualification of 10+2 standard or equivalent from a recognised Board/University.

b. They should have a minimum continuous service of 3 (three) years as on 10-02-2003.

c. They should be within 35 years of age (40-forty years for SC/ST and 38-thirty eight years for OBC).

Last date of receipt of application form is 10-02-2003. Detailed information and proforma of application form can be had from either the Director, Imphal H.O. or concerned SPMs.

Sd/-

DIRECTOR

Postal Services, Manipur

JPM/3-018-21

"INFORMATION" FOR ALL OUR ESTEEM CUSTOMERS

Because of Renovation work in our shop. We have shifted to
"Opposite BLUE BELL Lane Beside Kastur Building
Thangal Bazar Imphal. Please Visit us here at."

BRIGHTWAYS

The School Uniform People

Opposite BLUE BELL, Thangal Bazar Lane
Beside Kastur Building, Imphal

Because of limitation we don't have any branch at Imphal

JPM/3-018-21 Copy

Advocate

ORDER OF APPOINTMENT

1. Name of the Officer: Shri S. Ganeswar Singh Date of Appointment: 1-11-84 (F/N)

2. The S. Ganeswar Singh of Lanjwala is hereby appointed as Assistant Engineer in Public Works Department of Lanjwala from 1-11-84 (F/N) to 1-11-85 on a probationary basis. He shall be paid back allowance as per the scale of pay and allowance of the Public Works Department of Lanjwala from 1-11-84 to 1-11-85. The S. Ganeswar Singh is clearly understand that the appointment is on a probationary basis and he shall be liable to be dismissed at any time if he is found unsatisfactory in his conduct or in his work or if he is found to be incapable of discharging his duties imposed on him by the P.W.D. (Lanjwala) from 1-11-84 as under the scale of pay and allowance of the Public Works Department of Lanjwala.

3. The S. Ganeswar Singh is hereby appointed as Assistant Engineer in Public Works Department of Lanjwala from 1-11-84 to 1-11-85 on a probationary basis. He shall be paid back allowance as per the scale of pay and allowance of the Public Works Department of Lanjwala from 1-11-84 to 1-11-85. The S. Ganeswar Singh is clearly understand that the appointment is on a probationary basis and he shall be liable to be dismissed at any time if he is found unsatisfactory in his conduct or in his work or if he is found to be incapable of discharging his duties imposed on him by the P.W.D. (Lanjwala) from 1-11-84 as under the scale of pay and allowance of the Public Works Department of Lanjwala.

Manipur University

PRE-UNIVERSITY EXAMINATION

1986

(TWO-YEAR COURSE)

I certify that Sagolsam Ghaneswar Singh
of Manipur College, Roll No. 2808
duly passed the Pre-University Examination in Science of this
University held in the year 1986 and was placed in the
Second Division.



Imphal

The 3rd Aug 1986

Attested

[Signature]

6/8/1986

Assistant Registrar (Admin)
Manipur University

[Signature]
Registrar

[Signature]
Certified to be true Copy

[Signature]
introduction

No 045974

Board of Secondary Education, Manipal

HIGH SCHOOL LEAVING CERTIFICATE

I Certify that

Gagolsem Ghanswar Singh

Roll No. 9795 duly passed the High School

Leaving Certificate Examination, 1982 of this Board

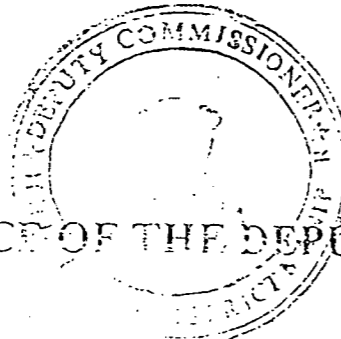
and was placed in the Second Division.

His date of birth is the 1st January

One thousand nine hundred and sixty seven

The 15th October 1982

Secretary



Sl. No. 452..... of 2005

NO/DC(IW)/ OBC/IW/96
GOVERNMENT OF MANIPUR
OFFICE OF THE DEPUTY COMMISSIONER : IMPHAL WEST DISTRICT, MANIPUR

OBC CERTIFICATE

This is to certify that Shri/Kumari Sagolsen Ghaneshwar Singh
S/o, D/o S. Komolo Singh of Langthabal Kunaja

District Imphal West in the Manipur State belong to the Meitei Community which is recognised as a Backward Class under :

- Resolution No. 12011/68/93-BCC (c) dated the 10th September, 1993, published in the Gazette of India Extraordinary Part-I, Section 1, No. 186 dated 13th September, 1993
- Resolution No. 12011/9/94-BCC dated 19th October, 1994, published in the Gazette of India Extraordinary Part-I, Section 1, No. 163, dated 20th October, 1994.
- Resolution No. 12011/7/95-BCC dated 24th May, 1995, published in the Gazette of India Extraordinary Part-I, Section 1, No. 82, dated 26th May, 1995.
- Resolution No. 12011/4/96-BCC dated the 6th December, 1996, published in the Gazette of India Extraordinary Part-I, Section 1, No. 201 dated 11th December, 1996.

Shri/Kumari Sagolsen Ghaneshwar Singh and/or his/her family
ordinarily reside (s) in the Imphal West District of the Manipur State. This is also to certify that he/she does not belong to the
persons/sections (Creamy Layer) mentioned in column 3 of the scheduled to the Government of India, Department of Personnel
& Training, Office Memorandum No. 36012/22/93-Estt. (STG) dated 08-09-1993.

Attested
Assistant Registrar
Manipur University

(V. Thankishore Singh)
Deputy Commissioner
Imphal West District, Manipur.

Imphal 4th Feb 2003
Verified to be true copy

Advocate

Annexure - A/9

5 31

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

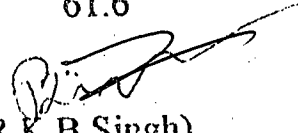
No. B-10/PA-DR/2001

Dated 25.04.2003

NOTICE

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

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


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

Copy to:

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

Certified to be true Copy


Advocate

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

No. B-10/P.A.-DR/2001

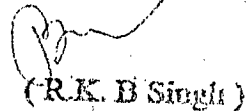
22.05.2003

To

✓ Shri S. Ghaneshor Singh
GDS-DA, Langthabal Kunja
P.O.- Manipur University S.O.

Sub:- Practical training to the cadre of Postal Assistant.

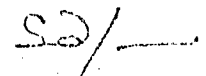
You have been selected to the cadre of P.A. of Manipur Division vide this office Memo No. B-10/P.A.-DR/2001 dated 25.04.2003 and you are, therefore, directed to undergo 15 (fifteen) days practical training at Imphal H.O. .


(R.K. B Singh)

Director Postal Services
Manipur: Imphal-795001

Copy to:

1. The Chief PMG, N.E. Circle, Shillong -793001 for information.
2. The Postmaster, Imphal H.O. for information and necessary action. She will please submit a completion report of practical training. During the practical training period the candidate shall not be utilised independently.
3. B-2/Training/Pt.-IV.
4. The official concerned.
5. P/F of the official.
6. O/C & Spate.


(R.K. B Singh)

Director Postal Services
Manipur: Imphal-795001

Certified to be true

Advocate

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

Isr. B-7/Induction Training/Corr.

dated 15.07.2003.

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

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

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

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

Copy to:

1. The Chief PMG (Staff), N.E. Circle, Shillong-793001 for information w.r.t. his letter No. Staff/146/6/2002 dated 14.07.2003.
2. The Director, P.T.C., Darbhanga-846005 (Bihar) for information.
3. The Postmaster, Imphal H.O. for information and necessary action. She will please relieve Shri S. Ghaneshor Singh in time.

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

Verified to be true Copy

Advocate

all

GOVT. OF INDIA, DEPARTMENT OF POSTS
OFFICE OF THE DIRECTOR, POSTAL TRAINING CENTRE,
DARBHANGA-846005

Memo No. H-1/TRGInduction//Unified PA/SA Cadre/03-04.
At - PTC/ DBN Dated. 29.09.2003.

On successful completion of 70 days of theoretical training, the under mentioned trainees are hereby relieved in the afternoon of 29.09.2003 and are directed to report to the offices noted against their names for further duties.

BIHAR CIRCLE

The Supdt. of PO's Purnea Division, Purnea. Memo no: BR -72/Induction Trg/PA/03 Dated at Purnea the 08.07.2003				
Sl no	Name of Trainees	Place of Posting	Section/Roll No	Remarks
1.	Mahendra Prasad Harijan	Reported to Divn.	A-21	

The SPO's, Saran Dist. Chapra Division, Chapra. Memo no: B2-14/Trg/Ch-VIII Dated at, Chapra the 08.07.2003				
Sl no	Name of Trainees	Place of Posting	Section/Roll No	Remarks
2.	Nirbhay Kumar Singh	Chapra HO	A-32	

The Supdt of PO's, Madhubani Division, Madhubani Memo no: DR - 28/Induction/trg/96 Dated at Madhubani the 23.07.2003				
Sl no	Name of Trainees	Place of Posting	Section/Roll No	Remarks
3.	Shyam Paswan	Sahajipur SO	C - 39	

N. E. CIRCLE.

Office of the Director Postal services Manipur, Imphal -795001 Memo no: B-7/Induction Training/Corr. Dated 15.07.2003				
Sl no	Name of Trainees	Place of Posting	Section/Roll No	Remarks
1.	Sagolsem Ghaneswar Singh	Reported to Divn.	C-36	

Office of the Director Postal services Nagaland, Kohima-797001 Memo no: B-7 Clerk/Pl. V Dated at Kohima the 07.07.2003				
Sl no	Name of Trainees	Place of Posting	Section/Roll No	Remarks
5.	Zasibeituo Lisou	Reported to Divn.	A-09	
6.	Sumant Kumar	Reported to Divn.	A-29	
7.	Munna Kumar	Reported to Divn.	A-30	
8.	Miss. Kezhaleno Magdelence	Reported to Divn.	C-29	
9.	Miss. Petekdirienuo Rupreo	Reported to Divn.	A-12	

The SPO's, Dharmanagar Division, Dharmanagar -799250. Memo No: BB-23/C/DNR/CH.II Dated at Dharmanagar the 30.06.2003				
Sl no	Name of Trainees	Place of Posting	Section/Roll No	Remarks
10.	Sri Dipak Kumar Das	Reported to Divn.	B-18	
11.	Smti. Surupa Das	Reported to Divn.	A-01	
12.	Smti. Saswati Nath	Reported to Divn.	A-03	

Annexure - A/13

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

No. B-2/PE/S. Chanoeshwor Singh

dated 23.09.2003.

The following order of posting is hereby issued in the interest of service.

On successful completion of induction training at PTC, Dardhanga,
Sri S. Chanoeshwor Singh will join as P.A.-Imphal H.O.
Relevant charge reports will be submitted to all concerned.

(R.K. B. Singh)

Director Postal Services
Manipur:Imphal-795001

Copy to:

1. The Postmaster, Imphal H.O. for information and necessary action.
2. The Director, PTC Dardhanga-846003 for information w.r.t. his Memo. No. B-1/ERG Induction/Unified PA/SA cadre/03-04 dtd. 22.7.03.
3. Sri S. Chanoeshwor Singh.
4. Budget Branch, DP3-office, Imphal.
5. File No. B-10/PA-DR/2001 (Part-II)
6. File No. B-32/General Transfer.
7. Office copy.
8. Spare.

(R.K. B. Singh)

Director Postal Services
Manipur:Imphal-795001

Certified to be true Copy

Advocate

RECEIVED
POSTS AND TELEGRAPHS
DEPARTMENT
11/10/03

Per official signed

नं० सी० प्रो०-61 / A.C.G.-61

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

(देखिए नियम 267, डाक-तार-विद्युत पुस्तिका का खण्ड I, द्वितीय संस्करण)
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume I,
Second Edition)

चार्ज की बदली पर चार्ज रिपोर्ट और नकदी और टिकटों की रसीद
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि

Certified that the charge of the office of *P. D. Singh*

चार्ज *P. D. Singh* (नाम) ने
was made over by (name)

(नाम) को
to (name)

तारीख को पूर्वाह्न में

on the (date) *6/10/03* fore noon in accordance with

सं०

No

3-2/PP/03

Dated

23/9/03

के अनुसार दे दिया।

from *23/9/03*

भारतीय अधिकारी
Relieved Officer

S. Ghaneshwar Singh
भारतीय अधिकारी
Relieving Officer

[509030]

Certified to be true Copy

[Signature]
Advocate

[Signature]

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL: N.E. CIRCLE: SHILLONG

No. Staff/118-14/2003 (20)

Dated Shillong, the 24-9-2003

SHOW CAUSE NOTICE

Whereas, Shri S. Ghaneshwar Singh has been selected as PA Manipur Division ignoring the prescribed procedures for selected of PA by the DPS Manipur Division, Imphal.

Whereas the PMG Shillong, on review of the case finds that the selected of Shri S. Ghaneshwar Singh as PA Manipur Division is irregular as the post was declared for OC, but OBC candidate has been recruited against the vacancy in order of merit. But the relaxation of age is not admissible in the instant case as per Ministry of Personnel, PG and Pensions, D.O.P. and Training OM No. 35011/1/98-Est(Res) dated 1-7-1998.

Therefore, it is decided to terminate the selection of Shri S. Ghaneshwar Singh as PA Manipur Division.

Shri S. Ghaneshwar Singh, GDS DA Langthabal Kunja EDBO is hereby given an opportunity to show cause as to why his selection as PA Manipur Division should not be terminated. His written reply should reach this office within 10-10-03 as desired by the PMG.

sd/-
(LALHLUNA)
Director of Postal Services(Hq)

Copy to :-

1) Shri S. Ghaneshwar Singh, GDS DA Langthabal Kunja EDBO, Manipur Division.

2) The Director of Postal Services, Manipur Division, Imphal.

U
Director of Postal Services(Hq)
N.E. Circle, Shillong.

Submitted to the ...
Advocate

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The Director of Postal Services (HQ)
Office to the Chief Post Master General
Northeast Circle, Shillong, Meghalaya

THROUGH PROPER CHANNEL

Reference: Show-cause notice dated 24-9-2003 asking me to show-cause as to why my appointment as PA, Manipur Division should not be terminated

Subject: Submission of written explanation to the above referred show-cause notice

Sir

With respectful regards I, the undersigned, now serving as PA, Manipur Division beg to submit the following for your kind consideration and favourable action:

1. That I was served with the above referred show-cause notice dated the 24th September 2003 asking me to show-cause as to why my selection as PA Manipur Division should not be terminated with the observation that the post for appointment for which I was selected was declared for OC, but OBC candidate has been recruited against the vacancy in order of merit and relaxation of age is not admissible in the instant case as per Ministry of Personnel, PG and Pension, D.O.P. and Training OM N^o 35011/1/98-Estt(Res) dated 1-7-98 and my explanation should be reached within 10-10-2003. Regarding the matter, I beg to submit the following:
 - i) That, I was initially appointed as Gramin Dak Sevak, Delivery Agent, Langthabal Kunja, EDBO, Manipur Division in the month of November 1994. Since then, I had been serving as Gramin Dak Sevak, Delivery Agent, Langthabal Kunja, till 25th May 2003 the day when I was appointed as PA, Manipur Division.
 - ii) As the vacancy is for the year 2001, OBC candidate will be within 38 years of age by extending 3 years as per provision at page 257 Published by Ministry of Information and Broadcasting, Government of India. OBC, SC/ST candidates have upper age limit of 3 years and 5 years is shown in the notification of C.O. Shillong N. Staff/125-1/2001 (Pat II) dated 18.12.2002 for one un reserved post of SBCO for the year 2001 (Copy enclosed for reference).
 - iii) That, pursuant to the said employment notice I had applied for appointment to the said post of Postal Assistant, as I am quite eligible for appointment to the said post. Likewise, a number of candidates have also applied for the said post. The concerned authorities selected 5(five) candidates, including me for the said post on the basis of the marks secured by the candidates. The written test amongst the said 5(five) candidates including me was held on 13-4-2003 and 5(five) candidates including me was held on 13-4-2003 and the Typing test as well as computer test were held on 20-4-2003 and the viva voce was held on 24-4-2003. The result of the said DPC/Test/Examination was declared on 25-4-03 by issuing a notice wherein I was selected for appointment to the said post of Personal Assistant (A copy of the said notice is enclosed herewith for your kind reference).
 - iv) That, after the issuance of the said notice I was served with a letter dated 22-5-2003 whereby I was informed that I have been selected to the cadre of PA of Manipur Division vide Office Memo dated 25-4-2003. The said letter further directed me to undergo 15

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Advocate

59 39

(fifteen) days practical training at Imphal Head Quarter (A copy of the said letter is enclosed herewith for your kind reference).

- v) That, subsequent to the selection of mine as Postal Assistant I have joined my duties on 26-5-2003 and started to work/serve to the full satisfaction of my superior officers as well as public in general. I was also served with a letter dated 15-7-2003 written by the Director, Postal Services, Manipur, whereby I was directed to undergo Induction Training for Postal Assistant at Postal Training Centre, Darbhanga, Bihar from 22-7-2003. Pursuant to the said letter/intimation I had underwent the said training and completed successfully and thereafter I along with other participants were released from the Training Centre for further duties vide Memo dated 29-9-2003. Thereafter, I have joined the office on 6-10-2003 for further duties (A copy of the said Memo is enclosed herewith for kind reference).
2. That, I beg to submit that as stated in the foregoing paragraphs, the said post of Postal Assistant was advertised for appointment from amongst the candidates/incumbents holding the post of Gramin Dak Sevak who have completed three years as on 10-2-2003 and who passed the 10th standard. I am a graduate and I had been serving as Gramin Dak Sevak since the year 1994 till the day when I was appointed to the said post of Postal Assistant on the recommendation of the duly constituted DPC. Apart from this, I being the member of OBC, the upper age limit for recruitment/ appointment to the said post of Postal Assistant was relaxed by three years as stated in the employment notice itself.
3. I have not seen the letter of Ministry of Personnel, PG & Pensions, DOP Training OM N^o 35011/1/98-Estt(Res) dated 1.7.1998 contained in the notice.
4. That, I further beg to submit that as stated in the foregoing paragraphs there had not been any illegalities/irregularities while appointment me to the said post of Postal Assistant. Apart from this, I have successfully completed all the Training for the said post. Therefore, I may be allowed to continue to work/serve as Postal Assistant, as usual, by rescinding/recalling the above referred show cause notice.

In the premises aforesaid, it is most respectfully prayed that your good-self may be kind enough to look into the matter and allow me to work/serve as Postal Assistant, Manipur Division, as usual and to drop any proceedings against me, by recalling/rescinding the above referred show cause notice for the ends of justice.

For this act of kindness I shall ever pray.

5. I received the letter on the evening of 6th October 2003 and the reply to the show cause could not be sent in time as curfew was imposed at Imphal on 8th October 2003. Hence, the delay in submission of this explanation may please be condoned.

Yours faithfully

S. Ghandeshwor Singh

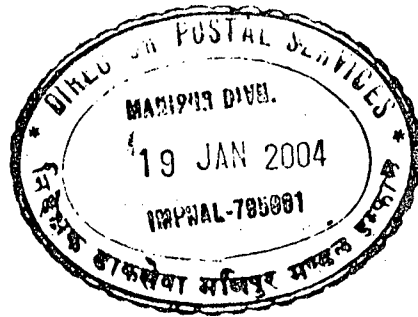
S Ghandeshwor Singh
Postal Assistant, Manipur Division

Imphal, 9 October 2003

enclosures: as stated above.

lls
Certified to be true Copy

Advocate



To

The Chief Post Master General,
North Eastern Circle,
Shillong - 793 001.

(Thro: The Director Postal Services, Manipur, Imphal)

Subject: Review Petition under Rule-5(2) of CCS(Temporary Service) Rules 1965
- Case of Shri.S.Ghaneshwar Singh, Postal Assistant (Since Terminated).
GDSDMC(C)DA, Langthabal Kujna EDBO, Manipur University S.O.

Respected Sir,

1. The petitioner is your humble subordinate presently working as GDSDMC(C)DA at Langthabal Kunja EDBO in account with Manipur University S.O in Manipur Postal Division. The petitioner was served termination order on 24.12.2003, and has since been terminated from service with effect from 25.12.2003.

2. The present review petition is submitted, under Rule-5(2) of CCS(Temporary Service) Rules 1965 read with D.G P&T Letter No.7-46/83/Vig.II dated 26th Mar 1984, against Director Postal Services, Manipur Memo.No.B-2/P.F/S.Ghaneshwar Singh dated 9.12.2003 read with DPS(HQ), Shillong Memo No Staff/118-14/2003(20) dated 1st/2nd Dec 2003.

- Copy of DPS/Manipur Memo.No.B-2/P.F/S.Ghaneshwar Singh dated 9.12.2003 and DPS(HQ), Shillong Memo.No.Staff/118-14/2003(20) dated 1st/2nd Dec 2003 are attached as ANNEXURE-A/1 & ANNEXURE-A/2.

3. The petitioner had been working as GDSDA(C)GDSDMC, Langthabal Kunja EDBO in account with Manipur University S.O with effect from 1.11.1994 without any break. The Director Postal Services, Manipur invited application from amongst those GDS-staff in Manipur Postal Division who have completed 3(Three) years of continuous service as on 10.02.2003, for filling up 1(One) post of Postal Assistant in Manipur Postal Division, through an Employment Notice published in the local daily on 21.01.2003. As per the said Employment Notice, the minimum educational qualification required was 10+2 standard or equivalent from the recognized Board/University and the last date for submission of application was 10.02.2003. The said Employment Notice also prescribed the maximum age limit as 35 years for General category candidates with relaxed age limit of 40-years for SC/ST candidates and 38-years for OBC candidates.

Submitted to the Chief Post Master General

Advocate

- Copy of Employment Notice issued by the Director Postal Services, Manipur and published in the local daily 'The Imphal Free Press' on 21.1.2003 is attached as ANNEXURE-A/3.

4. The petitioner fulfilled the eligibility criteria prescribed in the Employment Notice attached as ANNEXURE-A/3 and accordingly applied for the post within the prescribed time limit. The petitioner's application was put through the rigorous scrutiny of the screening committee constituted for the purpose by the Director Postal Services, Manipur and after thorough screening the petitioner's candidature was found eligible for being considered for the recruitment of Postal Assistant in Manipur Postal Division against the announced vacancy.

4.1. It is therefore submitted for your kind information that the petitioner's date of birth as per the High School Leaving Certificate issued by the Board of Secondary Education, Manipur is 1st January 1967 and hence the petitioner, also a OBC-candidate, was well within the age-limit prescribed in the Employment Notice attached as ANNEXURE-A/3. Hence, the screening committee as well as the Director Postal Services, Manipur allowed the petitioner to participate in the said recruitment only after the full satisfaction that the petitioner fulfilled all the eligibility conditions including the age limit.

4.2. In the recruitment, the applicant stood first in the over-all position, which constituted the following:

- a) 40-Marks (i.e. 40% weightage) for percentage of marks secured in the Educational Qualification;
- b) 5-Marks for Proficiency in Typing;
- c) 5-Marks for Knowledge in Computer Data Entry Operation;
- d) 30-Marks for Written Aptitude Test; and
- e) 20-Marks for Interview.

4.3. The interview was conducted by a Committee comprising of the following high level officers in the month of April/2003:

- A. Shri.R.K.B.Singh, Director Postal Services, Manipur, Imphal
- B. Shri.I.Pangernungsang, Director Postal Services, Mizoram, Imphal; and
- C. Shri.Joseph Lalrinsailova, Sr Supdt of Post Offices, Meghalaya Division Shillong

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Advocate

4.4. It is further submitted for your kind information that the Interview Committee also had gone through all the relevant recruitment records including the application submitted by the petitioner for the post.

Thus, only after the complete satisfaction of the Interview Committee that the petitioner was eligible to take part in the recruitment, the petitioner was interviewed and selected as Postal Assistant in Manipur Postal Division vide DPS/Manipur Notice No B-10/PA-DR/2001 dated 25.04.2003.

- Copy of DPS/Manipur Notice No.B-10/PA-DR/2001 dated 25.04.2003 is attached as ANNEXURE-A/4.

5. Thereafter, the petitioner was ordered to undergo 15-days Practical Training at Imphal HPO vide DPS/Manipur order No.B-10/PA-DR/2001 dated 22.05.2003 and was ordered to undergo 70-days Induction Training at Postal Training Centre, Darbhanga (Bihar) w.e.f 22.07.2003 vide DPS/Manipur order No.B-10/PA-DR/2001 dated 15.07.2003.

- Copies of DPS/Manipur orders No.B-10/PA-DR/2001 dated 22.05.2003 & 15.07.2003 are attached as ANNEXURE-A/5 & ANNEXURE-A/6.

6. After the successful completion of the training vide Director(PTC), Darbhanga Memo.No.H-1/TRG Induction/Unified PA/SA Cadre/03-04 dated 29.09.2003, the petitioner was appointed as Postal Assistant, Imphal HO vide DPS/Manipur order No.B-2/PF/S.Ghaneshwor Singh dated 23.09.2003. The petitioner assumed as Postal Assistant, Imphal HPO with effect from 06.10.2003 after return from PTC/Darbhanga.

- Copies of Director(PTC), Darbhanga Memo.No.H-1/TRG Induction/Unified PA/SA Cadre/03-04 dated 29.09.2003 and DPS/Manipur order No.B-2/PF/S.Ghaneshwor Singh dated 23.09.2003 are attached as ANNEXURE-A/7 & ANNEXURE-A/8.

7. Soon after joining as Postal Assistant at Imphal HPO, the petitioner was served a 'Show Cause Notice' vide Chief PMG/Shillong No.Staff/118-14/2003(20) dated 24.9.2003, and the petitioner replied to the said show cause notice vide reply dated 9.10.2003.

- Copies of Chief PMG/Shillong No.Staff/118-14/2003(20) dated 24.9.2003 and Petitioner's reply dated 9.10.2003 are attached as ANNEXURE-A/9 & ANNEXURE-A/10.

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Advocate

8. But without considering the above facts that the selection of the petitioner as Postal Assistant in Manipur Postal Division was made in accordance with the rules made by the Government for the said purpose, the services of the petitioner have been irregularly and arbitrarily been terminated vide DPS/Manipur Memo.No.B-2/P.F/S.Ghaneshwar Singh dated 9.12.2003 read-with Chief PMG/Shillong Memo.No.Staff/118-14.2003(20) dated 1st/2nd Dec 2003.

9. The present review petition is therefore submitted on the following grounds:

- 9.1. In the DPS/Manipur Memo.No.B-2/P.F/S.Ghaneshwar Singh dated 9.12.2003 it is stated that the termination of the services of the petitioner is ordered on the ground that the selection of the petitioner to the post was irregular. But, it may be confirmed from the facts mentioned in Para-2 to Para-8 above that the selection of the petitioner to the post was made in accordance with the advertisement/ Employment Notice issued by the DPS/Manipur, attached as ANNEXURE-A/3. If the recruiting authority was responsible for not following G.I. Dept of Per & Trg., O.M No.35011/1/98-Estt(Res)-dated 17.7.1998, then the petitioner can not be penalized for the wrong done by the recruiting authority;
- 9.2. In the Chief PMG/Shillong Memo.No.Staff/118-14.2003(20) dated 1st/2nd Dec 2003 (ANNEXURE-A/2) it is mentioned that the DPC consisting of DPS/Imphal, DA(P) & SSP as members selected an OBC candidate after relaxing the general eligibility criteria. But in this instant case, the petitioner was selected by the Committee consisting of DPS/Imphal, DPS/Mizoram and SSPOs, Shillong and not by any committee in which the DA(P) was a member. Since selection made by the committee consisting of the DPS/Imphal, DPS/Mizoram and SSPOs, Shillong as members can not be cancelled for something done by a committee which consisted DA(P) also as members, termination of the petitioner is not only arbitrary but totally unwarranted;
- 9.3. Recruitment to the post was to be made on the basis of terms and conditions given in the open advertisement made for the purpose. In the advertisement (i.e. Employment Notice dated 21.01.2003 ANNEXURE-A/3) it is clearly shown that the maximum age limit for SC/ST candidates is 30 years and the maximum age limit for OBC-candidates is 38 years. In this instant case the petitioner was only 36-Years 1-month and 10-days as on 10.02.2003.

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Therefore, the eligibility conditions prescribed in the recruitment notification can not be modified to the disadvantage of the petitioner in a later date much after the completion of the selection and appointment. Therefore termination of petitioner from the post of Postal Assistant, Manipur Postal Division vide DPS/Manipur Memo.No.B-2/P.F/S.Ghaneshwar Singh dated 9.12.2003 (ANNEXURE A1) is totally against the principle of law as well as the principle of natural justice.

9.4. While it has been specifically stated in the first paragraph of the Chief DMG Shillong Memo.No.Staff/118-14/2003(20) dated 1st /2nd Dec 2003 that the DPS Manipur Dn, Imphal ignored the prescribed procedure for selection, it has not at all been shown in the said memo as to how the petitioner was responsible for the wrong or irregularity committed by the DPS, Manipur Dn, Imphal. If the DPS, Manipur Dn, Imphal was responsible for irregular selection, then suitable action should be initiated against the DPS, Manipur Dn, Imphal for the irregularity committed, and the principle of law does not warrant that the petitioner who was innocent about the foul-play done by the DPS, Manipur Dn is to be penalized. The authority deciding to terminate the services of the petitioner is also required to reply the following suppositions:

- i) If the irregularity in any selection is noticed after the retirement of the recruited officer, then 'Whether the pension admissible to the irregularly recruited officer who had already retired from service will be stopped?'
- ii) If the irregularity in any selection is noticed after the death of the irregularly recruited employee, then 'Whether the family pension admissible to family of the irregularly recruited deceased govt servant will be discontinued?'

Hence, if the reply to the above suppositions is negative that the pension or family pension, as the case may be, in the above suppositions cannot be discontinued, then there is no justification in the action for termination of the services of the petitioner in the present case.

9.5. The petitioner did not get himself selected to the post of Postal Assistant Manipur Division by fraud, coercion, intimidation, duress, misrepresentation of facts or any other such illegal act. Therefore, even if there was an irregularity in the

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recruitment notification, the responsibility cannot be shifted to the petitioner's shoulder to save the skins of officers responsible for irregular recruitment notification and irregular selection in violation of government instructions. When the recruitment process was already over, and the petitioner had already completed all pre-appointment formalities required for being appointed in the cadre of Postal Assistant, the services of the petitioner cannot be terminated just for the sake that the recruiting authority was responsible for certain irregularity in the recruitment notification.

- 9.6. The competent authority, as per Chief PMC/Shillong Memo.No.Staff/118-14/2003(20) dated 1st /2nd Dec 2003, while deciding to terminate the services of the petitioner, was duty bound to show as to how the petitioner was responsible for including the age-relaxation criteria in the Employment Notice and/or as to how the petitioner was responsible for the action of the selection committee to select a candidate on relaxed standards. If the petitioner was not responsible both for including the age-relaxation criteria in the Employment Notice as well as selection of candidate with relaxed age-limit, then the petitioner can not be penalized with the order of termination.
- 9.7. The termination, vide DPS/Manipur Memo.No.B 2/P.F.S.Chanabhai Singh dated 9.12.2003 (ANNEXURE-A/1) read-with Chief PMC/Shillong Memo.No.Staff/118-14/2003(20) dated 1st /2nd Dec 2003 is not a termination simpliciter prescribed in Rule-5(1) of CCS(Temporary Service)Rules 1965. There is a stigma in the order that the termination was ordered beyond the scope of CCS(Temporary Service)Rules 1965. This may be evident from the fact that the petitioner was neither given the mandatory one month notice by the appointing authority not the one month pay and allowances in lieu of the notice. Hence, the order of termination amounts to removal from service within the principles of law laid down by various legal forums including the Hon'ble Supreme Court of India. In this instant case, the termination of services of the petitioner was not ordered on the basis of inadequacies in his probationary or for not having completed the satisfactory probation. It is also a well-settled principle of law that 'if the order of termination is not in innocuous terms but attaches a stigma, a disciplinary proceedings is necessary for the termination even in the case of a temporary servant'. Hence, the termination of petitioner's services for the faults of the 1973.

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Advocate

Manipur Dn, Imphal is not only arbitrary but totally unjustifiable in the eyes of law.

- 9.8. The petitioner has no business to look into the powers and functions of the appointing authority or the recruiting authority or the selection committee. Therefore, action if any warranted against any irregularity committed by the appointing authority or the recruiting authority or the selection committee has to be directed against the authority concerned, and not against the innocent petitioner.
- 9.9. The department and the competent authorities in the department has no vested discretion to put the prestige and self-esteem of the low rung employees in such a way that one authority would select and appoint a person to a post after going through the formalities of selection, and another authority higher than the appointing authority would declare the selection and appoint as void for some fault which is not directly or even indirectly attributable to the selected person by putting the selected person at embarrassment and under greater mental agony. Such type of action is always arbitrary in the eyes of law and the case of the petitioner is the one comes under such proved arbitrariness, the action of the authorities concerned to terminate the service of the petitioner for his no fault is totally arbitrary and against the principles of law and justice.
- 9.10. It is not yet proved, in any departmental enquiry under CCS(CCA) Rules 1968 either against the appointing authority or the recruiting authority or the members of the selection committee that any one of the above namely appointing authority or recruiting authority or the selection committee was guilty of violation of recruitment procedure. Hence, in the absence that none has been held guilty of any offence or irregularity and in the absence that no penalty has been inflicted upon any of the above for the proved irregularity in the recruitment, it is not only premature to that the selection of the petitioner was irregular but it is totally against the well-settled principle of law that none can be penalized before proving the guilt/irregularity.
- 9.11. Neither the appointing authority nor the recruiting authority nor the selection committee or any of the members of selection committee has advised the petitioner terms that he/they acted against the prescribed rules and instructions by the

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Advocate

recruitment of the petitioner to the post of Postal Assistant(PO) in Manipur Postal Division. Therefore, in the absence that none has yet been fixed responsible for any proved irregularity in the recruitment and in the absence that no authority involved in the recruitment has voluntarily admitted any irregularity he ever happened, the termination of services of the petitioner is totally against the principles of law and natural justice.

9.12. The petitioner cannot be victimized for the fault, if any, committed by the appointing authority or the recruiting authority or the selection committee for the following reasons that:

- i) the petitioner was appointed by the competent appointing authority,
- ii) the petitioner was recruited by the competent recruiting authority; and
- iii) the petitioner's candidature was recommended by the competent selection committee duly constituted by none else than Head of the Circle.

9.13. The power to terminate a temporary govt servant is a prerogative exclusively of the appointing authority. In the case of the petitioner, the prescribed and competent appointing authority for the P.A-Cadre officials in Manipur Postal Division is the Director Postal Services, Manipur, Imphal. But, the decision to terminate the services of the petitioner was taken by the authorities other than the prescribed appointing authority such as Post Master General N.E.Circle, Shillong and the Director Postal Services(HQ), N.E.Circle, Shillong. Thus, the order of termination issued by the prescribed appointing authority, which was issued under a specific direction from the higher authorities, clearly shows that the termination of services of the petitioner was not done under the exclusive powers and privilege of the prescribed appointing authority independently with due application of mind but has been done under direction from higher authorities. As the power of termination vested with the appointing authority is not a tool to please the wishes and personal whims of the higher authorities even if the conclusion arrived at by the higher authorities may be logically justified, termination under the orders of higher authorities is bad in law and in the interest of justice, in as much as that the power so exercised violates the principle of statutory provisions embodied in the CCS (Temporary Service) Rules, 1947.

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Advocate

10. The petitioner therefore prays before your kind honour that the petitioner may kindly be re-instated as Postal Assistant(PO), Manipur Postal Division, with a further order to treating the period intervening the date of termination to date of reinstatement as duty, in the interest of justice.

11. The Petitioner shall ever be indebted for your kindness and magnanimity.

Dated at Imphal
The 18th Jan 2004.

Yours faithfully

S. Ghanswar Singh
18/1/04
(S. Ghanswar Singh)
P.A., Manipur Dn (Since Terminated)
Now: GDSDA(C)GDSDMC,
Langthabal Kunja EDDC
Via: Manipur University S.O.

Cc:

An advance copy by Speed Post to The Chief Post Master General, N.E. Circle, Shillong 793 001 for information and necessary action.

S. Ghanswar Singh
18/1/04
(S. Ghanswar Singh)
P.A., Manipur Dn (Since Terminated)
Now: GDSDA(C)GDSDMC,
Langthabal Kunja EDDC
Via: Manipur University S.O.

Accepted to be true Copy
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Advocate

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5. Termination of Temporary Service

(1) (a) The services of a temporary Government servant who is not in quasi-permanent service shall be liable to termination at any time by a

RULE 5]

TERMINATION OF TEMPORARY SERVICE

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notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant;

(b) the period of such notice shall be one month;

Provided that the service of any such Government servant may be terminated forthwith and on such termination the Government servant shall be entitled to claim a sum equivalent to the amount of his pay *plus* allowances for the period of the notice at the same rates at which he was drawing them immediately before the termination of his services or, as the case may be, for the period by which such notice falls short of one month.

NOTE.—The following procedure shall be adopted by the appointing authority while serving notice on such Government servant under clause (a):—

- (i) The notice shall be delivered or tendered to the Government servant in person;
- (ii) Where personal service is not practicable, the notice shall be served on such Government servant by registered post acknowledgement due at the address of the Government servant available with the appointing authority;
- (iii) If the notice sent by registered post is returned unserved, it shall be published in the Official Gazette and upon such publication, it shall be deemed to have been personally served on such Government servant on the date it was published in the Official Gazette.

(2) ¹[(a) Where a notice is given by the appointing authority terminating services of a temporary Government servant, or where the services of any such Government servant is terminated either on the expiry of the period of such notice or forthwith by payment of pay *plus* allowance, the Central Government or any other authority specified by the Central Government in this behalf or a Head of Department, if the said authority is subordinate to him, may, of its own motion or otherwise, re-open the case, and after making such enquiry as it deems fit,—

- (i) confirm the action taken by the appointing authority;
- (ii) withdraw the notice;
- (iii) reinstate the Government servant in service; or
- (iv) make such other order in the case as it may consider proper:

Provided that except in special circumstances, which should be recorded in writing, no case shall be reopened under this sub-rule after the expiry of three months—

- (i) from the date of notice, in a case where notice is given;

1. Substituted *vide* G.I., M.H.A., Dept. of Per. & A.R., Notification No. 12015/1, 77-Ests. (C), dated the 3rd November, 1978.

- (ii) from the date of termination of service, in a case where no notice is given.]

(b) Where a Government servant is reinstated in service under sub-rule (2), the order of reinstatement shall specify—

- (i) the amount or proportion of pay and allowances, if any, to be paid to the Government servant for the period of his absence between the date of termination of his services and the date of his reinstatement; and
- (ii) whether the said period shall be treated as a period spent on duty for any specified purpose or purposes.

To -

The Chief Post Master General,
North Eastern Circle,
Shillong - 793 001.

Kind Attn: Shri.B.R.Halder, Asstt Director(Staff), O/o the CPMG, Shillong 793001.

(Thro: The Director Postal Services, Manipur, Imphal)

Subject: Review Petition under Rule-5(2) of CCS(Temporary Service)Rules 1965
Case of Shri.S Ghaneshwor Singh, Postal Assistant (Since Terminated),
GDSMC(C)DA, Langthabal Kujna FDBO, Manipur University S.O.

Reference: Review Petition dated 18.01.2004 with reference to C.O letter
No.Staff/118-14/2003(20) dated 17.02.2004.

Respected Sir,

1. I have been informed vide C.O letter cited above, "review petition does not lie since original action was not taken by the DPS, Manipur."

2. I, therefore, most submissively request you to kindly inform me the facts on the following counts for further action: -

1. If the original action for my termination was not taken by the Director Postal Services, Manipur, I may kindly be intimated the level of authority at which the original action for my termination was initiated.
2. As per C.O/Shillong Memo.No.Staff/118-14/2003(20) dated 24.9.2003 (ANNEXURE-A/9 to the Review Petition), through which the show cause notice for my termination was issued, the Director Postal Services(HQ), N.E.Circle, Shillong decided to terminate my services on the ground that the PMG/Shillong found the selection as irregular. Hence, I have been of the opinion that I am entitled to the benefit of a 'Review Petition' under Rule-5(2) of CCS(T.S) Rules 1965. Further, even if the action for my termination was initiated at the level of PMG/Shillong, then my review petition has to be considered at the level of Chief PMG/Shillong. As may be seen, my review petition has been addressed to the Chief PMG/Shillong. But C.O letter under above reference clearly informs me that a review petition does not lie. So, I may kindly be intimated the 'authority to which a review petition or appeal lies against my termination order'.

Certified to be true Copy


Advocate

a. Further, even if my review petition dated 18.1.2004 is not entertainable as a review petition under the provision of CCS(T.S)Rules 1965 for whatever reasons, it is certainly a representation on service matter. As per G.I., Dept of Per & Trg., O.M.No.28034/6/2002-Estt(A) dated 11.01.2002, a representation made by the Government employee requiring examination only in the Ministry/Department should be disposed of within a period of six weeks, and final reply sent to the Government servant on his representation should be self-contained, cover all the points raised by him. It is therefore requested that my review petition dated 18.01.2004, which in the event of not being entertained as a review petition is to be treated as a representation, may kindly be disposed of under G.I., Dept of Per & Trg., O.M.No.28034/6/2002-Estt(A) dated 11.01.2002 with reply to all points raised there in.

Dated at Imphal
The 02nd Mar 2004.

Yours faithfully,

S. Ghaneshwor Singh

(S. Ghaneshwor Singh)

P.A., Manipur Dn (Since Terminated)

Now: GDSDA(C)GDSCMC,

Langthabal Kunja EDBO

Via: Manipur University S.O

Cc:

An advance copy by Speed Post to The Chief Post Master General, N.E. Circle, Shillong - 793 001 for information and necessary action.

S. Ghaneshwor Singh

(S. Ghaneshwor Singh)

P.A., Manipur Dn (Since Terminated)

Now: GDSDA(C)GDSCMC,

Langthabal Kunja EDBO

Via: Manipur University S.O

Certified to be true Copy

Advocate

No. 29034/6/2002-Estt(A)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel and Training
(ESTT.(A) DESK-I)

Dated the 11th January 2002.

OFFICE MEMORANDUM

Subject: Recommendations of the committee on Service Litigations regarding representations made by the Government employees, requiring examining in the Ministries/Departments.

The undersigned is directed to refer to the subject mentioned above and to communicate the following decision of this Department as per recommendations made by the committee on Service Litigations: -

- (a) A representation made by the Government employee requiring examination only in the Ministry/Department should be disposed of within a period of six weeks and if requiring inter-departmental consultations such representation should be replied to normally within a maximum period of three months.
- (b) Final reply sent to a Government servant on his representation should be self-contained, cover all the points raised by him in a case where the representation of the Government servant is rejected, the grounds therefore should be clearly indicated.

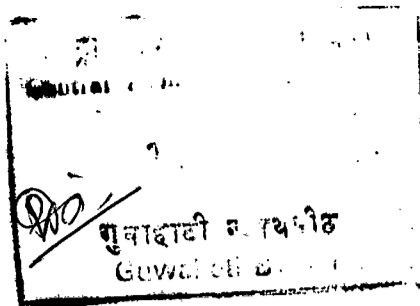
2. All the Ministries/Departments, therefore, are requested to dispose all the representations made by the Government employees accordingly.

Sd/-
(Sahadeo Ram)
Deputy Secretary to the Govt of India

To
All Ministries/Departments of the Govt of India.

Forced to be true Copy
Advocate

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

OA NO 157/05

SHRI S. GHANESWAR SINGH

.....APPLICANT

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

WRITTEN STATEMENT SUBMITTED BY THE RESPONDENTS

1. That the respondents have received copy of the OA filed by the applicant and have gone through the same and have understood the contentions made thereof. Save and except the statements, which are specifically admitted herein below, rests may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.
2. That with regard to the statement made in paragraphs 1,2,3, of the OA, the respondents beg to offer no comment.
3. That with regard to the statement made in paragraph 4.1 of the OA, the respondents beg to state that the applicant was functioning as Gramin Dak Sevak Delivery Agent cum Gramin Dak Sevak Mail Carrier at Langthabal Kunja Branch Post Office with effect from 01/11/1994. (Annexure -5 of the OA).
4. That with regard to the statement made in paragraph 4.2 of the OA, the respondents beg to state that the applications were invited from eligible Gramin Dak Sevak (GDS) staffs of Manipur Postal Division for 1 (one) post of Postal Assistant in the vacancy of un-reserved, giving age limit as 35 years of age for un-reserved candidates, 40 years of age for SC/ST candidates and 38 years of age for OBC candidates.

Filed by 23
The Respondents through
Alsha Das.
Addl CHSC
10/1/06

5. That with regard to the statement made in paragraph 4.3 of the OA, the respondents beg to state that the applicant was eligible in all respect, except for the age limit. He was 36 years 1 month and 10 days as on 10/2/2003, the last date receipt of application. The 1(one) post advertised to be filled up was for the un-reserved category. For the reserved candidates to complete for the un-reserved post, the reserved candidates should fulfill the eligibility conditions prescribed for the un-reserved candidates.

“ It is clarified that only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, when a relaxed standard is applied in selected as SC/ST/OBC candidates, for example in the age-limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for General category candidates etc., the SC/ST/OBC candidates are to be counted against reserved vacancies. Such candidates would be deemed as unavailable for consideration against unreserved vacancies.”- G. I. Deptt. Of Per.& Trg., O.M. No. 36011/1/98-Estt. (Res.), dated the 1st July 1998.

In the present context, the applicant was found to be over aged.

6) That with regard to the statement made in paragraph 4.4 of the OA, the respondents while denying the contentions made therein beg to state that on completion of the written test/interview, the applicant was declared selected in the recruitment of Postal Assistant from GDS agents for the year 2001 in Manipur Division on the basis of merit, vide the Office Memo no.: B-10/PA-DR/2001 dated 25/4/2003 (kindly refer to Annexure A-9, enclosed by the applicant).

7) That with regard to the statement made in paragraph 4.5 of the OA, the respondents beg to state that on completion of the Induction Training for Postal Assistant at Postal Training Centre (PTC), Darbhanga, Bihar w.e.f. 22/7/2003 to 29/9/2003 for 70 (seventy) days, Shri S. Ghaneswar Singh, assumed Imphal HO as Postal Assistance on 06/10/2003 (F/N) in pursuance of this office memo No.:B-2/PF/S. Ghaneswae Singh dated 23/9/2003. The applicant also completed 15 (fifteen) days practical training at Imphal HO.

Copies of the letter dated 15/07/2003 and 23/9/2003 are annexed herewith and marked as Annexure-R1 & R2 respectively.

8) That with regard to the statement made in paragraph 4.6 of the OA, the respondents while denying the contentions made therein beg to state that Show-Cause Notice was issued vide Circle Office, Shillong memo No.: Staff/118-14/2003(20) dated 24/9/2003.

A copy of the Show-Cause Notice dated 24/9/2003 is annexed herewith and marked as Annexure-R3.

9) That with regard to the statement made in paragraph 4.7 of the OA, the respondents' state that in response to the above Show Cause notice, the applicant submitted his written representation dated 09/10/2003(Annexure-A16 to the OA).

10) That with regard to the statement made in paragraph 4.8 of the OA, the respondents beg to state that in, pursuance of North Eastern, Circle Office, Shillong letter No: Staff/118-14/2003(20) dated 1-2/12/2003, issued by the Director Postal Services (HQ), Office of the Chief Postmaster General, N.E. Circle, Shillong, wherein it was cited that "...relaxation of age admissible to an OBC candidate which is not permissible in the instant case according to the Ministray of Personnel, PG& Pensions, Deppt of Person & Trg. OM No. 35011/1/98-Estt(Res) dated 1/7/1998,..."(Annexure-A2 to the OA): the Director of Postal Services, Manipur, issued the order terminating the applicant from the post of Postal Assistant, vide this Office Memo No: B-2/PF/S Ghaneswar Singh dated 09/12/2003(Annexure-A1 annexed to the OA).

11) That with regard to the statement made in paragraph 4.9 the respondents beg to offer no comment as it being decision of the higher authority.

12) That with regard to the statement made in paragraph 4.10 of the OA, the respondents beg to offer no comment.

13) That with regard to the statement made in paragraph 5 of the OA, the respondents while relying and referring upon the statement made above beg to state that the

termination order was issued by the competent authority as per law after following due procedure of law. The applicant has got no legal right to the said post of Postal Assistant under the Manipur Postal Division; hence no legal right of the applicant has been violated by the termination order. As the grounds taken in the OA are not valid grounds, hence the OA is devoid of merit and liable to be dismissed with cost.

14) That with regard to the statement made in paragraph 6 & 7 of the OA, the respondents beg to offer no comment.

15) That with regard to the statement made in paragraph 8 of the OA, the respondents while reiterating and reaffirming the statement made above beg to state that since by the termination order no legal right of the applicant has been violated no relief can be granted as sought for by the applicant. The applicant has got no legal right against the said post as claimed hence the Hon'ble Tribunal may be pleased to dismiss the OA with cost.

16) That with regard to the statement made in the statement made 9 to 12 of the OA, the respondents beg to offer no comment.

17) That the respondents beg to state that the applicant has preferred the present OA without any valid ground hence no relief can be granted to the applicant. The respondents pray before the Hon'ble Tribunal that the Hon'ble Tribunal may be pleased to dismissed the OA.

5 -

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~~SECRET~~

.....,who is one of the respondent and taking steps in this case, being

affirm and state that the statement made in paragraph

to my knowledge and belief, those made in paragraph

true to my information derived there from and the rest are my humble

submission before this Humble Tribunal. I have not suppressed any material

fact.

And I sign this verification this 16th the day of June 2006 at Imphal.



Dy. Superintendent of Post Offices
 Manipur Division, Imchal-795001

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Annexure - A R 1

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

Is. 14-7/Induction Training/Com.

dated 15.07.2003.

To

Shri S. Ghaneshor Singh
Short Duty Staff
Imphal-I.L.O.

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

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

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

Copy to:

1. The Chief PMG (Staff), N.E. Circle, Shillong-793001 for information w.r.t. his letter No. Staff/146/G/2002 dated 14.07.2003.
2. The Director, P.T.C., Darbhanga-846003 (Bihar) for information.
3. The Postmaster, Imphal I.L.O. for information and necessary action. She will please relay to Shri S. Ghaneshor Singh in time.

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

- 7 - Annexure ~~A-13~~ R-2
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DEPARTMENT OF POSTS, INDIA
OFFICE OF THE DIRECTOR, POSTAL SERVICES
MANIPUR: IMPHAL-795001

No. D-2/PE/S. Chanoihwor Singh

dated 23.09.2003.

The following order of posting is hereby issued in the interest of service.

On successful completion of induction training at PTC, Darbhanga,

Sri S. Chanoihwor Singh will join as P.A.-Imphal H.O.

Relevant charge reports will be submitted to all concerned.

(R.K. B. Singh)

Director Postal Services
Manipur: Imphal-795001

Copy to:

1. The Postmaster, Imphal H.O. for information and necessary action.
2. The Director, PTC Darbhanga-846005 for information w.r.t. his Memo. No. H-1/TRG Induction/Unified PA/SA cadre/03-04 dtd. 22.7.03.
3. Sri S. Chanoihwor Singh.
4. Budget Branch, DPS-office, Imphal.
5. File No. B-10/PA-DR/2001 (Part-II)
6. File No. B-32/ General Transfer.
7. Office copy.
8. Spao.

(R.K. B. Singh)

Director Postal Services
Manipur: Imphal-795001

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL: N.E. CIRCLE: SHILLONG

No. Staff/118-14/2003 (20)

Dated Shillong, the 24-9-2003

SHOW CAUSE NOTICE

Whereas, Shri S. Ghaneshwar Singh has been selected as PA Manipur Division ignoring the prescribed procedures for selection of PA by the DPS Manipur Division, Imphal.

Whereas the PMG Shillong, on review of the case finds that the selection of Shri S. Ghaneshwar Singh as PA Manipur Division is irregular as the post was declared for OC, but OBC candidate has been recruited against the vacancy in order of merit. But the relaxation of age is not admissible in the instant case as per Ministry of Personnel, PG and Pensions, D.O.P. and Training OM No. 33011/1/98-Estt(Res) dated 1-7-1998.

Therefore, it is decided to terminate the selection of Shri S. Ghaneshwar Singh as PA Manipur Division.

Shri S. Ghaneshwar Singh, GDS DA Langthabal Kunja EDBO is hereby given an opportunity to show cause as to why his selection as PA Manipur Division should not be terminated. His written reply should reach this office within 10-10-03 as desired by the PMG.

sol/-

(LALJILUNA)

Director of Postal Services(Hq)

Copy to :-

1) Shri S. Ghaneshwar Singh, GDS DA Langthabal Kunja EDBO, Manipur Division.

2) The Director of Postal Services, Manipur Division, Imphal.

Ull

Director of Postal Services(Hq)
N.E. Circle, Shillong.