

X

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 7A 245/2007

R.A/C.P No.....

E.P/M.A No. 121/2008

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SECTION OFFICER (Judl.)

Abhijit  
09/10/07

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 245/07  
2. Mise Petition No. \_\_\_\_\_  
3. Contempt Petition No. \_\_\_\_\_  
4. Review Application No. \_\_\_\_\_

Applicant(s), Niternal Kanti Nath -VS- Union of India & Ors

Advocate for the Applicants: - K. K. Biswas, T. Das

Advocate for the Respondents: - S. C. G. S. - G. Baruah

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C.O.F. for Rs. 50/- deposited vide P.C.B.D. No. 32604.11.06	12.9.07	

Dated, 28.8.07 By Registrar M. 12.9.07. The applicant is working as substitute B.P.M in the Berenga B.P.O. of Cacher District in the vacancy of Smt. Sima Nath granted leave or sick leave on different occasions. The applicant has got requisite qualification and other norms necessitated as per Rules of Postal

Petition is being for issue. Gramin Dak Sevak. Apprehending the imminent notices are received with envelopes.

Q.D.  
10/9/07

and transfer order of Smt. Sima Nath in which the Applicant on earlier occasions served the Respondents in the capacity of substitute B.P.M. has applied for his appointment/engagement on the vacancy likely to cause for said reason and submitted a detailed representation to the Respondent No.3 enclosing the necessary documents. In spite of submissions of the said representations under registered postal covers the applicant has not received any reply in granting his prayer. But the Respondents not

contd/-

holding the selection for the post of EDPM/BPM at Barenga, the applicant has filed O.A.No.84 of 2006. The Respondents has passed an order dated 06.04.2006 which is reproduced as follows:

"In the circumstances discussed above I direct the 3<sup>rd</sup> respondents or any of the competent authority as directed by him to consider the said representation (Annexure-1) dated 25.2.2006 and pass appropriate orders and communicate the same to the applicant within a time frame of three months from the date of receipt of this order."

After finding the above order of the Respondents dated 06.04.2006 in response to the CAT's order the said authority after notice to the respondents has passed a rejection order dated 07.05.2006 (Annexure-3). Aggrieved by the said rejections the applicant for certain action the applicant has filed this O.A.

The learned advocate for applicant personally I have heard Mr. K. K. Biswas learned counsel for the applicant and Mr. G. Baishya, learned Sr.C.G.S.C. for the Respondents. Counsel for the Respondents has submitted that notice may be issued to the respondents. Issue notice to Respondent Nos. 3,5 and 6.

No-1235 Date: 11/10/07 The applicant will take steps for process to the date of non-acceptance of 5<sup>th</sup> and 6<sup>th</sup> respondents.

Post the matter on 8.11.07.

Vice-Chairman

Notice & order sent to D/Section & issuing to R-2 to 4 by regd. A/D post, R-1 sent to received by hand. D/No-1053 to 1056

Notice duly served  
on R-5,6.

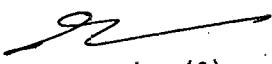
15/11/07

08.11.07.

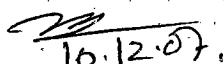
Mr. K.K. Biswas learned counsel  
the applicant has argued in the matter  
for Admission. Mr. G. Baishya, learn  
Sr.C.G.S.C. for the Respondents  
absent. Matter will be heard on 11.12.07.

Call this matter on 11.12.07.

lm

  
Member(A)

W/S not biled.

  
16.12.07.

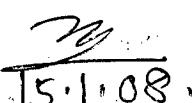
11.12.2007

Mr.G.Baishya, learned Sr. Standing  
counsel for the Union of India, undertakes  
to file appearance memo for the  
Respondents in this case and seeks more  
time to file written statement.

Notice duly served  
on R-2,5,6.

Call this matter on 16.01.2008  
awaiting written statement from the  
Respondents.

W/S not biled.

  
15.1.08.

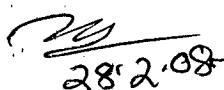
/bb/

16.01.2007

No written statement has yet been filed in  
this case.

Call this matter on 29.02.2008, expecting  
reply/written statement from the Respondents.

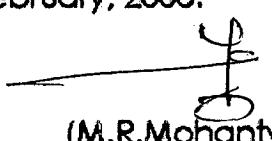
W/S not biled.

  
28.2.08

Send copies of this order to all the  
Respondents in the address given in the O.A.;  
who should come ready with their written  
statement well before 29<sup>th</sup> February, 2008.

/bb/

  
(Khushiram)  
Member (A)

  
(M.R.Mohanty)  
Vice-Chairman

- 4 -

O.A.245 of 07

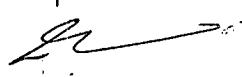
29.02.2008

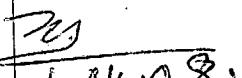
Mr. K. K. Biswas, learned counsel for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents are present. Counsel for the Respondents seeks four weeks time to file written statement. Prayer is allowed.

Call this matter on 02.04.2008.

lm

W/S not filed.

  
(Khushiram)  
Member (A)

  
1.04.08.

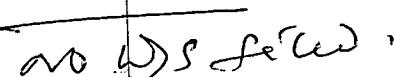
02.04.2008

Call this matter on 05.05.2008 awaiting written statement from the Respondents.

  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

2.5.08

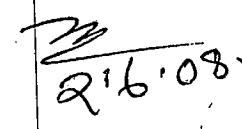
  
W/S filed.

lm

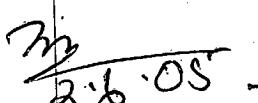
05.05.2008

Mr. K.K.Biswas, learned counsel appearing for the Applicant is present. Mr.G.Baishya, learned Sr. Standing counsel for the Union of India prays for further four weeks time to file reply statement.

Call this matter on 03.06.2008 awaiting written statement.

  
W/S filed on behalf  
of the respondents.

/bb/

  
2.6.08 -

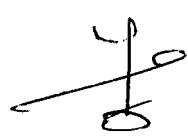
  
(Khushiram)  
Member (A)

03.06.2008 In this case written statement has already been filed. Mr.K.K.Biswas, learned counsel appearing for the Applicant states that he has received the copy of the written statement and prays for an adjournment to file rejoinder.

Accordingly, call this matter on 01.07.2008 for awaiting rejoinder from the Applicant.

  
hm

(Khushiram  
Member(A))

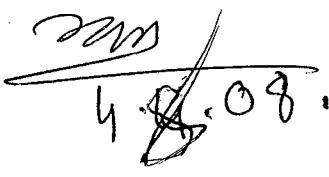
  
(M.R. Mohanty)  
Vice-Chairman

245-07

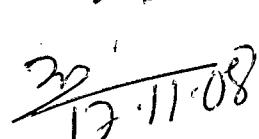
01.07.2008 Despite opportunity, no rejoinder has yet been filed in this case. Mr.K.K.Biswas, learned counsel for the Applicant seeks more time to file rejoinder.

Call this matter on 05.08.2008 awaiting rejoinder from the Applicant.

  
(M.R. Mohanty)  
Vice-Chairman

  
/bb/

The case is ready  
for hearing.

  
17.08.08

05.08.2008 In this case written statement and rejoinder have already been filed. Subject to legal pleas to be examined at the time of hearing; this case is admitted and set for hearing on 18.09.2008.

The case is ready  
for hearing  
im

17.9.08.

  
(M.R. Mohanty)  
Vice-Chairman

18.09.2008 M.P.No.121/2008 has been filed by the Applicant to call for certain records from the custody of the Respondents. A copy of this M.P. has been served on Mr G. Baishya, learned Sr. Standing Counsel for the Union of India.

M.P.No.121/2008 is hereby disposed of with direction to the Respondents to keep the records ready with the learned Sr. Standing Counsel to be produced at the time of hearing.

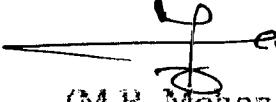
The case is ready  
for hearing.

3  
17.11.08.

nkm

Call this matter on 18.11.2008.

  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

18.11.08 Mr. K. K. Biswas, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. standing Counsel appearing for the Respondents are present.

On the prayer of learned counsel appearing for both the parties, call this matter on 07.01.2009.

The case is ready  
for hearing.

3  
6.1.09.

10.6.09  
estd at 29.5.09 servd  
to file 2<sup>nd</sup> Section for issuing  
the same to the Applicant

im

  
(S.N. Shukla)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 245 of 2007.

DATE OF DECISION: 29-05-2009.

Sri Nirmal Kanti Nath.

.....Applicant/s

Mr K.K. Biswas

.....Advocate for the  
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

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

.....Advocate for the  
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR N.D. DAYAL, 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 their Lordships wish to see the fair copy of the judgment ? Yes/No.

  
Vice-Chairman/Member(A)

8

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 245/2007.

Date of Order : This the 29th Day of May, 2009.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN  
THE HON'BLE MR N. D. DAYAL, ADMINISTRATIVE MEMBER

Shri Nirmal Kanti Nath  
S/o Late Nagendra Ch. Nath  
Ex-BPM of Berenga Branch Post Office, Pt.II  
P.O. Rangirkhari, Silchar – 788005. ....Applicant

By Advocate Mr K.K.Biswas

•Versus•

1. Union of India  
represented by Chief Postmaster General,  
Assam Circle, Meghdoot Bhawan,  
5<sup>th</sup> Floor, Guwahati-781001.
2. The Postmaster General,  
Regional Office,  
P.O. Dibrugarh.
3. Senior Superintendent of Post Offices,  
Cachar Post Office Division,  
Silchar-1.
4. Inspector of Post Offices,  
Silchar South Sub Division,  
Silchar- 788001.
5. Sri Arun Kanti Nath, BPM  
Son of late Lokendra Chandra Nath,  
R/o Berenga Post Office Pt. II  
P.O. Rangirkhari, Silchar-788005.
6. Shri Abhijit Nath, EBPM  
S/o Sri Anil Chandra Nath  
R/o Berenga Post Office Pt. II  
P.O. Rangirkhari, Silchar-788005. ....Respondents

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

ORDER

N.D.DAYAL (MEMBER-A)

The Applicant in this O.A has prayed for the following reliefs :-

- (i) To discontinue the present incumbents working in the capacity of substitute Branch Post Office for many months violating all norms, Rules and prevailing system of the Gramin Dak Sevak principle and policy.
- (ii) To fill up the vacancy of the post of Branch Post Master at Berenga Branch Post Office by way of holding positive act of selection with the eligible candidates as per Gramin Dak Sevak Rules mentioned in the foregoing para (para 4.13).
- (iii) To consider the case of the Applicant in case he is found the most eligible candidate by the free and fair play of selection.

2. We have heard the learned counsel for both the parties. Mr K.K.Biswas, learned counsel for the Applicant submits that the Applicant has served the Department of Post for many years with sincerity and devotion while working as substitute BPM on as many as 20 different occasions between 17.11.1997 to 20.02.2002. This was during the sick vacancy of Smt Sima Nath, BPM at Berenga B.P.O. Copies of these orders by which he was asked to work as Substitute have been enclosed. It is stated that he made a detail representation as at Annexure-2 for being accommodated as BPM at Berenga BPO when Smt Sima Nath was promoted as departmental Postman for Cachar Postal Division. In support of his representation the applicant stated that he was qualified for the post in terms of his educational qualification and also was in a position to meet other conditions. He mentioned that the post office land and building was donated by his forefathers. His case should be considered as he could provide residence

for the post office and was prepared to participate in the prescribed selection process.

3. Since he received no favourable response he approached the Tribunal in O.A.84/06 decided on 06.04.2006 by noting that the applicant was seeking direction upon the respondents to dispose of his representation and not to engage or appoint any person in the post of BPM on Berenga BPO. The Tribunal directed the Sr. Superintendent of Post Offices, Cachar Postal Division, Silchar or any competent authority as directed by him to consider the representation dated 25.2.2006 and pass appropriate orders within 3 months. The applicant states that the Department passed orders in which they contested the applicant's right for appointment in the resultant vacancy since working as substitute did not give any legal right for regular appointment. It was clarified that such appointment is governed by the recruitment rules. The applicant being aggrieved has now once again chosen to come before the Tribunal stating that his entire effort was to present himself as an eligible candidate for consideration for appointment in the post of BPM in accordance with the Rules and procedure laid down by the Department but the respondents have not considered such a request and instead have made substitute appointments in the Branch Post Office which have been in continuation for many months violating the rules, and the vacancy at Berenga BPO is not being filled by a positive act of selection with eligible candidates as per rules.

4. Mr G.Baishya, learned Sr. Standing counsel appearing for the Respondents has submitted that the relief claimed is at variance with the submission above. However, the applicant worked as a substitute at the instance of Smt Sima Nath, the then BPM and was not so engaged by the Department. The orders that have been passed appointing the applicant as substitute clearly state that he could be discharged at any time without assigning any reason. It is well settled that a substitute acquires no legal right. Further, the applicant cannot make a grievance out of the substitute appointments as per the relief claimed which would be in the nature of a PIL and would not give any cause of action. The grounds taken in the written statement disputing the applicant's claim have also been reiterated.

5. Learned counsel for the Applicant disputes the averment that the relief claimed is in the nature of a PIL, but we are not entirely convinced. We find that the applicant was engaged at the instance of the BPM proceeding on short leave. There was no selection or any assessment of eligibility and qualifications. There was no advertisement or notification either. Evidently, no right would accrue to the applicant by being engaged as substitute and that too with periods of break in between successive engagements. No doubt the Tribunal had asked the respondents to consider the representation of the applicant and pass orders thereon, but we do not find any infirmity or illegality in the orders passed by the Respondents. At this point, the learned counsel for the Applicant submitted that the applicant is passing through difficult times in the absence of any job and therefore,

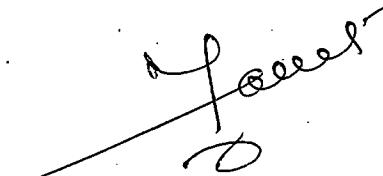
it was his earnest desire, on account of having worked for long with the Department and having family association with it as well, to seek appointment in accordance with the normal selection procedure. But the respondents have made substitute appointments and to the best of his knowledge they have not so far taken any steps to make proper recruitment as per rules. The learned counsel for the respondents suggests that the applicant could apply as and when the Department issues an advertisement/notification so that his case could be considered in accordance with the normal recruitment rules along with other eligible persons for the post in respect of which the advertisement/notification is made, to which no serious objection has been raised.

6. In view of the above submissions we leave it open to the applicant to apply as and when any advertisement/notification for a GDS post including the post of BPM Berenga BPO is made in future, which shall be considered by the respondents in accordance with the rules along with the applications received from other persons, for selection to the advertised/notified post and the applicant informed of the outcome.

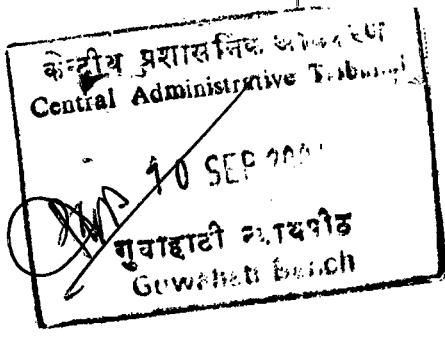
7. O.A is disposed of accordingly. No costs.



(N.D.DAYAL)  
ADMINISTRATIVE MEMBER



(MANORANJAN MOHANTY)  
VICE CHAIRMAN



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

OA No. 245 of 2007.

Sri Nirmal Kanti Nath ..... Applicant

-V/s-

Union of India & Others ..... Respondents.

**SYNOPSIS**

The Applicant in the instant case on various occasions right from 27.1.97 to 21.8.02 served as substitute B.P.M. in the Berenga B.P.O. of Cacher District in the vacancy of Smt. Sima Nath granted leave or sick leave on different occasions and different spells of time. The Applicant has got the requisite qualification and other norms necessitated as per Rules of Postal Gramin Dak Sevak. Apprehending the imminent promotion and transfer order of Smt. Sima Nath in which the Applicant on earlier occasions served the Respondents in the capacity of Substitute B. P.M. has applied for his appointment/engagement on the vacancy likely to cause for the said reason and submitted a detailed representation enclosing all the requisite annexures necessitated for such employment detailing his qualification, past experience, Caste certificate and other essential conditions. The reply to the representation dated 25.2.2006 submitted by the Applicant to the concerned authorities, i.e. Respondents for considering his prayer and granting him the appointment for the post of B.P.M. at Berenga B.P.O. could not be received. Hence, O.A. No.84 of 2007 was filed and the Hon'ble Tribunal directed the Respondent No.3 for disposal of the said representation within time-frame of three months. The Respondent No. 3 in response to the CAT's order gave a reply to the Applicant which was completely contd. p/ 2. a deviation..

Nirmal Kanti Nath

a deviation from the CAT's order. Hence, this Application for redressal of grievances by the Respondents 1 to 4 by way of holding positive act of selection of B.P.M. for the Berenga B.P.O. instead of appointing and continuing the substitutes, Respondents 5 & 6, for indefinite period, Contrary to Gramin Dak Sevak Rules and employment policy.

**LIST OF DATES AND CHRONOLOGICAL EVENTS :**

SN	Date	Particulars	Annexure	Page
1	27.1.1997 to 31.8.2002	Applicant worked as substitute as many as 20 times on different spells at Berenga B.P.O. on leave or sick-vacancy.	6 - 25	20-39
2	25.2.2006	Applicant submitted a comprehensive representation to Respondent No. 3 with copies docketed to all concerned for holding regular selection of B.P.M. at Berenga B.P.O. and consider Applicant's case on the ground of experience, qualification & other necessary criterias according to Gramin Dak Sevak Rules.	2	16
3	4.4.2006	Filed O.A. No. 84 of 2006 in CAT/GHY for redressal of applicant's grievances.	-	-
4	6.4.2006	CAT's order dt. 6.4.2006 with direction to 3 <sup>rd</sup> Respondent to dispose of Applicant's representation dt. 25.2.2006 within a time frame of three months.	1	15
5	19.3.2005	3 <sup>rd</sup> Respondent's reply in quite different to the representation & CAT's directives.	3	17
6	16.5.2006	-do-	4	18
7	4.11.06	Applicant submitted representation to 3 <sup>rd</sup> Respondent with copies docketed to all concerned authorities for appointing a duly qualified candidate for the post of B.P.O. and thereby avoid discrepancies, but no reply been received as yet.	38	52
8	.8.2007	Filed the instant OA for adjudication & justice	-	-

Place : Guwahati

Filed by

Date : .8.2007

  
(J. Das)  
Advocate.

  
Nirmal Kanti Nath

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH; GUWAHATI

Original Application No. 245 /2007

Sri Nirmal Kanti Nath.....Applicat(S)

-VS-

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

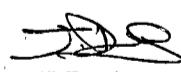
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5.	Annexure-3&4	Respondants 3''s replies in response to CAT''s order	22 to 24
6.	Annexure- 5	Applicant's letter dtlnl to respondent No. 3 & other concerned authorities highlighting the qualification and work Performances of respondents 5 & 6	25 to 27
7.	Annexure- 6 to 25	Photocopies of the orders of the Respondants for appointment of applicant As substitute BPM as many as 20 times.	28 to 47
8	Annexure- 26 to <u>35</u>	Criteria and norms for the post of BPM	48 to 54
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Date:-

Place:Guwahati

Filed by

  
(J.Das)  
Advocate

30

Nirmal Kanti Nath

**IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI**

OA No. 245...of 2007.

Sri Nirmal Kanti Nath ..... Applicant

-V/s-

Union of India & Others ..... Respondents.

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5	Annexure - 3 & 4	Respondents 3's replies in response to CAT's order	22+24
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Date : 8.2007

Filed by

Place : Guwahati

  
(J. Das)  
Advocate

  
Nirmal Kanti Nath

केन्द्रीय प्रशासनीय न्यायालय  
Central Administrative Tribunal

१०८८/८८

गुवाहाटी न्यायालय  
Guwahati Bench

IN THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

(An application Under Section 19 of the Administrative Tribunal Act, 1985).

OA No. .... / 2007.

Sri Nirmal Kanti Nath  
S/o Late Nagendra Ch. Nath,  
Ex- B.P.M of Berenga Branch Post Office, Pt. II  
P.O. Rangirkhari, Silchar – 788005.

..... Applicant

V/s

1. The Union of India, representing by  
The Chief Post Master General,  
Assam Circle, Meghdoot Bhawan, 5<sup>th</sup> floor,  
Guwahati-781001.
2. The Post Master General, Regional Office,  
P.O. Dibrugarh.
3. Senior Superintendent of Post Offices,  
Cacher Post Office Division, Silchar – 1
4. Inspector of Post Offices,  
Silchar South Sub-Division,  
Silchar-788001 ..... Respondents.
5. Sri Arun Kanti Nath, B. P. M.  
S/o Late Lokendra Chandra Nath  
R/o. Berenga Post Office, Pt. II  
P.O. Rangirkhari, Silchar – 788005
6. Sri Abhijit Nath, E.B.P.M.  
S/o Sri Anil Chandra Nath  
R/o. Berenga Post Office, Pt. II  
P.O. Rangirkhari, Silchar – 788005  
..... Respondents.

1. Details of Application is made :

1.1. Sr. Superintendent of Posts, Cacher Division, Silchar's letter No. A-249 dated

Contd. p/2..19.3.2005..

Nirmal Kanti Nath

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19.3.2005 (2) and dt 16.5.2006 in response to CAT/GHY's order based on 6.4.2006 in OA No. 84/06 to dispose of Applicant's representation dated 25.2.2006.

Copy of the above are annexed as ANNEXURES -1,2,3,4.

**2. Jurisdiction :**

The Applicant declares that the subject matter of the application is within the Jurisdiction of this Hon'ble Tribunal.

**3. Limitation :**

The Applicant submits that the application has been filed within the limitation period prescribed Under Section 21 of the Administrative Tribunal Act, 1985.

**4. Facts :**

4.1. That the Applicant being a citizen of India is entitled to get all his Legal, Fundamental and statutory rights.

4.2. That the Applicant most humbly submits that he had on earlier & on many occasions, as many as 20 times of different spells and span of time, was engaged by the Respondents No. 1 to 4 to work as a substitute employee in the capacity of B.P.M. at Berenga, Rangirkhari P.O. vice Smt. Sima Nath, B.P.M. of Berenga granted leave or reported sick from time to time.

Photocopies of the office orders issued by the Senior Superintendent of Post Office, Cacher, Silchar, the Respondent No. 3, are annexed as ANNEXURE - 5 to 25.

4.3. That it is humbly submitted that the Applicant has got the necessary requisite qualification required for the Post of earlier E.D.B.P.M, and now B.P.M, as per the criteria and norms fixed by the Service Rules for the Postal Gramin Dak Sevak.  
contd..p/3.. The qualification

Nirmal Kanti Nath

The qualification and norms for the said post as per said Rules that the E.D. Agent for the Gramin Dak Sevak are that, a candidate shall have to be of minimum 18 years of age, Educational Qualification of Matriculate or equivalent standard and the person who takes over Agency as E.D.S.P.M/E.D.B.P.M must be one who has adequate means of livelihood and must offer space to serve as the Agency Premises for Postal Operation which will serve as a provision for installation of Post Office, he should have his own residence and submit security of Rs. 4000/- subject to the condition that the amount of security should be increased or decreased according to orders of the Divisional Superintendent or the Head of the Circle, as the case may be and the perfectional categories for such Post will be person from the reserve quota of SC,ST and OBC Candidates.

Photocopies of the said criteria and relevant norms are annexed as ANNEXURE -26 and 32.

4.4. That the Applicant most humbly submits that he is having all those requirements, to be engaged and/ or appointed to work as B.P.M. or E.D.B.P.M. and upon which he had on earlier occasions, as stated above, officiated as substitute as many as 20 occasions with the fullest satisfaction of all his superiors.

The testimonials in regard to the necessary qualification of the Applicant are annexed as ANNEXURES-33 to 37 in support of his claim for the said post.

4.5. That in this connection the humble Applicant submits that his forefathers donated a space for opening such a building as per Departmental norms of the Post Office to install and carry on the Postal works at Berenga B.P.O, in addition to keeping

contd. p/4.. the safe custody

Nirmal Kanti Nandy

-4-

the safe custody of Postal Articles, Cash, Stamps and other Government valuable properties. Naturally the present Applicant has got a legitimate claim and priority over others to get the Post of B.P.M. at Berenga B.P.O. on consequent of the vacancy arising due to the promotion and transfer of Smt. Sima Nath upon whose sick or leave periods on earlier occasions the Applicant had officiated on many occasions, 20 times in different spells and on different spans of time stated in the foregoing paras.

4.6. That the Applicant respectfully submits that in the event of his being appointed on regular Post in the capacity of B.P.M. at Berenga B.P.O. he will render his sterling services at the cost of the interest of the Administration, i.e. the Respondents and also carryout the instructions of Respondents required to perform his duty as per norms and Rules.

4.7. That it is submitted that considering the qualification and the services rendered by the Applicant at the exigency of the Respondents at Berenga B.P.O. on different occasions right from 27. 01. 2007 to 26. 08. 2002 as per record submitted under Annexures 5 to 25 showing above, the Applicant submitted a detailed representation to the Respondent No. 3 with copies docketed to the all concerned authorities enclosing the necessary documents mentioned above for consideration of his case and give him to prove his zenith capability in the event of his being appointed for the post of B.P.M. at Berenga B.P.O.

But it is submitted that in spite of submission of the said representations under registered postal covers, the Applicant has not received any line of reply in granting  
contd.p/5.. his prayer

Nirmal - Kanli Nath

his prayer till filing of the OA No. 84 of 2006.

4.8. That the Applicant on being deprived of the Arbitrary, malafide and wanton attitude of the Respondents for not holding the selection for the post of EDPM/BPM at Berenga, approached this Hon'ble Tribunal and filed the OA No. 84/2006 for adjudication and justice and thereby redressal of the grievances of the Applicant.

4.9. That it is humbly submitted that your Lordships were pleased to hear the submission by the Applicant in the said OA and passed order dated 06.04.2006 with direction to the Respondents, more particularly the 3<sup>rd</sup> Respondent, to consider the representation of the Applicant dt 25.2.2006 and pass appropriate order and communicate the same within a time frame of three months.

A photocopy of the above ORDER is annexed as ANNEXURE – I.

4.10. That it is respectfully submitted that in accordance with the orders of the Hon'ble Tribunal the Applicant persistently pursued the fate of comprehensive representation dated 25.2.2006 with the request to do needful for the well-being of the Administration as well as redressal of the grievances of the Applicant in regard to holding of the selection for the post of Branch Post Master against the permanent vacancy caused in the Berenga Branch Post Office.

4.11. That it is submitted that the Respondents vide their letter dated 19.3.2005 informed the Applicant "does not acquire any vested rights to be appointed in the resultant vacancy caused due to transfer / promotion" and thereby totally deviated from the prayer of the Applicant's representation and the orders of the Hon'ble CAT; for, neither the Hon'ble CAT nor the Applicant anywhere and ever mentioned about the

Contd. p/6.. appointment ..

appointment of the Applicant to the post of Branch Post Office under Gramin Dak Sevak Scheme. In the Applicant's representation dt 25.2.2006 that the Applicant had the requisite qualifications and norms for the appointment of the said post. But that did not mean that without holding any positive act of selection and depriving all other eligible candidates, if it is there, the Applicant should be given appointment of BPM / EDBPM at Berenga Post Office. What the Applicant wanted was that the System which the Respondents had been conforming of the Berenga Branch Post Office by engaging a substitute was fully against the norms and prevailing system and the established Gramin Dak Sevak's recruitment rules. It is mentioned in this connection that the Respondents unknowingly have also mentioned about the said recruitment rules of the appointment of the substitutes in his aforementioned letter; the relevant portion of which is represented ad-verbatim: "Appointment of substitute is made for prescribed limited period at the risk and sole responsibility of the Appointee i.e. real incumbent as per Gramin Dak Sevak's (Conduct & Employment) Rules 2001 and the substitute has no legal right to claim regular appointment by virtue of his appointment as substitute".

4.12. That incidentally it is mentioned herein that during pendency of the aforementioned O.A. the Respondent No. 3 most astonishingly and arbitrarily appointed the Respondents No. 5 & 6, who were, in fact, uncle and nephew, for the post of EDBPM & BPO of the Berenga Post Office on substitute basis without following the Gramin Dak Sevak recruitment Rules and any norms for it and still they are holding the said posts in spite of repeated representations from the locality for their

mal-practices and other unlawful activities and knowing fully well the Respondents have remained silent closing their eyes and volition for doing the cause of good and unveil the truth.

4.13. That it is submitted that according to the recruitment Rules provided under Rules 15 & 16 of Gramin Dak Sevak recruitment Rules, 2001, the provisional appointment should as far as practicable be avoided and in the case of absolutely necessary the provisional appointment shall be for the very limited and specified period. The relevant provisions of the Rules are reproduced below ad verbatim :

**Rule 15. Appointment of EDBPM by Inspectors :** With view to ensuring quick administration, it has been decided that where there is no contest for the post of EDBPM, the Inspector of Post Offices can make the appointment in anticipation of the formal approval of the Superintendent of Post Offices. The formal orders in this connection will be issued by the Competent Appointing Authority, namely, the Divisional Superintendent. In other cases, where there are rival claimants, the Inspector of Post Offices would be required to obtain the prior approval of the Divisional Superintendent before appointing any person as EDBPM.

**Rule 16. Provisional appointment of ED Agents :** It has come to the notice of this office that provisional appointments made to ED posts are being allowed to continue for indefinite periods and when regular appointments are made, the provisionally appointed persons do not readily hand over the charge. The following instructions are issued in this regard –

(i). As far as possible, provisional appointments should avoided. Provisional

contd. p/ 8. appointments

Nimmi Kanheri m/s  
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appointments should not be made to fill the vacancies caused by the retirement of ED Agents. In such cases, the Appointing Authority should take action well in time before the retirement of the incumbent ED Agent, to select a suitable successor.

(ii). Wherever possible, provisional appointment should be made only for specific periods. The appointed should be given to understand that the appointment will be terminated on expiry of the specified period and that he will have no claim for regular appointment. Where a new Post Office is opened or where a new post office created or where a ED Agent dies while in service or resigns from the post and it is not possible to make regular appointment immediately, a provisional appointment should be made for a specific period. The offer for appointment should be in the form annexed (Annexure-A).

(iii). Where a ED Agent is put off duty pending departmental or judicial proceedings against him and it is not possible to ascertain the period by which the departmental/judicial proceedings are likely to be finalized, a provisional appointment may be made, in the form annexed ( Annexure-B ). It should be made clear to the provisionally appointed person that if ever it is decided to reinstate the previous incumbent, the provisional appointment will be terminated and that he shall have no claim to any appointment.

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

contd.p/9.Efforts should..

2. Efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years' continuous approved service. In such cases, their names should be included in the waiting list of ED Agents discharged from service, prescribed in D.G., P&T, Letter No. 43-4/77-Pen., dated 23.2.1979.

In this connection the relevant excerpts in regard to appointment of "Substitutes" are annexed as ANNEXURE - 26 to 32.

4.14 That in this connection it is humbly submitted that the Gramin Dak Sevak's recruitment rules under Rule 15 & 16 are very much clear for the appointment and duration of the tenure of the post of substitute by which no substitute incumbent can continue in his post continuously for a period of more than 6 months and on completion of his tenure either a fresh substitute is to be posted in the said vacancy or a selection to be held for filling of the vacancy by the regular incumbent. But the Respondents are most desperate to abide by or adhere to any Rules or System prevailing for the postal services, as are evident from their conduct & acts mentioned above.

4.15.. That it is submitted that it is highly surprising and astonishing facts that the present substitute in the said Berenga Branch Post Office by name "Arun Kanti Nath" in spite of his lack of requisite qualification and absolutely necessary eligibility criteria as per postal Gramin Dak Sevak Service Rules has been continuing in the said post for continuously for a period of      years w. e. f.      only because  
contd. p/ 10. of the vested..

of the vested interest of some of the persons under well protected umbrellas of the Respondents No.1 to 4 and these unlawful activities were well known to the higher echelons of services of the Postal Department.

4.16.. That it is submitted that the Applicants prayer before this Hon'ble Tribunal and the request to the Respondents were that the vacancy of the Branch Post Master at Berenga Branch Post Office was to be filled in by holding the positive act of selection by the duly qualified candidates and in case the Applicant was found to be qualified for the said post then his case may be considered by giving him the due appointment. The Applicant has not asked for his appointment directly from the Respondents without following the Rules what the Respondents misunderstood and mis - constructed in their letters dated 19.3.2005 and 16.5.2006 what the Applicant wanted to mean was that before issuance of such letter the Respondents should have exercised due care and diligence for the usage of proper and appropriate words in the contents of their letter.

4.17.. That it is submitted that the Respondents 1 to 4, more particularly the Respondent No. 3, have not complied with the order as directed by the Hon'ble CAT (Annexure-1). Rather, it was contemptuous and the Respondents have tried to evade their duty by appointing regular candidates through selection and discourage & continuing the posts of substitute BPMs by the Respondents No. 5 & 6 for indefinite period violating the mandatory statutory directions of the Gramin Dak Sevak Rules mentioned in the foregoing para 4.13. This is clear case of malafide, unfair play and miscarriage of justice.

contd. p/11 .. That it is

4.18. That it is humbly submitted that the Applicant reiterates his submission as to what he had submitted in his earlier O A mentioned above and also to the series of representations to the Respondents 1 to 4 that the Berenga Branch Post Office is situated on the premises of the land donated by his forefather. The Applicant is an ex- employee of the said Branch Post Office and having other necessary criteria and, therefore, he can deem himself to be the most befitting candidate for the post of Branch Post Master in the said Branch Post Office than all others remaining in the said locality and as such a priority for his case may be considered. But it did not mean and also not mean that depriving all others, if found more qualified and eligible for the said post, the Applicant's case be considered. Rather what the Respondents were doing are against all established Laws & Rules of the land which are the clear and clandestine examples of unfair play of action and unjust activities to cause miscarriage of justice.

#### **5. GROUNDS FOR RELIEF WITH LEGAL PROVISION :**

Being aggrieved and dissatisfied with the decision by the Respondents categorically Mentioned under para -1 above and inaction on the part of the Respondents, 1 to 4 the Applicant begs to move this application, inter alia, on the following :

#### **GROUND S :**

- 5.1. For that the Respondents have acted malafide, arbitrarily and without jurisdiction.
- 5.2. For that the Respondents have violated the provisions of articles-14, 16(1) and 21 of the Constitution of India and Gramin Dak Sevak Rules for not following the Hon'ble CAT's order based on 6.4.2006 in OA No. 84 of 1006.

contd. p/12. For that in ..

5.3.. For that in any view of the matter, the action of the Respondents are not sustainable in the eye of Law as well as facts of case.

5.4.. For that the action / inaction of the Respondents more particularly the Respondents No. 1 to 4, violated the Fundamental rights guaranteed to the Applicant under Articles 14,16(1),19,21,38, 39(d) and 309 of the Constitution of India.

5.5. For that this Application has made bonafide and for the cause of justice and also made with abundant caution in the aforesaid circumstances of the case.

5.6. The Applicant craves leave of this Hon'ble Tribunal to file additional Written Statement / Rejoinder, if necessary, which will offer further grounds at the time of hearing of this important application.

5.7. For that the Applicant has got all norms and requisite Educational Qualifications and experience in serving the Post of BPM/EDBPM earlier on 20 occasions as substitute on different spells and time consequent of regular employee granted leave or sickleave and, therefore, his case deserves to be of prime preference.

5.8. For that the claim of the Applicant is foremost on the grounds of his previous experience, and qualification and the requisite norms, in addition to the space for installation a building and opening of Post Office, as required under the provisions of Postal Gramin Dak Sevak system, have been donated by the forefathers of the Applicant at the cost of the Respondents' interest right from the time of British Rules and also the Applicant is having with other necessary requirements, such as Residence, Security, Conveyance, preferential Category etc..

5.9. For that the Applicant belongs to the category of OBC and having the Educational

contd. p/13. qualification ..

qualification up to Higher Secondary stage with all previous backgrounds and deserves to be considered primarily and absolutely for the said Post from all points of view narrated above in order of priority over others or such appointment.

**6. DETAILS OF REMEDIES EXHAUSTED :**

The Applicant humbly declares that failing to get his grievances redressed by the Respondents he has come to this Hon'ble Tribunal for having justice which seem to him efficacious as per Article - 21 of the Constitution of India and there remains no other alternative way to get justice of his grievances available to him except the invoking the jurisdiction of this Hon'ble Tribunal under section 19 of the Administrative Tribunal, 1985.

**7. MATTER NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT.**

7.1. That the Applicant further declares that he has not filed any Application, Writ Petition or Suit in respect of the subject neither of the instant application before any other Court, authority, nor any such application, Writ Petition or Suit is pending before any of these and except the OA No. 84 of 2006 in this Hon'ble Tribunal which was gracefully disposed of by passing order on 6.4.2006 with direction to the Respondents to dispose of the Applicant's representation dated 25.2.2006.

7.2. To consider the case of the Applicant in case he is found the most eligible candidate by the free and fair play of selection.

#### **8. RELIEF PRAYED FOR :**

In the premises foresaid, it is most respectfully prayed that your Lordships may be pleased to call for the records of the case, issue notices to the Respondents as to why the relief (s) sought for by the Applicant may not be granted and after hearing granted and after hearing parties may be pleased to direct the Respondents to give the following relieves :

(i). To discontinue the present incumbents working in the capacity of substitute Branch Post Office for many months violating all norms, Rules and prevailing system of the Gramin Dak Sevak principle and policy.

(ii). To fill up the vacancy of the post of Branch Post Master at Berenga Branch Post Office by way of holding positive act of selection with the eligible candidates as per Gramin Dak Sevak Rules mentioned in the foregoing para (para – 4.13).

(iii). To consider the case of the Applicant in case he is found the most eligible candidate by the free and fair play of selection.

#### **8.2. COST OF APPLICATION :**

8.3. Any other relief (s) to which the Applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

#### **9. INTERIM ORDER PRAYED FOR :**

During pendency of the application, the applicant prays for the following interim relief's.

9.1. That the Hon'ble Tribunal may be pleased to direct the Respondents that during the pendency of this application it shall not be a bar for the Respondents for

contd. p/15. discontinuation ..

discontinuation and abolition of the present incumbent of Branch Post Master working as substitute and for holding the selection of Branch Post Master for Berenga Branch Post Office considering of the case of the Applicant for providing relief as prayed for.

10. The Application is filed through Advocate.

11. Particulars of IPO - 1. IPO No.

2. Date of Issue

3. Issued from

4. Payable at

11. List of enclosures – As given in the Index

#### VERIFICATION

I, Sri Nirmal Kanti Nath, son of late Nagendra Ch. Nath, aged about 35 years, Ex – B.P.M. of Berenga Branch Post Office, Pt. II P.O. Rangirkhari, Silchar-788005, do hereby solemnly affirm and verify that the contents of the paragraphs 4.1 to 4.15 are the facts of the case and true to the best of my knowledge, information and belief and that I have not suppressed any material facts and the paragraphs 4.16 to 5.9 are my humble and respectful submission before this Hon'ble Tribunal.

AND I sign this VERIFICATION on this

day of Sept/2007.

Place : Guwahati  
Date : 10.9.2007

*Nirmal Kanti Nath*  
Signature of the Applicant

To

The Registrar,  
Central Administrative Tribunal,  
Guwahati Bench, Guwahati.

IS-A

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VERIFICATION

I, Sri Nirmal Kanti Nath Son of Late Nagendra Ch. Nath, aged about 35 years, Ex-B.P.M. of Berenga Branch Post Office, Pt.II, P.O. Rangirkhari, Silchar-788005, do hereby solemnly affirm and verify that the contents of the paragraphs 4.1 to 4.15 are the facts of the case and true to the best of my knowledge, information and believe and that I have not suppressed any materials facts and the paragraphs 4.16 to 5.9 are my humble and respectful submissions made before this Hon'ble Tribunal.

And I sign this verification on this <sup>th</sup> day of September, 2007 at Guwahati.

Place: Guwahati

Date : 10/9/07

*Nirmal Kanti Nath*  
Signature of the Applicant.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 84 of 2006

Date of Order : This is the 6th day of April 2006.

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

Sri Nirmal Kanti Nath  
S/o Late Narendra Ch. Nath  
Ex-B.P.M. of Bafengi Post Office, P.I.I.  
P.O: Rangirkhuri, Silchar - 788 005.

... Applicant

By Advocates S/Shri K.K.Biswas & Joy Das

Versus -

1. The Union of India  
Represented by the Chief Post Master General  
Assam Circle, Meghdoott Bhawan, 5<sup>th</sup> Floor  
Guwahati - 781 001.

2. The Post Master General  
Regional Office  
P.O: Dibrugarh.

Senior Superintendent of Post Offices  
Cachar Post Office Division, Silchar-1.

Inspector of Post  
Silchar South Sub Division  
Silchar - 788 001.

Respondents.

By Advocate M. B. Ahmed, Addl.C.G.S.C.

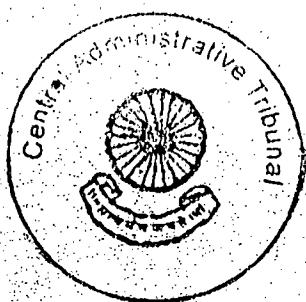
ORDER (ORAL)

SACHIDANANDAN, V.C.

The applicant has been serving as a substitute B.P.M. in the Bafengi B.P.O. of Cachar District in the vacancy of Smti. Sima Nath granted leave or sick leave on different occasions and different spells of time. The claim of the applicant is that he has got the requisite qualification and other norms necessitated as per Rules of Postal Gramin Dak Sevak. Apprehending imminent promotion and



transfer order of Sinti Sima Nath in which the applicant on earlier occasions served the Respondents in the capacity of substitute B.P.M. has applied for his appointment/engagement on the vacancy likely to be caused for the said reason and submitted a detailed representation enclosing the entire requisite Annexures necessitated for such employment. The reply to the representation dated 25.2.2006 submitted by the applicant to the respondents for considering his prayer and granting him the appointment for the said post is still awaited. The applicant apprehends that the respondents may not consider his appointment. Being aggrieved the applicant has filed this O.A seeking the following reliefs:-



“ 8. In the circumstances detailed above, the applicant humbly prays that your Lordship of this Tribunal may be pleased to order and pass direction to the Respondents to dispose of his representation dated 25.2.06 on merit and with speaking orders and shall not engage or appoint any persons for the post of B.P.M at Berenga B.P.O. till finalization of this application by this Tribunal..

81. Any other relief(s) as this Hon'ble Tribunal may deem fit and proper.”

2. I have heard Mr. K.K. Biswas learned counsel for the applicant and Mr. M.U. Ahmed learned Addl. C.G.S.C. appearing for the respondents. When the matter came up for hearing the learned counsel for the applicant has submitted that he had submitted written representation on 25.2.2006 before the 3<sup>rd</sup> respondent, which is not yet considered by the respondents. The counsel for the applicant has submitted that he will be satisfied if the Court directs

the respondents to dispose of the representation within the time frame. The learned counsel for the respondents has submitted that such a course of action may suffice the ends of justice.

3. In the circumstances discussed above I direct the 3<sup>rd</sup> respondent or any of the competent authority as directed by him to consider the said representation ( Annexure 1) dated 25.2.2006 and pass appropriate orders and communicate the same to the applicant within a time frame of three months from the date of receipt of this order.

The O.A. is disposed of. In the circumstances no order as to costs.

Copy of the order of the O.A. and necessary documents if any to be furnished alongwith the representation to the Respondents by the applicant.

Sd/ VICE CHAIRMAN

TRUE COPY

10/4/06

Section Officer (JUD)

Central Administrative Tribunal

10/4/06

6/1/06

10/4/06

10/4/06

L.M.

To

Sri B.K. Marak,  
 Senior Superintendent of Post offices,  
 Cachar Postal Division, Silchar-1.

Subject: Prayer for B.P.M. at Berenga B.P.O. of Sri Nirmal Kanji Nath of  
Berenga Nath para part-II

Respected Sir,

Understanding from reliable sources that Smti Sima Nath has promoted to the cadre of departmental postman in Cachar Postal Division from the cadre of E.D.B.P.M. at Berenga B.O. with immediate effect as because Smti Nath has taken postman ship training recently from your end.

In this connection I offer myself as a candidate for the said post at Berenga B.P.O. Necessary particulars regarding my candidature, are appended below for your perusal.

1. That Sir, your humbly petitioner has officiated as B.P.M. in many occasions at Berenga B.P.O. in place of Smti Sima Nath which you had approved in all respect without any complaint and objection with full satisfaction of my all supervisors and general public of the locality.
2. That Sir, your humble petitioner has donated P.O. land and P.O. building without any rent as per your departmental norms for P.O. building. Since its opening during the period of British Rule of my late generations.
3. That Sir, your humble petitioner had passed the H.S.L.C. examination which is the main norms for getting the post of E.D.B.P.M. for which you had allowed me to officiate as B.P.M. at Berenga B.P.O. in many occasions.
4. That Sir, your humble petitioner had officiated as B.P.M. at Berenga B.P.O. on the strength of land donor of B.P.O. building and H.S.L.C. passed candidate and his resident was also attached to the B.P.O. for safe custody of postal articles, cash and stamps and Government valuable property etc.
5. That Sir, your humble petitioner with regrets to mention here that some criminals and others vested interested of public wanted to shift the existing B.P.O. from the main centre place to a remote area which had not approved by the then authority as because existing place was the main centre of the village. ....p/2



Under the place of numbers, I humbly pray and your Honour would be kind enough to consider the following :

6. That Sir, your humble petitioner willing to again officiate as B.P.O. at Berenga B.P.O. as previous occasions and will face the interview at the permanent arrangement at B.P.O.
7. That Sir, your humble petitioner has qualified and acquired all requisite qualification and other norms for the post of Berenga B.P.O. for which you had allowed and approved by your following letters which are now being enclosed (Xerox copies) as under.
8. 1. Memo No A-249/P.F. dt 20.11.97 from the S.S.P./Silchar.  
2. -do- dt 5.8.97 -do-  
3. -do- dt 27.1.97 -do-  
4. -do- dt 12.11.98 -do-  
5. -do- dt 5.5.98 -do-  
6. -do- dt 12.7.98 -do-  
7. -do- dt 02.6.99 -do-  
8. -do- dt -do-  
9. -do- dt 27.6.2000 -do-  
10. -do- dt 3.5.2000 -do-  
11. -do- dt 27.6.2000 -do-  
12. -do- dt 4.10.2001 -do-  
13. -do- dt 23.7.2001 -do-  
14. -do- dt 26.8.2002 -do-  
15. -do- dt 10.6.2002 -do-  
16. -do- dt 7.5.2002 -do-  
17. -do- dt 21.8.2002 -do-  
18. -do- dt 10.6.2002 -do-  
19. -do- dt 07.5.2002 -do-  
20. -do- dt 05.3.2002 -do-

-3-

Under the above circumstances, I, therefore, pray that your honour would be kind enough to allow me to officiate as B.P.M. at Berenga B.P.O. like other previous occasion in place of Smti Sima Nath who had promoted to the cadre of departmental postmanship examination which is mentioned at serial No 7. until and unless permanent arrangement is made from your honour and oblige.

Yours faithfully,

Date: 25/2/2006

*Nirmal Kanti Nath*

(NIRMAL KANTI NATH)  
Ex B.P.M. Berenga B.P.O.  
Silchar-788005,  
Phone -94351-70466

Copy for information and necessary action:-

- ✓ 1) The Chief Postmaster General, Assam Circle, Meghdoof Bhawan 5<sup>th</sup> Floor, Guwahati 781001.
- ✓ 2) The Postmaster General, Regional Office, P.O. Dibrugarh.
- 3) Sri B.K. Sinha, Asstt. Supdt. Of post offices (HQ) O/O. The Sr. Supdt. Of Post offices, Cachar Division, Silchar-1.
- ✓ 4) Sri K.M. Nath, Inspector of Posts Silchar South Sub Division, Silchar-788001.
- ✓ 5) The Senior Post Master, Silchar-788001.
- 6) The Postmaster M.D.G. Rangirkhari S.O., Silchar-788005.
- 7) General Secretary, Unemployed educated Association, Park Road, Gandhi Bhawan, Silchar-788001.

Yours faithfully

Date : 25/2/2006

*Nirmal Kanti Nath*

(NIRMAL KANTI NATH)  
Ex. B.P.M. Berenga B.P.O.  
Silchar-788005,  
Phone-(M) 94351-70466

DEPARTMENT OF POSTS: INDIA  
O/O THE SR. SUPDT. OF POSTS  
CACHAR DIVISION, SILCHAR.

To

Shri. Nirmal Kanti Nath  
S/O Lt. Nagendra Chandra Nath  
Ex. BPM/ Berenga BO.  
P.O. Berenga, Via. Rangirkhari.

NO. A-249

Dated at Silchar the 19.03.2005.

Sub: Regarding OA No. 84/16 filed by Shri. Nirmal Kanti Nath.  
Ref: OA No. 84 of 2006.

Sir,

This is in continuation of this office letter of even no. dtd. 16.05.2006. It is informed you that your prayer for appointment as Branch Postmaster, Berenga BO against vacancy has been examined sympathetically and with utmost care in the light of Hon'ble CAT/ Guwahati's order no. OA-84/06 dtd. 06.04.2006 and also in the light of Legal opinion obtained as such and found that the request for appointment against the said post can not be considered on the following grounds and rejected.

1. That the selection and appointment against Gramin Dak Sevak vacancies are made as per established GDS recruitment rules and the applicant does not acquire any vested right to be appointed in the resultant vacancies caused due to transfer/ promotion. Even duly selected candidates for any post or any inclusion of name in the list of selected candidates does not confer any right on candidates to be appointed, it is a settled law. Any power of relaxation can be exercised on to the condition of service and not to the condition of recruitment/ appointment.

KTO



- 23 -  
54

2. That, appointment of substitute is made for prescribed limited period at the risk and sole responsibility of the appointee i.e. real incumbent as per GDS(Conduct and Employment) Rules, 2001 and the substitute has no legal right to claim regular appointment by virtue of his appointment as substitute.

Kindly acknowledge the receipt of this letter.

Yours faithfully,

  
(B.K. MARAK)  
Sr. Supdt. of Posts.  
Cachar Division, Silchar.

Copy to: Mr. Matin Uddin Ahmed, Addl. CGSC/CAT, Guwahati, for favour of his kind information and with a request to defend the case on behalf of respondent.

Sgt-  
Sr. Supdt. of Posts.  
Cachar Division, Silchar.

*Information in favor*  
*of General in favor*

1/ma/2006  
1/ma/2006

-24-

ANNEXURE-4

REGD

DEPARTMENT OF POSTS: INDIA  
OFFICE OF THE SR. SUPDT. OF POST OFFICES  
CACHAR DIVISION: SILCHAR-788001

To

Sri. Nirmal Kanti Nath  
S/O Lt. Nagendra Ch. Nath  
Ex-BPM of Berenga BO  
Via: Rangirkhari

NO. A-249

Dated at Silchar the 16.05.2006

Sub: Regarding OA NO. 84/06 filed by Sri. Nirmal Kanti Nath.

As per Hon'ble CAT's Judgement order made on OA NO. 84/06, it is to be intimated that your representation dtd. 25.02.2006 will be taken into consideration as & when recruitment process will be initiated as per departmental Rules.

*Surjya*  
Sr. Supdt. of Posts.  
Cachar Division, Silchar.



To

The Senior Superintendent of Post offices,  
Cachar, Silchar-1.

Sub:- Regarding O.A. No. 84/06 filed by Sri Nirmal Kanti Nath, Ex B.P.M.  
Berenga, Silchar-5.

Ref:- Your No. A-249 dt 16-5-2006 and 24-12-06.

Respected Sir,

In continuation of my application dated 18.10.06 and 4.11.06 on the above subject and to say that you had provided me always bureaucratic reply instead of implementing the above CAT judgement where in it was directed by the honourable Chairman CAT, Guwahati Bench that my prayer is to be disposed off within 3(three) months which had already expired during this period.

I am surprised to let you know that your office had issued a letter dated 24-12-2006 to me, but the date 24-12-2006 has not yet reached upto now as such I can further claim and mention that reply is being sent always to me bureaucratically without consulting any records.

1. In this connection I may kindly be permitted to mention here that a public joint petition dated 26-9-06 may kindly be referred for your perusal and taking necessary action.

2. An application from Smti Aslina Begam Laskar, Berenga holder of Berenga B.O. under Ranghirkhari S.O.R.D.A/C No. 117957 addressed to your office and a copy endorsed to me for non acceptance of short R.D. default fees amounting to Rs. 302.00 which was declined to credit the amount to the govt a/c by Sri Arun Kanti Nath officiating B.P.M. who did not require his minimum qualification as required for appointment of B.P.M. which is required to be a matriculate candidate. But Sri A.K. Nath passed only Class-VIII examination and failed to submit matriculation examination certificate as required by your B.P.M. required qualification.

3. An application from Sri Bhuman Das regarding short tamper of Sri A.K. Nath holder of Berenga S.B. A/C No. 56012787 who had torn his pass book in presence of Sri Jahadal Rabidas the application dt 7.11.06 was addressed to your office and a copy was endorsed to me for early return of torn pass Book that I can get a duplicate pass book from your office, but the said B.P.M. has not returned torn pass book nor has given a receipt for the said pass book to the holder of the SB a/c No. 56012787.



2

Under the above circumstances, I, therefore pray that your honour would be kind enough to execute the honourable C.A. T Guwahati judgement order No. 84/06 filed by me and arrange to appoint a qualified matriculate B.P.M. as required under rule and avoid the discrepancies works as done in case of Smti Aslima Begam Laskar, P.O.Berenga via Rangirkhari S.O and Sri Bhuman Das of Berenga via Rangirkhari S.O. and others.

An early action in this respect is solicited and obliged.

Yours faithfully,

(Nirmal Kanti Nath)  
Ex BPM, Berenga  
Via Rangirkhari  
Silchar-788003  
Phone Mob- 98541-01461

Copy to :-

1. The Chief Postmaster General, Assam Circle, Meghdoott Bhawan, Guwahati-1, along with Xerox copy of letter CAT judgement No. O.A. filled by N.K.Nath, Ex B.P.M. Berenga and letter dated 18.10.06 and 4-11-06 and letter from Smti Aslima Begam Laskar dated 6-11-06 and from Bhuman Das dated 7-11-06 and joint application from Haidur Hussan Mazumdar and others dtd 26-9-06 for information and taking necessary action.
2. The Asstt. Postmaster General (Vigilance), Assam circle, Guwahati for information and taking necessary action along with Xerox copy of letter CAT judgement No. O.A. filled by N.K.Nath, Ex B.P.M. Berenga and letter dated 18.10.06 and 4-11-06 and letter from Smti Aslima Begam Laskar dated 6-11-06 and from Bhuman Das dated 7-11-06 and joint application from Haidur Hussan Mazumdar and others dtd 26-9-06 for information and taking necessary action.
3. The Director Postal Services(P.T.C Guwahati) for information and taking necessary action along with Xerox copy of letter CAT judgement No. O.A. filled by N.K.Nath, Ex B.P.M. Berenga and letter dated 18.10.06 and 4-11-06 and letter from Smti Aslima Begam Laskar dated 6-11-06 and from Bhuman Das dated 7-11-06 and joint application from Haidur Hussan Mazumdar and others dtd 26-9-06 for information and taking necessary action.

3

4. The Director of Postal Service office of the Chief Postmaster General, Assam Circle, Guwahati-1, for information and taking necessary action along with Xerox copy of letter CAT judgement No. O.A. filled by N.K.Nath, Ex B.P.M. Berenga and letter dated 18.10.06 and 4-11-06 and letter from Smti Aslima Begam Laskar dated 6-11-06 and from Bhuman Das dated 7-11-06 and joint application from Haidur Hussan Mazumdar and others dttd 26-9-06 for information and taking necessary action.
5. The Postmaster General, Regional Office, Dibrugarh, for information and taking necessary action along with Xerox copy of letter CAT judgement No. O.A. filled by N.K.Nath, Ex B.P.M. Berenga and letter dated 18.10.06 and 4-11-06 and letter from Smti Aslima Begam Laskar dated 6-11-06 and from Bhuman Das dated 7-11-06 and joint application from Haidur Hussan Mazumdar and others dttd 26-9-06 for information and taking necessary action.
6. The Inspector of Posts, Silchar South, Silchar-1- for information and taking necessary action from his end.
7. Sri Basudev Acharjee, M.P. 12, Windsor Place, New Delhi-1, for information and taking necessary action from his end.
8. Sri S.M. Deb, Honourable Heavy Industries Minister, Govt of India, New Delhi for information and necessary help.
9. Sri Lalit Mohan Suklabaidya, M.P. Camp at Silchar, information and necessary help

Yours faithfully,

(Nirmal Kanti Nath)

8-28-  
ANNEXURE - 6 ①

GOVT. OF INDIA  
DEPARTMENT OF POST  
OFFICE OF THE SRSUPDT. OF POST OFFICES: CACHAR DN: SILCHAR-788001

Memu. No. A-249/PF..... Dtd. Silchar-788001 the..... 5/7/97 20/11/97

Shri/Smt. Lima Nath B.P.M., Berengar  
in account with Rangul Khan S.O. under Silchar H.O./Karinganj H.O.  
is permitted to proceed on leave without allowance for (45) forty five  
days with effect from 17-11-97 to 31-12-97

The appointment of Sri/Smt. Nirvan Kanti  
of his/her substitute is approved on the clear understand  
substitute may be discharged by the appointing authority  
without assigning any reason.

Sd/  
Sr. Supdt. of Post Offices,  
Cachar Dn., Silchar-788001.

Copy to:- LIMA NATH B.P.M., BERENGAR

1. Shri/Smt.

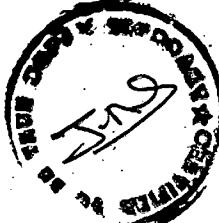
He is informed that if (1) this spell of leave granted extended and  
thereby exceeds 180 days or (2) if during 12 months the leave taken in  
different spells exceeds 180 days, he/she will be removed from service  
according to Rule 5 of P&T ED Agents (Conduct & SERVICE) Rules, 1964.

2. Shri/Smt. Nirvan Kanti Nath B.P.M., Berengar  
Rangul Khan

3. The Sr. Postmaster, Silchar H.O./Postmaster, Karinganj H.O.

4. The SDIPOS..... Sub Dn. .... Silchar

Sd/  
Sr. Supdt. of Post Offices,  
Cachar Dn., Silchar-788001.



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GOVT. OF INDIA  
DEPARTMENT OF POST  
OFFICE OF THE SRSUPDT. OF POST OFFICES: CACHAR DN: SILCHAR-788001

Memo. No. A-249/PP Dtd. Silchar-788001, the, 5/8/97

Shri/Smt. Simer Nath, B.P.M., Berenga  
in account with, Rangirkhani S.O. under Silchar H.O/Karinganj H.O  
is permitted to proceed on leave without allowance for 16 days. Sixty-one  
days with effect from 1-8-97 to 20/9/97.

The appointment of Sri/Smt. Nirmal Kanti Nath  
of his/her substitute is approved on the clear understanding that the  
substitute may be discharged by the appointing authority at any time  
without assigning any reason.

S  
Sr. Supdt. of Post Offices,  
Cachar Dn., Silchar-788001.

Copy to:-  
1. Shri/Smt. Simer Nath, B.P.M., Berenga B.D.

He is informed that if (1) this spell of leave granted is extended and  
thereby exceeds 180 days or (2) if during 12 months the leave taken in  
different spells exceeds 180 days, he/she will be removed from service  
according to Rule 5 of P.T. ED Agents (Conduct & SERVICE) Rules, 1964.

2. Shri/Smt. Nirmal Kanti Nath, B.P.M., Berenga  
Rangirkhani  
3. The Sr. Postmaster, Silchar H.O./Postmaster, Karinganj H.O.  
4. The SDIPOS, Silchar, Sub Dn., Silchar.

8  
Sr. Supdt. of Post Offices,  
Cachar Dn., Silchar-788001.



GOVT. OF INDIA  
DEPARTMENT OF POST  
OFFICE OF THE SR SUPDT. OF POST OFFICES: CACHAR DN: SILCHAR-788001

Memo. No. A-249/P.F. .... Dtd: Silchar-788001 the 27.1.97

Shri/Smt. Soma Nath B.P.M., Berengar  
in account with Rangan Khatu, S.O. under Silchar H.O./Karinganj H.O.  
is permitted to proceed on leave without allowance for (52) F.I. 17.1.97  
days with effect from 1.1.97 to 28.2.97

The appointment of Shri/Smt. S. N. Kanti Nath  
or his/her substitute is approved on the clear understanding that the  
substitute may be discharged by the appointing authority  
without assigning any reason.

Sr. Supdt. of Post Offices  
Cachar Dn., Silchar-788001

Copy to:-

1. Shri/Smt. Soma Nath B.P.M., Berengar

He is informed that if (1) this spell of leave granted extended and  
thereby exceeds 180 days or (2) if during 12 months the leave taken in  
different spells exceeds 180 days, he/she will be removed from service  
according to Rule 5 of P&T ED Agents (Conduct & SERVICE) Rules, 1964.

2. Shri/Smt. N. Kanti Nath B.P.M., Berengar

3. The Sr. Postmaster, Silchar H.O./Postmaster, Karinganj H.O.

4. The SDIPOS... S. N. Kanti Nath, Sub Dn. Silchar

Sr. Supdt. of Post Offices,  
Cachar Dn., Silchar-788001



NO. - 31-  
H

ANNEXURE A

OFFICE OF THE SR. SUPDT. POST OFFICE: INDIA  
POST OFFICE: CACHAR DN: SILCHAR-788001

Memo. No. A-219/1 Dtd. Silchar-788001 the 12/11/78

(Shri/Smt. Srima Ranu Nath, B.P.M., Berengar  
account with: Ranu Nath, S.O. under Silchar H.O.  
Karimganj H.O. is permitted to proceed on leave without allowances  
for 12 months 180 days with effect from 12/11/78 to

The appointment of Sri/Smt. Nirmal Ranu Nath  
as his/her substitute is approved on the clear understanding  
that the substitute may be discharged by the appointing authority  
at any time without assigning any reason.

Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001

Copy To:

1. Shri/Smt. Srima Ranu Nath, B.P.M., Berengar  
He is informed that if (1) this spell of leave granted  
extended and thereby exceeds 180 days or (2) if during  
12 months the leave taken in different spells exceeds  
180 days, he/she will be removed from service according  
to Rule 5 of P&T ED Agents (Conduct & Service) Rules  
1964.
2. Sri/Smt. Nirmal Ranu Nath, B.P.M., Berengar
3. The Sr. Postmaster, Silchar H.O./Postmaster, Karimganj  
H.O.
4. The SDIPOS, Sub-Dn.

Sr. Supdt Of Post Offices  
Cachar Dn. Silchar-788001



- 32 -

**ANNEXURE 10**

DEPARTMENT OF POST : INDIA  
OFFICE OF THE SR. SUPDT. OF POST OFFICES: CACHAR DN: SILCHAR-788001

Shri/Smt...Pranu...Renu...Nisha...APM...B.C...in  
account with...Ranganath...S.O under Silchar H.O/  
Karimganj H.O is permitted to proceed on leave without allowances  
for...10...days with effect from...1-1-1988...to

The appointment of Sri/Smt. N. V. R. N. N. as his/her substitute is approved on the clear understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason.

Sir. Supdt. O.  
Cachar Bn.

Access  
88001

Copy To:-

He is informed that if (1) this spell of leave granted extended and thereby exceeds 180 days or (2) if during 12 months the leave taken in different spells exceeds 180 days, he/she will be removed from service according to Rule 5 of P.T. ED. Agents (Conduct & Service) Rules, 1964.

3. The Sr. Postmaster, Silchar H.O/Postmaster, Karingan.

4. The SDIPOS Sub-Dn

#### 4. The SDIPOs ..... Sub-Dn

Sr. Supdt. Of Post Offices  
Cachar Dn. Silchar-788001



DEPARTMENT OF POST : INDIA  
OFFICE OF THE SR. SUPDT. OF POST OFFICES: CACHAR DN: SILCHAR-788001

Memo No. A-219/9F

Dated at Silchar the 7.12.99

Shri/Smt. S. Baruwal, N.A.M., B.P.M., Bearer of  
account with B.P.M. Kharibandi S.O under Silchar H.O/  
Karimganj H.O is permitted to proceed on leave with allowances  
for 15 days with effect from 21.12.99 to  
8.1.2000.

The appointment of Shri/Smt. Nimali K. Nair  
as his/her substitute is approved on the clear understanding  
that the substitute may be discharged by the issuing authority  
at any time without assigning any reason.

Sd/-

Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001

Copy To:-

1. Shri/Smt. S. Baruwal, N.A.M., B.P.M., Bearer of  
.....  
He is informed that if (1) this spell of leave granted  
extended and thereby exceeds 180 days or (2) if during  
12 months the leave taken in different spells exceeds  
180 days, he/she will be removed from service according  
to Rule 5 of P&T EM Agents (Conduct & Service) Rules,  
1964.

2. Shri/Smt. Nimali K. Nair, B.P.M.,  
B.P.M. Kharibandi S.O, Rangamati H.O  
3. The Sr. Postmaster, Silchar H.O/Postmaster, Karimganj  
H.O  
4. The SDIPOS, S. Baruwal, sub-Dn. Silchar.

Sd/-  
Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001



DEPARTMENT OF POST : INDIA  
OFFICE OF THE SR. SUPDT. OF POST OFFICES: CACHAR DN: SIC

Memo No. A-1247/P.F. Dtd. Siðchar-788001 the

Shri/Smt. Geeta Patnaik Wife of U.P. Govt.  
account with Postage Department S.O under Silchar  
Karimganj H.O. is permitted to proceed on leave with  
for 21 days with effect from 10/10/1964.

The appointment of Sri/Smt: N. L. Patel as his/her substitute is approved on the clear understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason.

sr. Supdt. of Post Offices  
Cachar Bn. Silchar-788001

Copy To:

1. Shri/Smt. .... N.H. .... (S) ....  
He is informed that if (1) this spell of leave granted extended and thereby exceeds 180 days or (2) if during 12 months the leave taken in different spells exceeds 180 days, he/she will be removed from service according to Rule 5 of P.T. ED Agents (Conduct & Service) Rules, 1964.
2. Shri/Smt. .... N.H. .... (S) ....  
.....
3. The Sr. Postmaster, Silchar H.O/Postmaster, Kurimganj H.O.
4. The SDIPOS ..... Sub-Dn.

Sr. Supdt Of Post Offices  
Cachar Dn. Silchar-788001



DEPARTMENT OF POSTS: INDIA  
OFFICE OF THE SR. SUPDT. OF POST OFFICES: CACHAR DN: SII

Memo. No. 217/1/PE Dtd. Silchar-788001 the

Shri/Smt. Minal K. Nath (P.M.)  
account with Smt. Minal K. Nath under Silchar  
Karimganj H.O. is permitted to proceed on leave witho  
for 120 days with effect from

The appointment of Sri/Smt. Minal K. Nath  
as his/her substitute is approved on the clear understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason.

Sd/-  
Sr. Supdt Of Post Offices  
Cachar Dn. Silchar-788001

Copy To:-

1. Shri/Smt. Minal K. Nath (P.M.)  
He is informed that if (1) this spell of leave granted is extended and thereby exceeds 180 days or (2) if during 12 months the leave taken in different spells exceeds 180 days, he/she will be removed from service according to Rule 5 of P&T ED Agents (Conduct & Service) Rules 1964.
2. Sri/Smt. Minal K. Nath (P.M.)
3. The Sr. Postmaster, Silchar H.O./Postmaster, Karimganj H.O.
4. The SDIPOS, Sub-Dn.

Sd/-  
Sr. Supdt Of Post Offices  
Cachar Dn. Silchar-788001



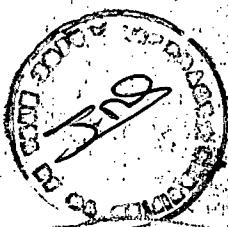
DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE SR. SUPT. OF POST OFFICES : CACHAR : N : SILCHAR - 788001

Memo. No. 218/PF Dated at Silchar the 17/1/1947

Sr. Supdt. of Post Offices  
Cachar Fn. Silchar-788001

Copy To:

Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001



DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE SR. SUPDT. OF POST OFFICES: CACHAR TN: SILCHAR-788001

Memo No. A-5249/PF

Dated at Silchar the 23/3/1981

Shri/Smt. Nattu (3PM, 1981) is on leave  
account with Sr. Supdt. of Post Offices under Silchar H.O./Karimganj/  
Hailakandi H.O. is permitted to proceed on leave without allowance  
for 12 days with effect from 21/3/1981  
to 2/4/1981.

The appointment of Shri/Smt. Nattu (3PM, 1981) as his/her substitute is approved on the clear  
understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason.

Sr. Supdt. of Post Offices  
Cachar TN, Silchar-788001

Copy To:-

1. Shri/Smt. Nattu (3PM, 1981) is informed that if (1) this spell of leave granted  
is extended and thereby exceeds 180 days or (2) if during  
12 months the leave taken in different spells exceeds  
180 days, he/she will be removed from service according  
to Rule 5 of R&T in Agents (Conduct & Service) Rules  
1964.

2. Shri/Smt. Nattu (3PM, 1981)  
3. The Sr. Postmaster, Silchar/Postmaster, Karimganj/  
Hailakandi-H.O.  
4. The SDIPOS, Sub-Div.

Sr. Supdt. of Post Offices  
Cachar TN, Silchar-788001



18 38-69  
ANNEXURE-16

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE SR. SUPDT. OF POST OFFICES : CACHAR BN: SILCHAR-788001

Memo No. A-249/PI Dated at Silchar the 27/1/1969  
Shri/Smt. .... (Name) of Hailakandi H.O. on account of his/her leave  
is permitted to proceed on leave without allowance for 100 days with effect from 1.1.1969  
to 30.6.1969.

The appointment of Shri/Smt. .... (Name) as his/her (substitute) is approved on the clear  
understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason.

382/  
Sr. Supdt of Post Offices  
Cachar Bn. Silchar-788001

Copy To:-

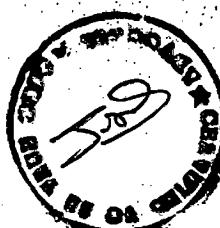
1. Shri/Smt. .... (Name) He is informed that if (1) this spell of leave granted  
extended and thereby exceeds 100 days or (2) if during  
12 months the leave taken in different spells exceeds  
100 days, he/she will be removed from service according  
to Rules 5 of F&P B Agents (Conduct & Service) Rules  
1964.

2. Shri/Smt. .... (Name) of Hailakandi H.O.

3. The Sr. Postmaster, Silchar/Postmaster, Karinganj/  
Hailakandi H.O.

4. The SPOs, .... (Name) Sub-Off. .... (Name)

382/  
Sr. Supdt of Post Offices  
Cachar Bn. Silchar-788001



DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE SR. SUPDT. OF POST OFFICES: CACHAR DN: SİLCHAR-788001

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ANNEXURE-178

Mem. No. A-219/14

Dated at Silchar the 14.10.01

Sri/Smt. S. N. M. H. is granted leave for 180 days on account with R. P. T. S. H. M. O. under Silchar/Karimganj. Hailakandi H.O is permitted to proceed on leave without allowance for 15 days with effect from 15/9/01 to 15/10/01.

The appointment of Sri/Smt. N. N. D. T. (R. N. H.) as his/her substitute is approved on the clear understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason.

Sd/-

Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001

Copy to:-

1. Sri/Smt. S. N. M. H.

He is informed that if (1) this spell of leave grant is extended and thereby exceeds 180 days or (2) if during 12 months the leave taken in different spells exceeds 180 days, he/she will be removed from service according to Rule 5 of P&T ED Agents (Conduct & Service) Rules 1964.

2. Sri/Smt. N. N. D. T. (R. N. H.)  
Silchar Dn. Postmaster, Karimganj/  
Hailakandi H.O.

3. The Sr. Postmaster, Silchar/Postmaster, Karimganj/  
Hailakandi H.O.

4. The SDIPOS/ASPOS

Vee

Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001



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ANNEXURE B/8

GOVERNMENT OF INDIA  
OFFICE OF THE SR. SUPERINTENDENT, POST OFFICES: CACHAR & SILCHAR

No. A-211/PI

Dated at Silchar the 11/7/1971

Sri/Smt. ..... is granted a leave of 180 days with effect from 1/7/1971. S.O under Silchar/Karimganj H.O is permitted to proceed on leave without allowance for 180 days with effect from 1/7/1971.

The Govt. of Sri/Smt. ..... is granted a leave of 180 days with effect from 1/7/1971. His/her substitute is approved on the clear understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason.

Sr. Supdt of Post Offices  
Cachar & Silchar-783001

Copy to:

1. Sri/Smt. ..... is granted a leave of 180 days with effect from 1/7/1971. He is informed that if (1) this spell of leave grant extended and thereby exceeds 180 days or (2) if during 12 months the leave taken in different spells exceeds 180 days, he/she will be removed from service according to Rule 5 of P&T E Agents (Conduct & Service) Rules 1964.

2. Sri/Smt. ..... is granted a leave of 180 days with effect from 1/7/1971.

3. The Sr. Postmaster, Silchar/Postmaster, Karimganj, Hailakandi H.O.

4. SP/POS/ASPOS

*Alles*  
Sr. Supdt of Post Offices  
Cachar & Silchar-783001



**LEAVE SANCTION ORDERS**  
(for use of the sanctioning authority)

Memo No - A - 249/PF - Etat Silchar 1 The 26/8/02

Shri/Smt/Kum. Sirma Nalita.....(P.P.M.)  
(Designation) Revenue Officer.....B.O.S. ....  
Division Cachar.....has been permitted to proceed on leave without  
allowances (LWA) Paid leave for (18) Eighteen days from 11/8/02 to 31/8/02

2. The appointment of Shri/Smt/Kum. Nirmal Kanta Nalita.....as his/her substitute is approved on the clear understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason.
3. The substitute is entitled only to the minimum of the TRCA applicable to GDS.
4. The paid leave at credit of the GDS for the half year ending on ..... after deducting the paid leave now sanctioned, is ..... days only.

Date : 26/8/02

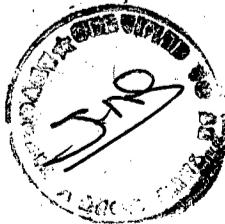
Copy to:

*SDP*  
Senior Supdt., Post Offices,  
Signature of the Sanctioning Authority, Silchar-783001

1. Shri/Smt/Kum. Sirma Nalita.....GDS. (P.P.M.)
2. Shri/Smt/Kum. Nirmal Kanta Nalita.....(Substitute)
3. The Postmaster, Silchar.....
4. The ASPOs/SDIPOS.....(Smt) Silchar.....

NJ.290502

*SDP*  
Senior Supdt., Post Offices,  
Cachar Division, Silchar-783001



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ANNEXURE 20

**LEAVE SANCTION ORDERS**  
(for use of the sanctioning authority)

Memo No - A - 249 / P.E. dated Silchar 1 The 10/6/02

Shri/Smt/Kum. Seema Nath B.P.M.  
(Designation) Bengra B.O/S.O. Rampur Ichhori S.O.  
Division (Circular) has been permitted to proceed on leave without  
allowances (LWA) Paid leave for (30) Thirty days from 1-6-02 to 30/6/02

2. The appointment of Shri/Smt/Kum. Nirinal Kanali Nath as his/her substitute is approved on the clear understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason.

3. The substitute is entitled only to the minimum of the TRCA applicable to GDS.

4. The paid leave at credit of the GDS for the half year ending on ..... after deducting the paid leave now sanctioned, is ..... days only.

Date: .....

Copy to:

*Seal*  
Signature of the Sanctioning Authority  
Senior Subdt., Post Office,  
Silchar Division, Silchar-788001

1. Shri/Smt/Kum. Seema Nath GDS. B.M.
2. Shri/Smt/Kum. Nirinal Kanali Nath (Substitute) B.P.M.
3. The Postmaster, Silchar H.O.
4. The ASPOS/SDIPOS, (Smita), Silchar - 1

N.J.290502

*J.P.*  
Signature of the Sanctioning Authority  
Senior Subdt., Post Office,  
Silchar Division, Silchar-788001



DEPARTMENT OF POSTS: INDIA  
OFFICE OF THE SR. SUPDT OF POST OFFICES: CACHAR BN: SILECHAR- 788001

MEMO NO: A-249/PE Dated at Silchar the 17/8/62

Shri/Smt. Sima Nalita.....R.P.M.....Bengal  
account with Ramnath Khanam S.O under Silchar/Karimganj and  
Hailakandi-H.O is permitted to proceed on leave without allowance for  
(31) three days with effect from 1.8.62 to 3.9.62 O.R.

The appointment of Shri/Smt. Niranjan Khanam Nalita.....  
as his/her substitute is approved on the clear understanding that the substitute may  
be discharged by the appointing authority at any time without any reason.

S-1  
Sr. Supdt of Post Offices  
Cachar BN. Silchar-788001

Copy to:

1. Shri/Smt. Sima Nalita.....R.P.M.....Bengal  
.....Ranjan Khanam
2. Shri/Smt. Niranjan Khanam Nalita.....R.P.M.....Bengal  
.....Ranjan Khanam
3. The Sr. Postmaster, Silchar/Postmaster, Karimganj/Hailakandi H.O.
4. The SDIPOs/ASPOs.....(Signature).....Bengal

Sr. Supdt of Post Offices  
Cachar BN. Silchar-788001



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ANNEXURE B 822

**LEAVE SANCTION ORDERS**

(for use of the sanctioning authority)

Memo No - A 219/15 - dated 5th January 2018

Shri/Smt/Kum. Smt. N. H. (Name) B.O/S.O. (Designation) has been permitted to proceed on leave without allowances (LWA) Paid leave for 15 days from 21/1/18.

2. The appointment of Shri/Smt/Kum. N. H. (Name) as his/her substitute is approved on the clear understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason.

3. The substitute is entitled only to the minimum of the TRCA applicable to GDS.

4. The paid leave at credit of the GDS for the half year ending 31/12/2017 after deducting the paid leave now sanctioned is 15 days only.

Date : 21/1/18

SD/-  
W.C. APPROVED  
S. H. APPROVED

Senior Supdt., Post Offices,

Other Division, Silchar-783001.

Copy to:

Signature of the Sanctioning Authority

1. Shri/Smt/Kum. Smt. N. H. (Name) GDS.
2. Shri/Smt/Kum. N. H. (Name) (Substitute)
3. The Postmaster.
4. The ASPOS/SDIPOS.

NR.290502

W.C. APPROVED

SD/- APPROVED

Senior Supdt., Post Offices,

Other Division, Silchar-783001



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ANNEXURE 023

**LEAVE SANCTION ORDERS**  
(for use of the sanctioning authority)

Memo No. - 10/12/1 L- 023 Silchar 1 The 10/6/12

Shri/Smt/Kum. Surjya Nauta GDS..... 13/PA  
(Designation)..... B.O. No. .... B.O/S.O. ....  
Division ..... has been permitted to proceed on leave without  
allowances (LWA) Paid leave for ..... 10 days from ..... 1/6/12 to 10/6/12

2. The appointment of Shri/Smt/Kum. Surjya Nauta as his/her substitute is approved on the clear understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason.
3. The substitute is entitled only to the minimum of the TRCA applicable to GDS.
4. The paid leave at credit of the GDS for the half year ending on ..... after deducting the paid leave now sanctioned, is ..... days only.

Date : 10/6/12

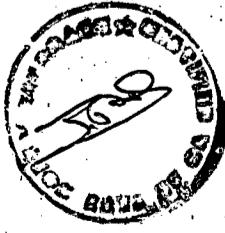
Copy to:

*20/-*  
प्रमाणित दस्तावेज  
गोपनीय म एवं विवर  
Senior Superl., Post Office,  
Gohata Division, Silchar-788001

1. Shri/Smt/Kum. Surjya Nauta GDS. 13/PA
2. Shri/Smt/Kum. National Bank (Substitute) 13/PA
3. The Postmaster, Silchar, 110
4. The ASPoS/SDIPOS, Silchar, 110

*SD*  
प्रमाणित दस्तावेज  
गोपनीय म एवं विवर  
Senior Superl., Post Office,  
Gohata Division, Silchar-788001

MJ.290502



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ANNEXURE 2A

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE SR. SUPDT OF POST OFFICES : CACHAR DN: SILCHAR- 788 001

MEMO NO: A - 249/PF

Dated at Silchar the ..... 7/5/02

Shri/Smt. .... Nirmal Kanti Nath ..... 10 P.M. .... 0.8.01. for  
account with .... Rangin K. Khan .... S.O under Silchar/Karimganj-and  
Hailakandi-H.O is permitted to proceed on leave without allowance for  
..... 31) days with effect from ..... 15.5.02 to ..... 31.5.02.

The appointment of Shri/Smt. .... Nirmal Kanti Nath .....  
as his/her substitute is approved on the clear understanding that the substitute may  
be discharged by the appointing authority at any time without any reason.

S. O.  
Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001

Copy to:

1. Shri/Smt. .... Nirmal Kanti Nath ..... 10 P.M. .... 0.8.01. ....  
..... Rangin K. Khan .....  
He is informed that if (1) this spell of leave grant extended and thereby  
exceeds 180 days or (2) if during 12 months the leave taken in different spells  
exceeds 180 days, he/she will be removed from service according to Rule 5 of  
P&T ID Agents (Conduct & Service) Rules 1964.
2. Shri/ Smt. .... Nirmal Kanti Nath ..... 10 P.M. .... 0.8.01. ....  
..... Rangin K. Khan .....  
3. The Sr. Postmaster, Silchar/Postmaster, Karimganj/Hailakandi-H.O.-
4. The SDII?Os/ASP?Os ..... 10 P.M. .... 0.8.01. ....

S. O.  
Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001



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ANNEXURE 25

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE SR. SUPDT OF POST OFFICES : CACHAR DN: SILCHAR- 788 001

MEMO NO.

1/249/PF

Dated at Silchar the ..... 27/3/02

Shri/Smt. .... & C/o ..... Net/Off. .... 137/11/100  
account with .... R. .... S.O under Silchar/Karimganj/and Hailakandi H.O is permitted to proceed on leave without allowance for 59 days with effect from ..... 1-01-02 to ..... 28-02-02

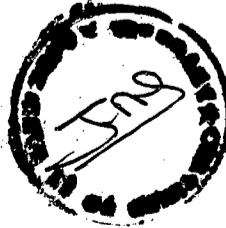
The appointment of Shri/Smt. .... & C/o ..... Net/Off. .... 137/11/100 as his/her substitute is approved on the clear understanding that the substitute may be discharged by the appointing authority at any time without any reason.

Sd/-  
Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001

Copy to:-

1. Shri/Smt. .... & C/o ..... Net/Off. .... 137/11/100  
He is informed that if (1) this spell of leave grant extended and thereby exceeds 180 days or (2) if during 2 months the leave taken in different spells exceeds 180 days, he/she will be removed from service according to Rule 5 of P&T ED Agents (Conduct & Service) Rules 1964.
2. Shri/Smt. .... & C/o ..... Net/Off. .... 137/11/100
3. The Sr. Postmaster, Silchar/Mohini/Sef, Karimganj/Hailakandi H.O.
4. The SDIPOs/ASPOs, .... & C/o ..... 137/11/100

Sd/-  
Sr. Supdt of Post Offices  
Cachar Dn. Silchar-788001



work shall be managed by giving combined duty to GDS Mail Deliverer/Mail Carrier (Gramin Dak Vitaraka/Vahak) of the neighbouring BO/SO in whose beat the BO falls.

- (b) Even in long-term arrangements, the combination of duties as in (a) above will be resorted to; substitutes will be allowed only if workload of the BO as well as its financial position justifies such engagement or filling of the post on regular basis.
- (c) In towns and cities, where departmental officials are also available in the same office, the possibility of managing the work by regular staff by combination of duties or by grant of OTA beyond normal working hours may be explored.
- (ii) If substitute arrangement is found to be unavoidable, then it should be ensured that—
  - (a) No substitute will be allowed to take over charge unless the competent leave-sanctioning/appointing authority is fully satisfied that the substitute possesses all the qualifications prescribed for that appointment and has been provided under the risk and responsibility of the regular incumbent.
  - (b) Drawing & Disbursing authorities shall not draw allowances of any substitute unless the claim is accompanied by a certificate from the competent authority about the possession of requisite qualifications by the substitutes and their approval for making/ continuing the arrangement.
  - (c) Continuation of substitute arrangements beyond 180 days at a stretch, may only be allowed by the authority next higher to the appointing authority, and only in exceptional cases where action has been initiated for regular appointment, if justified by workload and financial norms.
  - (d) No substitute arrangement shall continue beyond one year. Hence regular/alternative arrangements must be made during the period beyond 180 days to ensure this. If for any unavoidable reason a substitute arrangement is required to be continued beyond one year, specific approval of the Head of Circle will be necessary for reasons to be recorded by the concerned authority.

9. In the case of provisional appointments, it is clarified that such appointments should be resorted to only in cases where the GDS is unable, quite unexpectedly, to undertake his duties due to his own actions (unauthorized absence, fraud, misappropriation, etc.), due to circumstances beyond his control like sudden serious illness/ accident/death or because the department does not want him/her to continue (due to reasons of misconduct/ dismissal/removal/put off duty, etc.) In all other cases, action should be taken well in advance to fill the post on a regular basis. Even where the post falls vacant unexpectedly, efforts should be made to manage the work through combination of duties as spelt out in Para. 8 (i) (a) & (c). Similarly, even in case of long-term deputation of GDS to the APS, action may be taken to fill



up the post on regular basis and the GDS, on return from deputation may be suitably adjusted against vacancies in existence at that given time.

10. Where provisional appointment becomes unavoidable, action may be initiated to fill the post following all the formalities prescribed for regular appointment, but clearly stipulating that the appointment is on a provisional basis. On no account, should a provisional appointment be made without following every formality that is prescribed for regular appointment. Since the whole process will take a period not exceeding 60-90 days, stop-gap arrangement may preferably be made at the local level in the interim through combination of duties or by allowing the GDS from a neighbouring office to function, or by deploying a Mail Overseer to look after the work. Under no circumstances, should such local arrangement exceed 90 days. If, due to some unavoidable reasons, the local arrangement needs to be continued beyond 90 days, approval of the next higher authority is to be taken on a one time basis for reasons to be recorded in writing.

11. In cases where the incumbent dies in harness, there is no objection to a dependant being allowed to function on interim basis, provided the dependant fulfils the qualification/relaxed qualification applicable for post fallen vacant. This may only be resorted to if arrangement by combination of duties is not feasible. However, in such cases also, such interim appointment should not exceed one year and every effort should be made to take a final view within that time frame. It also needs to be clearly stipulated that such provisional appointment does not entitle the dependant to a claim for the post unless his/her case for compassionate appointment is approved by the Circle Relaxation Committee.

12. The extant provisions provide for a provisional appointee to be placed on a waiting list for being considered for a regular appointment after he/she has completed three years of continuous employment. To avoid prolongation of such provisional appointments, approval of the next higher authority should be taken in respect of all provisional appointments exceeding 180 and where the period exceeds one year, express approval of the Head of the Region/Circle, as the case may be, would be necessary. Where the regular incumbent is not reinstated, immediate action must be taken to regularize the regularly selected provisional appointee against the said post without resorting to fresh recruitment.

13. The above instructions may kindly be brought to the notice of all appointing authorities of GDSs for strict compliance. Any violation of the above instructions shall be viewed seriously and action would be required to be taken against officials who allow substitute provisional arrangements to continue beyond the prescribed limits in contravention of the above instructions.

14. If any previous instructions on the issues of 'substitute' and 'provisional appointment' are found contrary to these provisions, the same will stand superseded by the latter.

work shall be managed by giving combined duty to GDS Mail Deliverer/Mail Carrier (Gramin Dak Vitaraka/Vahak) of the neighbouring BO/SO in whose beat the BO falls.

- (b) Even in long-term arrangements, the combination of duties as in (a) above will be resorted to; substitutes will be allowed only if workload of the BO as well as its financial position justifies such engagement or filling of the post on regular basis.
- (c) In towns and cities, where departmental officials are also available in the same office, the possibility of managing the work by regular staff by combination of duties or by grant of OTA beyond normal working hours may be explored."

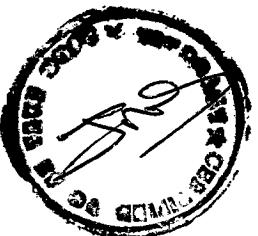
2. Some Circles had sought some clarifications from the Directorate on the issue pertaining to paid leave. If "combination of duties is not feasible can engagement of substitutes be allowed in the case of paid leave also"? Directorate had clarified, *vide* letter No. 17-136/2001-GDS, dated 10-1-2003, that combination of duties is the first option while granting paid leave to the regular GDS which implied that other options including engagement of substitutes were also open while granting paid leave.

3. Notwithstanding the above clarification, this office continues to receive representations from the various staff unions expressing following difficulties due to issuance of above instruction:

- (i) Combination of duties is affecting employment condition with extended working hours without any additional remuneration.
- (ii) GDSs are not being granted paid leave due to misinterpretation of above instructions.
- (iii) GDSs are being denied the opportunity to officiate in Postman/Gr. 'D' cadres.

4. The matter has been examined and it is again clarified that:

- (i) Instructions, dated 21-10-2002 do not provide that combination of duties should be resorted to even if the working hours of the combined duties exceed 5 hours. It is for the leave sanctioning authority to ensure that the combination of duties whenever resorted to does not exceed maximum 5 working hours a day of such GDS. In so far as issue of extra remuneration for additional work is concerned, there is already provision of combined duty allowance.
- (ii) As regards alleged refusal of leave due to wrong interpretation of instructions, dated 21-10-2002, it is clarified that leave should not be refused to GDSs when combination of duties is not possible.
- (iii) Further, instructions, dated 21-10-2002 also do not prohibit making of officiating arrangement against Gr. 'D' Postman cadre by engaging the GDSs. Para. 8 (b) stipulates that even in long-term arrangement, substitute will be allowed if workload and financial position of BO justifies such engagement or filling up of the post.



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Anne 27

5. While the basic intention behind the issuing of instructions, dated 21-10-2002 was no doubt to regulate and restrict the substitute and provisional arrangements approved / made by the Appointing Authorities, it was not intended to deny the legitimate leave to the GDSs. As such, it is enjoined upon the leave sanctioning authorities that they will not deny paid leave introduced *vide* Dte. O.M., dated 17-12-1998 on the grounds that duties of the GDS proceeding on leave, etc., cannot be combined with other GDSs/departmental staff.

[ D.G., Posts, Letter No. 17-136/2001-GDS, dated the 24th April, 2003. ]

(9) **Further guidelines for engaging of paid substitutes against leave / absentee Group 'D' and Postman staff.**— The Directorate had issued following comprehensive guidelines for regulating the substitutes / provisional arrangements in place of regular Gramin Dak Sevaks *vide* Letter No. 17-115/2001-GDS, dated 21-10-2002 (*Instruction 6 above*).

- (a) In case of short-term arrangements, as far as possible, work will be managed by combining duties, and "substitutes" will not be provided in leave arrangement. In single-handed BOs, the work shall be managed by giving combined duty to GDS Mail Deliverer / Mail Carrier (Gramin Dak Vitaraka / Vahak) of the neighbouring BO/SO in whose beat the BO falls.
- (b) Even in long-term arrangements, the combination of duties as in (a) above will be resorted to; substitutes will be allowed only if workload of the BO as well as its financial position justifies such engagement or filling of the post on regular basis.
- (c) In towns and cities, where departmental officials are also available in the same office, the possibility of managing the work by regular staff by combination of duties or by grant of OTA beyond normal working hours may be explored.

As per Appendix-6, Postal Manual, Volume-IV, paid substitutes against the casual leave vacancies ordinarily be restricted to offices in which the number of postman / village postman and Class IV staff together does not exceed 4. However, Heads of Postal Circles may at their discretion relax the condition in individual cases in which, due to the absence of abnormally large number of postman and Class IV staff, it is not found possible to distribute the work among the available staff. The amount to be paid to the substitute employed must not exceed the minimum pay of the time scale in force.

It is seen that the paid substitutes are being engaged in delivery offices irrespective of the strength of Group 'D' and postman staff and despite substantial reduction of mail volume in the delivery Post Offices. Due to the prolonged period of officiating arrangements of a GDS against a departmental post, the substitute provided by the GDS to man the post claim regular absorption which often results in litigations. It is also seen that some time the substitute provided by the GDS in an officiating arrangement not fulfilling the eligibility condition for the post of GDS also claim regularization.

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In view of the above, the following guidelines may be observed while making arrangement against the leave / absentee postman staff in Post Offices with more than 4 Group 'D' / postman staff:—

- (i) The workload of delivery Post Offices may be reviewed and justified staff strength worked out commensurate with the workload.
- (ii) The work of such absentee Group 'D' / postman staff may be managed by redistribution of work among the available Group 'D' / postman staff in the same office or by paying double duty allowance to postmen in accordance with Directorate Letter No. 10-7/2001-PE.II, dated 28-1-2003.
- (iii) No substitute should be engaged against the vacant post of Group 'D' / postman in departmental Post Offices having a combined staff strength exceeding 4 Group 'D' / postmen. However, Heads of Circles / Regions may at their discretion relax this condition in individual cases if it is not found possible to redistribute the work among the available staff and if they feel that there is a genuine difficulty in managing the work without making substitute arrangement where the staff available is limited and the work in that particular office cannot be managed without a substitute arrangement.

[ G.I., Dept. of Posts, Lt. No. 10-7/2001-PE-II, dated the 15th March, 2004. ]

(10) **GDS BPM / SPM should be a Matriculate.**— I am directed to say that in the Heads of Circle Conference held on 16th and 17th June, 2003 at Bangalore, the issue of revising the essential educational qualification for recruitment to the posts of Gramin Dak Sevaks (other than GDS BPM / SPM) from 8th pass to Matriculation was raised.

The issue has been examined in depth in this office and it has been decided not to revise the essential educational qualification, i.e., Middle pass to Matriculation for the posts of GDS other than GDS BPM / SPM, as there is already a provision of preferential educational qualification of Matric for these categories. It is hereby reiterated that while recruiting the following categories of GDS, as per the existing instructions, preference may be accorded to those candidates possessing Matric qualification:—

- (i) GDS MD
- (ii) GDS SV
- (iii) GDS MC
- (iv) GDS Packer
- (v) GDS Mail Messenger / Runner
- (vi) GDS MM

You are requested to ensure that whenever arrangements, combination of duties to the post of GDS BPM / SPM is made on account of their being on

leave, etc., efforts should be made as far as possible, to deploy a GDS who is a Matriculate, to perform the duties of GDS BPM / SPM.

[G.I., Dept. of Posts, Lr. No. 22-11/2003-GDS, dated the 26th September, 2003.]

## 8. Termination of Employment

(1) The employment of a Sevak who has not already rendered more than three years' continuous employment from the date of his appointment shall be liable to termination at any time by a notice in writing given either by the Sevak to the Appointing Authority or by the Appointing Authority to the Sevak;

(2) The period of such notice shall be one month:

Provided that the employment of any such Sevak may be terminated forthwith and on such termination, the Sevak shall be entitled to claim a sum equivalent to the amount of Basic Time Related Continuity Allowance *plus* Dearness Allowance as admissible for the period of the notice at the same rates at which he was drawing them immediately before the termination of his employment, or, as the case may be, for the period by which such notice falls short of one month.

NOTE.—Where the intended effect of such termination has to be immediate, it should be mentioned that one month's Time Related Continuity Allowance *plus* Dearness Allowance as admissible is being remitted to the Sevak in lieu of notice of one month through money order.

## **DIRECTOR-GENERAL'S INSTRUCTIONS**

**(1) Specimen forms of Notice.—**

FORM—I

*Notice of termination of service issued under Rule 6 (a) of P & T EDAs  
(Conduct and Service), Rules, 1964*

In pursuance of Rule 6 (a) and (b) of the P & T Extra-Departmental Agents (Conduct and Service) Rules, 1964, I ..... (name and designation) hereby give notice to Shri/Smt./Kumari ..... (name and designation) that his/her services shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on or, as the case may be, tendered to him/her.

Station:

Date:

*Signature of the Appointing Authority*

## SECTION IV

### Method of Recruitment

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

#### 1. Age:

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

#### 2. Educational Qualifications:

ED Sub-Postmasters and ED Branch Postmasters:

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

ED Delivery Agents  
ED Stamp Vendors and  
All other Categories of  
EDAs.

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

#### 3. Income and ownership of property:

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



#### 4. Residence:

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

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

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

#### \*5. Security:

In view of increase in cash handling liability and line, limit of the GDSSs, security amount (which is Rs. 4,000 at present) will be enhanced to Rs. 10,000 for GDS SPM / BPM and Rs. 5,000 for other categories of GDSSs. The Security will be in the form of Fidelity Bond or NSC pledged to the Department in the name of the President of India. The above enhanced security deposit will be effective from the date of next renewal of security bond for the existing GDSSs and with effect from date of employment for the new GDSSs.

#### 6. Preferential Categories:

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

The criterion to judge 'adequate means of livelihood' should be that, in case he loses his main source of income, he should be adjudged as incurring a disqualification to continue as EDSPM / EDBPM. In other words, there must be absolute insistence on the adequate source of income of EDSPM / BPM and the allowances for his work as EDSPM / BPM must be just supplementary to his income. To ensure this condition, the candidate must be able to

\* Para. 5 amended by D.G., Dept. of Posts, Letter No. 22-12/2001-GDS, dated the 17th September, 2003.

offer office space to serve as the agency premises for postal operations as well as public call office and as such, business premises such as shops, etc., must be preferred regardless of the various categories of preferences mentioned above.

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

**(1-A) Gramin Dak Sevaks should not canvass for any business of insurance agency other than RPLI.**— All the Gramin Dak Sevaks (GDS) have now been authorized as Rural PLI agents for procurement of RPLI business and therefore, they should not canvass for any business of insurance agency, commission agency or of financial companies in the interest of the Department. If any GDS is still found canvassing for other such companies / agencies, whose services are parallel / similar to those provided by the Department, he should be proceeded against departmentally for violation of these instructions under the relevant rule of the GDS (Conduct and Employment) Rules, 2001.

[ D.G., Posts, Lr. No. 22-1/2003-DGS, dated the 12th May, 2003. ]

**(1-B) LIC Agents are not eligible to be appointed as GDSs.**— Hon'ble CAT Madras Bench quash the instructions contained in Directorate Letter No. 22-1/2003-GDS, dated 12-5-2003 regarding Gramin Dak Sevaks (GDSs) working as agents of insurance / financial companies. Hon'ble CAT has *inter alia* observed that if the competent authority considered that after the commencement of RPLI business by the Department, GDSs, they should not take up the LIC agency, it is open to the Department to make a condition that those who are LIC Agents should not be in future appointed as GDSs unless they give up the agency, but that condition cannot be enforced in the case of GDSs who had already been recruited without any such condition. The matter was referred to the Ministry of Law, Branch Secretariat Chennai, but the case was not found fit to be challenged before High Court.

2. You are, therefore, requested to bring the contents of the above order to the notice of all concerned immediately for information / guidance. It is also requested that while making recruitment to the posts of GDSs, it should be specifically mentioned in the notification that LIC Agents are not eligible for the post unless they give up the agency. However, if any GDS is found to be diverting PLI / RPLI business, suitable disciplinary action should be taken against him.

[ G.I., Dept. of Posts, Lr. No. 22-1/2003-GDS, dated the 24th May, 2004. ]

Preferential educational qualification clause in respect of GDS other than GDS BPM / SPM upheld by the Supreme Court:

A judgment, dated 16-7-2001 of the Hon'ble CAT, Punjab and Haryana Circle, Chandigarh has been brought to the notice of this office which was delivered in Writ Petition No. 1262/2001 filed by *Shri Ram Kumar* against the Judgment of the CAT, Chandigarh in O.A. No. 399/HR/2000 *vide* which his

selection was cancelled though he was appointed on the basis of preferential qualification, i.e., Matriculation to the post of EDDA.

In its judgment, the Hon'ble High Court has deliberated upon the various judgments passed by the Hon'ble Supreme Court upholding the validity of preferential educational qualification clause prescribed by the Government for recruitment to a post and upheld validity of preferential clause prescribed with regard to educational qualification of GDS (other than GDS BPM/SPM) *vide* letter, dated 12-3-1993.

[ D.G., Posts, Lr. No. 15-52/2001-ED & Trg., dated the 15th January, 2002. ]

Office of the .....

#### ORDER OF APPOINTMENT

No. ...., dated at ..... the .....

Shri ..... son of ..... is hereby appointed as ED ..... with effect from ..... forenoon / afternoon. He shall be paid such allowances as are admissible from time to time.

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

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

(Appointing Authority)

To .....  
Shri .....

#### ACKNOWLEDGEMENT

I ..... , acknowledge the receipt of your Memo No. ...., dated the ..... and hereby accept the appointment of ..... under the specific condition that my appointment is in the nature of a contract liable to be terminated by notice given in writing.

2. I further declare that I have read the Posts and Telegraphs ED Agents (Conduct and Services) Rules, 1964, and clearly understand that I become liable to the provisions and penalties contained in these rules on being appointed as ..... in the Posts and Telegraphs Department.

(Extra-Departmental Employee)

Dated .....

[ D.G., P. & T., Letter No. 43-68/71-Pen., dated the 6th February, 1973. ]

Government of India) issued by Department of Personnel & Training, *vide* their O.M. No. 36012/22/93-Estt. (SCT), dated the 8th June, 1994.

2. The question whether the scope of the aforesaid policy guidelines issued by the Department of Personnel and Training for application to Groups 'B', 'C' and 'D' cadres should also be extended to cover Extra-Departmental Cadres has been engaging the attention of this office for sometime past. Since EDAs are the feeder cadres for filling up posts in Departmental Group 'C'/'D' cadres and any deficiency in the representation of candidates belonging to OBCs in ED categories will result in inadequate representation for candidates belonging to OBCs in Departmental cadres also, a decision has been taken that the provisions contained in the Compendium of Instructions on Reservation for Other Backward Classes in Services and Posts under the Government of India issued by the Department of Personnel and Training will also apply to ED categories. As in the case of representation for SC and ST and persons belonging to physically handicapped categories, no specific point will be reserved for appointment of candidates belonging to OBCs in ED categories. However, efforts will be made to secure representation for candidates belonging to OBCs on the same scales as are applicable to Departmental Groups 'C' and 'D' cadres.

[ D.G., Posts, No. 17-132/94-ED & Trg., dated the 5th October, 1994. ]

(13) **Teachers to be appointed as ED Agents only in exceptional circumstances with the personal approval of the Postmaster-General.**— With the spread of education in the rural areas, there is a large number of educated unemployed youths engaged in activities such as cultivation, running shops or working as artisans, etc., and are deriving income from these sources. Further, school teachers are whole-time employees of the State Governments and other agencies and cannot generally be expected to do justice to the postal work. Having regard to these, other relevant considerations and the fact that it would be advantageous both to the educated unemployed youths in rural areas and this Department, it has been decided after due consideration that in future school teachers should be appointed as Extra-Departmental Agents only in exceptional circumstances with the personal approval of the Postmaster-General (Region) concerned when suitable candidates belonging to other categories as already particularized in this office guidelines laid down from time to time are either not available or are not coming forward for appointment as Extra-Departmental Agents. While according his approval to the appointment of school teachers as Extra-Departmental Agents, the PMG (Region) will satisfy himself and record detailed reasons in justification thereof. The persons belonging to other categories such as SC/ST, etc., will continue to be preferred as already provided in the orders in vogue at present so as to ensure their due representation in Extra-Departmental categories.

These orders will come into force from the date of issue and will not affect the school teachers who are already working as Extra-Departmental Agents.

[ D.G., Posts, Letter No. 14-23/92-ED & Trg., dated the 29th September, 1992. ]

(14) **Near relations for the purpose of appointments to ED Posts in the same office.**— I am directed to invite kind attention to this Office Letter No. 43-36/64-Pen., dated 17-10-1966 (*not printed*) wherein it was stipulated that the employment of near relatives as ED Agents in the same Post Office should be avoided as the same was fraught with the risk of frauds, etc.

2. The aforesaid instructions came up for judicial scrutiny in different Benches of CAT. Finally, the legality of the instructions contained in this office letter referred to above also came up for examination before the Supreme Court of India through Civil Appeal No. 16753/96 in the matter of *Baliram Prasad v. Union of India and others*. After hearing the Counsels representing the petitioner and the respondents, the Hon'ble Supreme Court has observed that the action taken in the specific case by the Department is arbitrary and irrational and cannot be countenanced on the touchstone of Article 14 of the Constitution of India. Copy of the aforesaid judgment of the Supreme Court is appended hereto for reference and record.

3. In the light of the aforesaid judgment of the Apex Court, the justifiability of this office instructions referred to above has been examined afresh in this office. Since the law laid down by the Apex Court has application throughout the country, it has been decided to withdraw the aforesaid instructions.

[ D.G., Posts, Letter No. 17-125/93-ED & Trg., dated the 25th February, 1997 (*not printed*)  
Vide D.G., Posts letter of even number, dated the 1<sup>st</sup> February, 1999. ]

(15) **Appointment of EDBPM by Inspectors.**— With a view to ensuring quick administration, it has been decided that where there is no contest for the post of EDBPM, the Inspector of Post Offices can make the appointment in anticipation of the formal approval of the Superintendent of Post Offices. The formal orders in this connection will be issued by the competent Appointing Authority, namely, the Divisional Superintendent. In other cases, where there are rival claimants, the Inspector of Post Offices would be required to obtain the prior approval of the Divisional Superintendent before appointing any person as EDBPM.

[ D.G., P. & T., Letter No. 18.3/62-Disc., dated the 30th January, 1965. ]

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

(i) As far as possible, provisional appointments should be avoided. Provisional appointments should not be made to fill the vacancies caused by the retirement of ED Agents. In such cases, the Appointing Authority should take action well in time before the retirement of the incumbent ED Agent, to select a suitable successor.

(ii) Wherever possible, provisional appointments should be made only for specific periods. The appointed person should be given to understand that the appointment will be terminated on expiry of the specified period and that he will have no claim for regular appointment. Where a new Post Office is opened or where a new post is created or where an ED Agent dies while in service or resigns from his post and it is not possible to make regular appointment immediately, a provisional appointment should be made for a specific period. The offer for appointment should be in the form annexed (Annexure-A).

(iii) Where an ED Agent is put off duty pending departmental or judicial proceedings against him and it is not possible to ascertain the period by which the departmental / judicial proceedings are likely to be finalized, a provisional appointment may be made, in the form annexed (Annexure-B). It should be made clear to the provisionally appointed person that if ever it is decided to reinstate the previous incumbent, the provisional appointment will be terminated and that he shall have no claim to any appointment.

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

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

[D.G., P. & T., Letter No. 43-4/77-Pen., dated the 18th May, 1979 and Ctr. No. 19-34/99-ED & Trg., dated the 30th December, 1999.]

ANNEXURE - A  
[ in Duplicate ]

Whereas the post of Extra-Departmental ..... (Name of Post and Office of duty) has become vacant / has been newly created and it is not possible to make regular appointment to the said post immediately, the ..... (Appointing Authority) has decided to make provisional appointment to the said post for a period of (period) from ..... to ..... or till regular appointment is made, whichever period is shorter.

2. Shri ..... (Name and address of the selected person) is offered the provisional appointment. He should clearly understand that the provisional appointment will be terminated when regular appointment is made and he shall have no claim for appointment to any post.

- 54 - Annex 32

3. The ..... (Appointing Authority) also reserves the right to terminate the provisional appointment at any time before the period mentioned in Para. 1 above without notice and without assigning any reason.

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

5. In case the above conditions are acceptable to Shri ..... (Name of the selected candidate), he should sign the duplicate copy of this memo and return the same to the undersigned immediately.

Appointing Authority

To .....  
Shri .....  
.....  
.....  
.....  
.....  
.....

ANNEXURE - B  
[ in Duplicate ]

Whereas Shri ..... (Name and Designation of the ED Agent who has been put off duty/removed/dismissed) has been put off duty pending finalization of disciplinary proceedings and judicial proceedings against him has been removed/dismissed from service and the need has arisen to engage a person to look after the work of ..... (Name of Post,) the undersigned (Appointing Authority) has decided to make a provisional appointment to the said post.

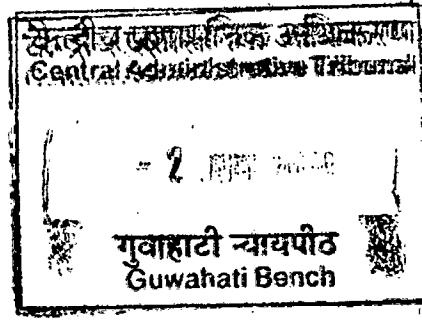
2. The provisional appointment is tenable till the disciplinary proceedings against Shri ..... are finally disposed of and he has exhausted all channels of departmental and judicial appeals and petition, etc. (this clause may be deleted if the vacancy was caused by the dismissal/removal of an ED Agent) and in case it is finally decided not to take Shri ..... (name of the ED Agent who has been put off/removed/dismissed) back into service till regular appointment is made.

3. Shri ..... (name and address of the selected candidate) is offered the provisional appointment to the post of ..... (name of post). Shri ..... (name of the selected candidate) should clearly understand that if ever it is decided to take Shri ..... (name of the ED Agent who has been put off/removed, dismissed) back into service, the provisional appointment will be terminated without notice.

4. The ..... (Appointing Authority) reserves the right to terminate the provisional appointment any time before the period mentioned in Para. 2 above without notice and without assigning any reason.

5. Shri ..... (name of the selected candidate) shall be governed by the Extra-Departmental Agents (Conduct and Service) Rules, 1964, and all other rules and orders applicable to Extra-Departmental Agents.





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Supply of Post Offices  
Sri Cachar Division  
Sri Cachar 788001

Guwahati Bench  
02.06.07 SRLG/SC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

O.A. NO. 245 OF 2007

Sri Nirmal Kanti Nath

...Applicant

-Versus-

Union of India & Ors.

....Respondents

The written statement on behalf of  
the Respondents above named-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

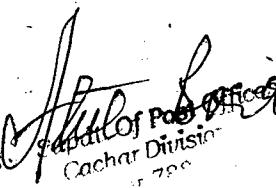
1. That the answering respondents beg to state that a copy of the Original Application has been served upon them and after going through the same has understood the content thereof.
2. That the Respondents beg to state that the statements which are not specifically admitted by the respondents are deemed to be denied by them.
3. That with regard to the statement made in paragraph 1.1 of the application the Respondents beg to state that with regard to letter No.A-249 dated 19.3.2005 in to be read as 19.3.07. The respondents most humbly apologized the mistake. Directive issued in OA

Contd...P/-

No.84/06 was therefore complied with under the office letter No. A-249 dtd. 19.3.07.

4. That with regard to the statement made in paras 2 and 3 of the application the respondents beg to state that those are within the specific knowledge of the applicant and the answering respondents have no comment to offer.
5. That with regard to the statement made in paragraph 4.1 of the application the respondents beg to state that they have no comment to make on it in within the specific knowledge of the applicant.
6. That with regard to the statement made in paragraph 4.2 of the application the respondents beg to state that Smt Sima Nath was appointed as GDS BPM Berenga B.O. with effect from 24.10.1989. As per existing rules a GD Sevak is required to nominate his/her nominee as and when he/she applies for leave. The nominee is required to manage the work of the incumbent during his/her leave period on the sole responsibility of the regular incumbent of the post and will get allowances for the said leave period from 10.5.1990 onward. Smt Sima Nath, the appointed GDSBPM Berenga BO and availed leave on several occasions, and nominated Sri Nirmal Kanti Nath to work in her place on her responsibility which were duly approved by the appropriate authority.

Contd... P/-

  
Post Officer  
Cachar Division  
S. No. 178

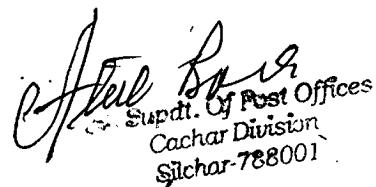
It may be mentioned here that the nominee of the actual incumbent has to work on the risk and responsibility of the actual incumbent and as such has no claim for the said post. If the said post falls vacant for one or other reasons the appointing authority is required to call for applicants for such vacant posts through local employment Exchange for selection after observing the prescribed formalities.

7. That with regard to the statement made in paragraph 4.3 of the application the respondents beg to state that they have no comment to offer as those are matter of record and the respondents do not admit anything which are not borne out of record.

8. That with regard to the statement made in paragraph 4.4 of the application the respondents beg to state that regarding his working substitute on various occasions, the respondent has nothing to comment, but regarding the question of fullest satisfaction of all his superior document arise as he had worked as sole risk the actual incumbent of him/her who had nominated him/her for such work.

9. That with regard to the statement made in paragraph 4.5 of the application the respondents beg to state that the newly appointed GD SBPM Berenga B.O. has also fulfilled all the terms and conditions for such appointment as GDSBPM Berenga B.O.

Contd...P/-

  
Subdi. of Post Offices  
Cachar Division  
Silchar-788001

10. That with regard to the statement made in paragraph 4.6 of the application the respondents beg to state that the respondents did not received any application in prescribed proforma through the Employment Exchange, Silchar along with photo copies of the required documents for consideration under normal recruitment rules and as such his selection in the post of GDSBPM Barenga B.O. does not arise.

11. That with regard to the statement made in paragraph 4.7 of the application the respondents beg to state that working for any period or time as nominee of the actual incumbent has no claim for such post simply on his/her such work.

The respondent further begs state that the direction issued in OA No. 84/06 was complied with under office letter No. A-249 dt. 19.3.07.

12. That with regard to the statement made in paragraph 4.8 of the application the respondents offer no comment.

13. That with regard to the statement made in paragraph 4.9 of the application the respondents beg to state that the Direction issued in OA No. 84/06 was complied vide office letter No. A249 dt. 19.3.07.

*Shubh Boruah*  
Post Officer  
Cachar Division  
Silchar-788001

Contd... P/-

[ 5 ]

14. That with regard to the statement made in paragraphs 4.10 and 4.11 of the application the respondents beg to state that in view of the fact laid down in the forgoing paragraph, there is no scope to consider the case of the applicant under the existing recruitment rules.

15. That with regard to the statement made in paragraph 4.12 of the application the respondents beg to state that as per rules there is no bar in appointing near relative in the same office and as such it was as per rules:

16. That with regard to the statement made in paragraph 4.13 of the application the respondents beg to state that the Divisional Superintendent is the appointing authority for the post of GDSBPM/BPM. In case of exigencies of service an Inspector can engage a person purely on temporary basis who may or may not be approved by the actual appointing authority. The applicant of this OA was never appointed in the post of GDSBPM Berenga B.O. but he had actual as nominee of the then GDSBPM in her leave vacancies on the sole responsibility of the regular incumbent. As such the applicant of this OA cannot claim for any alternative appointment ignoring the prescribed recruitment rules and thereby depriving the other suitable candidates.

Contd... P/-

*Atul Bora*

17. That with regard to the statement made in paragraph 4.14 of the application the respondents beg to state that the then incumbent of the post of GDSBPM Berenga B.O. did never availed leave for more than 180 days continuously and as such there is nothing to comment.

18. That with regard to the statement made in paragraph 4.15 of the application the respondents beg to state that the applicant of this O.A has failed to furnish the particulars left blank and as such no comment to offer.

19. That with regard to the statement made in paragraph 4.16 of the application the respondents beg to state that since the applicant had not submitted any formal application for the post of GDSBPM Berenga B.O. through local Employment Exchange his case can not come for consideration depriving the other suitable candidates applied for the same. Typographical error has been specifically appolises in para 3 of the written statement by the answering respondents.

20. That with regard to the statement made in paragraph 4.17 of the application the respondents beg to state that the reply to this para has been given by the respondent in the forgoing paragraph.

Contd... P/-

*Chitul Bora*  
Sr. Supdt. Of Post Offices  
Cachar Division  
Silchar-788001

- 2 JUN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

[ 7 ]

21. That with regard to the statement made in paragraph 4.18 of the application the respondents beg to state that no land was donated by anybody for housing the Berenga B.O. As per condition of service the appointed GDSBPM is required to make own arrangement for housing a B.O. and also make own arrangement for safety and security of Govt cash valuables and other properties. As such the plea of the applicant has no basis at all.

22. That with regard to the statement made in paragraph 5 of the application the respondents beg to state that the ground for relief sought for are not good ground which are neither tenable in law nor in fact and liable to be rejected in view of the above facts laid down by the answering respondents.

23. That with regard to the statement made in paragraph 6 and 7 of the application the respondents beg to offer no comment.

24. That with regard to the statement made in paragraph 9 of the application the respondents beg to state that the relief and the interim order prayed for by the applicant is liable to be rejected in view of the fact laid down in the preceding paragraphs by the answering respondents.

26. That with regard to the statement made in paragraph 10 and 11 of the application the respondents beg to offer no comment as it is within the specific knowledge of the applicant.

Contd... P/-

*Ch. Secy. Of Office  
Cachar Division  
Silchar-788101*

VERIFICATION

I, Sri. Ashutosh Bora, S/o. late Sonoran Bora,  
aged about years, R/o. Post Office, Naale, Basulpukhuri, Tinsukia,  
District Tinsukia and working as Supdt. of Post & Telegraph, S/o.  
has been authorised by the Respondent to verify the  
statement on their behalf. I, do hereby verify that the  
statement made in paras 1 - 26

are true to my knowledge and  
those made in paras —

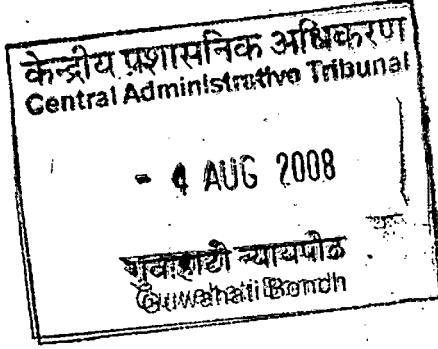
being matters of record are true to my information  
derived therefrom which I believe to be true and the  
rests are my humble submission before this Hon'ble  
Tribunal and I have not suppressed any material facts.

And I sign this verification on this 1<sup>st</sup> day  
of June 2008 at Guwahati.

  
Sri. Ashutosh Bora  
Post Office  
Cachar Division  
Signature

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GAUHATI BENCH : GAUHATI

ORIGINAL APPLICATION NO. 245 OF 2007



Sri Nirmal Kanti Nath

... Applicant

-VS-

Union of India and Ors.

.... Respondent.

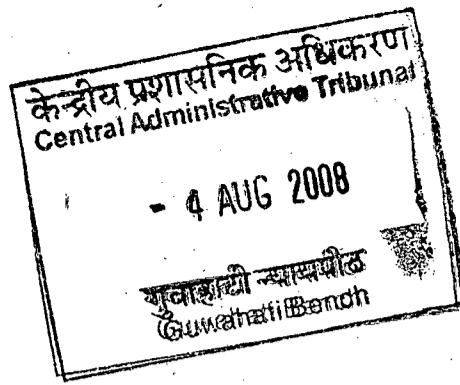
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3.	Annexure - R/1	10-12

Filed by



Advocate.



Nirmal Kanti Nath  
Filed by the applicant  
A. M. Ghosh  
Date: 8/11/08  
DT: B1/105

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A.NO. 245 of 2007.

Sri Nirmal Kanti Nath

.....Applicant

- Vs -

Union Of India & Others

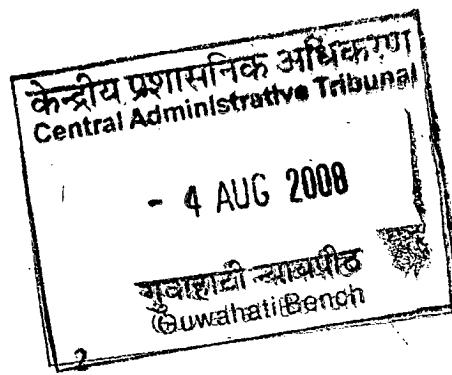
.....Respondents

IN THE MATTER OF REJOINDER  
BY THE APPLICANT TO THE  
WRITTEN STATEMENT FILED BY  
THE RESPONDENTS.

The answering Applicant most respectfully

sheweth:

1. That the answering Applicant have gone through the copy of the written statement and understood the contents thereof. Save and except the statements which have been specifically admitted herein below or those which are borne on records all other averments/ allegations made in the written statement are hereby emphatically denied and the Respondent have put to the strictest proof thereof.
2. That with regard to the statement made under para 1 and 2 of the written statement by the respondents it is submitted that the applicant need not offer any comments.
3. That with regard to the statement made under para 3 of the written statement it is stated that the



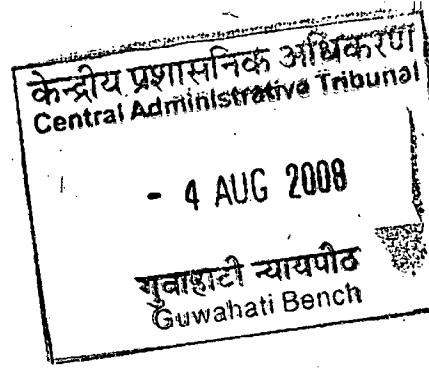
26

Respondents have invited a mis-leading fact and mis-interpretation of the orders given by the Hon'ble CAT in their Judgment dated 6.4.2006 of O.A.No.84/2006 in the said order that the third Respondent or any of the competent authority was directed to consider the representation of the Applicant dated 25.2.06 and pass appropriate orders and communicate the same to the applicant. The applicant in the said representations prayed for to allow him officiate as BPM at Berange BPO like previous occasion of his appointing in the leave vacancy of Smti Sima Nath promoted to the cadre of postman duly passing Departmental examination. The applicant had not said anything in the regular appointment, in regular cadre in respondent's establishment. The respondent mis-represented in their statement and thereby tried to mis-lead the Court duly evading compliance of the Hon'ble CAT's orders in the O.A. No.84/2006 mentioned above.

Photocopy of the applicant's representation dated 25.2.06 is annexed herewith as Annexure-R/1

4. That with regards to the statements made paras 4 and 5 it is stated that the matter relates to the Jurisdiction and limitation of the Hon'ble CAT and the applicant's entitlement of the rights, all are settled matters and the applicant beg to offer no comments thereof.

5. That with regard to the averment made under para 6 of the W. S. by the respondent it is stated that the applicant



had worked as many as 02 times of different spells and span of time to work as a substitute employ in the capacity of BPM at Berenga post office vice Smti. Sima Nath BPM of Berenga granted leave or reported sick from time to time with the sanction of the competent authority. The applicant has annexed the annexures 5 to 25 in the OA in support of the veracity of his submission of his statement, and prayed for holding of regular selection of the GDS employ event in the said BPO by the positive act of selection so as to dis-continue the present incumbents, Respondents No.5 and 6 working in the capacity of substitute Branch Post insure from 16/5/06 and 12/5/06 respectively violating all norms, rules and prevailing system of the Gramin Dak Sevak, Rules principles and policy by not way of holding positive Act of Selection with eligible candidates. The respondents in their submission in the written statement have also agreed to the submission of the applicant regarding his earlier engagements vice Smti. Sima Nath., but practically and factually did not call the Applicant for the appointment engagement to the post of the Respondents 5 & 6 now holding prior to their appointment engaged and thus the Respondents 1 to 4 have blatantly violated their own set of Rules & System for such appointment /engagement , the centre to their submission made in the statement in this paragraphs. The Respondents have not enclosed any of the records of making such selection through local employment exchange nor highlighted or exhibited any of the prescribed formalities as they had stated for appointing Respondents No.5 and 6 and allowing to continue with the indefeasible right for the indefinite years duly flouting all rules and norms of GDS Recruitment policies.

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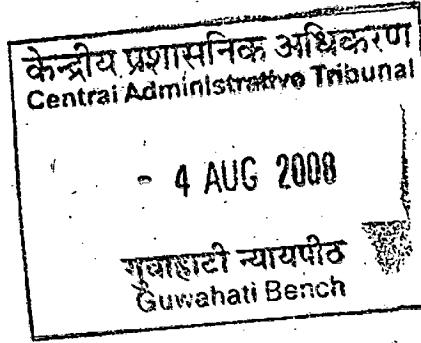
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Guwahati Bench

Neeraj  
Kanti Nandy  
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6. That with regards to the statement made under para 7 of the written statement it is stated that the applicant re-iterate his earlier submission made in the O.A. and further submits that the present occupant of the BPM and E-BPM of Bereng BPO, namely, the Respondents No.5 and 6, have no such requisite qualification and Criteria of holding such post, albeit they have been continuing to do so with the leave, license and vested interest of the Respondents more particularly, the Respondent No.3 and 4.

7. That with regard the statement of the para 8 of the written statement it is submitted that the efficacy, agility and devotion to duty to the fullest satisfaction of his superior reflects from the document submitted of his engagement to work as BPM or BDPM as substitute as many as to 20 occasions vide leave and sick vacancy of Smti. Sima Nath stated above, and had there been any deficiency in his performance for such job, definitely under no-circumstances, he should not have been engaged / appointed twice for the said post, what to speak of 20 times. The official records of the Respondents will speak for itself.

8. That with regard to statement made under para 9 of the written statement it is submitted that the respondents have not admitted and stated and state the full requirement needed for engaging/ appointing a BPM or EDBPM as per prescribed conditions of eligibility of educational qualifications stated under Sl.2 of Section 4 of the postal GDS Service rules. Incidentally it is mentioned that the minimum requisite



qualification for such post is matriculation, whereas the posts holding by Respondent 5 and 6 with the irregular and unlawful sanction of the Respondents 1 to 4 have no such educational qualification and, hence, have no locus standi to be appointed and/ or engaged for such post under any circumstances. The Respondents, it is humbly submitted, have mis-lead the court by their averment.

9. That with regard to the statement made under para 10 of the written statement the applicant begs to state that it is another example of submitting blatant lies and vag statements of the respondents to camouflage the Court and suppress the irregularities committed by them, more particularly Respondent No. 3 and 4. Had there been any such requisition placed to the employment exchange and advertisement notified for holding the recruitment of the post of GDS BPM for 16/5/06 and 12/5/06 BPO by holding of positive act of selection, definitely they should have annexed the photo copies of such advertisements and actions. This is a share example of Unfair play of action by all the respondents.

10. That with regards to the statement made under para 11 of the written statement the applicant begs re-irritate his earlier submission in the forgoing para under para 3 of this Rejoinder. The respondent, it is humbly submitted, have not complied with the Hon'ble Court's order in O.A. No. 84/06 and thereby violates this Hon'ble Tribunal's orders.

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Almudena Naf

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11. That with regard to the statements made under paras 12 and 13 of written statement the Applicant re-iterates his earlier submission of paras 4.8 and 4.9 of the original application and still stick to the same.
12. That with regard to the statements made in paras 14,15, 16, 17 of written statement, the applicant re-iterating his earlier submission, state that the applicant's prayer for relief in the instant O.A. are to discontinue the present unlawful and irregular continuity of Respondents No. 5 and 6, holding positive act of selection for recruitment of such post and in case the applicant is found to be the most eligible candidate by the free and fair play of Selection then only his case may be considered. But the respondents have mis-understood & misconstrued the contention of the applicant praying for relief, mis-represented and mis-lead the court for showing their unfair play of action in the appointment/engagement of the respondents No. 5 and 6 , and allowing them to continue for the eternity duly flouting all rules and norms of postal Gramin Dak Sevak. The relevant extract of such Rule of the GDS have been extracted and annexed to the present O.A. under annexure - 26 to 32 .
13. That with regard to the statement made para 18 of the written statement the applicant begs to appear for keeping space blank in para 4.15 of the instant original application. The actual reason for keeping blank was it was not feasible for the applicant at the relevant time of

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submitting the O.A. as the actual date of appointment / engagement of the respondents No. 5 and 6 could not be collected then. The applicant most humbly submit that he has collected the dates of their appointment / engagement and the same are 16.5.2006 and 12.5.2006 respectively. But it is astonishing that the respondents also have not furnished the dates of appointment and/or engagement of the respondent No. 5 and 6. The respondents have tactfully evaded their responsibilities to unveil the truth under the seen.

14. That with regard to the statement made in para 19 of written statement it is submitted that the respondents have mis-represented and mislead by further averment to the best of the knowledge and information of the applicant as there have been no advertisement published in any of the national / local dailies and no requirement placed in the local Employment Exchange. There was no chance given to the applicant for submitting a formal application for the post of GDS BPM Benenga Post Office for appearing in the selection. The respondents have not furnished any paper clippings Photostate copy of their making reference for such purpose. The respondents may be directed by the Hon'ble Tribunal to the strictest proof for their such submission.

15. That with regard to the statements made under paras 20, 21, 22, 23, 24 and 26 the applicant respectfully re-iterate his earlier submissions made in the original application and states further that the entire actions of the respondents more particularly the respondents No. 3

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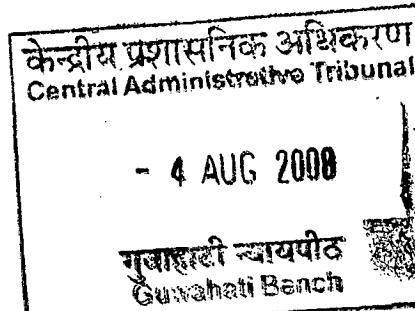
Nirmal Kanli Nath  
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and 4 are unlawful, unfair and glaring examples of mis-carriage of justice for the vested interest and made blatant lies before the jurisprudence of such high seat of this Hon'ble Tribunal duly flouting and violating the principles established laws and rules of the land.

16. That the applicant craves leave of this Hon'ble Tribunal to direct the Respondents 1 to 4 to produce the following, *inter alia*, documents, for the ends of justice.

- (i) The advertisement placed and requisition made in the Newspapers and Employment Exchange for holding selection of GDS BDM Benenga BPO.
- (ii) The selection proceedings for holding the Selection for the post of GDS, BPM for Benenga BPO;
- (iii) The appointment letters offered to the respondents No. 5 and 6 with this testimonials of Educational qualification and other requisites for the appointment of the post they have been holding.
- (iv) Issuance of call letters issued to the eligible Candidates for appearing before the selection For the above post.
- (v) Publication of the select- list for holding such selection.

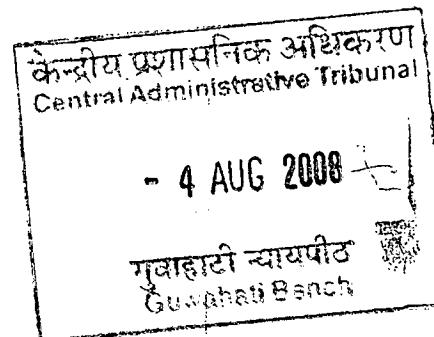
17. That this Rejoinder is made with abandoned caution and bonafide with the prayer that the Hon'ble Tribunal would be pleased enough to call for the records, examine the merits of the case and grant the relief prayed for by the applicant so as to disseminate and justice and redressal of the grievances of the Applicant.



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### VERIFICATION

I, Sri Nirmal Kanti Nath,, son of H. Nagendra Ch. Nath aged about 26. years, a resident of Berenga, Silchar, in the district of Cachar do solemnly affirms and verify that the statements made in paragraphs 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 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To

Sri B.K. Marak,  
Senior Superintendent of Post offices,  
Cachar Postal Division, Silchar-1.

Subject:- Prayer for B.P.M. at Berenga B.P.O. of Sri Nirmal Kanti Nath of Berenga Nath para part-II

Respected Sir,

Understanding from reliable sources that Smti Sima Nath has promoted to the cadre of departmental postman in Cachar Postal Division from the cadre of E.D.B./P.M. at Berenga B.O. with immediate effect as because Smti Nath has taken postman ship training recently from your end.

In this connection I offer myself as a candidate for the said post at Berenga B.P.O. Necessary particulars regarding my candidature, are appended below for your perusal.

1. That Sir, your humbly petitioner has officiated as B.P.M. in many occasions at Berenga B.P.O. in place of Smti Sima Nath which you had approved in all respect without any complaint and objection with full satisfaction of my all supervisors and general public of the locality.
2. That Sir, your humble petitioner has donated P.O. land and P.O. building without any rent as per your departmental norms for P.O. building. Since its opening during the period of British Rule of my late generations.
3. That Sir, your humble petitioner had passed the H.S.L.C. examination which is the main norms for getting the post of E.D.B.P.M. for which you had allowed me to officiate as B.P.M. at Berenga B.P.O. in many occasions.
4. That Sir, your humble petitioner had officiated as B.P.M. at Berenga B.P.O. on the strength of land donor of B.P.O. building and H.S.L.C. passed candidate and his resident was also attached to the B.P.O. for safe custody of postal articles, cash and stamps and Goverment valuable property etc.
5. That Sir, your humble petitioner with regrets to mention here that some criminals and others vested interested of public wanted to shift the existing B.P.O. from the main centre place to a remote area which had not approved by the then authority as because existing place was the main centre of the village. ....p/2

Certified  
True Copy  
S. S.

लेन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

- 4 AUG 2008

गुवाहाटी न्यायालय  
Guwahati Bench

-2-

Under the seal of the Tribunal, I declare on my sole behalf  
that the following points are true to the best of my knowledge

6. That Sir, your humble petitioner willing to again officiate as B.P.O. at Berenga B.P.O. as previous occasions and will face the interview at the permanent arrangement at B.P.O.
7. That Sir, your humble petitioner has qualified and acquired all requisite qualification and other norms for the post of Berenga B.P.O. for which you had allowed and approved by your following letters which are now being enclosed (Xerox copies) as under.
8. 1. Memo No A-249/P.F. dt 20.11.97 from the S.S.P./Silchar.  
2. -do- dt 5.8.97  
3. -do- dt 27.1.97  
4. -do- dt 12.11.98  
5. -do- dt 5.5.98  
6. -do- dt 12.7.98  
7. -do- dt 02.6.99  
8. -do- dt  
9. -do- dt 27.6.2000  
10. -do- dt 3.5.2000  
11. -do- dt 27.6.2000  
12. -do- dt 4.10.2001  
13. -do- dt 23.7.2001  
14. -do- dt 26.8.2002  
15. -do- dt 10.6.2002  
16. -do- dt 7.5.2002  
17. -do- dt 21.8.2002  
18. -do- dt 10.6.2002  
19. -do- dt 07.5.2002  
20. -do- dt 05.3.2002

...p/3

*Confidential*  
*True CP*  
*JKW*

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

- 4 AUG 2008

गुवाहाटी न्यायालय  
Guwahati Bench

-3-

Under the above circumstances, I, therefore, pray that your honour would be kind enough to allow me to officiate as B.P.M. at Berenga B.P.O. like other previous occasion in place of Smti Sima Nath who had promoted to the cadre of departmental postmanship examination which is mentioned at serial No 7 until and unless permanent arrangement is made from your honour and oblige.

Yours faithfully,

Date: 25/2/2006

Nirmal Kanti Nath

(NIRMAL KANTI NATH)  
Ex. B.P.M. Berenga B.P.O.  
Silchar-788005,  
Phone -94351-70466

Copy for information and necessary action:-

- ✓ 1) The Chief Postmaster General, Assam Circle, Moghdoor Bhawan 5<sup>th</sup> Floor, Guvahati 781001.
- ✓ 2) The Postmaster General, Regional Office, P.O. Dibrugarh.
- ✓ 3) Sri B.K. Sinha, Asstt. Supdt. Of post offices, (HQ) O/O. The Sr. Supdt. Of Post offices, Cachar Division, Silchar-1.
- ✓ 4) Sri K.M. Nath, Inspector of Posts Silchar South Sub Division, Silchar-788001.
- ✓ 5) The Senior Post Master, Silchar-788001.
- ✓ 6) The Postmaster M.D.G. Rangirkhari S.O., Silchar-788005.
- ✓ 7) General Secretary, Unemployed educated Association, Park Road, Gandhi Bhawan, Silchar-788001.

Yours faithfully

Date : 25/2/2006

Nirmal Kanti Nath

(NIRMAL KANTI NATH)  
Ex. B.P.M. Berenga, B.P.O.  
Silchar-788005,  
Phone-(M) 94351-70466

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