

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

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09.6.2015

Ben
12/07/2015

SECTION OFFICER (JUDL.)

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

1. ORIGINAL APPLICATION No : 147 / 2009
2. Transfer Application No : -----/2009 in O.A. No.-----
3. Misc. Petition No : -----/2009 in O.A. No.-----
4. Contempt Petition No : -----/2009 in O.A. No.-----
5. Review Application No : -----/2009 in O.A. No.-----
6. Execution Petition No : -----/2009 in O.A. No.-----

Applicant (S) : Sri Kamal Uddin Ansari

Respondent (S) : Union of India & Ors.

Advocate for the : Dr. B. Ahmed
{Applicant (S)} Mr. H.I. Choudhury,
Mr. K. Uddin

Advocate for the : Miss U. Das,
{Respondent (S)} Addl. CGSC.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C.F. for Rs. 50/- deposited vide <u>IPJ/27</u> No. <u>396/417279</u> Dated <u>31.7.09</u></p> <p><u>N. Sumit</u> Dy. Registrar <u>6/8/09</u></p> <p><u>6.8.09</u> Five copies of Apphants with envelopes received for issue notices to the Respondents No. 1 to 5. Copy served.</p> <p><u>6/8/09</u> <u>X. Das</u> Issue notice to the Respondents.</p> <p><u>14/8/09</u></p>	<p>13.08.2009</p> <p>/bb/</p>	<p>Heard Mr.B.Ahmed, learned counsel appearing for the Applicant. A copy of this O.A. has already been supplied to Ms. Usha Das, learned Addl. Standing counsel for the Govt. of India.</p> <p>issue notice to the Respondents requiring them to file their written statement by 12.10.2009.</p> <p>Call this matter on 12.10.2009.</p> <p><u>(M.K.Chaturvedi)</u> Member (A)</p> <p><u>(M.R.Mohanty)</u> Vice-Chairman</p>

d
copies of notices
along with order
dated 13/8/09 send
to D/Sec. for issuing
to respondents by
regd. A/D post.

Con
18/8/09. D/No-9514-9518
D/- 18/8/09 /lm

O.A.147 of 09

12.10.2009 None appears for the Applicant.
On the prayer of Ms.U.Das, learned
Addl.Standing Counsel appearing for
the Respondents, call this matter on
11.11.2009 awaiting written statement
from the Respondents.

(M.K.Chaturvedi)
Member (A)

(M.R.Mohanty)
Vice-Chairman

① Service report
awaited.

20.9.09

1/10/09

A/D Card received
from Respelt. No. 5.

1/10/09

No W/S filed.

9.10.09

A/D card received
from Respelt. No. 4

3/11

No W/S filed.

10.11.09

8.12.09

N/S filed by Ms.U.Das
Addl. CGSC. for R Nos. 1 to 4.
with undertaking to
serve 3 to the d/Adv. Gen
in Applicant.

8/12/09

W/S filed.

9.12.09

no rejoinder W.

11.11.2009

Ms. U. Das, learned Addl. CGSC
appearing for Respondent Nos. 1-4 prays for 2
weeks time to file reply while Sri H.K. Das,
learned counsel appearing for Respondent No.
5 seeks 4 weeks time to file reply.

Granting time to file reply case is
adjourned to 10.12.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

10.12.2009

Learned counsel for the
respondents undertakes that copy of
reply filed on 8.12.09 would be made
available to the applicant's counsel
during the course of the day. Rejoinder,
if any, be filed before the next date of
hearing.

List on 7.1.2010.

(Mukesh Kr. Gupta)
Member (J)

pg

No rejoinder
filed.

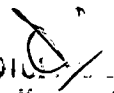
7.1.2010


10 days time is extended to the learned
counsel for the Applicant to file rejoinder.

Learned counsel for the Respondents is
directed to produce related records of
selection on the next date of hearing.

List the matter on 28.1.2010.

7/1
6.1.2010
w/s filed by
the Respondent
No S.W. with under-
taking to serve
a copy to the H/O
for the applicant.
MS/MS


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

No rejoinder
filed.

28.1.2010


Pleadings are complete. Admit. Subject
to legal exception, if any, respondents are
directed to produce related records as per order
on 7.1.2010.

List the matter on 12.2.2010.

27/1
27.1.2010

Rejoinder has been
filed by the applicant.
Copy sent to the H/O
for the R.N.S. with
under taking to serve
a copy to the H/O
for the R.N.S. of the
27/1/2010


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)


The case is ready
for hearing.


16.02.2010

On the request of Ms. U. Das,
learned Addl. C.G.S.C. for Respondent
Nos. 1-4, case is adjourned to 19th
February, 2010.

11/2
11.2.2010

The case is ready
for hearing.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

26/2
26.2.2010

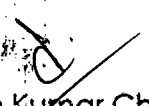
/pb/

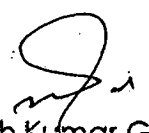
-4-

O.A.147-09

19.02.2010

On the request of counsel for both sides, adjourned to 02.03.2010.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

/bb/

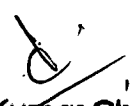
02.03.2010

Heard Mr.B.Ahmed, learned counsel for the Applicant, Ms.U.Das, learned Addl.C.G.S.C. for the Respondents 1-4 and Mr.H.K.Das, learned counsel for private Respondent No.5. Official Respondents have produced records.

Applicant placed reliance on certificate dated 25.09.2008 (Annexure-7) to contend that Respondent No.5 is a resident of Village: Bihairdala and his name is enlisted in voter list of Electoral Roll of 1-Rotabari (SC) Assembly constituency. When we enquired from learned counsel for applicant where is the original of said document, he readily produced the same. The question arises as to how Applicant could be in possession of original certificate?

Learned counsel for Respondent No.5 contended that applicant had produced the said document only to defeat his appointment, otherwise challenged in present proceeding, namely O.A.147/2009. We have taken said original document on record.

Hearing concluded. Order is reserved.


(Madan Kumar Chaturvedi)
Member (A)



(Mukesh Kumar Gupta)
Member (J)


/bb/

30.03.2010

Judgment pronounced in open court, kept in separate sheets.

The O.A. dismissed in terms of the order. No costs.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

Received copy
Has
1/4/10

Received order copy
Adv.
5/4/10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

.....
O.A. No. 147 of 2009.

DATE OF DECISION: 30 -03-2010.

Shri Kamal Uddin Ansari

.....Applicant/s

Dr B. Ahmed

.....Advocates for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Ms U. Das, Addl.C.G.S.C for Respondents 1-4

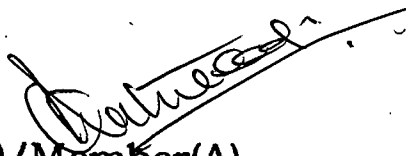
Mr H.K.Das for respondent No.5.

.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MUKESH KUMAR GUPTA, MEMBER (J)
THE HON'BLE MR MADAN KUMAR CHATURVEDI, MEMBER(A)

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


Member (J)/Member(A)

8

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI:

O.A. NO.147 of 2009.

Date of Decision : This, the 30th Day of March, 2010.

HON'BLE MR MUKESH KUMAR GUPTA, MEMBER (J)
HON'BLE MR MADAN KUMAR CHATURVEDI, MEMBER (A)

Shri Kamal Uddin Ansari
Son of Late Alim Uddin Ansari
Resident of Village – Chorgola T.E.
P.O. Leelachilla, District Karimganj, Assam
Pin No: 788734.

...Applicant

Advocate: Dr. B. Ahmed

-Versus-

1. The Union of India
To be represented by Secretary cum the
Director General of Posts & Chairman
Postal Service Board, Deptt. of Posts
Ministry of Communication
Dak Bhawan, Sansad Marg
New Delhi – 1.
2. The Chief Postmaster General
Meghdoot Bhawan, Panbazar
Guwahati – 1.
3. The Senior Superintendent of Post Offices
Cachar Division, Silchar
P.O. Silchar, Dist Cachar, Assam
Pin No: 788001.
4. The Inspector, Posts
Patharkandi Sub-Division
P.O. Patharkandi, District Karimganj, Assam
Pin No: 788724.
5. Shri Rosonlal Malah @ Roson Malah
Son of Sri Prashad Malah
Resident of Village Bihairdala
P.O. Anipur, District Karimganj, Assam
Pin No: 788734.

...Respondents

By Advocate: Ms. U. Das, Addl. CGSC for Respondents 1-4
Mr H.K.Das for Respondent No.5.

ORDERM.K.CHATURVEDI, MEMBER(A)

By this O.A applicant makes a request to quash and set aside the selection of respondent No.5 for the post of Gramin Dak Sevak Branch Postmaster of Leelachila Branch Post Office in Karimganj District and to consider the candidature of the applicant while making the selection.

2. We have heard the rival submissions. The father of the applicant was an employee of the Postal department and he retired as Post Master in the year 2004. Thereafter, the father of the applicant died in the month of December 2005 leaving behind the applicant, his mother, one sister and 5 brothers. After the demise of his father the applicant has been engaged as Gramin Dak Sevak Delivery Agent at Leelachilla Branch Office temporarily on 8.10.2004 initially for 90 days and thereafter his engagement had been extended from time to time till 2.2.2007. Thereafter, his service was not extended. Respondent No.5 has been engaged as Gramin Dak Sevak Delivery Agent replacing the applicant from the said post.

3. Our attention was invited to a Notification dated 13.6.2008 for filling up the post of Gramin Dak Sevak Branch Post Master. It was stipulated, inter alia, in the said notification that the candidate must be a permanent resident of the village where the post office is located. Pursuant to the said notification applicant being a permanent resident of the village where the post office is located applied for the post. It was submitted that respondent No.5 who has been selected is not a



permanent resident of the village where the said post office is located. According to applicant respondent No.5 is a permanent resident of village Bihairdala under Pechala Gaon Panchayat.

4. Learned counsel for respondent No.5 submitted that he got landed property both in Chargola Tea Estate Village and Bihairdala village and at present he is residing at Chargola Tea Estate village and in the recent voter list issued on 10.1.2009 respondent No.5 was registered at Chargola Tea Estate village having House No.409 as such the contention raised by the applicant regarding residential status of respondent No.5 is totally baseless and unfounded. Moreover, selection process was conducted as per law and there is no infirmity in the said selection. Certificate from Chargola Gaon Panchayat was also produced before us. In this certificate respondent No.5 is shown as a resident of village Chargola, Post office Leelachila. We have also examined the voter list of Chargola Tea Estate. Name of the respondent No.5 appears at part No. 1207. The list is dated 1.1.09.

5. It transpires from perusal of records that respondent No.5 was a resident of Chargola Tea Estate Village as such his appointment is not crept with any lacuna. Finding no merit in the application we dismiss the same. No costs.


(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER


(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

5
OA 147/09

8-4-2010

judgment/final order
dated 30/3/2010 prepared
and sent to the D/section
for issuing the all respondents
by Post
vide No 877 to 881
dated 8-4-2010

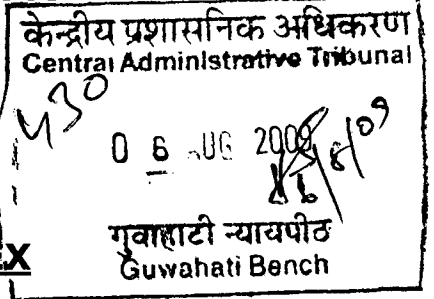
**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI**

O.A. No. 147 of 2009

-BETWEEN-

Sri Kamal Uddin Ansari
-Versus-
Union of India and others

SYNOPSIS cum INDEX



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3	[Letters of first and last engagement as GSDA]	<u>Annexure-2</u> (series)	22-25
4	[Representation dated 24-3-2007]	<u>Annexure-3</u>	- 26
5	[Notification / Advertisement dated 13-6-08 issued by the Respondent No.3]	<u>Annexure-4</u>	27-31
6	[Forwarding of application by the Employment Exchange, Karimganj]	<u>Annexure-5</u>	-32
7	[Certificate issued by the President, Chorgola Gaon Panchayet infavour of the applicant.	<u>Annexure-6</u>	-33
8	[Voters' List showing the name of the Applicant]	<u>Annexure-7</u>	-34
8	[Certificate issued by the President, Patiala Gaon Panchayet infavour of the Respondent No.5]	<u>Annexure-8</u>	-35
9	[Voters' List showing the name of the Respondent No.5]	<u>Annexure-9</u>	-36
10	[Application 8-9-2008 filed by the Applicant Under R.T.I.]	<u>Annexure-10</u>	-37
11	Reply dated 10-9-2008 of the Respondent No. 3	<u>Annexure - 11</u>	-38
12.	Interim Order dated 17-9-2008 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 4088/2008.	<u>Annexure- 12</u>	39-42
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Hsec 308

Recd
4/8/09

14. w/c. — 48-56. Filed by - *Hibut Islam Choudhury*
15. w/s by Respd No 5 - 57-68 (H.I. Choudhury)
16. Refinder. — 69-73. Advocate

06 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

SYNOPSIS

The brief fact of the case is that pursuant to the notification dated 13-6-2008 issued by the Senior Superintendent of Post Offices, Cachar Division, Silchar, inviting applications, for the post of Gramin Dak Sevak Branch Postmaster(GDS BPM) , Leelachila Branch Office in Karimganj district, from the intending candidates who are permanent resident of the village where the Leelachilla Branch Office is located; the Applicant being a permanent resident of the Village-Chorgola Tea Estate, where the said Branch Office is located, applied through District Employment Exchange, Karimganj for the said post. The Employment Officer, District Employment Exchange, Karimganj forwarded the application of the petitioner along with two other candidates to the Respondent No. 3. Thereafter on 11-8-2008 the petitioner appeared interview and he was expecting that he would be selected for the said post. But the Respondent authorities particularly the Respondent No.3 allowed the Respondent No.5 to take part in the process of selection who is not a resident of the village where the said post office is located and whose name has not been forwarded by the Employment Exchange, Karimganj. Thereafter the Respondent authorities selected the Respondent No.5 for the post of GDSBPM of Leelachila Branch Office who is not a resident of the village where the said post office is located. Challenging the selection of the Respondent No.5, the applicant filed a Writ Petition being W.P.(C) No. 4088/2008 before the Hon'ble Gauhati High Court and the Hon'ble Court has been pleased to pass the order dated 17-09-2008 directing the respondent authorities not to appoint the Respondent No.5 in contravention of the stipulations contained in the advertisement as well as statutory provisions. But subsequently the applicant withdrew the said Writ Petition with liberty to seek appropriate remedy before the Hon'ble Central Administrative Tribunal, Guwahati. And hence this petition.

Filed by - *Hibut Islam Choudhury*
(H.I. Choudhury) 3.8.2009
Advocate

06 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

LIST OF DATES

<u>Sl.Dates</u>	<u>Particulars</u>
1990	Petitioner passed HSLC Examination
2000	Petitioner passed HSSLC examination.
23-6-04	The petitioner was engaged as GDSDA in the Leelachila Branch Office for 90 days
3-11-06	The Service of the petitioner as GDSDA was last extended for 90 days.
24-3-2006	The petitioner filed representation before the Respondent no.3 for extending his service as GDSDA in the Leelachila Branch Office
13-6-2008	Notification was issued by the Respondent No.3 inviting applications from the intending candidates for filling up the post of Branch Postmaster, Leelachila Branch Office.
27-6-2008	The application of the petitioner was forwarded by the Employment Officer, District Employment Exchange, Karimganj.
11-8-2008	Interview for the post of Branch Postmaster, Leelachila Branch Office was held.
8-9-2008	The petitioner filed representation through RTI for getting the result of the interview.
10-09-2008	Reply furnished by the Respondent No.3.
17-09-2008	Order passed by the Hon'ble Gauhati High Court in W.P.(C) No. 4088/2008 filed by the Applicant and the Hon'ble Court has been pleased to pass the interim order directing the respondents not to appoint the Respondent No. 5 to the said post.
22-9-2008	The Applicant forwarded the order dated 17-09-08 passed in W.P.(C) No.4088/2008 to the Respondent No.3.
13-07-2009	The applicant withdrawn the aforesaid W.P.(C) No.4088/08 with liberty to seek appropriate remedy before the Central Administrative Tribunal, Guwahati

Filed by -

H.I. Choudhury
(H.I. Choudhury)
Advocate

3.8.2009

06 AUG 2009

গুৱাহাটী ন্যায্যপীঠ
Guwahati BenchFiled by me
Applicant
through
Hijab Islam
Chandhan
Attorney
3.8.2009

14

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

:::: GUWAHATI BENCH :::: GUWAHATI ::::

O. A. No. 147 of 2009

- BETWEEN-

Shri Kamal Uddin Ansari

Son of Late Alim Uddin Ansari

Resident of Village-Chorgola T.E.

P.O. Leelachilla, District - Karimganj, Assam

Pin No. 788734 ✓

APPLICANT

-AND-

1. The Union of India,
[To be represented by Secretary-cum-the
Director General of Posts & Chairman, Postal
Service Board, Deptt. of Posts, Ministry of
Communication, Dak Bhawan, Sansad Marg,
New Delhi -1, ✓
2. The Chief Postmaster General,
Meghdoot Bhawan, Panbazar,
Guwahati-1 ✓
3. The Senior Superintendent of Post Offices,
Cachar Division, Silchar
P.O. Silchar, Dist- Cachar, Assam,
Pin No -788001 ✓
4. The Inspector, Posts
Patharkandi Sub-Division,
P.O. Patharkandi, District- Karimganj, Assam
Pin No. 788724 ✓
5. Shri Rosonlal Malah @ Roson Malah
Son of Sri Prashad Malah,
Resident of Village-Bihairdala
P.O. Anipur, District - Karimganj, Assam
Pin No. 788734 ✓

RESPONDENTS

Kamal Uddin Ansari

06 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

2

DETAILS OF APPLICATION

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

This application has been preferred by the applicant assailing the arbitrary and illegal action on the part of the respondent authorities in allowing the Respondent No.5 to take part in the selection process and thereby selecting the Respondent No.5 for appointment to the post of Gramin Dak Savak Branch Postmaster (GDSBPM), Lelachila Branch Office in Karimganj district, pursuant to the Advertisement dated 13-6-2008 issued by the Respondent No.3.

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

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

4. FACTS OF THE CASE :

4.1. That the applicant is a citizen of India and a resident of the above-mentioned address in the State of Assam and as such he is entitled to all the rights and privileges guaranteed to the citizen by the Constitution of India and other laws of the land.

4.2. That the father of the Applicant was an employee of Postal Department and he retired as Post Master in the year 2004. Thereafter the father of the Applicant died in the month of December 2005 leaving behind a large family consisting of the petitioner, mother, one sister, 5 brothers.

Ramul Uddin Ansari

06 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

3

The Applicant belongs to the Other Backward Class community. The Applicant passed H.S.S.L.C. examination in the year 2000. The Applicant has been successfully completed certificate course in Type Writing and Computer Applications. The name of the Applicant has been registered under the District Employment Exchange, Karimganj vide Registration No. 304/05/02.

Copies of the educational qualification certificates, Caste Certificate and Registration Card of District Employment Exchange, Karimganj are annexed herewith as Annexure-1 series of this petition.

4.3. That after the death of his father, the Applicant has been engaged as Gramin Dak Sevak Delivery Agent (GDSDA) at Leelachilla Branch Office temporarily on 8-10-2004 initially for 90 days and thereafter his engagement as GDSDA had been extended time to time till 2-2-2007.

Copies of the first and last engagement letters are annexed as Annexure-2 Series of this petition.

4.4. That the Applicant begs to state that the service of the Applicant as Gramin Dak Sevak Delivery Agent (GDSDA) was last extended on 3-11-2006 for 90 (ninety) days with effect from 5-11-2006. The Applicant was initially engaged as GDSDA at Leelachilla Branch Office for 90 days with effect from 8-10-2004 and thereafter his service was time-to-time extended upto 2-2-2007 by the respondent authorities, particularly by the Respondent No.4. The Applicant had worked upto 2-2-2007 as GDSDA at

Ramul Uddan Anwar

06 AUG 2009

গুৱাহাটী ন্যায্যপীঠ
Guwahati Bench

4

Leelachilla Branch Office but thereafter his service was not extended without assigning any reason. Instead, the Respondent No.5 has been engaged as GDSDA at Leelachilla Branch Office replacing the Applicant from the said post. The Respondent authorities taken away the means of livelihood of the Applicant without any reasons at all and it was done just to accommodate the Respondent No.5 to the said post with ulterior motive and extraneous consideration.

- 4.5. That the Applicant begs to state that after his ouster from the service as Gramin Dak Sevak Delivery Agent (GDSDA), Leelachilla Branch Office by the Inspector Posts, Patharkandi Sub-Division, Patharkandi (Respondent No.4), the Applicant approached the Senior Superintendent of Post Offices, Cachar Division, Silchar (Respondent No.3) interalia stating he is facing difficulties in maintaining his family without his service. He stated that his service has been taken away without any valid reason and just to accommodate the Respondent No. 5 in the said post. The Applicant prayed for his re-appointment in the said but the same was not done and the representation dated 24-3-2007 is still pending before the Respondent No. 3.

A copy of the representation dated 24-3-2007 is annexed herewith as Annexure- 3 of this petition.

- 4.6. That the Applicant begs to state that the Senior Superintendent of Post Offices, Cachar Division, Silchar (Respondent No.3) issued the Notification dated 13-6-2008 inviting applications from the intending candidates for filling up the post of (Gramin Dak Sevak) Branch

Ramul Medin Anvari

Postmaster (GDSBPM), Leelachila Branch Office in Karimganj district fixing the last date for submission of applications on 30-06-2008. In the said notification the eligibility conditions have been described amongst other that the candidate must be a permanent resident of the village where the post office is located. It is to be mentioned that the Leelachila Branch Office is situated at Village-Chorgola Tea Estate under Chorgola Gaon Panchayet in Karimganj district and as such a copy of the aforesaid notification has been sent to the President, Chorgola Gaon Panchayet for wide publicity.

A copy of the Notification dated 13-6-2008 is annexed herewith as Annexure- 4 of this petition.

- 4.7. That pursuant to the aforesaid notification dated 13-6-2008, the Applicant applied for the post of Branch Postmaster, Leelachila Branch Office through Employment Exchange, Karimganj. The Applicant being permanent resident of the village-Chorgola Tea Estate where the Leelachila post office is located fulfilled all eligibility conditions as notified vide Notification dated 13-6-2008, applied for the post of Branch Postmaster, Leelachila Branch Office through the Employment Exchange, Karimganj. The application of the Applicant along with two other candidates has been forwarded to the Senior Superintendent of Post Offices, Cachar Division, Silchar (Respondent No.3) by the Employment Officer, District Employment Exchange, Karimganj vide his letter dated 27-6-2008.

Rama Krishna Ansari

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A copy of the forwarding letter dated 27-6-2008 is annexed herewith as Annexure-5 of this petition.

- 4.8. That on being found the candidature of the Applicant eligible for the post of Gramin Dak Sevak Branch Postmaster (GDSBPM), Leelachilla Branch Office, the Senior Superintendent of Post Offices, Cachar Division, Silchar issued call letter dated 27-7-2008 to the Applicant asking the Applicant to appear interview on 11-8-2008. Accordingly the Applicant appeared the interview on 11-8-2008 and he did well in the interview. The Applicant has been expecting that he would be selected for the said post considering his earlier experience.
- 4.9. That the Applicant begs to state that when the Applicant was waiting for the result of the selection test, surprisingly, he came to know that the Senior Superintendent of Post Offices, Cachar Division, Silchar (Respondent No.3) very secretly without publication of the result of the selection test, going to appoint the Respondent No.5 who is not a permanent resident of the village where the Leelachilla Branch Office is located. The Respondent authorities are trying to appoint the Respondent No.5 on extraneous consideration at the behest of highhanded persons of the department by allowing him to participate in the selection process. Therefore the action of the Respondent authorities in allowing the respondent No. 5 to participate in the selection process, who is not a permanent resident of the village where the post office is located, is illegal, arbitrary and violative of the guidelines.

Ramal Madin Ansari

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4.10. That the Applicant begs to state that the Leelachila Branch Office is situated at Village-Chorgola Tea Estate under Chorgola Gaon Panchayet. The Applicant is a permanent resident of the said village-Chorgola Tea Estate under Chorgola Gaon Panchayet. The President, Chorgola Gaon Panchayet issued a certificate infavour of the Applicant certifying that the Applicant is an inhabitant of Village-Chorgola Tea Estate under Holding No. 212 and as per electoral Roll of No.1 Ratabari L.A. Constituency the name of the Applicant appeared at Serial No. 971, Holding No. 320 under Part No.66.

A copy of the certificate dated 08-08-08 issued by the President, Chorgola Gaon Panchayat is annexed herewith as Annexure-6 of this petition.

A copy of the voters' list is annexed herewith as Annexure- 7 of this petition.

4.11. The Respondent No. 5 who has been selected for appointment as Gramin Dak Sevak Branch Postmaster (GDSBPM), Leelachila Branch Office is not a permanent resident of the Village- Chorgola Tea Estate where the said Leelachila Branch Office is located. The Respondent No.5 is a permanent resident of Village- Bhairdala under Pechala Gaon Panchayet. As per Voters' list of 2005 of NO.1 Ratabari Legislative Assembly Constituency, the name of the Respondent No.5 appeared at Serial No. 109, House No. 26 of village - Bhairdala. The Village where the residence of the Respondent No. 5 is located falls under another Gaon Panchayat i.e. Patiala Gaon Panchayat even

Ramul Kishin Ansari

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not under the Gaon Panchayat where the said Post Office is located.

Further the candidature of the Respondent No.5 has not been forwarded by the Employment Exchange, Karimganj. The Respondent No. 5 directly applied for the said post and the Respondent Authorities without examining the fact that the residence of the Respondent No.5 falls under the village where the post office is located, allowed the Respondent No. 5 to take part in the selection.

A copy of the certificate dtd 25-09-08 issued by the President of Patiala Gaon Panchayat is annexed herewith as Annexure-8 of this petition.

A copy of the Voters' List is annexed herewith as Annexure-9 of this petition.

4.12. That the Applicant further begs to state that the Respondent authorities most illegally allowed the Respondent No.5 to take part in the selection process and selected the Respondent No.5 for appointment to the post of Gramin Dak Sevak Branch Postmaster (GDSBPM), Leelachila Branch Office without publication of the result of the selection test. For getting the result of the interview, on 8-9-2008, Applicant approached the Public Information Officer, Office of the Senior Superintendent of Post Offices, Cachar Division, Silchar by filing an application through Right to Information Act, 2005. The Respondent No. 3 replied that selection has been made on the basis of

Manal Madan Shree

06 AUG 2009

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highest marks secured in H.S.L.C. Examination but he did not disclose who has been selected for the said post.

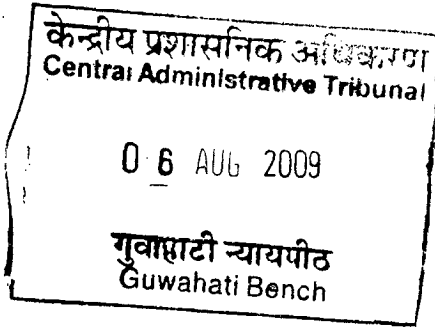
A copy of the application dated 8-9-08 is annexed herewith as Annexure-10 of this petition.

A copy of the reply dated 10-9-2008 is annexed herewith as Annexure-11 of this petition.

4.13. That the Applicant further begs to state that challenging the selection of the Respondent No. 5 for the post of Gramin Dak Sevak Branch Postmaster (GDSBPM), Leelachila Branch Office, the applicant filed a Writ Petition being W.P.(C) No. 4088/2008 before the Hon'ble Gauhati High Court. The Hon'ble Court vide order dated 17-09-2008 has been pleased to issue notice upon the Respondents and further be pleased to direct the Respondents not to make any appointment in contravention of the stipulations contained in the advertisement as well as the statutory provisions. The applicant submitted a copy of the aforesaid order dated 17-09-2008 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 4088/ 2008 and till date no appointment has been made by the Respondent authorities to the said post. But later on the aforesaid W.P.(C) No. 4088/2008 has been withdrawn with liberty to seek appropriate remedy before the Central Administrative Tribunal as the instant matter falls under the jurisdiction of the Central Administrative Tribunal.

Copies of the order dated 17-09-2008 passed in W.P.(C) No. 4088/2008. is

Yamaal Uddin Ansari



annexed herewith as Annexure-12 of this petition.

A copy of the forwarding letter of the order dated 17-9-2008 passed in W.P.(C) No. 4088/2008 is annexed herewith as Annexure-13 of this petition.

A copy of the order dated 13-07-09 passed in W.P.(C) No. 4088/2008 is annexed herewith as Annexure-14 of this petition.

5. GROUNDS FOR RELIEF AND LEGAL PROVISIONS:

5.1. For that the Respondent authorities illegally allowed the Respondent No. 5 to take part in the selection process without verifying eligibility criteria of the Respondent No. 5. The respondent authorities ought to have cancelled the candidature of the Respondent No. 5 as he is not eligible for the said post. The Respondent No. 5 is not a permanent resident of the village where the said Branch Office is located. As such action of the respondent authorities in allowing the Respondent No.5 to take part in the selection process and thereby selecting the Respondent No.5 for the post of Gramin Dak Sevak Branch Postmaster (GDSBPM), Leelachila Branch Office, is arbitrary, illegal and discriminatory.

5.2. For that as per instruction 4(i) of Section IV of the GDS (Conduct and Employment) Rules, 2001 and the Advertisement / Notification dated 13-6-2008, the GDSBPM/ GDSSPM must be a permanent resident of the village where the Post Office is located. In the instant case the Post Office is located at Village-Chargula Tea Estate but the Respondent authorities selected the

Kamaluddin Ansari

Respondent No. 5 who is a resident of another village i.e. Behairdala under Patiala Gaon Panchayat. As such the selection of the Respondent No. 5 for the post of GDSBPM is illegal, arbitrary and liable to be set aside.

6. DETAILS OF REMEDIES EXHAUSTED :

That the applicant declares that he has no other alternative and efficacious remedy except by way of filing this application.

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

The applicant begs to state that a Writ Petition being W.P.(C) No. 4088/2008 has been filed by the Applicant before the Hon'ble Gauhati High Court but subsequently the same has been withdrawn with a liberty to seek appropriate remedy before the Hon'ble Central Administrative Tribunal, Guwahati. The applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other court, authority or any other bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

In the facts and circumstances stated above, the applicant prays that this Hon'ble Court may graciously be pleased to admit this application and on calling for the records and or upon issuing notice to the Respondents to show cause as to why the relief sought for in this application should not be granted and upon hearing the parties and on perusal of the records this Hon'ble Court may be pleased to grant the following remedies/relief-

- 8.1. to cancel or quash or set aside the selection of the Respondent No.5 for the post of Gramin Dak Sevak Branch Postmaster (GDS

Rama Lal Kishin Achari

BPM) of Leelachila Branch Office in Karimganj District, which was made following the Advertisement dated 13-6-2008 (Annexure-4 at Page- 27-31) issued by the Respondent No.3;

- 8.2. to direct the Respondent authorities to make a fresh selection for the post of GDSBPM, Leelachila Branch Office in Karimganj district from amongst the candidates whose names were forwarded by the Employment Exchange, Karimganj vide letter dated 27-6-2008 including the candidature of the Applicant;
- 8.3. to direct the Respondents to select and appoint the applicant pursuant to the Advertisement dated 13-6-2008 issued by the Respondent No. 3 considering the experiences gathered by the applicant by workings as GDSDA, Leelachila Branch office for the period from 23-6-04 to 2-2-2007.
- 8.4. to pass any such other or further order or orders as to this Hon'ble Court may deem fit and proper in the interest of justice.
- 8.5. to pass appropriate interim orders directing the respondent authorities not to appoint the Respondent No.5 to the Post of Gramin Dak Sevak Branch Postmaster (GDS BPM) of Leelachila Branch Office in Karimganj district till this matter is disposed.
- 8.6. I.P.O. NO. 396 417279, Date 31.7.2009, Issuing Officer - G.P.O, Guwahati.
9. List of enclosures :

1.	[Educational qualifications] [Certificate of computer applications] [OBC Certificate, Employment Exchange Card]	<u>Annexure-1</u> (Series)
2.	[Letters of first and last engagement as GDSDA]	<u>Annexure-2</u> (series)
3	[Representation dated 24-3-2007]	<u>Annexure-3</u>
4	[Notification / Advertisement dated 13-6-08 issued by the Respondent No.3]	<u>Annexure-4</u>
5	[Forwarding of application by the Employment Exchange, Karimganj]	<u>Annexure-5</u>

Kamal Uddin Ansari

06 AUG 2009

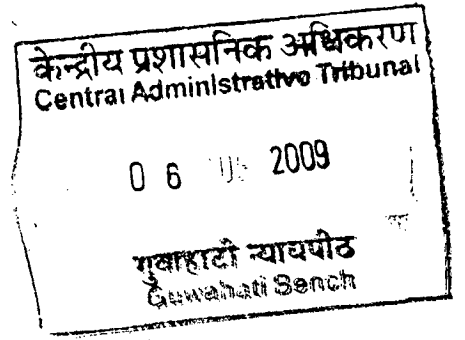
गुवाहाटी न्यायपीठ
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6	[Certificate issued by the President, Chorgola Gaon Panchayet infavour of the applicant.	<u>Annexure-6</u>
7	[Voters' List showing the name of the Applicant]	<u>Annexure-7</u>
8	[Certificate issued by the President, Patiala Gaon Panchayet infavour of the Respondent No.5	<u>Annexure-8</u>
8	[Voters' List showing the name of the Respondent No.5]	<u>Annexure-9</u>
9	[Application 8-9-2008 filed by the Applicant Under R.T.I.]	<u>Annexure-10</u>
10	Reply dated 10-9-2008 of the Respondent No. 3	<u>Annexure - 11</u>
11	Interim Order dated 19-9-2008 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 4088/2008.	<u>Annexure- 12</u>
12.	Forwarding of the interim order dated 19-9-2008.	<u>Annexure- 13</u>
13.	Order dated 13-07-2009 passed by the Hon'ble Court disposing the Writ Petition © No. 4088/2008 with liberty to seek appropriate remedy before the Central Administrative Tribunal.	<u>Annexure- 14</u>

---- Verification

Kamal Uddin Ansari



VERIFICATION

I, Shri Kamal Uddin Ansari, Son of Late Alim Uddin Ansari, aged about 36 Years, resident of Village-Chorgola T.E., P.O. Leelachilla, District - Karimganj, Assam, do hereby verify that the contents of this application and statements made in Paragraphs No. 1,2,3,4.1, 4.4, 4.8, 4.9, 5,6 7 are true to my knowledge, those made in Paragraphs No. 4.2, 4.3, 4.5, 4.6, 4.7, 4.10, 4.11, 4.12, 4.13 are true to my information and I have nothing to suppressed any material facts in the filing this application in this Tribunal.

I sign this verification on this the 3rd day of August, 2009 at Guwahati.

Kamal Uddin Ansari
(Kamal Uddin Ansari)

43697

Board of Secondary Education, Assam



1990

High School Leaving Certificate Examination
(Date of announcement of result 28.6.90)

केन्द्रीय प्रशासनिक अदालत
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Guwahati Bench

I Certify that Kamal Uddin Ansari
Roll No. - 175 No. 86 duly passed the High School
Leaving Certificate Examination, 1990 of this Board and was
placed in the Third Division.

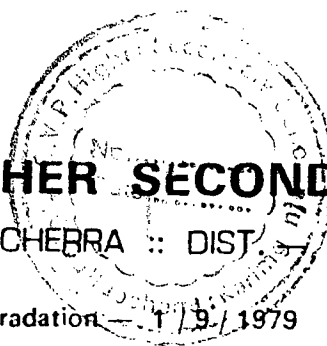
His/Her date of birth is 1-9-75

Certified to be true Copy
from Zerox Copy

[Signature]
Advocate

GUWAHATI, ASSAM

[Signature]
DIPKRIKAKATI



THE C. V. P. HIGHER SECONDARY SCHOOL

P. O. — DULLABCHERRA :: DIST. — KARIMGANJ.

Upgradation — 1/9/1979

Recognised by the Board of Secondary Education, Assam

NO- 2020/79

DATE - 23/6/09

Certified that Sri / Smti Kamal Uddin Ansari
 son/daughter of Shri/Smti Alam Uddin Ansari an inhabitant
 of Dill Chergola P. O. Anipur District of Karimganj
 appeared at the High/Higher Secondary School Leaving Certificate
 Compartmental / Examination in 2008 of the Board of Seco-
 ndary Education, Assam/Assam Higher Secondary Education Coun-
 cil, from this institution as Private candidate under
 Roll 150 No A-80 and came out Successful in
1st Division.

His / Her date of birth is as per record main-
 tained in this office. Nothing is known or heard against his/her moral
 character.

Dated - Dullabcherra.

The

[Signature]
 Principal 23.6.2009

C. V. P. H. S. School
 Dullabcherra, Dist. Karimganj.

Attested
[Signature]
 9/6/09
 Medical Officer
 Chergola M.P.H.C
 Dt Karimganj. (Assam)

Certified to be true copy
 from Zerox Type Copy
[Signature]
 Advocate

केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
 06 AUG 2009
 गुवाहाटी न्यायपीठ
 Guwahati Bench

Form No. Ex.-32 (a)

Date 6-6-2000

Assam Higher Secondary Education Council, Guwahati - 21



No. A

092931

MARKS-SHEET: ARTS STREAM : NEW COURSE

This is to certify that Kamal Uddin Ansari Roll 950 No. A. 80
of P College / H. S. School secured marks as detailed below, in the Higher Secondary Examination, 2000.

ENGLISH	MIL / Alt. English	ELECTIVE SUBJECTS														★ Grand Total Marks 500 Pass Marks 150/153/156/159	1st Division : 300 & above 2nd Division : 225 - 299 3rd Division : 150/153/156/159 - 224	Compartmental in
		ECO			PSC			A&B			Fourth Elective Subject							
		Total Marks	Pass Marks		Total Marks	Pass Marks		Theory	Pass Marks	Practical	Pass Marks	Total Marks	Pass Marks	Without Practical	With Practical			
100 30	100 30	100 30	100 30	100 30	100 30	70 21	30 12	100 33	70 21	30 12	100 33	100 30	70 21	30 12	100 33	★ Grand Total Marks 500 Pass Marks 150/153/156/159	1st Division : 300 & above 2nd Division : 225 - 299 3rd Division : 150/153/156/159 - 224	Compartmental in
30	44	30	33	36												173	(11)	

Marks entered

Date

Marks compared

Date



J. Das

CONTROLLER OF EXAMINATIONS

* Grand total marks of subjects excluding the fourth elective. Abbreviations for the subjects are shown on the reverse.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

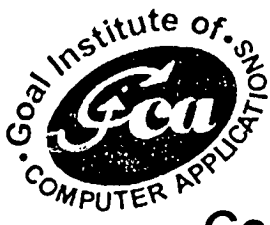
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Guwahati Bench

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Advocate

J. Das



GICA

Goal Institute Of **COMPUTER** Applications

Reg. No. SV 914/03
Kochi

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
06 AUG 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

Kamal Uddin Ansari S/o Mr Alim Uddin Ansari

HAVING COMPLETED THE COURSE OF STUDY ON
THIS5th.....DAY OFJan.2008.....

TWO THOUSAND AND FOUR EIGHT

VIDE REGISTRATION NO.....01477...2007 12.03.2007

APPROVED BY THE GICA AND
PASSED THE PRESCRIBED EXAMINATION HAS BEEN ADMITTED
TO THE

Certificate Course in Office Management

OF THIS INSTITUTION IN
Fundamental, Windows Operating System, MS-Office &
Internet Operation

GRADE ALLOTTED, CORRESPONDS TO A MARK RANGE AS BELOW
AND HAS BEEN AWARDED : **A** GRADE

Centre Manager
Silcher
Centre
Goal Institute of Computer Applications
PHONE 222765
5/11/08



Director
[Signature]

Grade Mark B A S (Superior)
55-74% 75-84% 85% & Above

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[Signature]
Advocate

Annexure-1(f)

ALL ASSAM OTHER BACKWARD CLASSES' ASSOCIATION



ASSOCIATION

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

06 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

(Registered under the Society Registration)

Act XXI 1860 and recognised by the state Govt. of Assam vide

MEMO No. TAD/MISC/275/85/296 5th January-1994
Regd No : 890

S. K. Barua Road, GUWAHATI-781006

Sl. No. 97/9894

(13th B/S)

Date 16-10-97

Certified that Shri / Shrimati Md Kamal Uddin Ansari
son / daughter / wife of Shri / Late Md Slimuddin
of Chorgola T-E Village / Town / T. E. Under PO. Anifur
P. / S. Ratabari Sub-Division in the District of Karimganj
Assam belongs to Ex-Jaggarden Labourer Caste /
Community / Tribe which is recognised as Other Backward Class / More Other (MOBE)
Backward Class by the State Government of Assam

He / She is residing at Chorgola T-E Village / Town
T. E. under Ratabari P. S. in the District of Karimganj Assam

Counter Signature of

DC/SDO Office (Sadar)
Karimganj

President / Gen. Secy / Joint Secy
(Authorised Person)

All Assam Other Backward Classes' Association

Certified to be true copy
from Zero Type Copy

In
Advocate

Don Printers, Jayanagar, Khanapara Guwahati -22

Annexure-1(9)

Assam Schedule LXIII, Form No. 1

X-10(B)

GOVERNMENT OF ASSAM DEPARTMENT OF LABOUR EMPLOYMENT EXCHANGE Korim

IDENTITY CARD
(Not an Introduction card for interview with employees)

1. Name of Applicant Kamal Uddin Ansari
2. Date of Registration 10-02-05
3. Registration No. 304/05702
4. N. C. O. Code No. X01'20

⑥ Date of Birth 1.9.73

INSTRUCTION TO APPLICANT

- (a) Bring this card with you whenever you come to the Exchange.
- (b) Quote your Registration Number and N. C. O. Number whenever you write to the Exchange.
- (c) Renew your Registration every three months. year
If you do not renew by the due date, your registration will be cancelled.
- (d) You can renew your registration personally or by post. For renewal by post DO NOT SEND THIS CARD. Apply to the Exchange on a REPLY PAID POST CARD.

Date before which registration should be renewed

Feb 2008
Feb. 2011
(A)
Feb 2005

✓ Kamal uddin Ansari

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By
Advocate

केन्द्रीय प्रशासनिक अधिवक्ता
Central Administrative Tribunal

06 AUG 2009

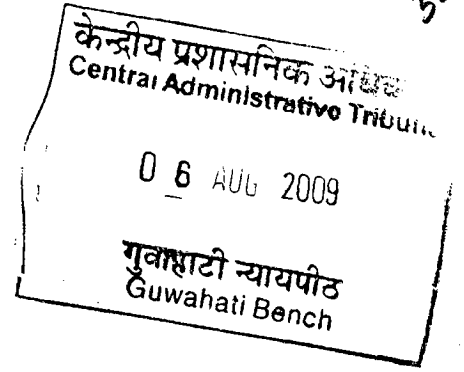
गुवाहाटी न्यायपीठ
Guwahati Bench

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Amratar 2(a)

(Typed Copy)

Inspector Posts
Patharkandi Sub-Divn.
Patharkandi - 788724



No. A1/ Leelachila

Dated 23-6-04

Md. Kamal Uddin Ansari has been engaged to work as GSDSA, Lilachila with effect from 1-7-04 for three months on back log arrangement.

The said GSDSA will be paid such allowances as admissible from time to time

He may be terminated by the undersigned at any time without showing any reason.

Sd/ illegible
(R.K.Das)
Inspector Posts
Patharkandi Sub-Divn.
Patharkandi - 788724

Copy to -

1. P.M. Hailakandi for n/c & information
2. BPM, Leelachila
2. Md. Kamal Uddin Ansari

Sd/ illegible
(R.K.Das)
Inspector Posts
Patharkandi Sub-Divn.
Patharkandi - 788724

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Advocate

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

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गुवाहाटी न्यायपीठ
Guwahati Bench

Inspector Posts
Patharkandi Sub-Div
Patharkandi-788724

NO A1/leela chila dated 23.6.04

Md Kamaluddin Anasari has been engaged to work as GSDA Leelachila with effect from 1.7.04 for 3 months on back Log arrange ment.

The said GSDA will be paid such allowances as admissible from time to time.

He may be terminated by the undersigned at any time without giving any reason.

(R.K.DAS)

Inspector Posts
Patharkandi Sub-Div
Patharkandi-788724

copy to

- 1. P.M. Hailakandi
- 2. B.P.M. Leelachila
- 3. Kamaluddin Anasari

(R.K.DAS)

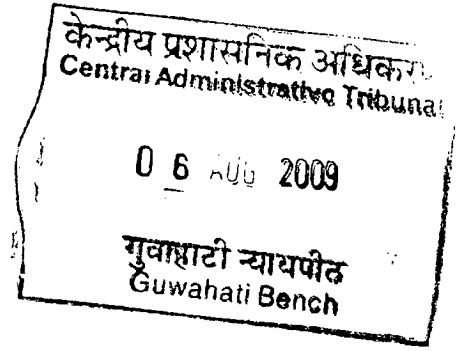
Inspector Posts
Patharkandi Sub-Div
Patharkandi-788724

24.

Answer 2(b)

37

(Typed Copy)



Inspector Posts
Patharkandi Sub-Divn.
Patharkandi - 788724

No. A1/ Lilachila

Dated 3-11-06

Shri Kamal Uddin Ansari has been engaged to work as GDSMD Leelachila in the vacant post for 90 days with effect from 5-11-06 temporarily in the interest of service.

He will be paid admissible amount.

Sri Kamal Uddin Ahmed will not claim the post for future appointment and will be terminated by the undersigned without any notice.

Sd/ illegible

(R.K.Das)
Inspector Posts
Patharkandi Sub-Divn.
Patharkandi - 788724

Copy to -

1. Post Master, Hailakandi HO for n/c
2. BPM Leelachila
3. Kamal Uddin Ansari

Sd/ illegible

(R.K.Das)
Inspector Posts
Patharkandi Sub-Divn.
Patharkandi - 788724

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from Zerox Type Copy

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Advocate

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

06 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Inspector Posts
Patharkandi Sub-Divn
Patharkandi-788724

No A1/1640 chitla dated 2.11.06

Shri Kamal ~~Madhu~~ ^{Ansari} ~~Ansari~~
has been assigned to work as
- 458103 Librarian in his vacant
Post for 90 days with effect
from 5.11.06 temporarily in
the interest of service.
He will be paid admissable
amount.

~~Shri Kamal Madhu~~ ^{Ansari}
has not cleared his Post for
future appointment and will
be terminated by the appropriate
authority on notice.

(R. U. D. Das)
Inspector
Patharkandi Sub-Divn
Patharkandi-788724

(S/P) / 10

1. Pm Madhukant Das

2. Bm Librarian

~~Kamal Madhu~~ ^{Ansari}

(R. U. D. Das)
Inspector Posts
Patharkandi Sub-Divn
Patharkandi-788724

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Annexure- 3

Date- 24th March, 2007

To,

The Senior Supdt. of Post Office,
Cacher Division,
SILCHAR.

Sub:- Prayer for Reappointment in the post of GSDSA in Leelachila Post office under Patherkhandi Division.

Sir,

With due respect and humble submission I beg to state I am son of deceased postal employee Late Alimuddin . My father was expired in 2006 after serving 40(forty) years in postal department. At present our family is depend only on my mother's family pension which is not sufficient to maintain our family expenditure. As a result we are suffering too much due to financial crunch.

I was appointed as GSDSA with effect from 1.7.04 for three months and since then I have been working temporarily up to 2-02-2007 in Leelachila post office. But presently the Inspector of Patherkhandi appointed Sri. Roson Lal Mallah in the same post depriving me with out giving any reason or notice to me.

In the light of above circumstances I would like to request you kindly make necessary steps such that I may get reappointed in the above mentioned post and oblige.

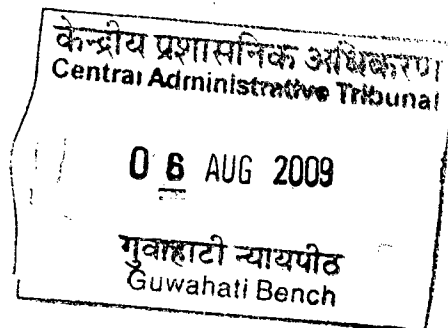
Thanking you,

Yours faithfully,

(Kamal Uddin Ansari)
C/O- Late Alim Uddin
Retd. Post Master, Ratabari
P.O- Leelachilla.
Dist. Karimganj (Assam)

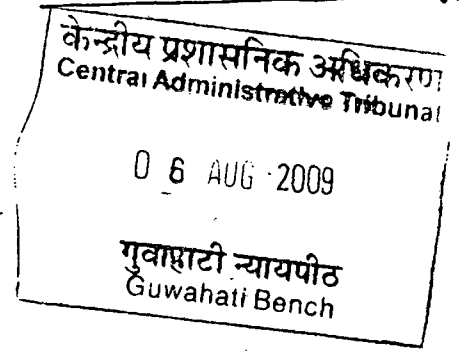
Verified to be true copy
from Zerox Type Copy

M
Advocate



27

(Typed Copy)



DEPARTMENT OF POSTS
O/O THE SENIOR SUPERINTENDENT OF POSTS: CACHAR DN,
SILCHAR -788001

No. A/453/PF Dated Silchar the 13-06-08

NOTIFICATION

To,

The District Employment Officer
Karimganj

Sub:- Appointment to the post of Branch Postmaster, Leelachila B.O

Applications in the enclosed proforma are invited for the above post from the intending candidates fulfilling the following conditions. The applications complete in all respect should reach the office of the undersigned on or before 30-06-08 B.O. / EDSO and addressed by name to the undersigned in sealed cover. A incomplete applications, applications without prescribed enclosures and applications received after the due date will be entertained.

2. The vacancy is reserved for/ nor reserved for any community.
(Score out whichever is not applicable)
3. In case the minimum number of three eligible candidates do not offer their candidature, the vacancy will be re-notified.
4. The appointment is purely temporary and in the nature of a contract to be terminated by the competent authority at any time with one month's prior notice. The work is part time for a period of 3 to 5 hours a day and the appointment will not confer any right on the candidates to claim any regular full-time post in the department. The related continuity allowance of Rs..... Plus admissible D.A.
5. Any kind of influence brought by the candidates regarding appointment will be considered as a disqualification. No

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from Zerox Type Copy

By
Advocate

कन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
06 AUG 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

correspondence attempting to influence the selection process will be entertained.

6. ELIGIBILITY CONDITIONS:

(To be fulfilled as on the last date fixed in the original notification i.e. 30-06-08)

(i) AGE

Above 18 years and below 62 years of age as on the last date for receipt of applications.

(ii) MINIMUM EDUCATIONAL QUALIFICATIONS:

HSLC / standard pass.

No weightage is given for higher qualification. However this does not bar the candidates with higher qualification from applying for the post.

(iii) RESIDENCE :

Candidate must be a permanent resident of the village where the post office is located.

(iv) ACCOMMODATIONS

The candidate selected should provided free accommodation to house the Post Office.

(v) INCOME AND PROPERTY

(a) The candidate should have an independent source of income for his/ her livelihood. Income Certificate in candidate's own name (indicating clearly the source of income) issued by Revenue/Competent authority should be furnished in the enclosed proforma. Income in the name of guardian/ others will not make the candidate eligible for the post. Only such candidates who fulfill this condition and all other eligibility conditions will be eligible to apply for the post.

(b) Deleted and substitute vide Dte No. 22-12/2001-GDS dated 17-9-03 and undertaking to be submitted by the candidate as follows "I have other sources of income besides the allowances paid or to be paid to me by the Govt. for adequate means of livelihood for me and my family"

06 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- (c) The candidate should not be an elected member of the panchayat/ other statutory bodies.
- (d) The candidate should not be an agent of LIC or other insurance/ finance companies.

7. DOCUMENT TO BE ENCLOSED:

Copies of the following certificates/ documents should be enclosed to the application, invariably. If any of these enclosures listed below do not accompany the application, the application is liable to be rejected outright. The originals need not be sent. They may be produced for verification when called for.

- i) School Leaving Certificate or certificate regarding date of birth.
- ii) Marksheet of HSLC (and higher qualification if any)
- iii) Caste certificate issued by the competent authority (in case of candidates belonging to SC/ST/OBC)
- iv) Income Certificate in the name of candidate issued by the competent authority.
- v) Two character certificate issued by prominent persons of the locality.

8. If any information furnished by the candidate is found to be false at a later date, the selection / appointment is liable to be terminated apart from criminal prosecution.

Encl: I Proforma of application.

sd/illegible

13-6-08

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

Copy to (Regd.A/D)

1. The President, Gaon Panchayat, Chorgola G.P.
2. The Head Master, Govt. Primary/ High School.....
3. BPM.....
4. SPM.....
5. The ASPOs/I/C/DDI(P) Patharkandi Sub Division for display on the notice board and for wide publicity.

Sd/

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

DEPARTMENT OF POSTS
OFFICE SUPERINTENDENT POSTS, CALCUTTA (DIN: SIL/CHAK-738001)

To, District Employment officer

Naoringaj

Dated Silchar the

13.06.08

A-453/PF

NOTIFICATION

Branch Postmaster, Lelachi/B.O.

Applications in the enclosed proforma are invited for the above post from the intending candidates fulfilling the following conditions. The applications complete in all respects should reach the office of the undersigned on or before 30.06.08. B.O. /EDSO and addressed by name to the undersigned in sealed cover. Incomplete applications, applications without prescribed enclosures and applications received after the due date will be non-considered.

- 2. The vacancy is reserved for /not reserved for any community (Score and which ever is not applicable)
- 3. In case the minimum number of three eligible candidates do not offer their candidature, the vacancy will be re-notified.
- 4. The appointment is purely temporary and in the nature of a contract to be terminated by the competent authority at any time with one month's prior notice. The work is part time for a period of 3 to 5 hours a day and the appointment will not confer any right on the candidates to claim any regular full-time post in the department. The post carries the related continuity allowance of Rs. plus admissible D.A.
- 5. Any kind of influence brought by the candidates regarding appointment will be considered as a disqualification. No correspondence attempting to influence the selection process will be entertained.

EXIGENCY CONDITIONS:

(to be fulfilled as on the last date fixed in the original notification i.e. 30.06.08.)

(i) AGE:
Above 18 years and below 62 years of age as on the last date for receipt of applications.

(ii) MINIMUM EDUCATIONAL QUALIFICATIONS:
DIN/C/Standard pass

No weightage is given for higher qualification. However this does not bar the candidates with higher qualification from applying for the post.

(iii) RESIDENCE:
The candidate must be a permanent resident of the village where the post office is located.

(iv) ACCOMMODATION:
The candidate selected should provide fee accommodation to house the Post Office

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

06 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

06 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- 2 :-

INCOME AND PROPERTY:

a) The candidate should have an independent source of income for his /her livelihood. Income certificate in candidate's own name (indicating clearly the source of income) issued by Revenue/competent authority should be furnished in the enclosed proforma. Income in the name of guardian/others will not make the candidate eligible for the post. *Only such candidates who fulfill this condition and all other eligibility conditions will be eligible to apply for the post.*

b) Deleted and substitute vide Dir No. 22-12/2001-GDS dated 17-9-03 and undertaking to be submitted by the candidates as follows " I have other sources of income besides the allowances paid or to be paid to me by the Govt. for adequate means of livelihood for me an my family."

c) The candidates should not be an elected member of the panchyat/other statutory bodies.

d) The candidate should not be an agent of LIC or other insurance/finance companies.

ENCLOSURES TO BE ENCLOSED:

Copies of the following certificates/documents should be enclosed to the application, invariably. If any of these enclosures listed below do not accompany the application, the application is liable to be rejected outright. The originals need not be sent. They may be produced for verification when called for.

- i) School leaving certificate or certificate regarding date of birth.
- ii) Mark-sheet of HSLC (and higher qualification if any)
- iii) Caste certificate issued by the competent authority. (in case of candidates belonging to SC/ST/OBC)
- iv) Income certificate in the name of candidate issued by competent authority.
- v) Two character certificates issued by prominent persons of the locality.

If any information furnished by the candidate is found to be false at a later date, the selection/appointment is liable to be terminated apart from criminal prosecution.

net:- 1 Proforma of application

Signature _____
Designation Sr. Supdt. of Post Offic'as.
Cachar Dn. Silchar-788001.

Copy to (Regd. A/B)

- 1. The president, Goun Panchyat..... *Changala G.P.*
- 2. The Head Master, Govt. Primary/High School.....
- 3. B.P.M.
- 4. S.P.M. (Account office)
- 5. The S/Os DC/SEI (P) *P. Thakur Karanoli* Sub-Division for display on the notice board and for wide and help)

Signature *sdh*
Designation Sr. Supdt. of Post Offic'as.
Cachar Dn. Silchar-788001.

Annexure-5

DEPARTMENT OF LABOUR AND EMPLOYMENT
DIST.EMPLOYMENT EXCHANGE:KARIMGANJ.
&&&&&

NO.KXJ/VG-5/2005/596 -Dated Karimganj the 27th June'08

TO

The Senior Superintendent of Post Offices,
Cachar Division, Silchar-788001

Sub: Forwarding of applications for the post of Branch Post
Master, Leelachilla.P.O. Leelachilla.

Ref: Your letter No.A-453/PF Dated Silchar the 13.6.08.

Sir,

With reference to the subject cited above,I have the honour
to forward herewith the three Nos of applications for favour of
your necessary action.

The particulars of candidates are as below:-

NAME.& ADDRESS.	Regn.No.	Remarks.
1. Kamal Uddin A nanni, Vill-Chorgola T.E.P.O.Leela- chilla.Dt.Karimganj.	304/05/02	Experience as EDDA in Branch Post office OBC
2. Gulam Uddin A nanni,Vill-Chor- gola T.E.P.O.Leelachilla.Karimganj.	1112/00	OBC #2
3. Nurul Islam Ansari,Vill-Bihaidala, P.O.Leelachilla.Dt.Karimganj.	1113/00	OBC

Yours faithfully,

Employment Officer, i/c
Dist. Employment Exchange
Karimganj.

Encls:-Three Nos of
applications

&&&&&&

कन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
06 JUN 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

SR. SUPDT. OF POST OFFICES
30 JUN 2008
Cachar Division, Silchar.

Verified to be true Copy
from Zerox Type Copy
By
Advocate

OFFICE OF THE CHARGOLA GAON PANCHAYET
P.O. LILACHILA, DIST.- KARIMGANJ

No. 382/CG/P/08

Date: 08/08/08

CERTIFICATE

This is to certify that Sri/Smt. Kamaluddin Ansari
S/O. D/O. W/O. SA/Late. Alimuddin Ansari
is the inhabitant of Vill. Chargola I.E. P.O. Lilachila
Dist.-Karimganj, P.S. Ratabari under Chargola Gaon Panchayet.

His / her / his father / her father / his/her brother house holding No.-
is 212 as per this office records.

As per Electrolal Roll L.A. 1 of Ratabari 2008

His / her holding No. 320 Sl. No. 971

Part No. 66 annual income of his / her from all sources is
about Rs. (Rupees) only

There is no objection regarding electrification of his / her house / shop.

He is known to me.

(Signature)
5/8/08

President

CHARGOLA G.P.
P.O. Lilachila, Dt. Kxj.
President / Secretary

Chargola Gaon Panchayat

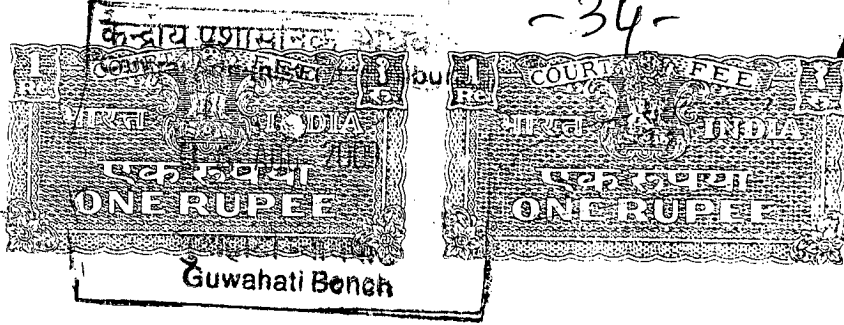
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

08 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Verified to be true copy
from Zerox Type Copy

(Signature)
Advocate



ANNEXURE-7

CERTIFIED COPY OF EXTRACT FROM ELECTORAL ROLL - 2005 (WITHOUT PHOTOGRAPH)

OFFICE OF THE DEPUTY COMMISSIONER
ELECTION BRANCH :: KARIMGANJ

Date of issue : 24/10/08

Dy No. of the Application
(as entered in the register on
receipt of his application) : 10738/LA1

EXTRACT FROM ELECTORAL ROLL OF L. Ratabasi (SE) Assembly
Constituency in the State of 03-Assam.

Part No. 66

Section No. 1 Name of Section Chergela Cha-Bagan
Revenue Circle Ramkrishna Nagar Police Station Ratabasi

Sub-Division : Karimganj, District : Karimganj

Sl No.	House No	Name of Elector	Relation Ship	Name of Relation	Sex	Age	EPIC No.(If issued)
1	2	3	4	5	6	7	8
974	320	Kamal Uddin Ansari	F	Alim Uddin Ansari	M	26	

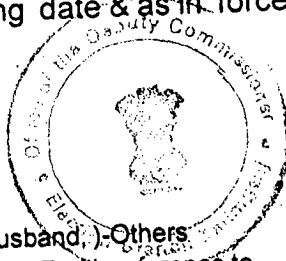
Copied by

Compared by

Certified to be true Extract from the Electoral Roll of the above-mentioned Constituency revised with reference to 01-01-2005 as the qualifying date & as in force on the date of issue of this Certificate.

Place : Karimganj

Date : 24/10/08



Signature & Seal of
the Election Officer

NB : Relationship in Column-4 F-Father, M-Mother, H-Husband, J-Others
Sex in Column -6 F-Female, M-Male, Age in Column -7 with reference to
01-01-2005 D-Doubtful Elector.

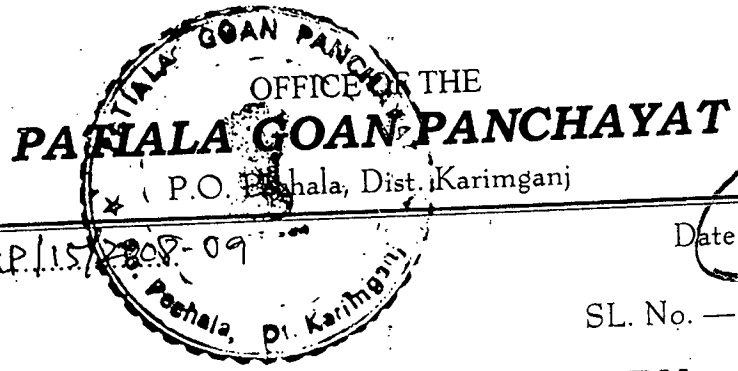
Certified to be true Copy
from Zerox Type Copy

[Signature]
Advocate

केंद्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

06 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench



Ref No. PGP/15/2809-09

Date 25/09/08

SL. No. —

TO WHOM IT MAY CONCERN

This to certify that Sri / Smti Roshan Malah
Son / Daughter / Wife of Shri / Smti / Late Sripresad Malah
an inhabitant of Vill. Bihairdala P.O. Deelachilla

P.S. Ratabari, Dist. Karimganj, Assam, under Patiala Goan Panchayat.

He / She is permanent residence of this G.P.

His / Her house tax cleared upto and his / her holding
No. 321 as per G.P. assessment register.

His / Her name enlisted in the voter list of Patiala G.P. constituency of 15/10

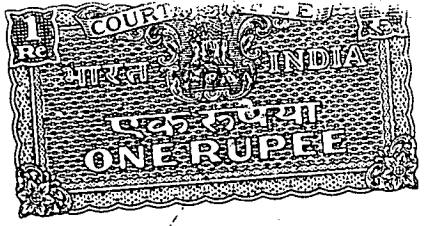
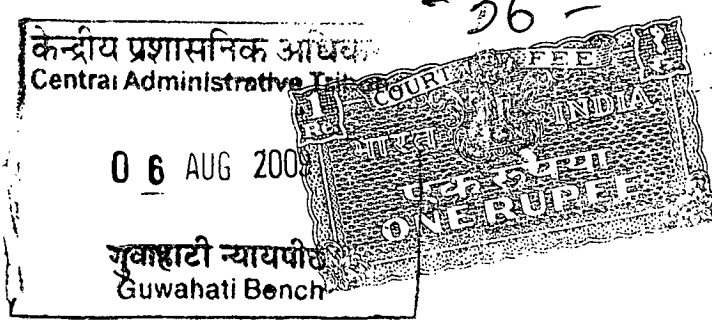
R.S. No. 10 House No. 26 SL. No. 270

He / She is personally known to me.

25/09/08
President
Patiala Goan Panchayat

certified to be true copy
from Xerox type copy

Advocate



ANNEXURE-9

CERTIFIED COPY OF EXTRACT FROM ELECTORAL ROLL - 2005 (WITHOUT PHOTOGRAPH)

OFFICE OF THE DEPUTY COMMISSIONER
ELECTION BRANCH :: KARIMGANJ

Dy No. of the Application
(as entered in the register on
receipt of his application) :

10739/LA1

Date of issue : 24/10/08

EXTRACT FROM ELECTORAL ROLL OF 1. Ratabari (SE) Assembly
Constituency in the State of 03-Assam.

Part No. 86

Section No. 1 Name of Section Beasidala

Revenue Circle Ramkrishnagar Police Station Ratabari

Sub-Division : Karimganj, District : Karimganj

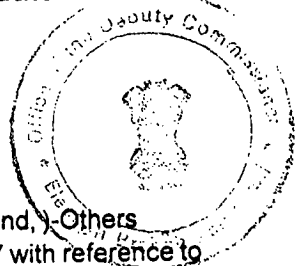
Sl No.	House No	Name of Elector	Relation Ship	Name of Relation	Sex	Age	EPIC No. (If issued)
1	2	3	4	5	6	7	8
109	26	Ruson Mallah	F	Shree prasad Mallah	M	27	-

Copied by
[Signature]
24/10/08

Compared by
[Signature]

Certified to be true Extract from the Electoral Roll of the above-mentioned Constituency revised with reference to 01-01-2005 as the qualifying date & as in force on the date of issue of this Certificate.

Place : Karimganj
Date : 24/10/08



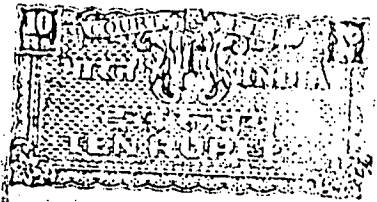
[Signature]
24/10/08
Signature & Seal of
the Election Officer
ELECTION BRANCH
KARIMGANJ

NB : Relationship in Column-4 F-Father, M-Mother, H-Husband, J-Others
Sex in Column -6 F-Female, M-Male, Age in Column -7 with reference to
01-01-2005 D-Doubtful Elector.

Verified to be true Copy
from Zero Typa Copy
[Signature]
Advocate

Annexure-10

06 AUG 2009
 गुवाहाटी न्यायपीठ
 Guwahati Bench



- 8 SEP 2008
 Cachar Division, Silchar

To,
 The P.I.O. under RTI Act/05.

Office of the Sr. Superintendent Of Post Offices,
 Cachar Division , Silchar.- 788 001.

From: Kamal Uddin Ansari,
 P.O. Leelachilla,
 Vill. Chorgola T.E.
 Dist. Karimganj. (Assam)
 Phone- 03843-257001

Sub: Furnishing information under RTI Act/05.

Sir,
 As per advertisement in Dist. Employment Exchange
 Karimganj, for the Post of Branch Post Master, Leelachilla
 Branch Office, under Notification No. A-453/PF, dtd. 13.06.08
 I had applied for the post of B.P.M. (Leelachilla B.O.
 through Employment Exchange, Karimganj.

That I also appeared the said interview which was
 held on 11.08.08 in your office . But till today I did not
 get the result of the said interview.

So, I request your kind honour to enquire about the
 said result through R.T.I. and this act of your kindness
 I shall ever pray.

Thanking you,

Yours faithfully,

Kamal Uddin Ansari
 (KAMAL UDDIN ANSARI)

Dated,
 the 8th Sept /08

- Copy to :-
- The Sr, supdt.of Post Offices,
Cachar Division , Silchar.

Verified to be true copy
 from ZINX TYBA Copy
 Advocate

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

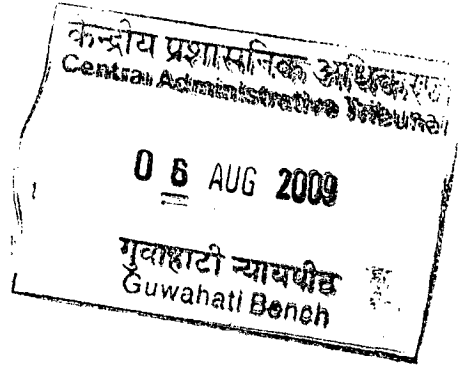
REGD/AD

No: - A/453

Dated at Silchar the September 10,2008.

To

Mr.Kamal Uddin Ansari,
PO :- Leelachila
Vill :- Chargola T.E
Dist :- Karimganj
Ph:- 03843---257001



Sub :- Regarding information as sought vide your letter 08.09.08.

Sir,

With reference to your letter seeking information under RTI act '05, it is hereby intimated that the: -

1. The right procedure for seeking information under RTI act '05 is made by making an payment of Rs.10/- (Rupees Ten) only either by IPO or by Bank demand draft.
2. Although, for your satisfaction you are intimated that the Selection for provisional appointment for the post of GDSBPM Leelachila BO has been made on the basis of Highest marks secured in H.S.L.C Examination among the candidates those who attended this office in accordance with letter no. A1/Leelachila/08 dated 28.07.08.

(Anil Bora)
Sr.Supdt of Post Offices
Cachar Division, Silchar -788001

Certified to be true copy
from Zorex Type Copy

Advocate

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
18/9/08	18/9/08	18/9/08	19/9/08	19/9/08

IN THE GAUHATI HIGH COURT

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

CIVIL APPELLATE SIDE

Appeal from W.P(C)
Civil Rule

No. 4088 of 2008

Sri kamal uddin Ansari

Appellant
Petitioner

Versus

The Union of India & ors.

Dr. B. Ahmed

Mr. N. Haqueel

Appellant For Mr. S.K. Deo

Petitioner Mr. H.T. Choudhry / Adv.

Mr. K. Uddin

Respondent
Opposite Party

Respondent

For ASG 1

Opposite Party

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

06 AUG 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature
1	2	3	4

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from Zerox Type Copy
by
Advocate

केन्द्रीय प्रशासनिक
Central Administrative Tribunal
08 AUG 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

- 2 -

-AND-

IN THE MATTER OF :

Shri Kamal Uddin Ansari
Son of Late Md. Allm Uddin
Resident of Village-Chorgola T.E.
P.O. Leelachilla
District - Karimganj, Assam

PETITIONER

-Versus-

1. The Union of India,
[To be represented by Secretary-
cum-the Director General of Posts &
Chairman, Postal Service Board,
Deptt. of Posts, Ministry of
Communication, Dak Bhawan, Sansad
Marg, New Delhi -1,
2. The Chief Postmaster General,
Meghdoot Bhawan, Panbazar,
Guwahati-1
3. The Senior Superintendent of Post
Offices, Cachar Division, Silchar
P.O. Silchar, Dist- Cachar, Assam,

Handwritten signature/initials

Handwritten mark

N
Commissioner of Affidavit
Guwahati High Court
Guwahati

- 41 -

4

- 3 -

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
06 AUG 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

54

4. The Inspector, Posts
Patharkandi Sub-Division,
P.O. Patharkandi,
District- Karimganj, Assam

5. Shri Rosonlal Malah @ Roson Malah
Son of Sri Prashad Malah,
Resident of Village-Bihairdala
P.O. Anipur, District - Karimganj,
Assam

[Handwritten signature]

[Handwritten initials]

..... RESPONDENTS

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

WP(C) NO.4088/2008

PRESENT -
THE HON'BLE MR JUSTICE AMITAVA ROY

17-09-2008

Heard Dr Ahmed, learned counsel for the petitioner. Also heard Mr Pathak, learned Central Govt. Counsel.

Issue notice returnable on 24.09.2008.

Mr Pathak takes notice on behalf of the Respondent Nos 1 to 4. Extra copies of the petition be served on him immediately by obtaining necessary receipt. The petitioner would take steps for service of notice on the respondent No.4 by registered post with A/D. Steps within 3 days. The petitioner is also permitted to cause personal service of notice on the said respondent. The process, however, should be routed through the office of this Court.

Issue notice on the prayer for interim relief also returnable on the same date.

After hearing the learned counsel for the parties and on a consideration of the pleaded facts and the documents as well as Instruction I(4) appearing in Section IV of the GDS (Conduct and Employment) Rules, 2001, it is provided that, till the next date fixed, the official respondents would not make any appointment in contravention of the stipulations contained in the advertisement as well as the statutory provisions referred to hereinabove.

Ed. Amitava Roy
Judge

CERTIFIED TO BE TRUE COPY

Nrijaan Talwar
Date: 19/9/08

Superintendent (Copying Section)
Gauhati High Court
Authorised U/S 76, Act 1, 1872

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
06 AUG 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

19

SI. 104845
01-18/9/08

19/9/08

06 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

ANNEXURE- 13

22 SEP 2008

Cachar Division, Silchar

To,

The Senior Superintendent of Posts,
Cachar Division, Silchar,

Sub: Order dated 17-09-2008 passed by the Hon'ble Gauhati High Court
in W.P.(C) No. 4088/ 2008

(Shri Kamal Uddin Ansari ----- Petitioner

-Versus-

The Union of India and others ----- Respondents.

Sir,

I have the honour to state that pursuant to the Notification dated 13-6-2008 issued by your honour, inviting applications, for the post of Branch Postmaster, Leelachilla Branch Office in Karimganj district, from the intending candidates who are permanent resident of the village where the Leelachilla Branch Office is located; I being permanent resident of the Village- Chorgola Tea Estate, where the said Branch Office is located, applied through District Employment Exchange, Karimganj for the said post. Thereafter on 11-8-2008, I appeared interview on the basis of the call letter issued to me. On the other hand, one Sri Rosonlal Malah @ Roson Malah (Respondent No.5) applied and appeared the interview, who is not a permanent resident of the village where the said Leelachilla Branch Office is located and Respondent authorities very secretly is trying to appoint Sri Rosonlal Malah, violating the guidelines issued for selection of candidates for the post of Gramin Dak Seval Branch Postmaster and that too without publishing the result of the interview. Being aggrieved, I filed the aforesaid Writ Petition No. 4088/2008 before the Hon'ble Gauhati High Court and the Hon'ble Court has been pleased to pass the order dated 17-09-2008 directing the respondent authorities not to make any appointment in contravention of the stipulations contained in the advertisement as well as the statutory provision of law. I hereby forwarded a copy of the aforesaid order dated 17-9-2008 for your perusal and necessary action.

Kindly acknowledge the receipt of the same.

Yours faithfully

Kamal Uddin Ansari
(Kamal Uddin Ansari)
Chorgola T.Estate

Certified to be true copy
from Xerox Type Copy

Advocate

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy	स्टाम्प और फोटो की अपेक्षित संख्या सूचित करने की तिथि Date fixed for notifying the requisite number of stamps and photos	अपेक्षित स्टाम्प और फोटो देने की तिथि Date of deposit of the requisite stamps and photos	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
28/7/09	28/7/09	28/7/09	29/7/09	29/7/09

IN THE GAUHATI HIGH COURT

ANNEXURE-14

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

CIVIL APPELLATE SIDE

Appeal from W.P(C)
Civil Rule

No. 4088 of 200 8

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

06 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Sri kamal uddin Ansari

Appellant
Petitioner

The Union of India 2008

Respondent
Opposite Party

For Appellant
Mr. N. Haqueel
Mr. S.K. Deo
For Petitioner
Mr. H.T. Choudhary/Adv.
Mr. K. Uddin

Respondent For ASG 1
Opposite Party Sri A.K. Goswami, Sr. Adv.
Mr. S. Barik, Mr. B. Sarma
Mr. K.N. Saha, P. Bhuyan } for resp. no. 5.

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature
1	2	3	4

certified to be true copy
from Zeros Copy
by
Advocate

- 2 -

IN THE MATTER OF :

Shri Kamal Uddin Ansari
Son of Late Md. Allim Uddin
Resident of Village-Chorgola T.E.
P.O. Leelachilla
District - Karimganj, Assam

... .. **PETITIONER**

केन्द्रीय प्रशासनिक
Central Administrative Tribunal

06 AUG 2009

गुवाहाटी न्यायापीठ
Guwahati Bench

-Versus-

1. The Union of India,
[To be represented by Secretary-
cum-the Director General of Posts &
Chairman, Postal Service Board,
Deptt. of Posts, Ministry of
Communication, Dak Bhawan, Sansad
Marg, New Delhi -1,
2. The Chief Postmaster General,
Meghdoot Bhawan, Panbazar,
Guwahati-1
3. The Senior Superintendent of Post
Offices, Cachar Division, Silchar
P.O. Silchar, Dist- Cachar, Assam,

130

Adutta

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केन्द्रीय प्रशासनिक न्याय
Central Administrative Tribunal
06 AUG 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

4. The Inspector, Posts
Patharkandi Sub-Division,
P.O. Patharkandi,
District- Karimganj, Assam

5. Shri Rosonlal Malah @ Roson Malah
Son of Sri Prashad Malah,
Resident of Village-Bihairdala
P.O. Anipur, District - Karimganj,
Assam

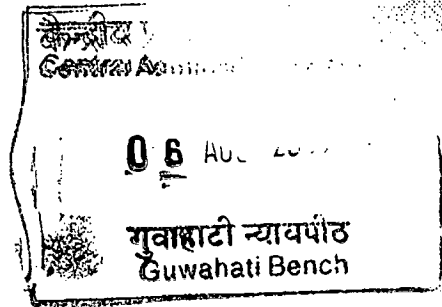
ND

2/2/09

RESPONDENTS

-47

60



-45

WP (C) No. 4088/08

BEFORE
THE HON'BLE MR.JUSTICE HN SARMA

13.07.09

Dr Ahmed, learned counsel for the petitioner submits that the appropriate remedy of the petitioner is by way of filing an application before the Central Administrative Tribunal and he wants to withdraw this writ petition. Learned counsel for the respondent has no objection to that effect.

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Accordingly, this writ petition stands disposed of on withdrawal with liberty to seek appropriate remedy before the Central Administrative Tribunal.

Sd/- H. N. Sarma
Judge

4-121694
29-7-09
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Nrijaan Bhatia
Date: 29.7.09
Superintendent (Copying Section)
Gauhati High Court
Authorised U/S 76, Act 1, 1872
Devi H
29-7-09

- 98 -

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
979 - 8 DEC 2009
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Filed by
The Respondents No. 1 to 4
through
Usha Das
Addl case
08/12/2009

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

OA NO. 147/2009

Md. Kamal Uddin Ansari
.....APPLICANT

-VERSUS-

UNION OF INDIA & ORS
.....RESPONDENTS

WRITTEN STATEMENT SUBMITTED BY THE RESPONDENTS NO. 1 to 4

- 1) That the respondents have received copy of OA and understood the Contents thereof. Save and except the statements, which are specifically admitted herein below, rests may be treated as total denial. The statements, which are borne on records, are also denied & the applicant is put to the strictest proof thereof. The interest of all respondents being similar, therefore, the common reply is humbly filled for and behalf of all of them.
- 2) That the respondents beg to place the Brief History of the Case before traversing various paragraphs of the O/A.

BRIEF HISTORY OF THE CASE:

The post of Gramin Dak Sevak Branch Post Master, Leelachila BO (GDS BPM) in account with Anipur SO under Patherkandi Sub Division and Karimganj HO being fallen vacant and with the purpose of selecting proper candidates for the said post, the Employment officer Karimganj was addressed to forward applications from the intending candidates for the said post of GDS BPM, Leelachila BO in prescribed form sent therewith along with required certificates testimonials etc. Copies of the said letter were endorsed to the Inspector Post Patherkandi Sub Division, Sub Postmaster Anipur SO, and

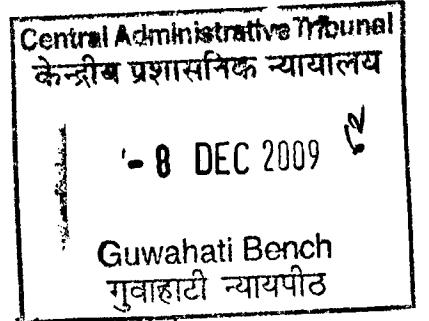
Senior Superintendent Posts
Cachar Division, Silchar-788 001
Anil Kumar Barman

I undertake to
send a copy of W.C.
on the counsel for
the applicant.

Usha Das
Addl case
08/12/09

Received
W/S on 10.12.09
Reson 104
10.12.09

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President of the Local Gaon Panchayat etc for arranging wide publicity through there notice board. Last date of receipt of such application was 30.6.2008. Among other conditions the applicant should fulfill the following conditions:-

1. Age limit
2. HSLC passed
3. Other source of Income
4. Should provide room for operating (Running the Business) PO
5. Should be a permanent or shift to village (if selected)

There was no mention that all applications should come to the office of Senior Superintendent of Posts, Cachar Division Silchar through Employment Exchange, Karimganj. Which means the applications completely filled in and with copies of certificate etc. either received through other would also be considered, if found otherwise regular.

In reply to above letter 3 (three) applications were received from employment Exchange Karimganj and another received direct to this office with in the targeted date.

On scrutiny of those applications, the applicant Gulam Uddin Ansari was found HSLC Examination passed on repeater chance in Bengali and Arabic while other 3 candidates had passed HSLC examination in straight, which clearly confirmed that the remaining 3 candidates are better from Gulam Uddin Ansari.

Still all the four (4) candidates were addressed on 28.7.2008 to attend the office of the u/s on 11.8.2008 with all original certificates for verification of BIO-DATA.

Out of 4 applications, Shri Gualm Uddin Ansari, Kamal Uddin Ansari and Rosonlal Malah attended on 11.8.2008 with their original certificates, testimonials etc., which were verified with the respective copies, submitted with their applicant ions.

Senior Superintendent Posts
Cachar Division, Silchar-788 001

Senior Superintendent Posts
Cachar Division, Silchar-788 001

Thus the question of selection of suitable candidates for the post of GDS BPM Leelachila BO rests with the following 3 candidates who attended this office on 11.8.2008 with their original certificates/testimonials etc:-

1. Md. Gulam Uddin Ansari
2. Md. Kamal Uddin Ansari
3. Shri Roson Lal Malah

And it was found that as per the enclosures to their respective applications all of them were eligible for the said post of GDS BPM, Leelachila BO.

Now, to overcome the issue of selcting the best one there remains in following criteria viz. community of the candidates (as per sub rule (11) of rule 6 of the method of recruitment in the Deptt. of Posts GDS (Conductt & Employment) Rules, 2001 and (2) percentage of marks obtained by then in H.S..L.C. Examantion.

As per community certificate furnished by the candiate Md. Gulam Uddin Ansari and Md. Kamal Uddin Ansari belongs to O.B. C. community whereas Shri Rosonlal Malah belongs to SC community. As per HSLC mark sheet Shri Roson Lal Malah secured 42% whereas Md. Gulam Uddin Ansari and Md. Kamal Uddin Ansari secured 36.83% and 39.20% respectively.

In view of what has been clarified above there was no way out to selec Shri Roson Lal Malah for the post of GDS BPM, Leelachila BO.

After selection Shri Roson Lal Malah has been informed of the same and asked to submit the prescribed attestation form, health certificate oath of allegation etc. through the IPO, Patherkandi for further action at this end. These are yet to be received from the IPO, Patherkandi.

In may kindly be seen from the particulars furnished above that best possible effort/actions were taken to the selection of the best candidate for

Senior Superintendent Posts
 Cachar Division, Smt. No. 788 001
 Ranjan R.



no. dated 03.11.2006 against the short term vacancy on the same condition wherein it was also mentioned that the applicant will not claim for future appointment and will be terminated by the engager without any notice.

7) That with regard to the statement made in paragraph 4.4 of the OA, the respondents beg to submit that the applicant was simply engaged as GDSDA of Leelachila BPO purely on temporary basis against short term vacancy, as mentioned in para No. 4.3 above, whereas Shri Rosonlal Malah (Respondent No. 5) has been selected through recruitment, who fulfilled all the criteria for selection.

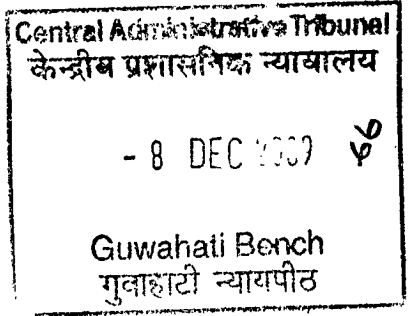
8) That with regard to the statement made in paragraph 4.5 of the OA, the respondents beg to submit that the application dated 24.3.2007 was received by this office on 18.6.2007 and sent to the Inspector of Posts, Patharkendi on 06.7.2007 for submission of report, against which he proposed to fill-up the vacant post of GDSBPM, Leelachila BPO through recruitment and accordingly Shri Rosonlal Malah has been selected as GDSBPM of the said BPO by observing all formalities and hence, re-appointment of the applicant as GDSSDA does not arise.

9) That with regard to the statement made in paragraph 4.6 of the OA, the respondents beg to offer no comment.

10) That with regard to the statement made in paragraph 4.7 of the OA, the respondents beg to submit that though the applicant has applied for the post of GDSBPM Leelachila BPO, in pursuance of this office notification dated 13.6.2008 and fulfilled all other conditions, the selected candidate named Shri Rosonlaa Malah, i.e. respondents No. 5 secured the highest percentage of marks in HSLC Examination among the candidate as applied.

Senior Superintendent Posts
Cachar Division, Smt. 786 001
Rajon

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for the post, i.e.42% marks, whereas the applicant secured only 39.20.% marks in HSLC Examination, which is less than the selected candidate.

11) That with regard to the statement made in paragraph 4.8 of the OA, the respondents beg to submit that all the applicants were requested vide this office letter No. A1/Leelachila/08 dated 28.7.2008 to attend this office on 11.8.2008 along with their original certificates for verification of documents submitted along with their applications and accordingly verification of documents/certificates were made on 11.8.2008 in respect of both applicant and respondents No.5 along with other candidates and no other interview was held for the purpose. Temporary working experience is not criteria for selection of GDSBPM.

12) That with regard to the statement made in paragraph 4.9 of the OA, the respondents beg to submit that selection of respondent No. 5 as GDSBPM Leelachila BPO was made as per Recruitment Rule, as laid down in GDS (Conduct & Employment) Rules, 2001 (As amended from time to time) and not illegally.

13) That with regard to the statement made in paragraph 4.10 of the OA, the respondents beg to submit that the applicant may be permanent resident of post-village, but he secured less percentage of marks in HSLC Examination than the respondents No. 5, as mentioned in reply to para-4.7above.

14) That with regard to the statement made in paragraph 4.11 of the OA, the respondents beg to submit that the applicant beyond the post village area can apply for the post of GDSBPM of any BPO and he can be selected being secured the highest percentage of marks, subject to the condition that

Senior Superintendent Posts
Cachar Division, Sylhet-768 001

Senior Superintendent Posts
Cachar Division, Sylhet-768 001

Senior Superintendent Posts
Cachar Division, Sylhet-768 001

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he should shift his residence in the post-village within the prescribed period. Hence no irregularity took place.

15) That with regard to the statement made in paragraph 4.12 of the OA, the respondents beg to submit that no selection test was taken on any day and hence publication of result does not arise. However, fact and process of selection has been intimated to the applicant by the respondent No3 vide letter No. A-453 dated 10.9.2008, though the applicant did not apply for the same, as mentioned in the said letter.

16) That with regard to the statement made in paragraph 4.13 of the OA, the respondents beg to submit that challenging against the selection of respondent No. 5 is baseless as the whole recruitment was processed and done as per GDS (Conduct & Employment) Rules, 2001 (as amended from time to time).

17) That with regard to the statement made in paragraph 5.1 of the OA, the respondents beg to submit that no illegal selection was made and the same was done as mentioned in reply to para-4.13 above.

18) That with regard to the statement made in paragraph 5.2 of the OA, the respondents beg to reiterate and reaffirm the statement made in paragraph 13 above.

19) That with regard to the statement made in paragraph 6 of the OA, the respondents beg to submit that filing of this applicant by the applicant is baseless.

20) That with regard to the statement made in paragraph 7 of the OA, the respondents beg to officer no comment.

21) That with regard to the statement made in paragraph 8 of the OA, the respondents beg to submit that the Hon'ble Tribunal may call for records, if required or as deem fit.

22) That with regard to the statement made in paragraphs 8.1 to 8.5 of the OA, the respondents beg to submit that the selection of the applicant in the post of GDSBPM, Leelachila BPO against this office advertisement dated 13.6.2008, other than respondents No. 5, does not arise, considering the percentage of marks secured in HSLC Examination and other criteria for selection, as mentioned in GDS (Conduct & Employment) Rules, 2001 (as amended from time to time) hence the Hon'ble Tribunal may graciously be pleased to reject the present Original Application with cost.

Senior Superintendent Posts
Cachar Division, Assam-788 001

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Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
- 8 DEC 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

VERIFICATION

I Sri Kripesh Ranjan Roy....., aged
about 59... years at present working as
Sr. Supt. Posts, Cachar Division, Silchar.....
....., who is one of the respondents and taking steps in this case, being
duly authorized and competent to sign this verification for all respondents,
do hereby solemnly affirm and state that the statement made in paragraph
1, 4, 9, 17 to 22 are true
to my knowledge and belief, those made in paragraph
2, 3, 5, 6, 7, 8, 10, 11 to 16 being matter of records, are
true to my information derived there from and the rest are my humble
submission before this Humble Tribunal. I have not suppressed any material
fact.

And I sign this verification this 3/12/09 th day of December 2009 at Silchar.

Kripesh Ranjan Roy

DEPONENT
Senior Superintendent Posts
Cachar Division, Silchar-788 001

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
16 06 JAN 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

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Filed by:
The Respondent no. 5
through
Friday, 11.1.10.
Advocate
6.1.10.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

IN THE MATTER OF:

O. A. No. 147/09
Kamal Uddin Ansari

APPLICANT

- VERSUS -

Union of India & Others.

RESPONDENTS

- AND -

IN THE MATTER OF:

A Written statement filed on behalf
of the respondent No. 5.

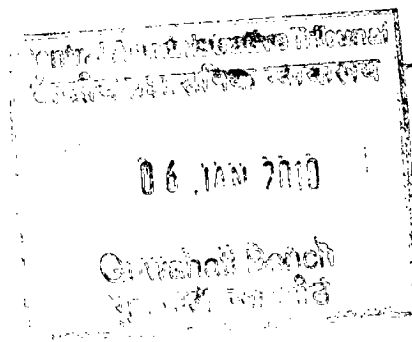
WRITTEN STATEMENT OF RESPONDENT No. 5

1. I, Sri Roson Lal Malah, son of Sri Prasad Malah, Vill-
Chargola Tea Estate, P.O.- Leelachela B.O., Karimganj-
788734, am the respondent No. 5 in the above noted case. A
copy of original application was served upon me and I have
gone through the same, understood the contents thereof. The
statements which are specifically admitted herein below
other statements made in the original application are
categorically denied and the applicant is put to the
strictest proof thereof.

2. That before submitting the para wise reply the
deponent begs to raise preliminary objection regarding
maintainability of the present original application. It is
stated that the selection process has been conducted
following the due procedure and the applicant having

Rosan Lal Malah.

In Reply indicate to
serve a copy upon the
counsel for the applicant
Dr. B. Ahmed.
Hale
6.1.10.



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participated in the selection process is estopped from challenging the legality of such selection process on being unsuccessful. Therefore, the law is well settled and there are various Apex Court decisions pertaining to the issue involved. Hence, on this score alone the present original application deserves to be dismissed.

3. That with regard to the statements made in Para 4.2 of the original application the deponent begs to state that he had passed the B.A. examination in the year 2001 from R.K.Nagar College and had successfully completed the type writing certificate course. It is stated that the deponent belongs to the Schedule Caste community [Jalia Caste].

Copies of degree mark sheet, certificate of type writing and caste certificate is annexed herewith and marked as **ANNEXURE- R/1 colly**.

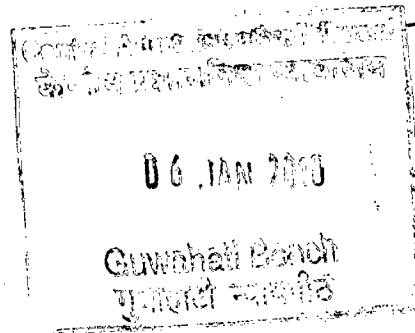
4. That with regard to the statements made in Para 4.3 of the original application the deponent does not admit anything contrary to the relevant records of the case.

5. That with regard to the statements made in Para 4.4 of the O.A. the deponent does not admit anything contrary to the relevant records of the case.

6. That with regard to the statements made in Para 4.5 and 4.6 of the O.A. the deponent while denying the contentions made therein begs to state that pursuant to a due selection process the deponent was selected for the post of GDSBPM of Leelachila Branch Post Office. The officials respondents issued notification dated 13.06.08 for filling up of the post of GDSBPM and accordingly selections were held.

7. That with regard to the statements made in Para 4.7 of the O.A. the deponent does not admit anything contrary to the relevant records of the case.

Rosam Lal Malah



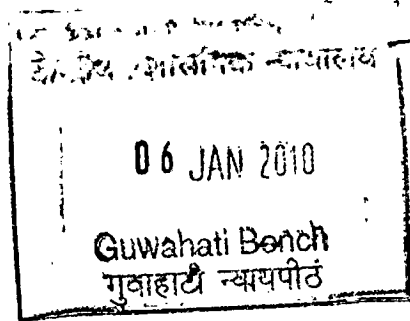
8. That with regard to the statements made in Para 4.8 of the Original application the deponent begs to state that the applicant appeared in the selection process without making any protest and after being unsuccessful raised protest challenging the legality and validity of the selection process. The law is well settled that one after participating in a selection process can not challenge the validity of the selection process after being unsuccessful. Therefore, the present original application is nothing but an outcome of after though by the applicant making attempt to mislead the Hon'ble Court.

9. That with regard to the statements made in Para 4.9 of the O.A. the deponent while denying the contentions made therein begs to state that the official respondents notified the post and conducted the selection process following due process. The deponent participated in the selection process and on assessment of the suitability of the candidates the deponent is found more suitable and as a result he was selected for the post. It is stated that the contention raised by the applicant pertaining to the residential status of the deponent is totally baseless and unfounded. The deponent has got landed property both in Chargola Tea Estate village and in Bihairdala village and presently he is a resident of Chargola Tea Estate Village. The Gaon Panchayat and Circle officer to that effect issued certificate to the deponent certifying him to be resident of the Chargola Tea Estate Village.

Copies of Electricity bill, certificate of Gaon Panchayat, certificate of Circle Officer etc. are annexed herewith and marked as **Annexure- R/2 Colly.**

10. That with regard to the statements made in Para 4.10 of the O.A. the deponent does not admit anything contrary to the relevant records of the case.

Rosan Lal Malah



11. That with regard to the statements made in Para 4.11 of the Original application the deponent while denying the contentions made therein begs to state that the deponent has got landed property both in Chargola Tea Estate Village and Bihairdala Village and at present he is residing at the Chargola Tea Estate village. The applicant only with the sole purpose to mislead the Hon'ble Court has annexed the documents pertaining to his property in Bihairdala Village. It is stated that as per the most recent voter list as on 10.01.2009 the deponent is a resident of the Chargola Tea Estate Village having house no. 409. Therefore, the contention raised by the applicant regarding the residential status of the deponent is totally baseless and unfounded. Moreover, so far as forwarding by the employment exchange is concerned the selection process has been conducted following the due procedure and the applicant having participated in the selection process is estopped from challenging the legality of such selection process on being unsuccessful.

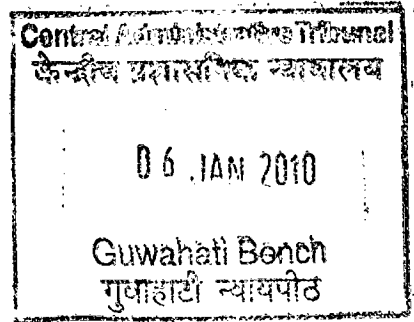
A copy of the voter list as on 10.01.09 is annexed herewith and marked as **Annexure- R/3**.

12. That with regard to the statements made in Para 4.12 of the O.A. the deponent while denying the contentions made therein begs to state that the respondents selected the deponent to be most suitable candidate for the post of GDSBPM in Lilachila BPO pursuant to a due selection process. Therefore, the allegations raised by the applicant are unfounded and are nothing but after thought to frustrate the selection of the deponent.

13. That with regard to the statements made in Para 4.13 of the O.A. the deponent does not admit anything contrary to the relevant records of the case.

14. That the present O.A. has got no merit and is liable to be dismissed with cost.

Rosan Lal Malah



VERIFICATION

I, Sri Rosonlal Malah, Son of Sri Prasad Malah, resident of vill Chargola Tea Estate, P.O.- lilachila, District Karimganj, Assam, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 2, 6, 8, 12, 13 and 14 are true to my knowledge, those made in paragraphs 3, 4, 5, 7, 9, 10 and 11 being matters of records are true to my information derived there from and the grounds urged are as per legal advice. I have not suppressed any material fact.

And I sign this verification on this the 4th day of January, 2009 at Guwahati.

Rosan Lal Malah

APPLICANT

ROY COMMERCIAL INSTITUTE

Central Adm. Board
 केन्द्रीय प्रशासनिक बोर्ड
 06 JAN 20
 Guwahati Branch
 गुवाहाटी न्याय

P.O. Anipur Dist. Karimganj : Assam

No. 270/93

(Govt Registered)

Date - 29-12-93

Pass Certificate

This is to certify that Shri/Smti Rosan Lal Malah
 son / daughter of Sri / late Gopinath Malah an inhabitant of village
Belaindala P.O. Leelachela P.O. Katakari in the Dist.
 of Karimganj State Assam was a student of this institution in Type
 writing / Short hand section.

He/She passed his / her final Examination in Type writing (Blind fold) &
 Short hand in English with a speed of 40 (Forty) words per minute from this
 institution.

He/she bears a good moral character while under training
 I wish him/her success in life.

Principal [Signature]
 ROY COMMERCIAL INSTITUTE
 29-12-93

GOVERNMENT OF ASSAM
 OFFICE OF THE DEPUTY COMMISSIONER :: :: KARIMGANJ ::
 (ADMINISTRATIVE BRANCH)
 O O X X X X X X X X X X X X X X X X O O

NO. 30.

Dated 22-01-2001

Certified that Shri/Smti Rajon Kumar
Mallah..... S/O, D/O, W/O Shri/Late Sripada
Mallah..... of Vill./Town Bhaidala.....
 P.O.- Lilachila..... P.S. Ratabari.....
 Dist. Karimganj belongs to "JALIA".... Cast which is
 recognised as Scheduled Cast under the constitution of
 Schedule Cast and Scheduled Tribes order, 1950 a amended
 by the Scheduled Cast and Scheduled Tribes list (Modifica-
 tion order) 1976.

This certificate is issued on the basis
 of the enquiry report submitted by the Circle Officer,
 Karimganj/Badarpur/Hilambazar/Patherkandi/R.K. Nagar,
 vide No. dated 10-11-2001.....



[Handwritten Signature]
 22-1-01
 A. D. C.
 DEPUTY COMMISSIONER,
 FOR DEPT. KARIMGANJ
 22-01-01

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 06 JAN 2010
 Guwahati Bench
 गुवाहाटी न्यायालय

Date: 11/08
For Bill No. 11/08
Station: P. Malhab
Received with thanks from P. Malhab
the sum of Rupees Rs. 11000/-

For energy supplied as per
account rendered. Rs. 11000/-
Engineer, i/c

Rs.	P.
11000	00

for C.A.E.D.C.L.

Assam State Electricity Board
প্ৰশাসনিক কাৰ্যালয়
JAN 2010
Guwahati Bench
গুৱাহাটী জৰায়পীঠ

ASSAM STATE ELECTRICITY BOARD
CAEDCL

2013 Bill for Electricity Supply, ASEB

Name of Sub-division :
Bill No. : Date of Bill : Due Date 4/4/08
Consumer No. : Period of Bill From : To :
NAME OF CONSUMER : S/CO-23 No. of Days :
Address of Consumer : Meter No. :
Connected Load in KW/KVA :
Contracted Demand in KW/KVA :
Category : Overall MF : MID as per Meter ReadingKVA
Meter Reading Present Previous Difference in reading
Total KWh (U) 30-1-08 30-12-07
Total KVah (A)
BILL MID Reading : (KVA) BILL MID (KVA) : AVG PF :
Unit Consumed 3% LT Metering PF Penalty/Rebate DFR Penalty Emp Rebate HT Rebate Units Billed
Power on Hours : Availability (%) :

Book No. CAEDCL / ASEB / 06-07 /

Sl. No.

Sl.	BILLING DETAILS	Rupees	P.
(A)	Energy Charge		
	i) First Units @ Rs. /unit		
	ii) Next Units @ Rs. /unit	110	00
	iii) Next Units @ Rs. /unit		
	iv) Balance Units @ Rs. /unit		
(B)	Total Energy Charge		
(C)	F.P.A Charge @ Rs. / Unit For units	1100	00
(D)	Fixed Charge for IKVA/KW. @ Rs. IKW/KVA	62	00
(E)	Electricity Duty	178	00
(F)	Meter Rent	11	00
(G)	Transformer M & D Charge	16	00
(H)	Overdrawal Penalty		
(I)	Adjustment of past billing / Load Security		
(J)	Misc. Arrears		
(K)	Charges for dishonoured cheque/bank charges/other charges		
(L)	Arrear : (i) Principal (ii) Surcharges		
(M)	Current Surcharge on Arrear Principal		
(N)	Current Installment		
(O)	AMOUNT PAYABLE :		
	Other Arrears : Principal : Surcharge :		
	Installment pending Nos. : Amount :		

Arrested
H. S.
Arrested

Prepared by _____ Checked by _____ TOTAL

OFFICE OF THE
CHORGOLA GAON PANCHAYAT

P.O. LILACHILA, DIST.- KARIMGANJ.

No. 164/E.G.P.108

Date 18/06/08...

CERTIFICATE

This is to Certify that Sri. / Smti. Rason Lal Malah
S/O. / D/O. / W/O. Sri/Ldte Sri Prasad Malah of Village Chargola
P.O. Lilachila P.S. Ratabari, Dist.- K irimganj under Chorgola Gaon Panchayat.

His / her house holding No. is 01 as per this office Records.

As per voter list his / her Sl. No. House No. is Part No. of
L.A- 1 Ratabari Constituency.

His / her house taxes of G.P.'s are paid by him.

There is no objection regarding electrification his house / shope.

His / her family's Annual income from all sources is Rs. 10,000/- (Rupees
Ten Thousand only) as per his / her statement. This Certificate
is issue for the purpose of govt service only.

He/she is known to me.

Darsi
18/6/08

President / Secretary
Chargola Gaon Panchayat

05 JAN 2010
Guwahati Bench
গুৱাহাটী আয়পীঠ

-11-
GOVT. OF ASSAM
OFFICE OF THE CIRCLE OFFICER
RAMKRISHNANAGAR

-67-

80

Dated, R.K Nagar, the 19/6/08

Certified that the total Annual family Income

Roson Lal Malah ...

S/o. W/o. M/o. F/o. B/o. Sri / Smt. +

Prasad Malah ...

of Vill. Chargola Cha Bagan

Lalachela ...

PS, Ratabari / R-K Nagar Dist. Karimganj

(Assam) is Rs. 10,000/-

(Rupees. Ten thousand)

only) from all sources as per report of the L/R Staff,

Service

This certificate is issued for the purpose of ...
only.

CIRCLE OFFICER
RAMKRISHNANAGAR

[Signature]
19/6/08
[Signature]
19/6/08

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
06 JAN 2010
Guwahati Bench
গুৱাহাটী আঞ্চলিক

১ নং নাজাবাডি (উপাধীয়া জাতি)

বিধানসভা সমষ্টি

১৪ নং ৬৫

৪৮

সংযোজন নং :	১৪
সংযোজনের পরিচয় :	বিশেষ সংক্ষিপ্ত সংশোধন 2009
তারিখ :	01.01.2009
মূল তালিকা :	বিশেষ সংক্ষিপ্ত সংশোধন 2009 সনের পূর্বের 2006 সনের মূল তালিকার সহিত থাকা 2003 সনের সংযোজন সমূহ একত্রিকরণ করা তালিকা
সংযোজনের প্রকৃতি এবং মন :	বিশেষ সংক্ষিপ্ত সংশোধন-2009
সংযোজনের প্রকৃতি :	সংযোজন, বিয়োজন এবং সংশোধন তালিকা
সংযোজনের তারিখ :	10.01.2009

General Administrative Division
সংসদীয় প্রকৌশলিক, নাজাবাডি

06 JAN 2010

Guwahati Bench

অংশ 1 : সংযোজন তালিকা

ক্রমিক নং (1)	কোড নং (2)	ভোটারের সম্পূর্ণ নাম (3)	সংস্কৃত সংকেত (4)	সংস্কৃত ব্যক্তির সম্পূর্ণ নাম (5)	লিঙ্গ (6)	বয়স (7)	ভোটাধিকারের পরিধি (8)
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অংশ নং 1 : চরগোলা চা বাগান

1192	16	জনুপ গোয়াল	পি	কৃষ্ণকুমার গোয়াল	পু	19	
1192	19	প্রদীপ গোয়াল	পি	জয় প্রকাশ গোয়াল	পু	19	
1194	265	সুমিত্রা কালোয়ার	হা	প্রদীপ কুমার কালোয়ার	ম	18	
1195	336	নুরন নেছা	পি	মইন উদ্দিন	ম	21	
1195	343	সামসুদ্দিন আনসারী	পি	আং ওয়াহিদ আনসারী	পু	20	
1197	343	রুবিয়া সুলতানা আনসারী	পি	আং ওয়াহিদ আনসারী	ম	19	
1198	377	সলিমা বেগম	পি	জালাল উদ্দিন	পু	19	
1199	378	হাজিরা বেগম	পি	জামাল উদ্দিন	পু	18	
1200	402	সুশান্তা নাথ	পি	বসন্ত কুমার নাথ	পু	29	
1201	403	শোফালী নাথ	পি	বসন্ত কুমার নাথ	ম	36	
1202	404	সুপারানী নাথ	পি	বসন্ত কুমার নাথ	ম	40	
1203	405	লক্ষীরানী নাথ	হা	বসন্ত কুমার নাথ	ম	49	
1204	406	বসন্ত কুমার নাথ	পি	ব্রজানন্দ নাথ	পু	58	
1205	407	অঞ্জলী গোয়াল	হা	শ্রী রাজনারায়ন গোয়াল	ম	45	
1206	408	শ্রী রাজনারায়ন গোয়াল	পি	শ্রী কিস্তন গোয়াল	পু	52	
1207	409	রোশনলাল মানাহ	পি	শ্রীপ্রসাদ মানাহ	পু	30	

সংযোজন তালিকার ভোটারের মোট সংখ্যা	পুরুষ	মহিলা	মোট
	9	7	16

বিঃ দ্রঃ ৪ নং কলামের সংস্কৃত সংকেত : পি-পিতা, মা-মাতা, হা-হাণী, অ-অন্যান্য।
৫ নং কলামের লিঙ্গ : পু-পুরুষ, ম-মহিলা। 7 নং কলামের আব্দঃ ক্রম : 01.01.2009 ইং তারিখে
D - Doubtful Elector

Attested
By
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
:::: GUWAHATI BENCH :::: GUWAHATI ::::

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
27 JAN 2010
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

O. A. No. 147 of 2009

Shri Kamal Uddin Ansari

APPLICANT

-Versus-

The Union of India and others

----- Respondents

RE-JOINDER FILED BY THE APPLICANT

I, Shri Kamal Uddin Ansari, Son of Late Alim Uddin Ansari, aged about-37 years, resident of Village-Chorgola T.E., P.O. Leelachilla, District - Karimganj, Assam, do hereby solemnly affirm and say as follows:-

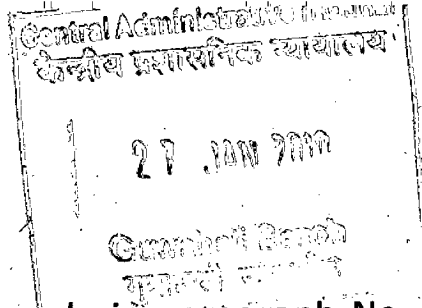
1. That the deponent is the applicant in the instant Original Application. A copy of the written statement filed by the Respondent No.5 has been served upon the deponent/ applicant and on being understood the contents thereof the deponent/applicant prefers to counter the said Written Statement by filing the instant affidavit.
2. That with regard the statement made in paragraph No. 2 of the Written Statement filed by the Respondent No.5, the deponent/applicant begs to state that the deponent as applicant has not challenged the legality, validity or propriety of the selection process. In other words the applicant has not impugned the mode of selection in this case. It is the disqualification or eligibility that the Respondent No. 5 suffers from which has been challenged. The process or mode of selection is different and distinct from allowing the participant to

*Filed by the Applicant /
Deponent through
Kamal Uddin Ansari
Addressed 27/01/2010
Kamal Uddin Ansari*

take part in selection. The sole issue is regarding the eligibility of the Respondent No.5 for the post of GDSBPM of Leelachila Branch Post Office. As per advertisement and relevant rules the candidates should be a permanent resident of the village where the post office is located. In the instant case the Respondent No. 5, who participated in the selection and is selected for the said post, is infact not a permanent resident of the village where the said post office is located. As such the ground of estoppel is not relevant in the instant case.

3. That with regard the statement made in paragraph No. 3 of the Written Statement filed by the Respondent No.5, the deponent/applicant begs to state that the required qualification for the post of GDSBPM is H.S.L.C. passed and no weightage is given for higher qualification. Further as per advertisement the candidate must be a permanent resident of the village where the post office is located. The concerned post office is located at Village-Chorgola but from the Annexure-R/1 Colly annexed by the Respondent No.5 in his written statement itself reveals that the Respondent No. 5 is a permanent resident of Village-Bhairdala under Patiala Gaon Panchayat.
4. That with regard the statement made in paragraph No. 6 of the Written Statement filed by the Respondent No.5, the deponent/applicant begs to state that as per Eligibility Conditions mentioned in Paragraphs No.6 of the advertisement dated 23-06-2008 the Respondent no. 5 is not eligible for appointment to the post of GDSBPM of Leelachila Post Office as he is not a permanent resident of the village where the said post office is located.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
27 JAN 2010
Guwahati Bench
गुवाहाटी न्यायपीठ



83
Kamal Uddin Anwar

5. That with regard the statement made in paragraph No. 9 of the Written Statement filed by the Respondent No.5, the deponent / applicant begs to state that as per Eligibility Conditions mentioned in Paragraphs No.6 of the Advertisement dated 23-06-2008, the Respondent no. 5 is not eligible for appointment to the post of GDSBPM of Leelachila Post Office as he is not a permanent resident of the village where the said post-office is located. The Respondent No. 5 may have landed property in Village-Chorgola or in other villages but infact he is a permanent resident of village-Bihairdala under the Pathiala Gaon Panchayat. The certificates annexed as Annexure-R/2 Colly in the Written Statement regarding the residential status of the Respondent No.5 is totally false and baseless moreover these certificates have not been issued certifying the residential status of the Respondent No.5; these certificates have been issued regarding annual income of the Respondent No.5. Regarding the Electricity Bill annexed by the Respondent No. 5, the deponent/applicant states that in the name of the father of the Respondent No.5, there is a shop in the Chorgola bazaar at Village-Chorgola which is presently rented out to Sri Bairab Kalwar, son of late Radhakishan Sahu of Chorgola T.E. but by annexing the Electricity Bill (Commercial) the Respondent No.5 is trying to established that he is a permanent resident of Village -Chorgola, which is totally false and baseless.

6. That with regard the statement made in paragraph No. 10 of the Written Statement filed by the Respondent No.5, the deponent/applicant begs to state that all the Eligibility Conditions mentioned in Paragraphs No.6 of the Advertisement dated 23-06-2008 had to be fulfilled on the last date fixed in the Advertisement i.e. 30-06-2008. The Respondent No.5 is a permanent resident of Village-Behairdala and he has been

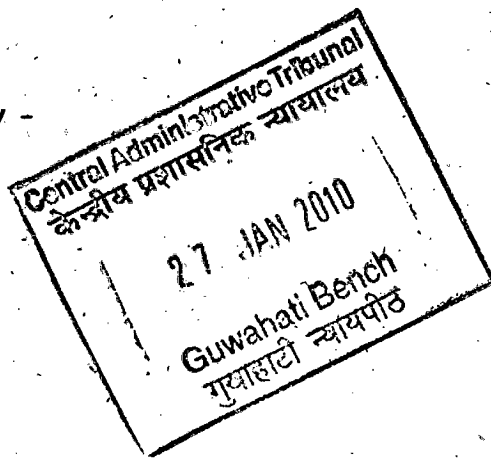
residing at village-Bhairdala all along as it is evident from the Annexure-9 of the Original Application i.e. Voter List. The statement made by the Respondent No.5 regarding his residential status is totally false and baseless. Further the question involved in the Original Application is regarding permanent residence of the Respondent No.5 and not regarding the present residential status of the Respondent No.5. Moreover the Voter List annexed by the Respondent No.5 in his written statement is an amended voter list based on 01-01-2009. The respondent No.5 may change his present residence to Village-Chorgola but he is permanent resident of village-Bhairdala and at the relevant point of time he has been residing at village-Bhairdala.

7. That the statements made in the above paragraphs are partly true to my knowledge and partly matter of records which I believe to be correct and the rest are my humble submissions and prayer before this Hon'ble Court.

And I sing this affidavit on this the 27th day of January, 2010 at Guwahati

Identified by -

Advocate



Kamal Uddin Amari

DEPONENT

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
27 JAN 2010
Guwahati Bench
गुवाहाटी

VERIFICATION

I, Shri Kamal Uddin Ansari, Son of Late Alim Uddin Ansari, aged about 37 Years, resident of Village-Chorgola T.E., P.O. Leelachilla, District - Karimganj, Assam, do hereby verify that the contents of this application and statements made in Paragraphs No. 1 to are true to my information and I have not suppressed any material facts in the filing this rejoinder.

I sign this verification on this the 27th day of January, 2010 at Guwahati.

Kamal Uddin Ansari
(Kamal Uddin Ansari)