

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A./TA/ NO....53.....2009  
R.A./CP/NO.....2015  
E.P./M.P./NO...27..2019

1. Order Sheets.....1.....page.....1✓ to.....α  
MP - α - 1 PG - 1 ✓ do α
2. Judgment/ order dtd. 06.4.2009 page.....1 to.....3✓
3. Judgment & Order dtd. 06.4.2009 received from H.C. /Supreme Court.
4. O.A. ....page.....1 to.....29✓
5. E.P/M.P. 27/09.....page.....1 to.....4✓
6. R.A./C.P.....7 page..... to.....
7. W.S. ....Page..... to.....
8. Rejoinder.....page..... to.....
9. Reply .....page..... to.....
10. Any other papers .....page..... to.....

SECTION OFFICER (JUDL.)

14.7.2015

14.7.2015

FORM NO. 4  
[ see Rule II (b) ]  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDERSHEET

1. Original Application No. 53 / 2009  
2. Miscellaneous Petition No. 27 / 2009  
3. Contempt Petition No. 1  
4. Review Application No. 1

Applicant(S) Abdul Kalam Barbhuiya & anr.

-VS-

Respondant(S) Union of India & ors.

Advocate for the applicant(S) Mr. S. Sarma  
Mr. D. Borah

Advocate for the respondent(S) CGSC.

Notes of the Registry	Date	Order of the Tribunal
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06.04.2009

Heard Mr. D.Borah, learned counsel

this application is in form  
is filed/C. F. for Rs. 50/-

deposited vide IPO/ED

No. 39.9.397217

Dated 17.2.2009

N. Sarma  
24.3.09  
Dy. Registrar

appearing for the Applicant and Mr.G.Baishya,  
learned Sr. Standing counsel for the Union of  
India (to whom a copy of this O.A. has already  
been supplied) and perused the materials  
placed on record.

For the reasons recorded separately, this  
O.A. stands disposed of.

(Signature)

(M.R.Mohanty)  
Vice-Chairman

24.3.09

Received 4 copies of Application  
with envelopes for issue notice.  
A copy of the Application  
served upon the Sp. CGSC.

/bb/

No age verification.

Received  
Grantam him type  
09.04.09 Success  
314/09  
SCTI

order copy  
Received  
Garung  
Adrook  
for the Applicant  
16/3/2009

✓  
24.4.09

Copy of the order  
along with the copy of  
the Application send  
to the office for  
issue the same to the  
respondent and copy of  
the order to the Applicant.  
by Post.  
officer.

80

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

O.A No.53/2009  
MP No.27/2009

6<sup>th</sup> day of April 2009

Sri Abdul Kalam Barbhuiya & another

Applicants

By Advocate Mr. D. Borah

Versus

The UOI & others

Respondents

By Advocates Mr. G. Baishya, Senior C.G.S.C.

CORAM: The Hon'ble Mr. Manoranjan Mohanty, Vice-Chairman

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether their Lordships wish to see the fair copy of the Judgment ? Yes/No

Vice-Chairman

8

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI**

**O.A.No. 53 of 2009**

**M.P.No.27/2009**

**6<sup>th</sup> April of 2009**

**Present: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman**

1. Sri Abdul Kalam Barbhuiya,  
S/o Aftab Uddin Barbhuiya  
R/o Vill. Sayed Bond Part-1  
PO: Kalibari Bazar- 788 150  
Dist. Hailakandi, Assam

2. Sri Billal Uddin Barbhuiya,  
S/o Monir Ali Barbhuiya  
P.O.-Algapur Part-V-788 150  
Dist. Hailakandi, Assam.

**Applicants**

**By Advocate Mr. D.Borah**

**Versus**

1. Union of India  
represented by the Director General of  
Posts, Dak Bhawan, New Delhi-1

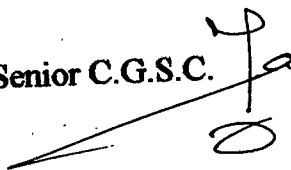
2. Chief Post Master General  
Assam Circle, Meghdoot Bhawan,  
Guwahati-01  
Dist. Kamrup, Assam

3. Senior superintendent of  
Post Offices cum Chairman of the  
Selection Committee for the post of GDS BPM  
Cachar Division, Silchar-788 001  
Dist. Cachar.

4. Sri Dilwar Hussin Choudhury  
S/o Abdul Latif Choudhury  
R/o Vill. Sayed Bond Par II  
PO-Kalibari Bazar-788 150  
Dist. Hailakandi, Assam

**Respondents**

**By Advocate Mr. G.Baishya, Senior C.G.S.C.**



O.A.No. 53/2009  
M.P.No.27/2009  
ORDER[ORAL]  
06/04/2009

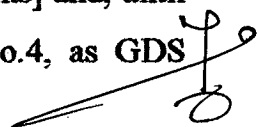
Manoranjan Mohanty, Vice-Chairman:-

Two of the 9 candidates in the fray for the post of Branch Postmaster of SAID BOND-II Branch Post Office, have approached this Tribunal with the present Original Application [filed under Section 19 of the Administrative Tribunals Act, 1985] with the prayer to quash selection process and set aside the recruitment of Respondent No.4. They have done it after raising grievances [pertaining to the recruitment process] before the CPMG/Guwahati [Respondent No.2] vide their representations dated on 11.11.2008 and the other one sent by post on 15.12.2008 and after obtaining information [under RTI Act] from the Respondent No.3.

2. It has been alleged that although the Applicant No. 1 [having 58.66% marks in HSC Exam.] was present at the time of verification of records on 11.11.2008, his attendance was, deliberately, not taken by the recruiting officers; in order to benefit the Respondent No.4. It is alleged now that the testimonials of the Applicant No.1 was not verified on 11.11.2008; although he was present. It has also been alleged that in order to accommodate the said Respondent No.4 [who secured only 52.33% marks in HSC Exam.] the notice for verification of records was sent to Applicant No.2 [who secured 57.12% marks in HSC Exam.] in a wrong address.

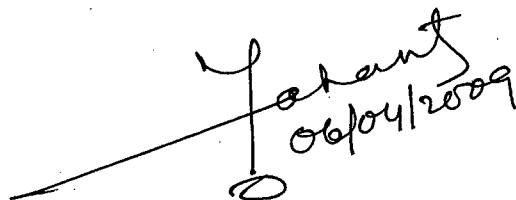
3. Heard Mr. D.Borah, learned Counsel for the Applicants and Mr.G.Baishya, learned Senior Standing Counsel for Govt. of India [to whom a copy of this O.A. has already been supplied] and perused the materials placed on record.

4. Since it is the positive case of the Applicants that no action has yet been taken on the representations of the Applicants [and others], without any waste of time, this case is hereby disposed of by remitting the matter to the C.P.M.G./Guwahati [Respondent No.2]; who should call for the records[and a Report] from the Respondent No.3 and consider the points raised by the Applicants and take a decision and such further actions in the matter, for ends of justice, as expeditiously as possible [under intimation to the applicants] and, until then, the matter relating to appointment/joining of Respondent No.4, as GDS



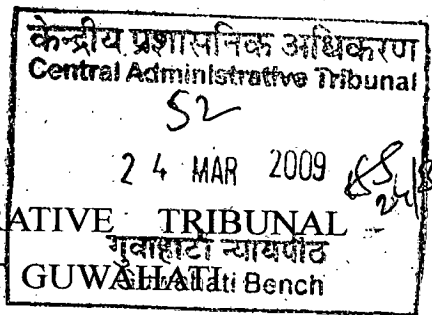
Branch Postmaster of SAID BOND Pt.II BO may be deferred. Respondent No.4, if he has got anything to state in the matter, should give in writing [whatever he has got to say in the matter] and make his submissions to the CPMG [Respondent No.2] through the SSPO [respondent No.3] within 10-days from the date of receipt of a copy of this order. This opportunity is being given to the Respondent No.4, because the ultimate order of the CPMG/Guwahati may go to his prejudice. Entire exercise should be completed by the CPMG/Guwahati within 120 days from the date of receipt of a copy of this order.

5. Send copies of this order to all the Applicants and also to all the Respondents [along with the copies of this O.A.], by post, in the address given in this Original Application. Free copies of this order to be supplied to Advocates appearing for the parties.



[Manoranjan Mohanty]  
Vice-Chairman

cm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : AT GUWAHATI

Title of the case : Original application No. 53 /2009

Sri Abdul Kalam Barbhuiya And anr.

....Applicants

Union Of India and ors.

.... Respondents.

**-- SYNOPSIS --**

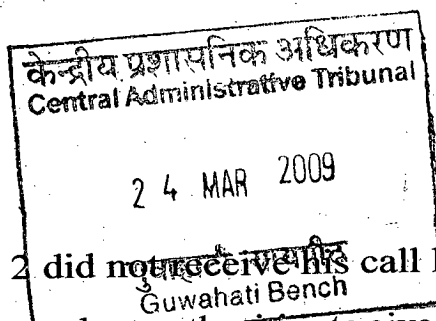
By this application the Applicants have challenged the illegal and arbitrary action of the respondent authorities during interview held on 11/11/2008 for the post of Gramin Dak Sevak Branch Post master at Syed bond Pt II.

The respondent authorities have published an Advertisement Vide No. H3-913/PF dated 29.10.2008 thereby inviting applications for the for the post of Gramin Dak Sevak Branch Post master at Syed bond Pt II. As per clause 2 of the advertisement the selection will be made on the basis of the marks obtained in HSLC examination. The Applicants have applied for the same. The Applicant No. 1 has passed H.S.L.C. examination in the year 1991 securing 58.66 % and the Applicant No.2 has passed HSLC Examination securing 57.12% but the respondent No. 4 has secured 50% in HSLC Examination.

Further on the day of interview one of the official of the office of the respondent No. 3 prevent the Applicant No. 1 signing his name in the attendance sheet at Sl. No. 8. Similarly the respondent authorities have issued wrong address as "village & P.O. AlgaPur Part- IV" instead the actual address village & P.O. Algapur Part- V. although the Applicant No. 2 has clearly written his address as village & P.O. Algapur Part- V in his

Contd/.....





application. For which the Applicant No. 2 did not receive his call letter. Then the Applicant No. 2 requested the respondent authorities to give a copy of the call letter from the office record but the respondents have refused the same. Immediately the Applicants have filed several representations stating the illegalities during selection by the respondents and apprehension of selection of the respondent No. 4. But nothing has been done.

The Applicants know the other candidates namely Sri Abdur Rauf Mazumdar, Sri Abdul Malik Mazumdar, Sri Bhuttu Hussain Mazumdar and Sri Masuk Uddin Mazumdar who are the brothers of the erstwhile GDS BPM Syedbond pt-II BO namely Sri Zakir Hussain Mazumdar and the relative of the Respondent No. 4. As the respondent No. 4 those other candidates have also secured lower marks in HSLC Examination than the petitioners. As such there is every possibility to influence the respondent authorities to select any one of those candidates including the Respondent No. 4.

Recently the Applicants have come to know that respondent authorities have issued letter to the Respondent No. 4 thereby informing that the Respondent No. 4 has been selected for the post of Gramin Dak Sevak Branch Post master (GDS BPM) at Syedbond Part-II Branch. But till date the Respondent No. 4 has neither been appointed nor he has joined in the said post. On enquiry the Applicants have come to know that the reason for non selection of the petitioner No. 1 is recorded as "late attendance in the interview" and the petitioner No. 2 on the plea of "non production of call letter". Further the selection of another candidate namely Sri Anowar Hussain Laskar has been rejected on the ground that he is not belongs from the post village.

On the aforesaid grounds the Applicants have been deprived by the respondent authorities and for which the Applicants have prayed for direction to the respondent authorities to set aside and quash the selection and appointment of the Respondent No. 4 and further to make a fresh interview for the post of Gramin Dak Sevak Branch Post master at Syed bond Pt II after an enquiry.

FILED BY

S Sarene  
Advocate  
18.3.09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

Title of the case

Original Application No.

53

/2009

Sri Abdul Kalam Barbhuiya and anr

.....Applicants

-Vs-

Union of India and ors.

.....Respondents

INDEX

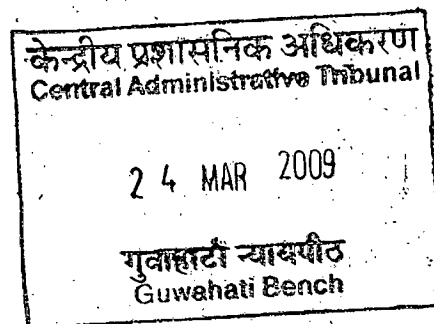
Serial	Annexure	Particulars	Page
1	.....	Synopsis	i
2	.....	List of Dates	ii
3	.....	Original Application	1 - 13
4	.....	Verification	14
5	1	A copy of the Marksheet of the Appellant No. 1	15
6	2	A copy of the notification Dated 24.9.2008	16 - 18
7	3	A copy of the call letter	19
8	4	A copy of the representation dated 11.11.2008	20
9	5	Copy of the call letter copy of the receipt of the correct address of the Applicant . 2	21 - 22
10	6	A copy of the Memorandum dated 11.12.2008	23 - 27
11	7	A copy of the letter dated 1.1.2009	28 - 29
12	.....	VAKALATNAMA	
13	.....	NOTICE	

Filed by

S Sarma

Advocate

18.3.09



## LIST OF DATE

- 1991 The Appliocant No. 1 passed HSLC Examination securing 58.66 % and the Applicant No.2 has passed HSLC Examination securing 57.12%  
(Para 4.2, Page 3/ Annexure-1; Page 15 )
- 24.9.2008 The respondent authorities have published a Notificatition dated 24.9.2008 thereby inviting application from the candidate for the post of Branch Post Master of Syedbond Part-II Branch Office. (Para 4.3, Page 3/ Annexure-2; Page 16 -18 )
- 5.11.2008 The applicant No. 1 received a call letter issued by the Senior Supereintendent of post offices Cachar Division, Silchar ie. the Respondent No. 3 thereby requesting the applicant No. 1 to attend the office on 11/11/2008 at 11.30 AM for verification of original documents and BIO-DATA for the post of GDS BPM.  
(Para 4.5, Page 5/ Annexure-3; Page 19 )
- 11.11.2008 The applicants filed representation before the respondent authorities requesting to stop/appointment against the post till and enquiry .  
(Para 5, Page 7/ Annexure-4; Page 20 )
- 29.10.2008 Respondent authorities have issued the call letter to the applicant no. 2 by writing wrong address as "village & P.O. AlgaPur Part- IV" instead the actual address village & P.O. Algapur Part- V. although the applicant No. 2 has clearly written his address as village & P.O. Algapur Part- V in his application  
(Para 5.1, Page 7/ Annexure-5 & 5A; Page 21& 22 )

Contd:../-

Sl. No.      Date

Particulars

11.12.2008

The applicants along with other local people have submitted a memorandum on 11/12/2008 by Registered post to the respondent authorities stating the irregularities in the selection process and complain against the Respondent No. 3 for depriving the applicants and complain against the respondent no. 4 for influencing the selection board for appoint him

(Para 5.2, Page 8/ Annexure-6; Page 23-27 )

1.1.2009

The Applicant No. 1 received a letter wherein the Applicant No. 1 has been informed that 9 (Nine) candidates have been applied for the said post, the highest percentage during selection the highest percentage among them is 58.66% .

(Para 5.3, Page 9/ Annexure-7; Page 28-29 )

Filed By

S. Sarma

Advocate

18.3.09

Filed by  
the applicant  
through  
Sri  
Advocate  
18.3.09

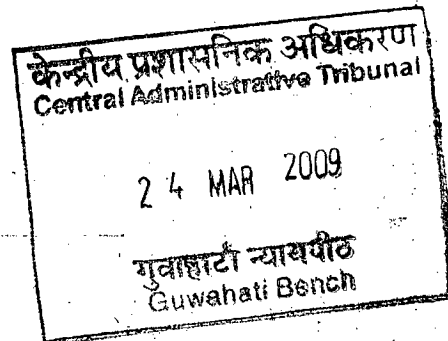
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : AT GUWAHATI

(An application under Section 19 of the Administrative Tribunals  
Act, 1985 )

ORIGINAL APPLICATION NO. 53 OF 2009

Between :

1. Sri Abdul kalam Borbhuiya  
S/o. Aftab Uddin barbhuiya  
R/o. Vill.-Sayed Bond part -I  
P.O.- KalibariBazar- 788150 ✓  
Dist.- Hailakandi, Assam



2. Sri Billal Uddin Borbhuiya  
S/o. Monir Ali Barbhuiya  
R/o. Vill.-AlgaPur Part- V  
P.O.- Algapur Part-V- 788150 ✓  
Dist.- Hailakandi, Assam

.....Applicants

-AND-

1. Union of India  
Represented by the Director General of  
PostDak Bhawan, New-Delhi-1 ✓  
New Delhi, India  
2. Chief Post Master General  
Assam Circle, Meghdoot Bhawan  
Guwahati-01, Dist- Kamrup, Assam ✓

3. Senior Supereintendent of post  
offices cum Chairman of the selection  
committe for the post of GDS BPM.

Cachar Division, Silchar-788001 ✓

Dist. Cachar.

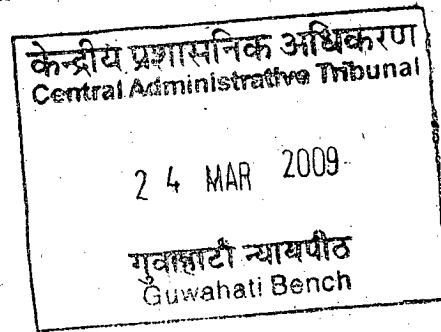
4. Sri Dilwar Hussin Choudhury

S/o. Abdul latif Choudhury

R/o. Vill.-Sayed Bond part -II

P.O.- KalibariBazar - 788150 ✓

Dist.- Hailakandi, Assam



Abdul Kalam Barbhuiya  
Dilwar Uddin Barbhuiya

.....Respondents

#### DETAILS OF THE APPLICATION

1. PARTICULARS OF THE ORDER (S) AGAINST WHICH  
THIS APPLICATION IS MADE :

Selection procedure of the post of Branch Post Master saidbond  
Part-II BO which was held on 11.11.2008 and the selection of the  
Respondent No. 4 for the post of Branch Post Master saidbond Part-II BO.

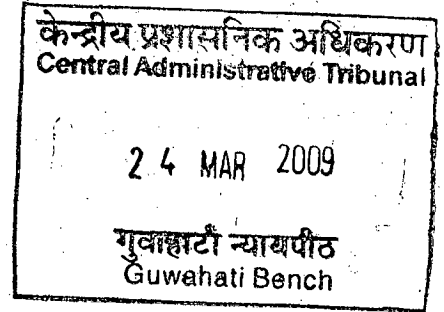
2. JURISDICTION OF THE TRIBUNAL:

The applicants declare that the subject matter of theis application is within  
the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The applicants further declare that this application is being filed within  
the period of limitation prescribed under section 21 of Administrative  
Tribunal Act,1985.

Contd/.....



4. FACTS OF THE CASE :

4.1. That the applicants are citizen of India and a permanent residents of District Hailakandi in the State of Assam and as such your applicants are entitled to all the rights and privileges as guaranteed under the Constitution of India and other laws of the land.

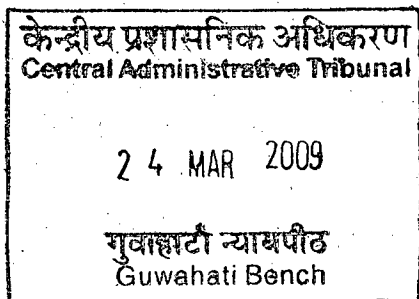
4.2. That the applicants beg to state that the applicant No. 1 has passed H.S.L.C. examination in the year 1991 securing 58.66 % and the applicant No.2 has passed HSLC Examination securing 57.12%. Thereafter the applicant No. 1 has completed B.Sc. Final examination by securing Second Class. Similarly the applicant No. 2 has passed Higher secondary Final Examination by securing Second class. After completion of their studies the applicants were looking for an honest means of livelihood.

A copy of the Marksheet of HSLC of the Applicant  
No. 1 is annexed herewith as ANNEXURE 1

4.3. That the applicants beg to state that applicants have come to know that the respondent authorities have published a Notification Vide No. H3-913/PF dated 24.9.2008 thereby inviting application from the candidate for the post of Branch Post Master of Syedbond Part-II Branch Office . In the said advertisement the eligibility criteria for the candidates have been given as follows :-

Contd.../-

Abdul Kalam Barbhuiya  
Bilal Uddin Barbhuiya



**1. ELIGIBILITY CRITERIA :**

i) Age :- The minimum age limit of 18 years and below 62 years on the last date of receipt of this application.

ii) Minimum Educational Qualification :- HSLC or equivalent examination passed. No weight is given for higher education .....

iii) Residence :- The candidate should be a permanent resident of the post village. Candidate belonging to places other than the post office village can also apply for the post and such candidate should shift the resident to PO village in the event of his/her selection.....

iv) .....

v) The candidate should not be an agent of LIC..... The work is a part time for a period of 5 years and the post carries time related continuity allowance of Rs. 1280/- plus admissible allowances thereon.

2) the selection will be made on the basis of the marks obtained in HSLC examination provided other conditions are satisfied and any kind of influence brought by the candidate regarding appointment will be considered as a disqualification.....”

A Copy of the Notification is annexed  
herewith as ANNEXURE -2.

4.4. That the applicants beg to state that having the required qualification as per the said Notification the applicants have submitted their application along with the relevant testimonials for the post of Gramin Dak Sevak Branch Post master (GDS BPM) at Syedbond Part-II Branch Office before the competent authority.

.....Contd/-

12

Abdul Wahid Barbhuiya  
Giraj Uddin Barbhuiya



24 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

- 5 -

4.5. That the applicants beg to state that on 5.11.2008 the applicant No. 1 received a call letter issued by the Senior Supereintendent of post offices Cachar Division, Silchar ie. the Respondent No. 3 thereby requesting the applicant No. 1 to attend the office on 11/11/2008 at 11.30 AM for verification of original documents and BIO-DATA. for the post of GDS BPM.

A copy of the call letter is annexed herewith as ANNEXURE 3 to this petition.

4.6. That the applicants beg to state that after comming to know about the receiving of the call letter by the applicant No. 1 , the applicant No. 2 approached the respondent authorities searching his call letter. In reply the authorities have informed him that his call letter was sent on post. But surprisingly while the applicant No. 2 has not received call letter till 10/11/2008 then on that day the applicant No. 2 again approached the authorities requesting them to make some alternative arrangement .Then the respondent authorities assured him that on 11/11/2008 he would be given a photo copy of the call letter from office file at the time of the interview . Therefore, the applicant No. 2 returned with a hope that the respondent authorities would served him a photo copy of the call letter.

4.7. That the applicants beg to state that on 11/11/2008 the applicants came to the office of the Senior Supereintendent of post offices Cachar Division, Silchar for interview and selection for the post of Gramin Dak Sevak Branch Post master (GDS BPM)at Syedbond Part-II Branch. On the office the applicants have seen some other candidates including the Respondent No. 4 who is not a permanant resident of that village and the cousin of the erstwhile GDS BPM Syedbond pt-II BO namely Sri Zakir Hussain Mazumdar. Further the respondent No. 4 has secured only 50% marks

Contd/.....

1/8  
Abdul Kalam Barbhuiya  
Dilip Uddin Barbhuiya

24 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

- 6 -

in HSLC Examination which is lower than the applicants:

The applicants have seen some other candidates namely Sri Abdur Rauf Mazumdar, Sri Abdul Malik Mazumdar, Sri Bhuttu Hussain Mazumdar and Sri Masuk Uddin Mazumdar who are the brothers of the erstwhile GDS BPM Syedbond pt-II BO namely Sri Zakir Hussain Mazumdar and the relative of the Respondent No. 4. As the respondent No. 4 those candidates have also secured lower marks in HSLC Examination than the applicants.

The applicants have also seen one Sri Anowar Hussain Laskar who also applied for the same post.

4.8. That the applicants beg to state that during the day of interview ie. on 11/11/2008 the applicants were waiting for their turn. The interview was taken by the respondent No. 3 and two other persons namely Sri K. M. Nath and Sri Sabimal nath Mazumdar. Among the candidates the Applicant No. 1 has secured highest marks ( 58.66% ) and has been legitimately expecting that the Applicant No. 1 would be selected by the respondent authorities.

On call the applicant No. 1 entered in the interview room and he was asked to sign the attendance sheets as usual. While the applicant No. 1 started signing in the attendance sheet at Sl. No. 8 then suddenly an official of the office of the respondent No.3 hurriedly entered into the room and prevent the applicants No. 1 from signing his name. The applicant No. 1 could write half portion of his name ie. "Abdul" but fail to complete his name. For which the applicant No. 1 have been prevented from appearing before the interview board.

4.9. That the applicants beg to state that on 11/11/2008 surprisingly the respondent authorities have refused to serve a copy of the call letter from the office file to the applicant No. 2 although on 10/11/2008 the respondent authorities have asked the applicant No. 2 to collect the same from the office of the respondent No. 3. Being deprived from appearing in the interview by the respondents the applicant No. 2 returned back from the room. The other candidates including the respondent No. 4 appeared in the

Contd/.....

19  
Abdul Rauf Mazumdar  
Abdul Malik Mazumdar  
Bhuttu Hussain Mazumdar  
Masuk Uddin Mazumdar

interview although the Applicants have secured highest marks in HSLC among all the candidates.

5. That the applicants beg to state that being deprived by the respondent to appear in the interview the applicants on the same day ie. on 11/11/2008 at 1 pm. submitted a representations before the respondent authorities stating illegal and arbitrary action of the authorities to deprive the meritorius candidates in the interview held on 11/11/2008. The applicants further requested the respondent authorities to stop selection/appointment against the said post until an enquiry to bring to light the culprit. The applicants further requested not to make any appointment in the said post. But no action has been taken in this regard.

A copy of the representation dated 11.11.2008 is annexed herewith as Annexure-4 to this petition.

5.1. That the applicants beg to state that for not receiving the call letter issued by the respondent No. 3, the applicant No. 2 enquired the matter and has come to know that the respondent authorities have issued the call letter to the applicant no. 2 by writing wrong address as "village & P.O. AlgaPur Part- IV" instead the actual address village & P.O. Algapur Part- V. although the applicant No. 2 has clearly written his address as village & P.O. Algapur Part- V in his application. The call letter showing wrong address delivered to one Nizam Uddin of Algapur Pt IV and subsequently the postman Kalibari bazar SO recovered the same and delivered to the applicant no. 2 on 15/11/2008 ie. after expiry of the interview. The applicants apprehend that the respondents only to select the Respondent No. 4 has issued the call letter by giving wrong address depriving the applicant no. 2 from appearing in the interview. The applicant No. 2 has

Contd/.....

20  
Abdul Halim Dastgeer  
Bilal Uddin Dastgeer

written a complain in this regard before the authorities but nothing has been processed this time also.

A copy of the call letter writing wrong address and a copy of the receipt of the correct address of the Applicant . 2 is annexed herewith as Annexure-5 and 5A to this petition.

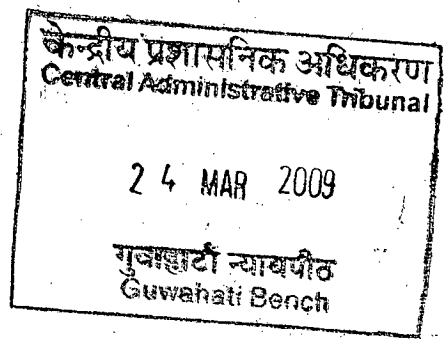
5.2. That the applicants beg to state that apprehending the favouratism and nepotism to the Respondent No. 4 the applicants along with other local people have submitted a memorandum on 11/12/2008 by Registered post to the respondent authorities stating the irregularities in the selection process and complain against the Respondent No. 3 for depriving the applicants and complain against the respondent no. 4 for influencing the selection board for appoint him although the applicants have secured higher marks then the respondent No. 4. The respondent authorities have received the said memorandum but no action has been taken by the respondent authorities.

A copy of the Memorandum dated 11/12/2008 is annexed herewith as Annexure-6 to this petition.

5.3. That the applicants beg to state that being deprived by the respondent authorities since the day of interview ie. on 11/11/2008 the applicants along with some local people approached the respondent authorities challenging the illegalities committed by the respondent authorities and requested stop selection/appointment against the said post until an enquiry to bring to light the culprit and to readvertise the post. The applicants further requested not to make any appointment in the said post. But to the utter shock and surprise the respondent authorities have not taken any action till date.

Contd..../-

21  
Abdul Kalam Bakhshi  
Bilal Uddin Bakhshi



- 9 -

5.3. That the applicants begs to state that finding no alternative the Applicant No. 1 filed an application under Right to Information Act, 2005 praying for some information regarding the selection. On 1/1/2009 the Applicant No. 1 received a letter wherein the Applicant No. 1 has been informed that 9 (Nine) candidates have been applied for the said post, the highest percentage during selection the highest percentage among them is 58.66% who is absent. In this regard the Applicant no. 1 reiterates that the Applicant No. 1 has secured 58.66% and he was prevented by the authorities from writing his name in attendance sheet at Sl. No. 8 for which he could write only "Abul"

A copy of the letter dated 1/1/2009 is annexed herewith as Annexure- 7 to this petition.

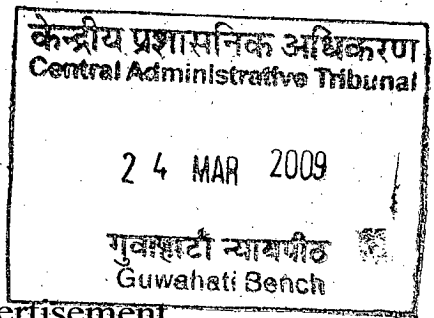
5.4. That the applicants begs to state that during pendency of the application dated 16/12/2008 the applicants have come to know that recently the respondent authorities have issued letter to the Respondent No. 4 thereby informing that the Respondent No. 4 has been selected for the post of Gramin Dak Sevak Branch Post master (GDS BPM) at Syedbond Part-II Branch. But till date the Respondent No 4 has neither been appointed nor he has joined in the said post. On enquiry the applicants have come to know that the reason for non selection of the applicant No. 1 is recorded as "late attendance in the interview" and the applicant No. 2 on the plea of "non production of call letter". Further the selection of another candidate namely Sri Anowar Hussain Laskar has been rejected on the ground that he is not belongs from the post village.

But surprisingly without making any comment on the basis of marks secured by the Respondent No. 4 in HSLC Examination the selection board has selected the Respondent No. 4 by making the comment "Suitable". The petitioners reiterates that the Respondent No. 4 is not the resident of post village and further he has secured Only 50% while the applicants have secured 58% and 57.12% respectively in HSLC Examination which is the

Contd/-.....

22

Abdul Kalam Barbhuiya  
Bilal Uddin Barbhuiya



- 10 -

Criteria of selection as per clause 2 of the advertisement.

5.5. That the applicants state that even after repeated request to the respondent authorities by the applicants before selecting the respondent No. 4 the respondent authorities have illegally selected him only on extraneous consideration and by violating the rights conferred by the Constitution of India. The respondent authorities have illegally deprived the applicants from appearing the selection board as they have come to know that the applicants have secured highest marks in HSLC Examination among the candidates. As such the action of the respondents are illegal arbitrary and selection and appointment of the respondent No. 4 is liable to set aside and quash.

5.6. That the ~~applicants~~ further state that the action of the respondent authority for not issuing call letter in correct address as well as depriving the applicant No. 2 for appearing in the interview is highly arbitrary and illegal. Further preventing the applicant No. 1 from appearing in the interview has reflected the favouratism and nepotism of the respondent authorities only to select and appoint the Respondent No. 4. Further the selection of another candidate namely Sri Anowar Hussain Laskar has been rejected on the ground that he is not belongs from the post village but violating the rules the respondent authorities have selected the Respondent No. 4 who is also belongs from other village. As such the action of the respondents are illegal arbitrary and therefore the selection and appointment of the respondent No. 4 is liable to set aside and quash.

5.7. That the ~~applicants~~ further state that immediately after coming to know the illegalities committed by the respondents the applicants have filed several representation before the respondents to make an enquiry and further to stop the selection untill completion of an enquiry. But to the utter shock and surprise the respondent authorities have not taken a single step for redressal of the grievances of the applicants. As such the

Contd/-

Abdul Kalam Barbhuiya  
Bilal Uddin Barbhuiya

55

56

respondents are entitle for a direction to enquire the matter and to set aside and quash the selection and appointment of the Respondents No. 4 and further to make a fresh interview for the post of Gramin Dak Sevak Branch Post master at Syed bond Pt II.

5.8. That this application is made bonafide and in the interest of justice.

6. GROUND FOR RELIEF (S) WITH LEGAL PROVISION:

6.1 That the impugned selection / interview dated 11/11/2008 has been held by not allowing the Applicant No. 1 to sign in the Attendance sheet and thereafter preventing him from appearing before the selection/ interview board an therefore the same is illegal and liable to be set aside.

6.2 That as per advertisemet there is a criteria that the selection will be made on the basis of the marks obtained in HSLC examination provided other conditions are satisfied and any kind of influence brought by the candidate regarding appointment will be considered as a disqualification. But it is clear that the Applicant No. 1 has secured 58.66 % in HSLC examination and the Applicant no. 2 has secured 57.12% in HSLC examination which is higher than the Respondent No. 4 . But the respondent authorities violating the procedure have selected him illegally . As such selection of the Respondent No. 4 is liable to be set aside and respondents are entitled to make a fresh interview for the post of Gramin Dak Sevak Branch Post master at Syed bond Pt II after an enquiry.

6.3 That the applicants immediately after the interview/selection lodged complain challenging the procedure. But to the utter shock and surprise the respondent authorities have not taken any action in this regard. Thereafter the applicants have filed several representations

Contd/.....

Abdul Kalam Barbhuiya  
Bela Uddin Barbhuiya

before the respondent authorities. But the respondent authorities have not given any attention to ascertain the complain lodged by the appellants.

6.4 That the consequential action of the respondents in assessing comparative merit of the candidates on such arbitrary yardstick resulting into rejection of the applicant's case for selection is liable to be declared as illegally and arbitrary.

7. DETAILS OF REMEDIES EXHAUSTED :

The applicants declares that they have exhausted all remedies available. Representations filed before the respondents on the subject matter in issue has not been favourably responded to as yet.

8. MATTER NOT PREVIOUSLY FILED BEFORE OR PENDING WITH ANY OTHER COURT/TRIBUNAL:

The applicants also declare that they have not previously filed any suit/application before any other court/tribunal pertaining to the subject matter involved in this application.

9. RELIEF SOUGHT FOR :

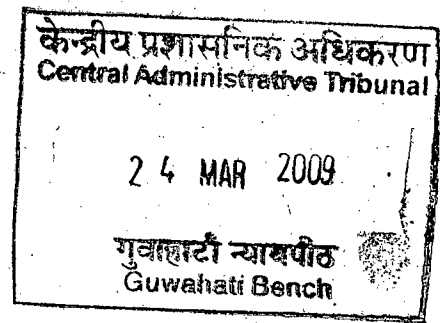
Under the facts and circumstances stated above, it is respectfully prayed that the Hon'ble Tribunal may be pleased to consider this application, admit the same, issue notice to the respondents calling for production of records of the case and upon hearing the parties on the cause or causes that may be shown, be further pleased to grant the following relief(s):

9.1 To set aside and quash the Selection procedure of the post of Branch Post Master said bond Part-II BO which was held on 11.11.2008 and the selection of the Respondent No. 4 for the post of Branch Post Master

Contd/.....

25  
Abdul Kalam Borthuwa  
Bilal Uddin Borthuwa





said bond Part-II BO further to make a fresh interview for the post of Gramin Dak Sevak Branch Post master at Syed bond Pt II after an enquiry .

10. INTERIM RELIEF SOUGHT FOR :

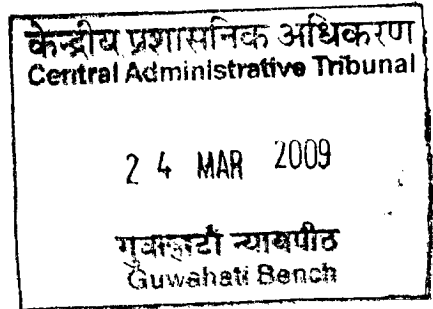
Pending disposal of this application, this Hon'ble Tribunal may be pleased to stay the selection of the Respondent No. 4 and not to appoint or allow to join the Respondent No. 4 in the post of Gramin Dak Sevak Branch Post master at Syed bond Pt II

11 The applicants file this application through an advocate

12 PARTICULARS OF POSTAL ORDER :

- a) I.P.O. Number: 396 897 217  
b) Date of issue: 17/2/2009  
c) Issuing Post Office: GPO,  
d) Payable at : Guwahati

28  
Abdul Karim B. Sheikh  
Bilal Uddin Bhatia



### VERIFICATION

I, Sri Abdul kalam Borbhuiya, S/o. Aftab Uddin Barbhuiya, R/o. *age - ?*  
Vill:- Sayed Bond part - I, P.O. - Kalibari Bazar, Dist. - Hailakandi, Assam, as  
authorised by the other Applicant do hereby verify that the statements  
made in paragraphs 1 to 5 are true to my knowledge and those made in  
paragraph 6 are true to my legal advice and i have not suppressed any  
material fact.

And I sign this verification on this 18 th day of March, 2009 at  
Guwahati

*Abdul Kalam Barbhuiya*

15-

ANNEXURE 1

Form No. 37

# Board of Secondary Education, Assam



Education, Assam

GLWAHATI

No. 55838

## MARKS SHEET

Date 24-6-1991

This is to certify that Abdul Kalam Barbhuiya Roll N<sup>o</sup> 185 No. 138 of Algaapar Public M/S School has secured marks as detailed below, in the High School Leaving Certificate Examination, 1991.

CORE SUBJECTS									
First Language					Second Language (ENGLISH)				
B					GENERAL SCIENCE				
Language in lieu of first language					MATHEMATICS				
TOTAL					SOCIAL STUDIES				
Full marks 100					E				
Pass marks 30					W				
Full marks 100					P				
Pass marks 30					T				
Full marks 100					P				
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+16

ANNEXURE - 2

No - H3-913/e/Pf- det at Silchar-24/9/19

DEPARTMENT OF POSTS

Office of the

To

The District Elementary officer  
Employment Exchange

Heri.unkandi

Dated at

the

No.

NOTIFICATION

Sub:-  
Sir,

Appointment to the post of Branch Postmaster,  
SAIDBOND II BO.

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 25/10/78. The application should be submitted in closed covers only, duly superscribed in bold letters as 'APPLICATION FOR THE POST OF BPM/EDSPMSAIDBOND II BO/EDSO'. Incomplete applications, applications without prescribed enclosures and applications received after the due date will not be entertained.

The vacancy is reserved for                      / not reserved for any community.  
(Score out whichever is not applicable).

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 time related continuity allowance of Rs. 1200/- plus admissible DA.

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.

Centred to be true Copy

Sarun

Advocate

ELIGIBILITY CONDITIONS:

(I) AGE:

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

(ii) MINIMUM EDUCATIONAL QUALIFICATION:

HSLC/X 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:

Candidates belonging to places other than Post Office village, can also apply for the post and such candidate should shift the residence to PO village in the event of his/her selection. The selected candidate should produce a proof to that effect within the date prescribed by the undersigned, after selection.

(iv) ACCOMMODATION:

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

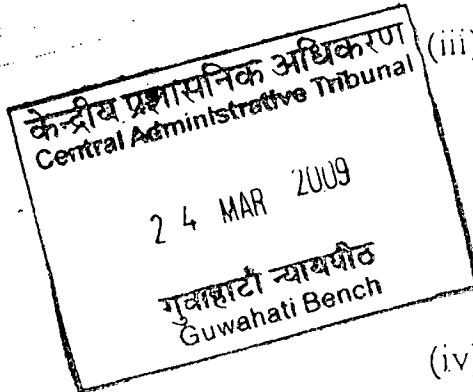
(v) INCOME AND PROPERTY:

(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)

Preference will be given to those candidates who derive income from the landed property/immovable assets in their own name. A copy of the record of rights of property issued in respect of property in the name of candidate only, should be enclosed. Joint property or hereditary property not transferred in the name of the candidate, will not be considered as property in the name of the candidate. The landed property/immovable assets purchased/transferred in the name of the candidate subsequent to the submission of application but



before the last date for receipt of applications, will be considered only if the copy of record of rights as mentioned above and income certificate issued by Revenue/competent authority indicating the income from such property, are submitted to reach the undersigned on or before the last date fixed for receipt of applications.

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

7. DOCUMENTS 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) Marks sheet of SLIC (any higher qualification if any).
- (iii) Caste Certificate issued by DC/competent authority in the enclosed proforma. (in case of candidates belonging to SC/ST/OBC).
- (iv) Record of right of property (if property is in the name of candidate only. If no such property exists, this enclosure is not insisted upon).
- (v) Income certificate in the name of candidate issued by Revenue/competent authority in the enclosed proforma.
- (vi) Two character certificates issued by prominent persons of the locality.

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

- Encls: 1. Proforma of application.  
 2. Proforma of Caste Certificate (wherever applicable)  
 3. Proforma of income certificate.

सहित दफ्त अधीन  
 Senior Superintendent Posts  
 Signature: *[Signature]*  
 Designation: *Cachar Division, Sitchar-788 001*

Copy to (Recd AD)

- 1. The President, Gaon Panchayat *ALGAPUR GP*
- 2. The Head Master, Govt Primary/High School *Scridbond II*
- 3. UPM *Scridbond PT II*
- 4. SPM *Kashibari Account Office*
- 5. The SPO/VC/SD *PSO/Hailakandi Sub Division*

(for display on the notice board and for wide publicity).

सहित दफ्त अधीन  
 Senior Superintendent Posts  
 Signature: *[Signature]*  
 Designation: *Cachar Division, Sitchar-788 001*

केन्द्रीय प्रशासनिक अधिकरण  
 Central Administrative Tribunal  
  
 24 MAR 2009  
 गुवाहाटी न्यायपीठ  
 Guwahati Bench



19

ANNEXURE 3

Regd

DEPARTMENT OF POSTS  
OFFICE OF THE SENIOR SUPDT. POSTS  
CACHAR DIVISION : SILCHAR : 788 001

Regd

HR - 913/ PF

Dated at Silchar the 29/10/08

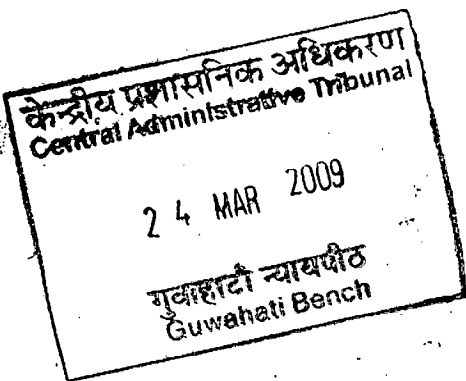


To Abdul Kalam Barbhuiya  
Sri Sayedbond Part I  
Vill - Sayedbond Part II  
PO - Sayedbond Part II  
Kaliban Bazar

Sub :- Selection of the Post of BPM Saidbond Part - 11 BO. - Verification of Documents.

You are hereby requested to attend this office on 11-11-08 at 11.30 hrs. for verification of BIO - DATA for the above post.

You are to produce all original documents required as mentioned in the advertisement for the post.



(AYUDHORA)  
Sr. Supdt. Of Post Offices  
Cachar Division, Silchar-788001

Certified to be true Copy

SCaruo  
Advocate

A-3

ANNEXURE - E-1 20

ANNEXURE 4

## FAX MESSAGE

HON'BLE CHIEF POST GEN.

GUWAHATI - 1

2. HON'BLE DPS, ASSAM CIRCLE

GUWAHATI - 1

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

24 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

SIR(S),

Interveiw conducted by the SSP/Silchar, today, the 11-11-08, vide his No. H 3-913/PF dtd. 29-10-2008 for selection of candidate to the post of BPM/Sayed bond, Pt.-II B.O. is a farge, eye-washing and window dressing. Money lending as bribe to the tune of Rs. 1,00,000.00 (Rupees One Lakh) just on the evc of holding interview is an open secret. First and second candidates were deprived of even after signing half name at Sl. 8 of Interveiw Attendance. Least meritorious candidate is being favoured by dint of "salami" (Bribe). Some meritorious candidates were not delivered call letters cunningly although in SSPO's Office record, they have been provided with due call letters. Whole episode of interveiw is premeditative and pre-planned "which embressas Bad name and so-called honesty of postal Department." Detailed Report may kindly be followed.

Request to stop selection/appointment against the post untill your kind spot inquiry to bring to light the culprit. Kindly look into the matter and ask the SSP/Silchar not to make appointment. Matter may run upto the Court of Law.

With regards.

Place: Silchar - 1.

Date: 11-11-08

Time: 01-00 PM

Copy to:

All Local Press & Papers, Silchar  
for publication as a news item along  
with detailed complaint.

Some Candidates and eye-witnesses

1. Abdul Kalam Barbhuiya (Candidate)
2. Nizamuddin Laker.  
President, Sywbond O.P.  
(Guardian of a candidate)
3. Sri. Abul Ch. Das  
(Press Reporter)

Certified to be true

S. S. Advocate

A-3.



ANNEXURE-B

ANNEXURE-5

DEPARTMENT OF POSTS  
OFFICE OF THE SENIOR SUPDT. POSTS  
CACHAR DIVISION : SILCHAR : 788 001

H3 - SLD/PP

Dated at Silchar the 29/10/08

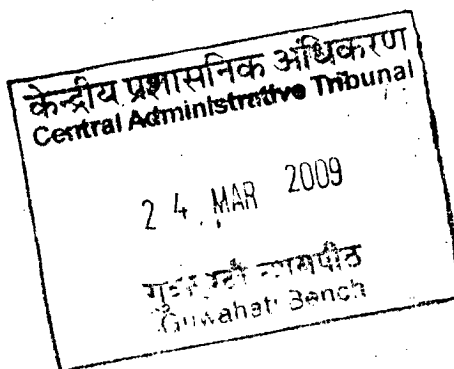


To Sri Bilal Uddin Barbhuiya  
Vill & PO - Algaon PT - IV  
Karlibari Bazar.

Sub:- Selection of the Post of BPM Saidbond Part - 11 BO. - Verification of Documents.

You are hereby requested to attend this office on 11-11-08 at 11.30 hrs.  
for verification of BIO - DATA for the above post.

You are to produce all original documents required as mentioned in the advertisement for the post.



(A. N. B. O. R. A.)  
Sr. Supdt. Of Post Offices  
Cachar Division, Silchar-788001

Certified to be true Copy

Advocate

A-4

ANNEXURE - C

आर० पी० - 54  
आर. पि.-५४  
R. P. -54

भारतीय डाक-विभाग / ভারতীয় ডাক বিভাগ  
DEPARTMENT OF POSTS, INDIA

तारीख-मोहर  
তারিখ ছাপ মোহর

प्रेषक डाकघर की नाम-मोहर/প্রেরকের ডাকঘরের নামের ছাপ মোহর  
Name-stamp of office posting

Date stamp

भेजने वाले का पता/প্রেরকের নাম ঠিকানা/Sender's address

Bilal Uddin Barbhuiya

Sto. Monir Ali Barbhuiya

Villa P.O. Alzapur Part V

Via. Kalibari Bazar

पिन/पिन/Pin

788110

SDP/L-78/Pig. 2002/B dt. 8-4-03, 60,000 Copies, R. C. C.

(Arsam)

ANNEXURE 3A

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

24 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

Certified to be true Copy

Sarun

Advocate

K.T.O.

**MEMORANDUM**

**Dated at Hailakandi,  
The 11<sup>th</sup> December, 2008**

To

**Sri Monojit Kumar,**  
Honble Chief Postmaster General,  
Assam Circle, Meghdoot Bhawan,  
Guwahati-781001.

Sub: **Irregularity in the selection process for appointment of GDS BPM,  
Syedbond Pt-II BO in A/c with Kalibari Bazar SO by the SSP/Silchar.**

*Respected Sir,*

At the outset, we beg to be excused for having ventured to intrude upon your valuable times with our petty Memorandum/Representation which runs as follows with reference to above captioned subject and at the same time, most humbly supplicate your personal intervention into the matter, curving the irregular and unwanted practice practised by the Divisional Authority vide his office notification No. H3-913/PF dated 29-10-08 in the name of a mock interview held on 11-11-08 for selection of GDS BPM, Syedbond Pt-II BO.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

24 MAR 2009

गुवाहाटी न्यायाधीश  
Guwahati Bench

2. That Sir, in response to the advertisement floated by the SSP/Silchar, the following candidates have been called for interviews vide his office letter No. H3-913/PF dated 29-10-08 and call letter served by Regd. Post as noted against each :

Sl. No.	Name of Candidates	Address	R/L No.
01	Sri Dilwar Hussain Choudhury	Syedbond Pt-II	R/L 5856
02	Sri Abdur Rauf Mazumdar	-do-	R/L 5857
03	Sri Abdul Malik Mazumdar	-do-	R/L 5858
04	Sri Bhuttu Hussain Mazumdar	-do-	R/L 5859
05	Sri Mashuk Uddin Mazumdar	-do-	R/L 5860
06	Sri Abdul Kalam Barbhuiya	Syedbond Pt-I	R/L 5861
07	Sri Bilal Uddin Barbhuiya	Algapur Pt-V	R/L 5862
08	Sri Anwar Hussain Laskar	Algapur-IV	R/L 5863
09	Daughter of a Postal Clerk	Matirgram	R/L 5864

Out of the above applicants, for aught we know, candidates at Sl. No. 06 and 07 occupied 2<sup>nd</sup> and 1<sup>st</sup> position respectively in view of percentage of marks obtained in the HSLC Examination.

भारतीय डाक  
Duplicate> ASSAM SACHIVALAYA  
SP-FOIES5010139311  
Counter No:1, OP-Code:01  
To: H. KUMAR,  
Guwahati, PIN:781  
From: M. K. G. P., ALGAPUR PART V HAILAKANDI  
Wt: 8grams  
Amt: 39.00, 15/12/2008, 10:26  
Taxes: Rs. 4.00<Have a nice day>>

**Certified to be true Copy**  
**SSarves**

**Advocate**

via - Kalibari Bazar - Darrang.  
of Hailakandi (Assam).  
S. S. Kumar & Rohman Choudhury  
(Guardian of Applicant)

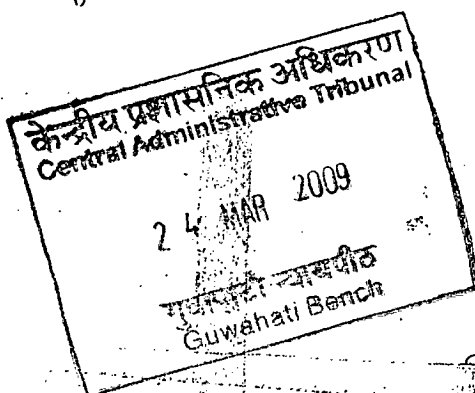
A-5

24 2

3. But we have been given to understand reliably on the eve of scheduled interview that a premeditative plan has already been designed paving a way to appoint the candidate who secures 3/4<sup>th</sup> position in view of percentage of marks obtained in the HSLC examination by dint of "bribe" amounting to Rs. 1.00 Lakh, which we cannot guess or believe prima facie.

4. That Sir, all the imageries come to reality out and out on the day of holding interview i.e. on 11-11-08 to see the prevailing environment in the SSPO's office. Here worth-mentioning that the candidate at Sl. No. 06 who is supposed to be the next topper in the merit list—was called for entering into the interview room at 11-45 A.M. and asked to sign the attendance sheet as usual. And, when he started signing the same before the SSP/Silchar & completed writing half-portion of his name as signature i.e. "Abdul" against column Sl. No. 8, all of a sudden, an official of SSPO's office (who is supposed to be Ring Leader) speedily entered into the SSPO's room implying him not to allow said candidate signing attendance sheet; because he is to scene-out at any cost for his occupying top position in merit list hailing from post-village and in view of HSLC Marks percentage. And the candidate concerned thus was not allowed to complete writing even his full signature in the attendance sheet i.e. upto "Kalam Barbhuiya" at the behest of the said accomplice with the plea of "late attendance in interview". As a matter of fact, it was a designed after-thought plan just to deprive the said candidate in some way or the other, who hails from post-village securing higher percentage of marks in HSLC Examination on the basis of which selection process was conducted. It is also alleged that this plan was planned just for paving a prosperous way for one Sri Dilwar Hussain Choudhury, an applicant for the post at Sl. No. 01 above who hails from outside Gaon Panchayat area and secures 5/6 position in view of mark percentage. It can also be mentioned here to the context that said Dilwar Hussain Choudhury (secures 2<sup>nd</sup> Div. Marks in HSLC Exam) is a relative to the candidates at Sl. No. 2, 3, 4 and 5 above and all of them secured 3<sup>rd</sup> Division marks in HSLC Examination. In the event of his selection for the post, he will refuse to accept the offer of appointment prospering the way for next candidate amongst candidates at Sl. 2,3,4 & 5. This drama is designed by one Sri Zakir Hussain Mazumdar, Postman, Silchar HO (erstwhile GDS BPM/Syedbond Pt-II BO and the elder brother to candidates at Sl. No. 2,3,4 and 5 and maternal uncle to candidate at Sl. No.1) with the connivance of above said ring leader of Divisional office who has already accepted Rs. 1.00 Lakh from said Zakir Hussain Mazumdar, for giving successful final shape of the drama as well as with the advice of one Sri P. Nath, Retd. APMG(Staff), O/o CPMG/Guwahati.

4.1 That, the Gaon Panchayat President of Syedbond G.P. has already challenged in writing to the SSP/Silchar with regard to "Residence Ship" of Sri Dilwar Hussain Choudhury who is being favoured by the SSP for appointment at "Post-village Syedbond Pt-II" BO which is under investigation at SDI(P) level, as learnt reliably. In fact, he hails from the village Kalinagar under Kalinagar G.P. which will come to light very shortly. (Enclosed as annexure - A(1) G.P. President's Clarification.



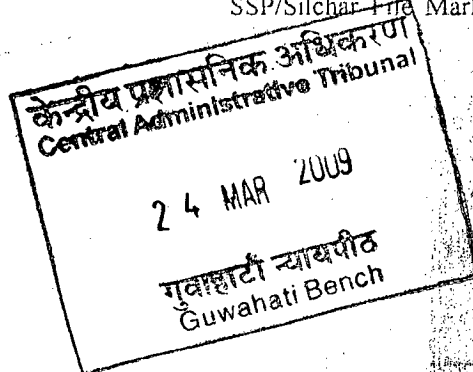
*Sir, we fervently request your honour to conduct an inquiry with special reference to above said paragraph with a view to bringing to light the crystal clear reality for which candidate at Sl. No. 06 above was deprived of. (Photo-copy of call letter enclosed as Annexure-A)*

5. That Sir, as regard the candidate at Sl. No. 07 above who is supposed to have secured highest marks percentage in HSLC Exam. out of the 9(nine) applicants, comes next under the zone of consideration in relaxation of the norm/ruling "Post-village" was issued his Call Letter at a wrong postal address premeditatively as per after-thought plan so that it could not be delivered to the addressee in time or if delivered, that too on expiry of interview date (Copy enclosed for favour of ready reference as Annexure-B). And really it was happened so. As the said candidate did not receive his call letter till 10-11-08, he started running from pillar to post and eventually contacted SSPO's office on 10-11-08 at 1-45 PM for alternative arrangement of his undelivered call letter. He was assured of attending interview next day without any call letter and he would be given a photo-copy of call letter from office file if needed at the time of interview. Next day i.e. on the stipulated date, time and venue the said candidate attended interview with his all original documents/records etc; but he was not allowed rigidly with the plea of non-production of Call letter. On return from interview, this aggrieved candidate leave no stone unturned to trace out as to where-about of his call letter. Finally, he discovered that the said Regd. Letter No. 5862 (containing call letter) was delivered on 08-11-08 to one Nizam Uddin of Algapur Pt-IV by Sri Brojolal Nath, Postman, Kalibari Bazar SO. However, on query said postman subsequently recovered it and delivered to the actual addressee on 15-11-08 i.e. on expiry of interview date on 11-11-08. Although the applicant has clearly mentioned his postal address as "Vill & PO : Algapur Part-V" in his application form; but he was issued call letter at a wrong address as "Vill & PO : Algapur Part-IV" as per pre-planned act just to deprive this candidate at any cost. (A/D card sent with application form and received back is enclosed herewith as Annexure-C) which will speak of itself with regard to actual address noted in the form of application.

*Sir, a written complaint dated 15-11-2008 lodged to SSP/Silchar in person regarding wrong delivery of Regd. R/L containing call letter by the said Postman (Copy enclosed for ready reference as Annexure-D) bears no fruit as yet as if, it is a derisory matter to him and he is au fait with the whole episode of this pre-planned drama - else there might have an action against the postman for wrong delivery of R/L in question.*

6. That, the matter, in a nutshell, has already been reported to the Hon'ble Chief Postmaster General, Assam Circle, Guwahati as well as to the Director of Postal Services (Hq), Assam Circle, by means of FAX Message dated 11-11-08, immediately after the occurrence (Copy enclosed for ready reference as Annexure-E).

7. That, similar occurrence has taken place in case of selection and appointment to the post of GDS BPM, Paikan BO under Ratanpur Road SO vide SSP/Silchar File Mark No. A/479/PF/08 dated 18-11-08, in which, the candidate who



-26-

secures top position in view of HSLC marks percentage was deprived of with the plea of non-post-village candidate. And this is just to please an officer of your Postal Department who has been aspiring to be the next SSP/Silchar on 01-01-2009 after retirement of Sri Atul Bora by superannuation on 31-12-08(A/N), whose niece has been appointed against the post in spite of securing 4/5<sup>th</sup> position in the merit list of candidates.

8. That, to speak the truth, 150 Years' old India Post has been running having gone through All India Basis unified Coded Rules and Regulations; yet Cachar Postal Division is an exception which has been running through some self-styled rules and regulations introduced by a consultative body consists of 3(three) members viz. (1) S/Sri Subimal Nath Mazumdar, O/A (2) Shuhit Das, O/A and (3) Kripamoy Nath, O/A and headed by Sri Atul Bora, SSP/Silchar.

9. That, a representation dated 15-11-08 high-lighting all sorts of irregularities taken place in respect of selection process and appointment of GDS BPMs to above said branch post offices and duly signed by the deprived candidates was submitted to the SSP/Silchar (stationed at Hailakandi on 15-11-08) supplicating his kind necessary action for redressal of grievances. But he turns a deaf ear to our representation as yet and continuing his mammoth business at his wit's end without any hindrance. (Copy enclosed for ready reference as Annexure-F).

10. Under the above circumstances, we pray most humbly that your honour would be kind enough to look into the matter personally, conduct a meticulous inquiry into the whole episode with a view to bringing to light the ~~fact~~ truth, cancel the merit list prepared by the SSP/Silchar by means of farcical interview dated 11-11-08 for appointment of GDS BPM/Syedbond Pt-II BO and interview dated 26-11-08 for Paikan BO, arrange to hold fresh interview for greater public interest as well as take exemplary action against the officials/Officer at fault, for which act of kindness, we shall remain ever grateful and oblige to your honour so long under the canopy of heaven.

Copy to :

1. Sri Santosh Mohan Dev,  
Hon'ble Union Minister,  
Heavy Industries & Public Enterprises,  
Govt. of India.

2. Sri Thiru A. Raja,  
Hon'ble Minister,  
Information & Communication Technology,  
Govt. of India,  
Dak Bhawan, Sansad Marg,  
New Delhi.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

24 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

Yours faithfully,

1. Abdul Kalam Barbhuiya (Applicant)  
vill & P.O. - Syedbond - Part-II - Pin- 788150.  
Dist. Hailakandi - (Assam).

2. Bilal Uddin Barbhuiya (Applicant)  
vill & P.O. - Agapure Part-V  
via - Kalibari Bazar - 788150.  
Dist. Hailakandi (Assam).

3. Anowate Hussain Barbhuiya  
Vill Agapure - Part-IV

4. Po. Kalibari Bazar. Pin- 788150  
Dist. Hailakandi - (Assam)

5. Abdur Rouf Mezmudar (Applicant)  
vill & Po. Syedbond Pt-II  
via - Kalibari Bazar - 788150.  
Dist. Hailakandi (Assam).

G. M. K. R. Rahman Chaudhury  
(Guardian of Applicant)

27 5

3. Hon'ble Minister of State  
For Communication & IT  
Govt. of India,  
Dak Bhawan, Sansad Marg, New Delhi.

4. The Director General (Posts) &  
Secretary, Postal Services Board,  
Govt. of India,  
Dak Bhawan, New Delhi.

5. Sri Gautam Roy,  
Hon'ble Minister,  
Excise & Border Areas Development,  
Govt. of Assam, (as local Minister)

6. Sri L. M. Suklabaidya,  
Hon'ble M.P. Lok Sabha  
(Hailakandi-Karimganj Constituency)  
New Delhi.

7. Sri Sahidul Alam Choudhury,  
Ex-Minister, Assam,  
Ex-MLA, LA-8, Algapur Constituency.  
Chairman, ALC College, Syedbond.  
General Secretary, AGP(P)  
Naba Milan Path, Last Gate,  
Dispur, Guwahati-6  
(who accommodated the Post office in the college  
Premises free of cost for public interest).

8. All local Print and Electronic Media for publication  
as news item.

(All for favour of information and necessary action for public interest).

6. Sri Gautam Datta  
Guardian of applicant-  
Paikan B.O.

7. Sharmistha Ahmed Laskar  
Vill. Langguati. P.O. Paikan. Pin-788185  
Dist. Hailakandi. (Assam)

8. Sri Monoj Paul  
Vill & P.O. Paikan

Dist. Hailakandi

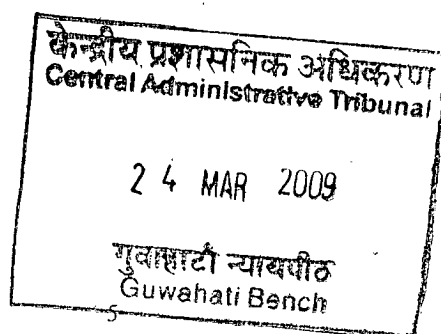
9. Jasmira Akter Saha (applicant)

Vill. P.O. Paikan.

Dist. Hailakandi.

M. K. Saha  
President  
Syedbond G.P.

11. M. K. Saha  
President  
West Mohanpur Gaon Panchayat



28

ANNEXURE 7

Department of Posts : India  
Office of the Sr. Supdt. of Post Offices  
Cachar Dvn., Silchar-1

No-SCCC/RTI Act-2005/27

Dated at Silchar-1, the 01.01.2009

To,

Abdul Kalam Barbhuiya  
VIII/BPO-Saidbond Pt-II  
Via-Kalibari Bazar, Hailakandi

Sub- Information under RTI Act-2005  
Ref : Your letter No. Nil dtd. 16.12.2008

Dear Sir,

An information sought by you under RTI Act-2005 regarding selection criteria for the post of GDS BPM at Saidbond Pt-II BO are furnished below. For details questions, please refer your letter no. dtd. 16.12.2008.

1. a) The GDS BPM must be a permanent resident of the post village.  
b) The GDS BPM must be HSLC passed.  
c) The selection must be preferred on highest percentage of marks amongst the candidates applied for.  
d) The person selected should have adequate means of livelihood.  
e) The minimum age limit will be 18 years

(As per GDS conduct & employment rules, 2001)

2. 9 (nine) candidates in total have been apply for the said post the highest percentage among them is 58.66% who is absent, & 52.33% is the highest percentage of marks among the candidates who appeared interview. Lowest marks percentage among them is 34.33%.
3. All candidates (i.e. nine candidates) were served call letter by Regd. Post.
4. No such wrong delivery of letter is made or reported.
5. The question of depriving any candidate intentionally does not arise.
6. No such record of memorandum is found available on file.

Thanking you.

Yours Sincerely,

Sr. Supdt. of Post & CPIO  
Cachar Dvn., Silchar-1

Wrong information  
supplied

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
24 MAR 2009  
गुवाहाटी न्यायपीठ  
Guwahati Bench

Copy to :-

Copy to be made

SSore Associates



29-

Annexure-D (ii)

52

Copy to :-

1. The Director Postal Service (HQ) & CPIO, Assam Circle, Guwahati-1 for kind information w.r.t his letter no-VIC/RTI/2005/Pt-I(Loose) dtd. 19.12.2008 at Guwahati.

Sell  
Sr. Supt. of P.O's & CPIO  
Cachar Dyn., Silchar-1

