

5

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A./PA/ NO. 226/2015  
R.A./CP/NO..... 2015  
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*PD 09/07/2015*  
SECTION OFFICER (JUDL.)

*9.7.2015*

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

1. Original Application No : 226 / 2009
2. Misc. Petition No : in O.A. No.-----
3. Contempt Petition No : in O.A. No.-----
4. Review Application No : in O.A. No.-----
5. Execution Petition No. : in O.A. No.-----

Applicant (S) : Sri Jugal Ch. Roy

Respondent (S) : Union of India's Ministers

Advocate for the : Mr. S. Bora,  
(Applicant (S))

Mr. D.P. Mandal & Mr. P. Das.

Advocate for the :  
(Respondent (S))

CGSC

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form. As filed/C.P. for Rs. 50/- deposited vide I.P.C/ED No. 396 424380</p> <p>Dated, <u>10.9.09</u></p> <p><i>J. Somwarkar</i> Dy. Registrar 11.11.09 <u>11.11.09</u></p>	13.11.2009	<p>Allegation of the applicant is that vide Annexure - C dated 15.07.2009 respondent No. 5 has been selected to the post of GDS BPM at Gossaigaon B.O., who furnished the residential address of respondent No. 4, who in turn has no landed property in his name in the village concerned. This fact has not been verified by the official respondents.</p> <p>S. 11.2009</p> <p>5 (Five) Copies of Application with envelope received for issue notice to the Respondents No. 1 to 5. Copy served.</p> <p><u>11/11/09</u></p> <p><u>K. Das</u></p> <p>Issue notice to the respondents. Mr. M.U. Ahmed, learned Additional CGSC present in court, accepts notice on behalf of the respondent Nos. 1-3. Thus service on said respondent is complete. Issue notice to respondents No 4 &amp; 5 under Rule II (i) (ii) of CAT (Procedure) Rules, 1987. In the meantime the official respondents should file reply and produce the record of selection.</p> <p>List this matter on 15.12.2009.</p>
<p><u>11/11/09</u> R-1, 2, 3</p> <p><u>Red</u> 17/11/09 /pb/</p>		<p><i>J.</i></p> <p>(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta) Member (A) Member (J)</p>

15.12.2009 Service report awaited. No reply has yet been filed by the Respondents. Mr. M.U.Ahmed, learned Addl. Standing Counsel seeks time to file reply. List the matter on 18.1.2010.

steps taken on 27/11/09.  
27/11/09.

Copies of notices along with order of 13/11/09 send to D/Sec. for issuing to the R-4 and 5 by Speed post AID at the cost of applicant.

27/11/09. Dt= 20/11/09.

/lm/

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

18.01.2010

Mr. M.U. Ahmed, learned Addl. CGSC for Respondents is present. None appears for applicant.

Mr. M.U. Ahmed, learned Addl. CGSC for Respondent Nos. 1-6 seeks and allowed further ten days time to file reply.

- ① Service report awaited.  
② No reply filed.

27/12/09

/PB/

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

01.02.2010

Mr. M.U. Ahmed, learned Addl. C.G.S.C. states that he is appearing for Respondent Nos. 1 to 3 only. We note that as per report, Respondent Nos. 4 & 5 are also served but no appearance is made on their behalf.

On the request of Mr. M.U. Ahmed, learned Addl. C.G.S.C. for Respondent Nos. 1 to 3, two days time is extended to file reply.

List on 16.02.2010. In the meantime, rejoinder, if any, <sup>may</sup> be filed.

29/1/2010

3/2/2010  
W/S filed by  
Respondents No. 3.

18/3/2010

/bb/

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

No rejoinder filed.

15/2/2010

16.2.2010 Enabling the Applicant to file  
rejoinder, if any.

List the matter on 03.3.2010.

No rejoinder  
b/leel.

 (Madan Kumar Chaturvedi)  (Mukesh Kumar Gupta)  
Member (A) Member (J)

 /lm/

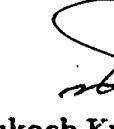
 23.2.2010

03.03.2010

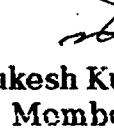
It is stated that rejoinder has been filed today. Therefore pleadings are complete. Admit. Subject to legal exception if any, list for hearing on 25<sup>th</sup> March 2010. Respondents to produce related records of selection on that date.

3.3.2010  
Reply to the  
N/S has been  
filed by the  
Applicant. Copy  
served.

 3/3/2010

 (Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

 The case is ready /pb/  
for hearing.

 24.3.2010

25.03.2010 Being Division Bench matter list on 20.04.2010.

 (Madan Kr. Chaturvedi)  
Member (A)

/pb/

20.4.2010 Heard Mr S.Bora, learned counsel for the applicant and Ms U. Das, learned proxy counsel for Mr M.U.Ahmed, Addl.C.G.S.C. Reserved for orders.

 (Madan Kr. Chaturvedi)  
Member (A)

 (Mukesh Kr. Gupta)  
Member (J)

/pg/

900S to 622.6N.4.0

O.A. No. 226 of 2010

ell of consolidated O.A. on judgment  
22.04.2010  
Date of return/receipt  
0102.8.80 no return on date

O.A. S. of  
Judgment pronounced in open  
court, kept in separate sheets.

25-5-2010

The O.A. is dismissed in terms of  
said order. No costs.

Judgment/Final O.A. (1) & dated 16

dated 22/4/2010 (Barber)

order for judgment for date 22/4/2010  
and for issuing of Judgment by pb/

is sent of the judgment and  
for return of post

and for payment of costs and expenses  
and for date 22/4/2010

dated 22/4/2010 (Barber)  
and for payment of costs and expenses  
and for date 22/4/2010

for both Sides,

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

Order dated 16-5-2010 (1) & dated 16

6

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

O.A. No. 226 of 2009

DATE OF DECISION: 22.04.2010

Shri Jugal Chandra Roy

.....Applicant/s.

Mr.S.Bora

.....Advocate for the  
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Ms.U.Das, proxy counsel for Mr.M.U.Ahmed, Addl. C.G.S.C.

.....Advocate for the  
Respondents

**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

Judgment delivered by

  
Hon'ble Member (J)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 226 of 2009

Date of Decision: This, the 22<sup>nd</sup> day of April, 2010.

**HON'BLE SHRI MUKESH KUMAR GUPTA, JUDICIAL MEMBER**

**HON'BLE SHRI MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER**

Shri Jugal Chandra Roy  
Son of Sri Adhar Chandra Roy  
Resident of Village: Gossaibari  
P.O: Gossaibari, Via: Matia  
PIN: 783 125  
District: Goalpara, Assam

...Applicant

By Advocate: Mr.S.Bora.

-Versus-

1. The Union of India  
Represented by the Secretary  
to the Government of India  
Department of Posts  
C.G.O. Complex, Lodhi Road  
New Delhi-110 003.
  2. The Post Master General  
Guwahati Post Office  
Meghdoot Bhawan  
Guwahati - 781 001.
  3. The Superintendent of Post Offices  
Goalpara Division  
Dhubri-783 301.
  4. Sri Dhruba Kumar Roy  
Son of Har Kumar Roy  
Resident of village and P.O: Gossaibari  
Via: Matia, Pin: 783 125  
Dist: Goalpara, Assam.
  5. Sri Abdul Mannan  
C/o Dhruba Kumar Roy  
Resident of village and P.O: Gossaibari  
Via: Matia, PIN: 783 125  
Dist: Goalpara, Assam.
- ... Respondents

By Advocate: Ms. U. Das, proxy counsel for Mr.M.U.Ahmed. Addl. C.G.S.C.

\*\*\*\*\*

**ORDER**

**MUKESH KUMAR GUPTA, MEMBER (J):**

Jugal Chandra Roy, an aspirant for the post of GDS BPM Gossaibari, B.O. in account with Matia S.O. under Goalpara district in this O.A. challenges order dated 15.10.2009 (Annexure-C) whereby respondent no.5 has been provisionally appointed to said post and was required to submit various documents detailed therein. He also seeks direction to the respondents to appoint him to said post with all consequential benefits.

2. Admitted facts are that notification dated 24.04.2009 (Annexure-A) was issued and applications for said post were invited from those who fulfill the eligibility conditions prescribed under paragraphs 5 and 6 thereon. The vacancy, as per paragraph 2 was not reserved for any community. Employment Exchange, Goalpara was also requested to nominate eligible persons. In response to aforesaid advertisement 5 applications were received besides 9 applications through concerned Employment Exchange. On scrutiny of applications, all the candidates were called for verification of original documents and were also required to appear in person on 23.06.2009. Respondent No.5, who had secured highest percentage of marks (69.5%) in HSLC examination, was selected and joined said post on 11.08.2009. Applicant herein, secured only 68.16% marks.

3. The grievance of the applicant is that respondent no.5 is not the permanent resident of said village and he had furnished his residential address as c/o respondent no.4. Respondent no.4 has no land holding in

his name in the village concerned and whose residential address was used by respondent no.5 to fulfill the condition prescribed on said account vide notification dated 24.04.2009. Thus, the appointment of respondent no.5 is illegal and is in violation of prescribed eligibility conditions.

4. Mr.S.Bora, learned counsel for applicant strongly contended that as per Jamabandi records, placed on record along with rejoinder filed by him, respondent no.4 is not the owner of any landed property. Furthermore, learned counsel emphasized that applicant belongs to OBC category and ought to have been given more weightage for his better qualification vis-à-vis respondent no.5.

In the above backdrop, it was urged that he is entitled to relief, as prayed for.

5. By filing reply, respondent no.3 contested the claim laid, namely, that respondent no.5 was selected based on his merit and higher marks in the HSLC examination. As per Rule 2 of Section (IV) of GDS (Conduct and Employment) Rules 2001, the selection should be based on marks secured in the matriculation examination and no weightage is to be given to the higher qualification. As the respondent no.5 fulfilled all the eligibility conditions for appointment, and having secured the highest percentage of marks amongst the candidates, who had applied for said post and further as he has shifted his residence to the post village Gossaibari B.O., there is no illegality in his appointment to the post in question. Respondent no.4 is permanent resident of said village and in support thereto, Gaon Panchayat certificate as well as voter list disclosing

the respondent no.4 as a resident of said village were produced and annexed with reply. Furthermore, it was emphasized that respondent no.5 has submitted a document i.e., receipt of a rented house, whose house owner is the permanent resident of the village in question. Thus, no exception can be taken to his appointment.

6. Ms.U.Das, proxy counsel appearing for Mr.M.U.Ahmed, learned Addl. C.G.S.C. for respondents vehemently contended that as the appointment of respondent no.5 is based on merit and no illegality has been established, O.A. deserves to be dismissed.

7. We have heard both sides, perused the pleadings and other materials placed on record. The sole controversy, which needs consideration, is whether appointment of respondent no.5 is violative of notification dated 24.04.2009. Relevant excerpts of paragraph 6, which provides minimum qualification as well as condition of residence, read as under:-

**"1) RESIDENCE**

**Candidates belonging to places other than Post Office village, can also apply for the post and such candidates should shift the residence to P.O. 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."**

(emphasis supplied)

The condition regarding residence has also been clarified by the Department of Posts vide communication dated 10.10.2010, which reads as under:-

**"4. Residence**

**It may be clarified that while making selection for appointment to ED Posts, permanent residence in the village/delivery jurisdiction of the ED**

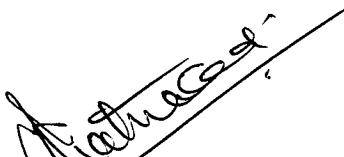
Post office need not be insisted upon as pre condition for selection. However, it should be laid down as a condition of appointment that any candidate who is selected must before appointment to the post take up his residence in the village/delivery jurisdiction of the ED Post office. (Ref. Directorate's no.17-104/93-ED & Trg dated 6.12.93)."

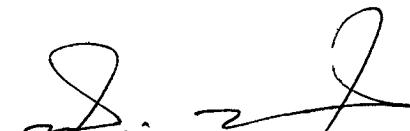
(emphasis supplied)

Bare perusal of aforesaid prescribed condition would reveal that what is emphasized is person belonging to places other than the P.O. village, can also apply, but on his selection he "should shift the residence to P.O. village". Thus, after selection and before appointment he must take up his residence in the village/delivery jurisdiction of the ED Post office. It is not in dispute that respondent no.5 after his selection and before appointment took up his residence in the concerned village and produced necessary document before the competent authority, and being satisfied with the same, necessary appointment order had been issued. Applicant basically challenges said document. We have carefully examined this matter including the Jamabandi records. We may note that appointment of respondent no.5 was made on 15.07.2009 while Jamabandi records (Form No.3) is of subsequent date, namely, September and October 2009. If the applicant is aggrieved by the revenue records and wants a declaration in his favour this Tribunal is not appropriate forum. We are satisfied as on date that respondent no.5 had been appointed, was fully eligible and had satisfied all the prescribed conditions. We may further note that no representation was preferred against appointment of said respondent no.5 and applicant rushed to this Tribunal. If he was aggrieved by certain factual aspects, he had an ample opportunity to approach the concerned authority highlighting his grievances with reference to factual aspects, which remedy has not been availed. Appointment of respondent

no.5 is based on merits and marks secured in HSLC examination and the rules in vogue do not require to grant higher weightage for higher qualification.

8. Taking a cumulative view of the matter, we do not find any merits in the contentions raised. O.A. is dismissed. No costs.

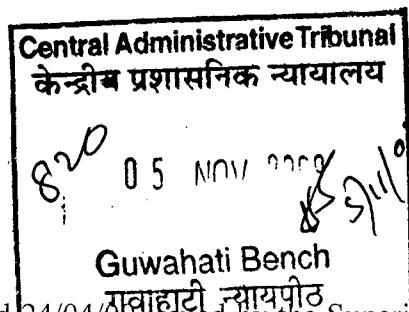
  
(MADAN KUMAR CHATURVEDI)  
MEMBER (A)

  
(MUKESH KUMAR GUPTA)  
MEMBER (J)

/BB/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

ORIGINAL APPLICATION No. 226 /2009



SYNOPSIS

Applicant according to the notification dated 24/04/09 issued by the Superintendent of Post Office, Goalapara Division, Dhubri applied for the post of GDS BPM, Gossaigaon B.O. The original testimonials of the applicant were duly verified by the respondent on 23/06/09. But the respondents giving a goby to the conditions of eligibility, selected respondent no. 5. Hence this application challenging appointment and selection of respondent no. 5.

Filed by

D. P. Mondal

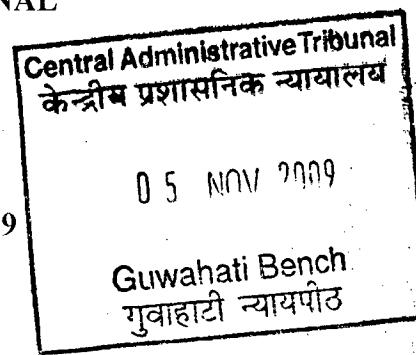
D. P. Mondal)

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

ORIGINAL APPLICATION No. 226 /2009



**LIST OF DATES:**

24/04/09: Notification issued by the Superintendent of Post Office, Goalapara Division, Dhubri.

10/06/09 : Date of application by the applicant.

23/06/09: Date of verification of certificate / documents by respondents.

15/07/09: selection letter of the respondent no. 5.

Filed by

D.P. Mandal

D.P. Mandal)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

ORIGINAL APPLICATION No. 226 /2009

05 NOV 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

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7.  
8.

*w/s by RNo3 —  
Reply to the N/s —*

*16-31  
32-35*

Filed by

*D.P. Mandal*

D.P. Mandal )

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI  
Guwahati Bench  
गुवाहाटी न्यायपीठ

ORIGINAL APPLICATION No. 226 /2009

Filed by the  
Applicant through -  
Bijaya Prasanna Nand  
Advocate.

Advocate. 16

IN THE MATTER OF:

An application under section 19 of the Central  
Administrative Tribunal Act, 1985

-AND-

IN THE MATTER OF:

Sri Jugal Chandra Roy  
Son of Sri Adhar Chandra Roy  
Resident of village Gossaibari  
P.O. Gassaibari  
Via: Matia  
Pin:783125  
District: Goalpara, Assam

.....Applicant

-Versus-

Received on behalf  
of Mrs. M. Das  
Dr. C.R.S.C  
C.S. Hazarika  
4.11.09  
Advocate

1. The Union of India

Represented by the Secretary to the Government  
of India, Department of Post  
C.G.O. Complex, Lodhi Road  
New Delhi  
Pin- 110003

2. The Post Master General

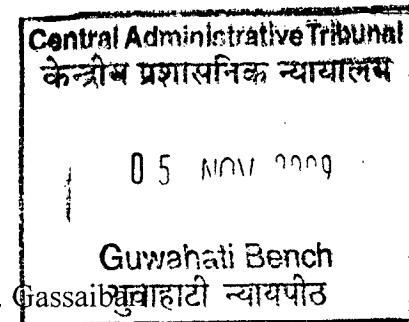
Guwahati Post Office  
Maghdoot Bhawan  
Guwahati -781001

3. The Superintendent of Post office

Goalpara Division  
Dhubri -783301

Sri Jugal Chandra Roy

4. Sri Dhruba Kumar Ray  
 Son of Har Kumar Roy  
 Resident of village and P.O. Gassaibari  
 Via: Matia  
 Pin: 783125  
 District: Goalpara, Assam



5. Sri Abdul Mannan  
 C/o Dhruba Kumar Ray  
 Resident of village and P.O. Gassaibari  
 Via: Matia  
 Pin: 783125  
 District: Goalpara, Assam

.....Respondents

#### DETAILS OF THE APPLICATION

##### **1. PERTICULATS AGAINST WHICH THE APPLICATION IS MADE:**

1) That the sole applicant has approached before the Hon'ble Tribunal with a prayer to set aside and quash the selection and appointment of respondent no.5, Sri Abdul Mannan selected and appointed as GDS BPM Gassaibari, B.O. in account with Matia S.O. under Goalpara District vide letter no.B3/325/Gossaibari dated at Dhunri 15/07/2009 issued by the Superintendent of Post office, Goalpara Division, Dhubri, 783301, respondent no.3. Appointment and selection of respondent no.5 was in pursuant to a notification dated Dhubri the 24/04/2009 vide letter no. B3/325/Gossaibari B.O. issued by the Superintendent of Post office , Goalpara Division , Dhubri, 783301, respondent no. 3.

##### **2. JURISDICTION OF THE TRUBUNAL:**

That the applicant declares that the subject matter in respect of which the application is made is within the territorial jurisdiction of this Hon'ble Tribunal.

##### **3. LIMITATION:**

That the applicant further declares that the application is within the limitation period prescribed under section 21 of the Administrative Tribunal Act, 1985.

Sri Tugdul Chandra Roy

05 NOV 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

**4. FACT OF THE CASE:**

- 4.1) That the applicant begs to state before the Hon'ble Tribunal that, he is a permanent resident of village Gossaibari, P.O. Gassaigbari , Via: Matia , Pin :783125 in the district of Goalpara, Assam.
- 4.2) That the applicant begs to state he came across the notification dated 24/04/09 bearing no.B3/325/Gossaibari B.O seeking proposal for appointment to fill up the post of GDS BPM Gossaigbari B.O. on falling vacant due to retirement of the incumbent issued by the Superintendent of Post office, Goalpara Division, Dhubri, 783301 elaborating eligibility conditions etc.

The photo copy of the notification dated 24/04/09 bearing no.B3/325/Gossaibari B.O issued by the Superintendent of Post office, Goalpara Division, Dhubri, 783301 is annexed and marked as **ANNEXURE –A**

- 4.3) That the applicant begs to state having carefully perused the notification dated 24/04/09 bearing no.B3/325/Gossaibari B.O. The applicant found that, he is an eligible for the post, as he can fulfill all the conditions etc. as per the notification, applied for the post within time.
- 4.4) That the applicant begs to state, the department of post vide letter no. B3/325/Gossaibari B.O dated Dhubri 10/06/09 issued by the Superintendent of Post office, Goalpara Division, Dhubri, 783301 called upon the applicant to be present before undersign on 23-06-09 at 10.30 hours regarding verification of original certificate/ documents etc in connection with appointment in the post of GDS BPM Gossaibari BO.

The photo copy of the letter dated 10-06-09 bearing no. B3/325/ Gossaibari B.O dated Dhubri issued by the Superintendent of Post office, Goalpara Division, Dhubri, 783301 is annexed and marked as **ANNEXURE – B**.

- 4.5) That the applicant begs to state that on his appearance before the respondent authority, thoroughly verified his original certificates/documents etc. in connection with the appointment to the post of GDS BPM Gossaibari BO. The applicant was also confident that he would be selected for the aforesaid post.

- 4.6) That the applicant begs to state that to his utter shock and surprise the department of post, India vide letter no.B3/325/Gossaibari dated Dhubri the 15-07-09 issued by the Superintendent of Post office, Goalpara Division, Dhubri, 783301 selected a non resident of Gossaibari one Shri Abdul Mannan, respondent no.5, C/o Shri Dhruba Kumar Ray, respondent no.4, Village & P.O Gossabari, via Matia, District Goalpara in utter violation and disregard to the notification dated 24/04/09 bearing no.B3/325/Gossaibari B.O. More particularly eligibility conditions of residence. Condition read as follows:

Central Administrative Tribunal  
কেন্দ্ৰীয় প্ৰশাসনিক অধিবাল্যকাৰী

15/07/2009

**RESIDENCE**

Candidates belonging to places other than post office village can also apply for the post and such candidate should shift the residence to P.O 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."

- 4.7) That the applicant begs to state that being a permanent resident of village Gossaibari and also information derived from reliable sources it has come to knowledge of the applicant, respondent no.4, Shri Dhruba Kumar Ray in whose C/o the respondent no.5 was addressed in his selection letter dated 15/07/09 bearing no. B3/325/Gossaibari has no land holding in his name in the village of Gossaibari.

The photo copy of the selection letter dated 15/07/09 vide letter no. B3/325/Gossaigaon is annexed and marked as **ANNEXURE – C**

- 4.8) That the applicant begs to state that selection of respondent no. 5 to the post of GDS BPM Gossaibari BO vide letter dated 17/07/09 is in utter violation and disregard to the notification dated 24/04/09. The notification dated 24/04/09 emphasizes that "Candidates belonging to places other than post office village, can also apply for the post and such candidate should shift the residence to P.O 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" but in the present case the condition have been violated. Thus calling for interference from the Hon'ble Tribunal by setting aside and quashing the selection order dated 15/07/09.

Chandras  
Roy  
Srujan

✓

05 NOV 2009

5

Guwahati Bench  
गुवाहाटी न्यायपीठ

- 4.9) That the applicant could not approach the Hon'ble Tribunal immediately seek the relief as prayed in the instant original application, since it took some time to collecting all the relevant details of selection of respondent no.5. Thereafter, he have to come to Guwahati, engage an advocate then file the case before the tribunal, hence the delay in preferring the instant Original Application.
- 4.10) That the applicant submits that the Hon'ble Tribunal would be pleased to setting aside and quashing the selection order dated 15/07/09 under the facts and circumstances of the case.

### 5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

- 5.1) For that, the respondent authorities has violated the notification dated 24/04/09 in contravention to the eligibility conditions of residence, selected respondent no. 5 to the post of GDS BPM Gossaibari BO. As such selection of the respondent no. 5 to the post of GDS BPM Gossaibari BO is illegal, malafide and in blatant violation of notification dated 24/04/09.
- 5.2) For that, the respondent authorities did not verified the credentials of respondent no. 4, Shri Dhruba Kumar Ray, who has no land holding in his name in the village of Gossaibari and whose residential address is used to fulfill the condition of notification dated 24/04/09. Which is illegal, malafide and in blatant violation of notification dated 24/04/09.
- 5.3) For that, the respondent authorities while selecting respondent no. 5, vide letter no. B3/325/Gossaibari dated Dhubri the 15/07/09 violated the eligibility conditions of notification dated 24/04/09. Which is illegal, arbitrary, malafide in blatant violation of notification dated 24/04/09 and in violation of Article 14 and 16 of the Constitution of India.
- 5.4) For that, in any view of the matter, selection of respondent no. 5, vide letter no. B3/325/Gossaibari dated Dhubri the 15/07/09 by the respondent authorities is in violation of eligibility conditions of notification dated 24/04/09, fundamental rights as well as legal rights of the applicant. As such, the interference by the Hon'ble Tribunal is called for with a direction to set aside and quash the letter no. B3/325/Gossaibari dated Dhubri the 15/07/09 selecting the respondent no.5 to the post of GDS BPM Gossaibari BO.
- 5.5) For that, this application is filed bonafide and in the interest of justice.

Sri Chandru Ray  
Sri Jagad

05 Nov 2009

6

v

6. **DETAILS OF THE REMEDIES EXHAUSTED:** **Guwahati Bench**

That the applicant declares that he have no other ~~alternative and efficacious~~ remedy available to him except by way of this instant Original Application.

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

That the applicant declares that no other application, writ petition or suit in respect of the subject matter of the instant original 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 court.

8. **RELIEF SOUGHT FOR:**

Under the fact and circumstances stated above, the applicant prays that this application be admitted, records be called for and notice be issued to the respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the applicant and on perusal of records, be pleased to grant the following reliefs:

- a) A direction to set aside and quash the letter no. B3/325/Gossaibari dated Dhubri the 15/07/09 selecting the respondent no.5 to the post of GDS BPM Gossaibari B.O (Annexure - C).
- b) A direction to appoint the applicant, Sri Jugal Chandra Roy to the post of GDS BPM Gossaibari B.O as per notification dated 24/04/09.
- c) Cost of the application.
- d) Any other relief or relifs to which the applicant is entitled to under the facts and circumstances of the case as may be deem fit and proper by the Hon'ble Tribunal.

9. **INTERIM RELIEF:**

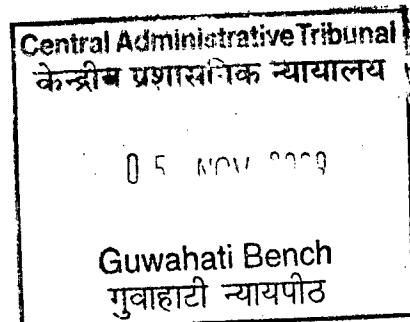
Direction to the respondent authorities not to confirm the selection of the respondent no. 5 till outcome of the Original Application.

10. **PARTICULARS OF THE I.P.O.**

- i) I.P.O. No. :39G 424380
- ii) Dated of issue : 16/09/09

Sri Jugal Chandra Roy

- iii) Issued from : Guwahati  
iv) Payable at : Guwahati



**11. LIST OF ENCLOSERS:**

As stated in the index and list of dates.

**12. WHERE AND WHO FILED THE APPLICATION**

The applicant is filed through the applicants engaged Advocate at Guwahati.

.....verification

Sri Tugdul Chandra Roy

05 Nov 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

VERIFICATION

I, Sri Jugal Chandra Roy, Son of Sri Adhar Chandra Roy, aged about 25 years resident of village and P.O. Gassaibari, via Matia, the district of Goalpara, Assam, I am the applicant in the instant original application and as such I am fully acquainted with the fact and circumstances of the case and I am competent to swear this verification and I do hereby solemnly verify that the contents in the paragraph \_\_\_\_\_ are true to my knowledge and those made in paragraph \_\_\_\_\_ X are matter of records and rest are my humble submissions before the Hon'ble tribunal and I have not suppressed any material facts.

And I signed this verification on this the 18<sup>th</sup> day of September 2009.

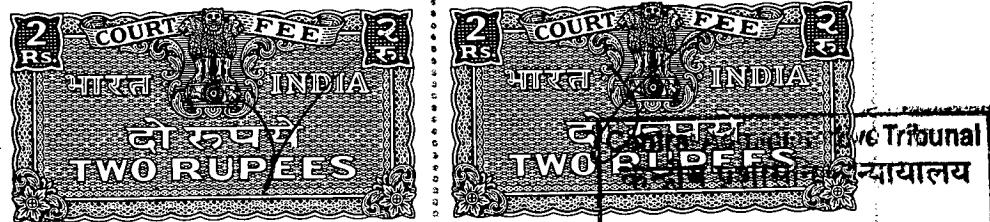
Place : Guwahati

Dated 18/9/09

Sri Jugal Chandra Roy  
Signature of the applicant

8/11





A F F I D A V I T

05 NOV 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পাঠ

I, Sri Jugal Chandra Roy, Son of Sri Adhar Chandra Roy, aged about 25 years resident of village and P.O. Gassaibari, via Matia, the district of Goalpara, Assam, do hereby solemnly affirm and declare as follows: -

1. That I am the applicant and fully acquainted with the facts and circumstances of the case and as such competent to swear this affidavit.

2. That the statement made in paragraph 1, 2, 3, 4 (1), 4 (2) & 4 (6), <sup>4 (8) + 4 (10)</sup> are true to my knowledge and belief and those made in paragraph 4 (2) & 4 (4) & 4 (7) are matter of records, which I believe to be true and rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this 18th day of September 2009 at Guwahati.

*Sri Jugal Chandra Roy*

D E P O N E N T

Identified by

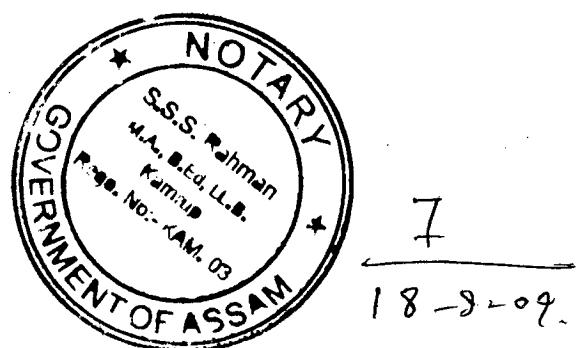
*S.M.*

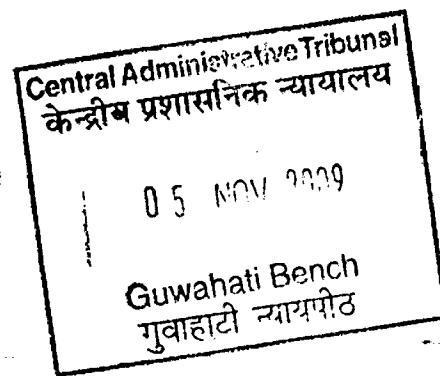
SHAH SYED SANADUR RAHMAN  
M.A., B.Ed., LL.B

NOTARY  
Guwahati, Kamrup.  
Regd. No.: KAM. 03

Advocate's clerk

*18/8/2009*





## ANNEXURE :- 'A'

DEPARTMENT OF POSTS, INDIA  
OFFICE OF THE SUPDT. OF POST OFFICES  
GOALPARA DIVISION :: DHUBRI  
783301.

No. B3/ 325 / Gossaibari B.O.

Dated at Dhupri the 24.04.2009.

### NOTIFICATION

Sub :- Appointment to the post of GDS BPM Gossaibari B.O.

Sir,

It is proposed to fill up the above post fallen vacant due to Retirement of its incumbent.

Applications in the enclosed proforma are invited for the above post from the intending candidates fulfilling the following eligibility conditions. The applications complete in all respect should be posted to reach this office of the undersigned on or before 22.05.2009.

The application should be submitted in closed cover only, duly super scribed in bold letters as "APPLICATION FOR THE POST OF GDS BPM Gossaibari B.O" by post only. Incomplete application, application without prescribed enclosures and application received after the due date will not be entertained.

2. The vacancy is not reserved for any community.

3. The appointment is purely temporary and in the nature of a contract liable 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 in a day and the appointment will not confer any right on the candidate to claim any regular full time post in the department. The post carries time related continuity allowance of

Rs. 1280-35-1980 or 1600-40-2400 plus admissible DA.

4. 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.

### 5. ELIGIBILITY CONDITIONS :

( To be fulfilled as on the last date fixed in the Original Notification i.e. 22.05.2009.)

#### i) AGE :

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

Certified to be true copy  
S. D. D.  
Adv. C. A. C.

05 NOV 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

6. MINIMUM EDUCATIONAL QUALIFICATION :- Matriculation/ HSLC passed / Xth Standard passed ( SEBA/ CBSE) .

- i) The selection should be based on the percentage of Marks secured in the Matriculation or its equivalent examination only. No weightage is given for higher qualification. *However, this does not bar the candidates with higher qualification from applying for the post.*

RESIDENCE

*Candidates belonging to places other than Post Office village, can also apply for the post and such candidates should shift the residence to P.O. 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.*

ii) ACCOMMODATION.

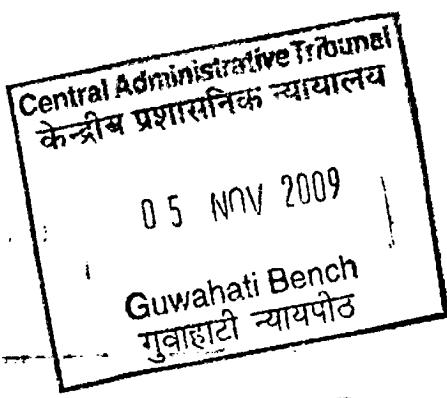
The selected candidate should provide a free accommodation to the house for the Post Office in the P.O. village.

iii) INCOME AND PROPERTY :

(a) The candidate should have an independent source of income for his/her livelihood. Income certificate in candidates own name (including clearly the source of income) issued by Revenue /competent authority should be furnished in the enclosed proforma. Income in the name of the 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 right 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 right of record of rights as mentioned above, and income certificate issued by 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 any other statutory bodies .
- vii) The candidate should not be an agent of L.I.C. or other insurance /finance companies .



7. DOCUMENTS TO BE ENCLOSED :

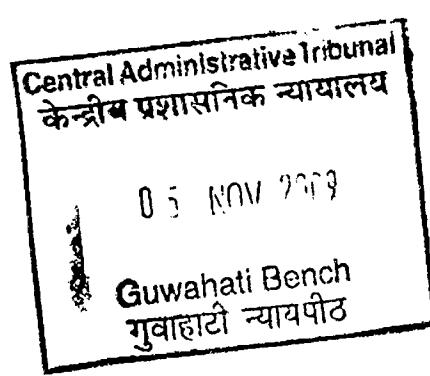
Copies of the following certificate / documents should be enclosed to the application, invariably. If any of these enclosures listed below do not accompany the application, the application is liable to be rejected outright. The originals need not to be sent. They may be produced for verification when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

- (i) School Leaving Certificate or certificate regarding date of birth.
- (ii) Marks sheet of H.S.L.C. ( 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 rights of property ( if property is in the name of the candidate only. If no such property exists , this enclosure is not insisted upon ).
- (v) Income Certificate in the name of the candidate issued by Revenue/ competent authority in the enclosed proforma .
- (vi) Two Character Certificates issued by prominent persons of the locality .

8. SELECTION PROCESS :-

The Selection will be made on merit among the candidates who fulfill all the prescribed eligibility conditions. The closed covers containing applications will be opened in this office by the undersigned on \_\_\_\_\_ in presence of the selection committee comprising of 4(Four) members headed by the **Superintendent of post offices** who may be present for selection among the bulk applications. Then the selection committee will decide to select & call the candidates for appearing in the interview such as verification of original document etc. on the date fixed by the undersigned among the applications applying for the post on the basis of percentage of marks secured in the Matriculation or its equivalent examination only . No weightage is given for higher qualification and any other extra curricular activities. However, this does not bar the candidates with higher qualification for applying the post . The final selection will be made after observing all formalities and the letter of selection would be issued to the selected candidate .

Thereafter ,the other pre-appointment formalities such as verification of original documents , medical examination , collection of pre-appointment papers etc. would be completed . The selection/ appointment would be provisional till completion of police verification and also subject to the conditions as mentioned in provisional appointment letter/ order.



9. 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.

Enclosures :-

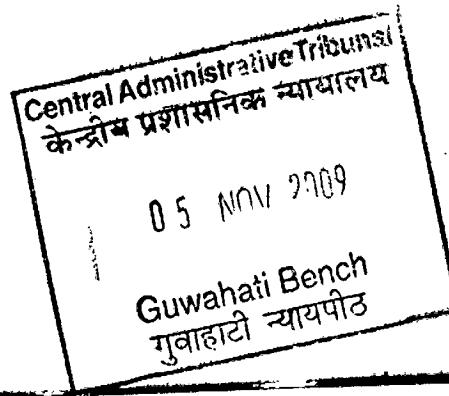
1. Proforma of application .
2. Proforma of caste certificate ( wherever applicable)
3. Proforma of income certificate .

*Sd/-*  
( T.K. Chowdhury )  
Supdt. of Post Offices  
Goalpara Divn. Dhubri  
783301.

Copy to :-

1. The BPM Gossaibari B.O. under Matia S.O.
2. The SPM Matia S.O. for information .
3. The president , Gossaibari Gaon panchayat for information
4. The ASPOs Goalpara Sub- Division Goalpara .
5. Office Copy / Office Notice Board .

*[Signature]*  
Supdt. of Post Offices  
Goalpara Divn. Dhubri  
783301.



**ANNEXURE :- B**

DEPARTMENT OF POSTS, INDIA

From :-  
Supdt. of Post Offices  
Goalpara Divn. Dhubri  
783301

To,  
✓ Shri Jugal Ch. Roy  
S/O Adhar Ch. Roy  
Vill & P.O :- Gossaibari  
Via-Matia  
Dist- Goalpara

Regd.

No. B3/ 325 / Gossaibari B.O.

Dated at Dhubri the 10.06.2009

Sub :- Regarding verification of original certificate / Documents etc in connection with appointment in the post of GDS BPM Gossaibari B.O.

Ref :- Nil .

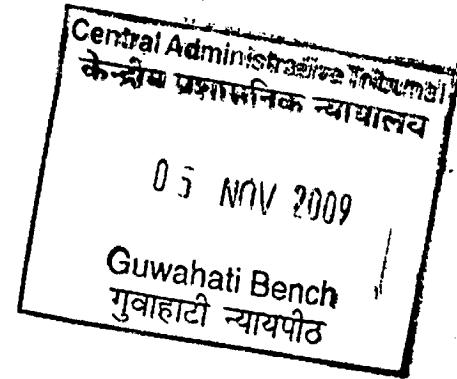
With reference to the subject cited above - you are asked to appear in the office of the undersigned on 23.06.2009 at 1030 hrs. along with your original certificates / Documents for necessary verification .

Candidates not appearing in the verification will loss his/ her claim for further appointment in the said post .

No TA/ DA is admissible .

✓ Supdt. of Post Offices  
Goalpara Divn. Dhubri  
783301

*Certified to be true copy*  
*Advocate*



## ANNEXURE :- 'C'

### DEPARTMENT OF POSTS, INDIA

From :-  
Supdt. of Post Offices  
Goalpara Divn. Dhubri  
783301

To, Regd  
Shri Abdul Mannan  
C/O - Shri Dhruba Kr. Ray  
Vill & P.O. - Gossaibari  
Via :- Matia  
Dist :- Goalpara .

No. B3/ 325 / Gossaibari

Dated at Dhubri the 15.07.2009.

Sub :- Selection of GDS BPM at Gossaibari B.O. in account with Matia S.O.

This is to inform you that- you are provisionally appointed as GDS BPM Gossaibari B.O. in account with Matia S.O. under Goalpara District on purely temporary basis . In this regard you have to pledge Security deposit worth of Rs. 10000/=( Ten thousand) only in the shape of Pass Book duly pledged to the undersigned .

Further, you are also requested to submit the following documents / certificates etc to this office through ASPOs / Goalpara within 10 ( Ten ) days from the date of joining .

#### List of Documents Enclosed :-

1. Attestation Form .
2. Descriptive particulars .
3. Service Roll
4. Health Certificate.

Enclo :- As above

Sd/-

( T. K. Chowdhury )  
Supdt. of Post Offices  
Goalpara Divn. Dhubri  
783301

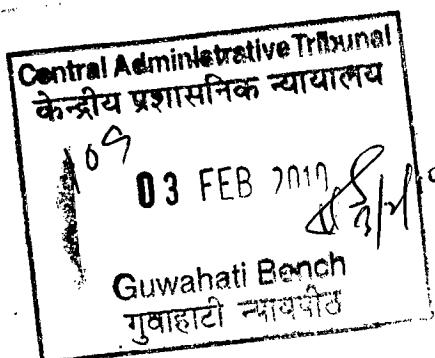
#### Copy to :-

1. The Postmaster Dhubri H.O. for information and necessary action . He is requested to draw the monthly allowances of the official in the Scale of Rs. 1600-40-2400 .
2. The ASPOs / Goalpara Sub-Divn. Goalpara for information . He will please arrange to handover the charge of the GDS BPM to the selected candidate who may be imparted 3 ( Three ) days training regarding postal works . The candidate will be attached to Sub- Divn. ASP/ Goalpara for the first 2(two) days and for the remaining 1 ( one ) day will be attached to Matia S.O. for practical training .
3. The Officiating BPM is asked to handover the charge of the GDS BPM to the selected candidate and will perform his own duty .
4. The SPM Matia S.O. for information .
5. Office Copy & Spare .

Supdt. of Post Offices  
Goalpara Divn. Dhubri .  
783301

*15/7/09*  
Certified to be true copy  
S. B. S.  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH



IN THE MATTER OF

Original Application No.226/2009.

Sri Jugal Ch. Roy

.....Applicant

- Versus -

Union of India & Ors.

.....Respondents

IN THE MATTER OF

Written statement submitted by the Respondents No. 3

WRITTEN STATEMENT

The humble answering respondents

submit their written statement as follows

1(a) That I Thakardas Salia Superintendent of Post offices Goalpara Divn, Dibrugarh

and Respondents No. 3 in the above case and I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in the written statement, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the statement on behalf of all the respondents.

- (b) The application is filed unjust and unsustainable both on facts and in law.
- (c) That the application is also hit by the principles of waiver estoppel and acquiescence and liable to be dismissed.

Service Copy attached herewith/under seal to Service Recd.

1/2 Received  
Subhendu Baruah 5/2/10  
For D. P. Mandal, Advocate

51  
The Lawless Section  
Subhendu Baruah  
Goalpara  
Bihar 19901  
Date M.U. And  
Law

(d) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicant had suffered from vice of illegality.

2. **Brief history of the case :**

This is regarding appointment for the post of GDS, BPM, Gossaibari EDBO in a/c with Matia SO. An advertisement was made for filling up of the said vacant post vide this office letter No.B3/325/Gossaibari B.O dated 24.4.2009 through the Employment Exchange, Goalpara. An open notification was also made for wide publicity vide Notification dated 24.4.2009 through the President local Gaon Panchayat, the BPM Gossaibari BO, the SPM Matia S.O etc. for submission of application for the said post on or before 22.5.09. In response to the above advertisement/notification 5 (five) number of applications were received from its local and surrounding area of the B.O and 9 (nine) numbers of applications were received from Employment Exchange, Goalpara. A selection committee headed by Shri T.K.Choudhury, Superintendent of Post Offices, Dhubri and other 2(two) members were constituted and all the applications were opened in presence of all the members of the committee on 9.6.2009 and on scrutiny of all applications a check list of all the candidates were prepared on 9.6.2009. It was found that the candidate at Sl.No.13, Shri Abdul Mannan got the highest marks in HSLC examination out of all the candidates applied for the post.

However, all the candidates were called for verification of Original Certificates/Documents fixing date as on 23.6.09. All the candidates were appeared in verification as on 23.6.09 and all the candidates fulfilled the criteria & came under consideration for selection and among these candidates Shri Abdul Mannan got highest percentage of marks (69.5%) in HSLC examination and accordingly Shri Abdul Mannan has been selected as GDS BPM Gossaibari BO on

15.7.09 by the Selection Committee and subsequently he was appointed provisionally for the said post and joined on 11.8.2009. But Shri Jugal Ch. Roy who got less marks in HSLC Examination aggrieved with the selection on merit and moved the case before Hon'ble CAT, Guwahati for his fruitless redressal.

3. That with regard to the statements made in para 1 of the Original Application the answering respondents beg to state that as per Para 8 of the Notification dated 24.4.09, it was notified that the Selection will be made on merit basis. Out 15 candidates Shri Abdul Mannan got 69.5% marks in HSLC Examination whereas the applicant Shri Jugal Ch. Roy got only 68.16% marks. Hence Sri Abdul Mannan was selected for the said post purely on marks obtained in HSLC Examination as per notification dated 24.4.09.

(Check list of Candidates & Marksheets of Sri Abdul Mannan & Jugal Ch. Roy are enclosed herewith and marked as Annexure 'A')

4. That with regard to the statements made in paragraphs 2, 3, 4.1, 4.9, 7, 8(c), 10, 11 & 12 of the original application the answering respondents beg to offer no comments and do not admit anything which is beyond the records and the applicant is put to strict proof thereof.

5. That with regard to the statements made in para 4.2 of the Original Application, the answering respondents beg to state that as per Rule 2 of Section (IV) of GDS (Conduct and Employment) Rules 2001, the selection should be based on marks secured in the Matriculation Examination and no weightage is to be given to the higher qualification. The applicant got only 68.16% marks in the HSLC Examination where the respondent No.5 secured more marks than the applicant. Hence, as per Rule the applicant was not considered for the said post.

Extract Rule 2 of Section IV of GDS Rules 2001 is enclosed and marked as Annexure 'B'.

18/1/2010  
Makandar Saha  
Sub-Commissioner of Govt. of Assam  
Goswami, Advisor  
18/1/2010

6. That with regard to the statements made in para 4.3 of the Original Application, the answering respondents beg to state that though the applicant fulfilled all the condition/criteria as per Notifications he was not come under consideration due to his less percentage of marks in HSLC Examination than respondent No.5.

7. That with regard to the statements made in para 4.4 of the Original Application, the answering respondents beg to admit the contention of the applicant.

8. That with regard to the statements made in para 4.5 of the Original Application, the answering respondents beg to state that on verification of the original certificate/document found genuine. But the Applicant could not be considered for selection due to his less percentage of marks in HSLC Examination than the respondent No.5.

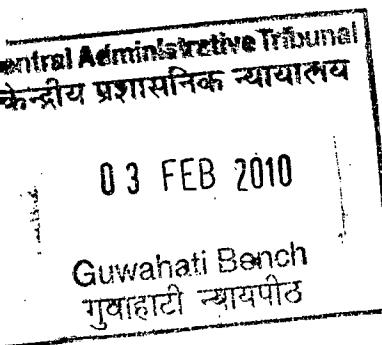
9. That with regard to the statements made in para 4.6 of the Original Application, the answering respondents beg to state that as per this office notification dated 24.4.09 the eligibility conditions are as follows :-

(i) 1. The qualification of the candidate is to be minimum HSLC passed.

(ii) 2. The candidates belonging to the places other than the post village can also apply and such candidate should shift his residence to the post village in the even of his/her selection.

(iii) The selection will be made on merit basis on the marks secured in HSLC Examination.

As the respondent No.5 fulfilled all the eligibility conditions for appointment, secured the highest percentage of marks in HSLC examination among the candidates and shifted his residence to the post village of Gossaibari B.O with



Tukurhas Singh  
19/1/2010  
Respondent of State Office  
Gossaibari B.O.  
District

documentary proof of his certificate, the respondent no. 5 was selected for the post as per pre-condition of the advertisement.

Documentary proof is enclosed herewith and marked as Annexure-C.

10. That with regard to the statements made in para 4.7 of the Original Application, the answering respondents beg to state that the respondent No.4 Shri Dhruba Kr. Roy is a permanent resident of village of Gossaibari and in support of it Gaon Panchayat Certificate, Voter List of respondent No.4 is enclosed herewith and marked as Annexure-D.

11. That with regard to the statements made in para 4.8 of the Original Application, the answering respondents beg to state that the selection of respondent No.5 to the post of GDS BPM Gossaibari B.O vide letter dated 15.7.09 was made as per circular and departmental Rules etc. enacted by the Government from time to time and the respondents find no ground either to cancel the selection or setting aside and quashing the selection order dated 15.7.09.

12. That with regard to the statements made in para 4.10 of the Original Application, the answering respondents beg to state that as the selection of GDS BPM Gossaibari B.O was made as per fulfilling the conditions of advertisement as well as the departmental Rules hence there is no ground for setting aside and quashing the selection order dated 15.7.09.

13. That with regard to the statements made in para 5.1 of the Original Application, the answering respondents beg to state that as per notification dated 24.4.09 the Landed property/document is optional, not essential. Only the selected candidate should shift his residence to the post village in the event of his selection and produce a proof to the effect. Accordingly, the selected candidate has submitted a document of a rented house whose house owner is the permanent

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

03.07.2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

File Number: 871/10  
Date: 03.07.2010  
Subject: Application of Shri Dhruba Kr. Roy  
for selection to GDS BPM Gossaibari B.O  
Page: 25

resident of the post village of Gossaibari B.O. So, selection of the respondent No.5 is legal and as per rule.

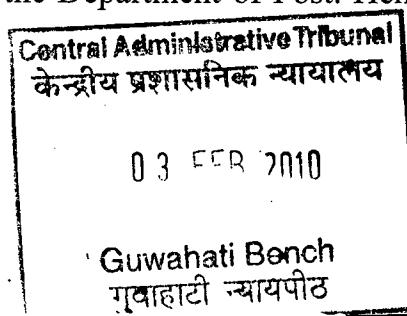
Voter list and G.P Secretary certificate in respect of the house owner is enclosed and marked as Annexure 'D'.

14. That with regard to the statements made in para 5.2 of the Original Application, the answering respondents beg to state that as per notification dated 24.4.09 land record of the house owner is not necessary. Only it is to be seen that whether the rented house of the selected candidate is under the jurisdiction of Gossaibari B.O or not. As the house owner is the permanent resident of Gossaibari village. The selection cannot be termed as illegal or arbitrary.

15. That with regard to the statements made in para 5.3 of the Original Application, the answering respondents beg to state that the selection of respondent No.5 was made as per departmental rules as well as eligibility conditions of notification dated 24.4.09. Thus the selection cannot be illegal, arbitrary and mala fide.

16. That with regard to the statements made in para 5.4 of the Original Application, the answering respondents beg to state that the selection of respondent No.5 vide letter dated 15.7.09 by the respondent authorities was made as per fulfillment of eligibility conditions of notification dated 24.4.09. Thus the fundamental and legal rights of the applicant were not hampered. So, there is no ground to set aside and quash the selection.

17. That with regard to the statements made in paragraphs 5.5, 6 & 8(a) of the Original Application, the answering respondents beg to state that the selection for the post of GDS BPM Gossaibari B.O was made purely on the basis of marks obtained in the HSLC Examination and other eligibility conditions as prescribed ruling provided by the Department of Post. Hence the O.A file by the

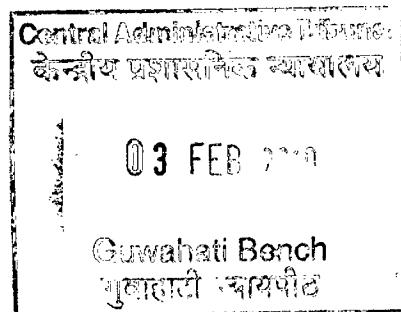


applicant for his illegal gain and ill motive, which has no merit. So it may be dismissed with costs.

18. That with regard to the statements made in paragraphs 8(b) & (d) of the Original Application, the answering respondents beg to state that Shri Jugal Ch. Roy got less marks in HSLC Examination than the selected candidate. So Shri Roy is not eligible to appoint as prayed for. The selection was made purely on merit basis. Hence the applicant is not entitled to any relief and the application may be dismissed.

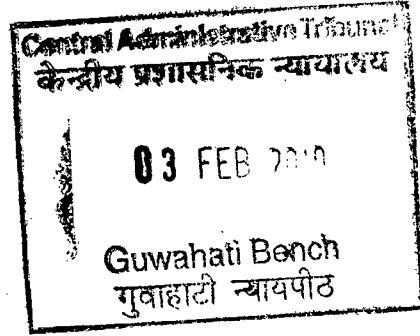
19. That with regard to the statements made in para 5.1, 5.2 and 5.3 of the Original Application, the answering respondents beg to state that the selected candidate has already joined in the said post on 11.8.09 and at present he is rendering satisfactory service to the public. So the O.A may be dismissed.

20. That the reply has been made bonafide and for the ends of justice and equity.



It is therefore humbly prayed before this Hon'ble Tribunal that the present application filed by the applicant may be dismissed with costs.

*Thakur Saha*  
18112010  
Chairman, Members of Panel  
Guwahati, Dibrugarh  
Date 10.00.01



VERIFICATION

I Shri Thakur das Salwa

Son of late Roshiklal Salwa, aged about 55

years, resident of Tornerhat, Dibrugarh

working as Sepdt of Post Office Godpara Distr, Dmbr.

Duly authorized and competent officer of the answering respondents to sign this verification, do hereby solemnly affirm and verify that the statements made in paras 3, 5, 8, 9, 11 & 17 are true to my knowledge, belief and information & those made in para 3 being matter of record are true to my knowledge as per the legal advice and I have not suppressed any material facts and I sign this verification on this 18th day of January, 2010 at 1400 Hrs.

Thakur das Salwa 18/1/2010  
Subintendent of Post Office  
Godpara District  
Dibrugarh  
Date 18/1/2010

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(9)

Annexure A

CHECK LIST OF THE CANDIDATES APPLIED FOR SELECTION IN THE  
POST OF GDS: BPM, NAYAGAON B.O. UNDER ABHAYAPURI S.O.

Goswami Matia

DATE :- 20-04-2009. 09-06-2009

Sl. No.	Name of the Candidate	Community	Date of birth	Educational Qualification	Marks obtained in HSLC Exam Without Additional	Percentage of Marks in HSLC Exam.	Annual Income of Candidate	Remark
1	Sri Jugal Ch. Roy	OBC	31-12-85	H.S. Passed	409/600	68.16 %	Rs. 10,000/-	
2	Nur Mohd. Ali	OC	13-1-89	H.S. Passed	387/600	64.50 %	Rs. 10,000/-	Central Government Employees
3	Madan Sil	OBC	5-5-72	B.A. Passed	387/750	51.6 %	Rs. 10,000/-	केन्द्रीय प्रशासनिक व्यापारी
4	Abdul Aziz	OC	30-10-82	H.S. Passed	544/900	60.44 %	Rs. 25,000/-	03 FEB 2010
5	Sankarlal Singha	OBC	25-10-68	B.A. Passed	317/850	30.72 %	Rs. 10,000/-	
6	Santana Roy	OBC	17-2-88	HSLC Passed	218/500	43.6 %	Rs. 10,000/-	Guwahati Bench
7	Prabin Ch. Roy	OBC	9-5-75	Bsc Passed	469/900	52.11 %	Rs. 31,000/-	गुवाहाटी न्यायपीठ
8	Dharitri Kalita	OC	31-10-86	H.S. Passed	276/600	46 %	Rs. 7000/-	
9	Mohibul Islam	OC	20-6-88	HSLC Passed	360/600	60 %	Rs. 21,000/-	
10	Abdul Aziz	OC	30-11-82	H.S. Passed	544/900	60.44 %	Rs. 25,000/- Double X	or 50,000/-
11	Jyoti Prasad Baruwa	OBC	31-12-79	BSC Passed	555/900	61.66 %	Rs. 20,000/-	
12	Neepan Patgiri	OC	5-7-67	HSLC Passed	337/850	39.64 %	Rs. 30,000/-	
13	Abdul Mannan	OC	1-8-90	H.S. Passed	417/600	69.5 %	Rs. 20,000/-	
14	Kanolarpa Patgiri	OC	4-1-77	HSLC Passed	317/900	35.22 %	Rs. 18,000/-	26/6/09

DEPARTMENT OF POSTS  
OFFICE OF THE CHIEF POSTMASTER GENERAL : ASSAM CIRCLE : GUWAHATI - 781 001

No. Staff/24-6/2000

dated at Guwahati the 10<sup>th</sup> October, 2000

To,

1. All the SSPOs / SPOs in Assam Circle, Region
2. All the SSRM / SRM
3. The Supdt NESD // PSD, Guwahati
4. The Manager, MMS Guwahati

OCT 2000

Subject: Appointment of ED Employees.

For recruitment/appointment in various categories of ED Staff orders have been issued by the Department/Directorate from time to time. It has been observed that these orders are not implemented with uniform principles by different appointment units in the division/ Circle. Therefore, a list of existing orders on the subject is reproduced below to be followed by each appointing unit to maintain uniformity in implementation of the orders on the subject. This may not be exhaustive. You are, also free to consult the original orders before acting on them.

While making requisition/ open advertisement for filling up the ED vacancies, notification should be given to the Employment Exchange and simultaneously displayed on the office notice board, notice towards of local GP, other establishments/offices of State/ Central Govt in the locality etc where the conditions of selection/appointment as mentioned in items 3, 4, 5 below should, inter alia, be indicated so that who fulfils them may offer their candidature.

#### Special representation roster:

After introduction of post based roster for all categories of recruitment including EDAS, it has to be ensured that the roster for ED Staff is brought to use by each recruiting unit in the division/sub division. For

Central Administration, North Eastern  
केन्द्रीय प्रशासनिक नॉर्थ एसेंटरी

03 FEB 2010

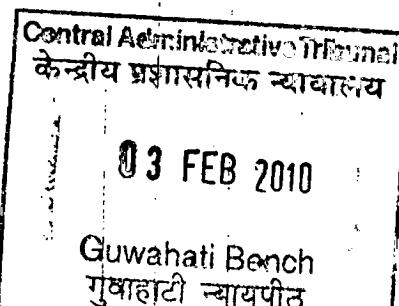
Guwahati Bench  
गুৱাহাটী চাপীটী

(11)

EDSPM/ BPM, the Divisional Supdt (being appointing authority) should maintain it for division as a whole. For other ED Staff, Sub Divisional ASPOs/SDI (being appointing authority) will maintain it. Since none of the units, as observed, maintains it, you are requested to prepare it and confirm CO within a month that the roster is maintained up-to-date. The roster should be in the same pattern as maintained for direct recruitment in other cadres in the division. Where percentage of reservation would be SC 6%, ST 11%, OBC 27%, PH 3%, Ex Serviceman 10%. But total reservation in a particular year should not exceed 50%. In the case of SC / ST, this ceiling of 50% on filling up of reserved vacancies would apply only on the reserved vacancies which arise in the current year. While making recruitment in backlog/ carried forward reserved vacancies for SC/ST category should be treated as a separate and distinct group to be filled up to clear the backlog, which would not be subject to any ceiling. Once the backlog is cleared and balance made, subsequent recruitment should be made for the particular category where vacancy arises as per roster. (Ref. Directorate's no. 19-11/97-ED & Trg dated 27.11.97 and 14-1/2000-SCT dated 5.10.2000).

## 2. Notification of vacancies / requisition of candidates.

After calculating the vacancy as discussed at (1) above, local Employment Exchange should be notified and requested to send nominees accordingly. For the notification, it should be specifically mentioned that in case minimum number of eligible candidates belonging to the particular reserved community are not nominated or do not offer their candidature, the vacancy in question will be treated as unreserved and offered to the other reserved category to be specified or which the representation may happen to be deficient or other community candidates, as the case may be. While doing so, care should be taken to reserve a vacant post for the reserved community for which the extent of representation is comparatively less compared to other reserved community in the descending order. The candidates belonging to a particular reserved community will have to compete amongst themselves and the OC candidates securing



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== 3 ==

higher percentage of marks would be immaterial. However he has to satisfy all other prescribed eligibility criteria. (Ref. Directorate's letter no. 19-11/97-ED & Trg dated 27.11.97)

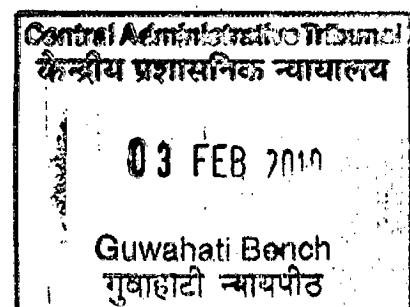
In addition to notifying the vacancy through Employment Exchange, it shall be simultaneously notified through public/ open advertisement calling for nominations. If the effective no. of candidature is less than 3 in the notified category, the vacancies will be re-notified through Employment Exchange/ open advertisement etc within 15 days and all the candidates offering their candidature will be considered. Even then, if requisite number of applications in the particular category is not received, approval of the next higher authority to the proposed appointment should be obtained before selection is made from amongst such candidature. (Ref. Directorate letter no. 19-4/97-ED & Trg dated 19.8.98).

### 3. Conditions of appointment.

Age : Minimum age of the candidate should be 18 years. An ED staff can be retained in service up to 65 years of age.

Educational qualification: EDSPM/ EDBPM Matriculation (The selection should be based on the marks secured in matriculation or equivalent examination. No weightage need be given for any qualification higher than matriculation).

Other ED Staff: VIII Standard. Preference may be given to candidates with matriculation qualification. No weightage should be given for any qualification higher than matriculation. Should have sufficient working knowledge of regional language and simple arithmetic. (Ref. Directorate's letter no. 17-366/91 dated 12.3.1993).



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Power to relax educational qualification for any category of ED staff rests with the PMG (Region) // CPMG concerned (Ref. Directorate's no. 17-366/91-ED & Trg dated 26.5.95)

The candidates belonging to SC/ ST/ OBC/ PH/ with minimum educational qualifications prescribed for the post, who satisfy other eligibility criteria, shall be given preference over the candidates belonging to other community to the extent of scales of reservation indicated in para 1 above. (Ref. Directorate letter No. 19-11/97-ED & Trg dated 27.11.1997)

Income and ownership of property : The person who takes over the agency (EDSPM/EDBPM) must be one who has adequate means of livelihood. He must be able to offer space to serve as the agency premises for postal operations.

The criteria to judge "adequate means of livelihood" should be that, incase he loses his main source of income, he should be adjudged as incurring as disqualification to continue as EDSPM/EDBPM. In other words, there must be absolute insistence on the adequate source of income of EDSPM/EDBPM and the allowances for his work as EDSPM/EDBPM must be supplementary to his income. To ensure this condition, the candidate must be able to offer office space to serve as the agency premises on postal operations as well as PCO and as such, business premises such as shops etc must be preferred regardless of the various categories of preferences mentioned in the Directorate's letter No.43-191/79-Pen dated 22.6.79. Preference may also be given to candidates whose adequate means of livelihood is derived from landed property or immovable assets if they are otherwise eligible for appointment as EDSPM/EDBPM. It is not necessary to quantify adequate means of livelihood.

Income or property in the name of their guardian will not make them eligible for consideration for appointment as ED Agents.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

03 FEB 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

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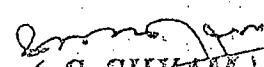
In case of candidates seeking appointment to categories other than EDSPM/EDBPM, a declaration will continue to be obtained about vocation and private income as stipulated in Directorate's letter NO. 43-66/Pen dated 17.10.1966. (Ref. Directorate's no. 17-366/91-ED & Trg dated 26.5.95)

~~A~~ 4. Residence.

It may be clarified that while making selection for appointment to ED Posts, permanent residence in the village/ delivery jurisdiction of the ED Post office need not be insisted upon as pre condition for selection. However, it should be laid down as a condition of appointment that any candidate who is selected must before appointment to the post take up his residence in the village / delivery jurisdiction of the ED Post office. (Ref. Directorate's no. 17-104/93-ED & Trg dated 6.12.93)

5. Security

Requisite security will have to be furnished by all categories of ED Staff.

  
(S. SHIAM)  
APMG STAFF

O/O THE CHIEF POSTMASTER GENERAL  
ASSAM CIRCLE: GUWAHATI - 781 001

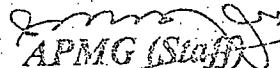
Copy for information to :

The Postmaster General, Assam Region, Guwahati

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

03 FEB 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

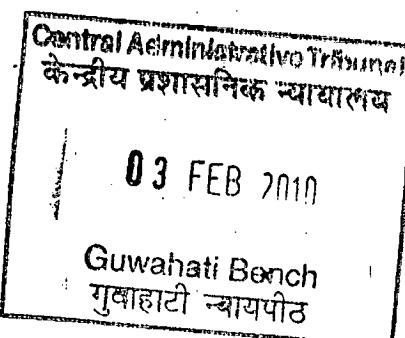
  
APMG (S. SHIAM)  
O/O CPMG: GUWAHATI

To whom it may concern

This is certified that  
Md. Abubul Momin, son of Md. Sabibul Robinson  
is residing in my rented house, BSNR  
25-06-09 at rate of Rs. 600 (Five hundred)  
per month.

This is at the best of my  
knowledge and concern

Subroto Kumar Roy



Sign of the house owner

Mr. Md. Sabibul  
Mr. Md. Sabibul

क्रमी नं- GLP/2005/ 1748

ମନ୍ଦିର ପାଇଁ । ସାହେବଙ୍କ ପାଇଁ । ସାହେବଙ୍କ ପାଇଁ ।

## विश्वान अन्ना प्रमथिद लै जारु निया

ପ୍ରାଚୀନ ବାଦ ..... ସମ୍ପର୍କ ବିଭାଗ.....

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## ଭେଟ୍ଟି ପ୍ରତ୍ୟାମି କେନ୍ଦ୍ରୀୟ ମେଁ.....

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અનુષ્ઠાન

ডেট প্রশ্ন কেন্দ্রের নং.....  
গ্রামাঞ্চলের নামে ধর্ম নং/ধর্ম নাম, গার্ড, ভাসমান, কুর্সিদা, মান, পিন নং, জিলা আদি বহলাই উল্লেখ করিব।  
পৌর, মোকাব বামে ধর্ম নং/ধর্ম নাম, গালিয় নং, পৌরসভার নং, পৌরসভার ওরার্ড নং, স্বামীয় নাম, মন্ত্রোচ্চারণা  
কেন্দ্রের নামে ধর্ম নং/ধর্ম নাম, পালিচ থানা, পিন নং, জিলা আদি বহলাই উল্লেখ করিব।

ॐ श्री शशद्वृक्षाय वा

ଶାନ୍ତି - ୨୦୧୩୧୨୩

## ଶିଖନୀ - ପ୍ରାଚୀନୀ - ପ୍ରାଚୀନୀ

(ତାତ୍ତ୍ଵବିଦୀ)

03 FEB 2019

## Guwahati Bencher

ওপৰোক্ত ঠিকনাত আধাৰণ তাৰে ব্যৱহাৰ কৰা গুৰুত্বপূৰ্ণ মাগবিকৰ নাম তাৰে সংযোগ।

ପାତ୍ରବସ୍ତୁ ନାଗବିକାବ ମଠ ସଂଖ୍ୟା (ଆଖିବେବେ)

Digitized by srujanika@gmail.com

ପ୍ରାତିବନ୍ଧକ ନାମବକର ମୁହଁ ସଂଖ୍ୟା (ଆୟବିଦ୍ୟା) ।

ତଳାତ ଉତ୍ସେଖିତ ଯୋଧନା ଖଣ୍ଡି ପଣ୍ଡିତାମାର୍ଜନ ।

ଯୋଧନା ଖଣ୍ଡି ଯୋବ ଆମ୍ବାତ ପାହିତ ହି ଗାୟତି ମାନୋଗ ଦୋବ ଚାହିଁ ବୃଦ୍ଧାଶୁଦ୍ଧିର ଚାପ ଦିଲୋ ।

গুরুবাৰুৰ স্বাক্ষৰ পৌলিম দ্বিতীয়

வெளிக்கேற்ற விவரங்களை பொறுத்து

କୋଡ ନଂ ୦୨୧୦୧୦୮  
ତାରିଖ ୦୨/୧୦/୦୮

18/10/05 ( आज्ञव/कृष्णाज्ञव ११ )  
प्राप्तिकर्ता यवर मुख्यमंत्री वा जैश्व प्राप्त ११०  
तात्पर्य

ଦାରୀ ଆଶ୍ରମ ଆପଣି ମିଶନି ପ୍ରଶ୍ନାତ କରିବାକୁ ପାଇଁ ଲଗା ଡୋଟାଯ ତାହିକୁର ପ୍ରଶ୍ନାଟ ଅଂଶ ଅନୁଭବ କରି ପୃଷ୍ଠା ଦ୍ୱାରା ଚାଲାଯାଇଛି । ଏହି ପତ୍ରର ଭାରତ୍ବ୍ରତ ହୋଇଥାଏ ପରିମାଳାର କୋମେ ମାନ୍ୟାଇ ଯନି ଉପରେକୁ ମଧ୍ୟରେ ଡୋଟାଯ ଭାଲିକାତ ଡେର୍ବାଲ୍ ନାମ ବିଚାରି ନାପାଇ ତେବେଳା ହେଲା । ନାମ ଭାରତ୍ବ୍ରତଙ୍କ ବାବେ ଓ ନଂ ପ୍ରଶ୍ନାତ ବିଦି ଆନୁଭବି ବ୍ୟାହିଗତ ଦାରୀ ମଧ୍ୟରେ ରଖିଯାଇଛି ।

“ यह जाती की निश्चारे घोषणा करने से पूर्व यात्रा के दौरानी वार्ता अपनी अपनी अवृत्ति अनुसार घोषित की जाएगी ।

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH: GUWAHATI

File in Court on 3/3/10

Court Officer.

ORIGINAL APPLICATION No. 226/2009

IN THE MATTER OF:

Reply to the written statement filed by the official respondents.

-AND-

IN THE MATTER OF:

Sri Jugal Chandra Roy

.....Applicant

-Versus-

The Union of India and Others

.....Respondents

REPLY TO THE WRITTEN STATEMENT

I, Sri Jugal Chandra Roy, Son of Sri Adhar Chandra Roy, aged about 25 years resident of village and P.O. Gassaibari, via Matia, in the district of Goalpara, Assam, I am served with a written statement by the official respondents through my counsel, I have gone through the written statement and understood the same and file this instant reply.

1. That as regard to the statement made in paragraph 3 and 5 answering applicant states that although respondent No.5, Abdul Mannan secured the highest aggregate marks of 69.5 %, whereas the applicant, Sri Jugal Chandra Roy secured second highest marks of 68.16%, a difference of 1.34% in the H.S.L.C examination, Abdul Mannen, respondent No. 5 belongs to Other Community and the applicant Sri Jugal Chandra Roy belongs to O.B.C community. As per appointment of ED Employee circular dated 10<sup>th</sup> October 2000, paragraph 3 candidates belonging to SC/ST/OBC/PH with minimum education qualification prescribed in the post, who satisfy other eligible criteria, shall be given preference over the candidates belonging to other community. If that be so, applicant Sri Jugal Chandra Roy being O.B.C community candidate fulfilling all the criteria of the advertised post should have been selected over respondent No. 5.
2. That as regard to the statement made in paragraph 13 and 14 the answering applicant emphatically and categorically denies that the respondent No. 4, Sri Dhruba Kumar Roy is the owner of the landed property or the rented house. That the applicant further state that land document over which the rented house is situated does not show or reflect the name of the respondent No.4, making him the owner of the plot of land or the rented house. Selection Committee failed to verify the authenticity of the certificate issued by

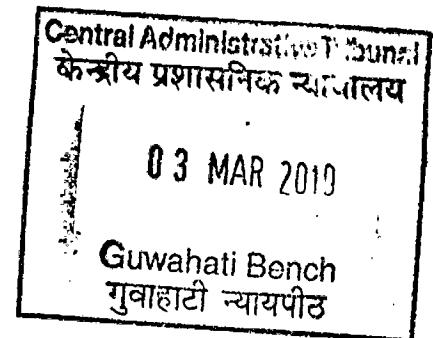
1  
Proceeding  
Court Officer  
Chandra Roy  
Court on 3/3/10

Chandra Roy  
Sri Jugal

respondent No. 4, Dhurba Kumar Roy. Thus selection of the respondent no. 5 is illegal and not in conformity with the notification dated 24/04/09.

The copies of the jamabandi of the land is annexed and marked as  
**ANNEXURE - A (Séries)**

3. That the applicant humbly submits in the light of the violation of notification dated 24/04/09 and ED Employee circular dated 10<sup>th</sup> Oct. 2000, selection of respondent No. 5 is liable to be set aside and quashed.



**-VERIFICATION-**

I, Sri Jugal Chandra Roy, Son of Sri Adhar Chandra Roy, aged about 25 years resident of village and P.O. Gassaibari, via Matia, the district of Goalpara, Assam, I am the applicant in the instant original application and as such I am fully acquainted with the fact and circumstances of the case and I am competent to swear this verification and I do hereby solemnly verify that the contents in the paragraph 1 and 2 are true to my knowledge and those made in paragraph X are matter of records and rest are my humble submissions before the Hon'ble tribunal and I have not suppressed any material facts.

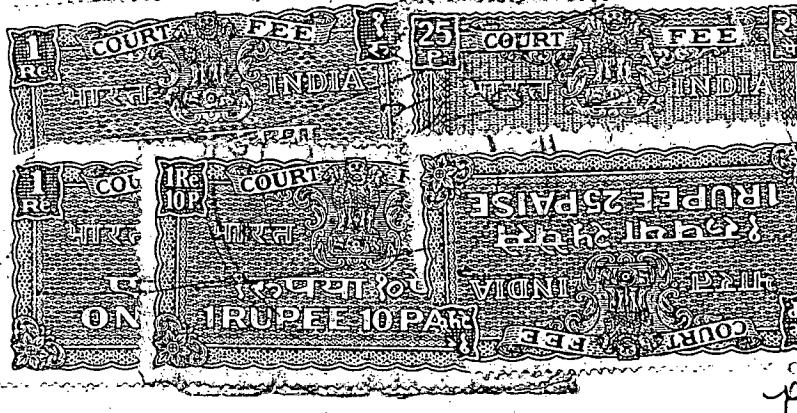
And I signed this verification on this the 3<sup>rd</sup> day of March 2010.

Place : Guwahati

Dated

*Sri Jugal Chandra Roy*  
Signature of the applicant

-3-



## ANNEPURĀ - A (Seniors)

Assassins Schedule xxxvii Form no 3

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ରକ୍ତରୂପ । ଗାସାର

ଅନ୍ତର୍ଭାବ

ମୁଖ୍ୟମନ୍ତ୍ରୀ

that was the case, we are now

গুজুরান  
পুরা

ନେତ୍ରବ୍ୟାନ  
କମ୍ପ୍ୟୁଟର

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## ପାତ୍ର: ଏକାନ୍ତିର୍ମିତ ବାହ୍ୟ

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## Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय

03 MAR 2010

## Guwahati Bench গুৱাহাটী ন্যায়পৌঁঠ

9/50

## Certificat

TRUE COPY  
H. H. ADVOCAATE

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Entdecker

Assam Schedule XXVII Form No. 3

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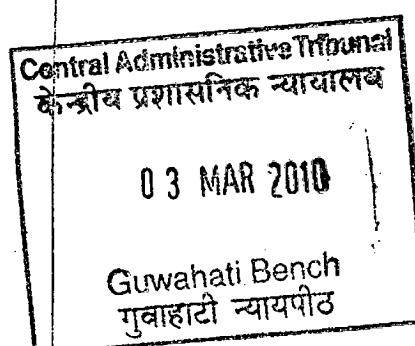
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