

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./TA/ NO. 231 2009-2008
R.A./CP/NO. 2015
E.P./M.P./NO. 2015

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20/7/2015
SECTION OFFICER (JUDL.)

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

1. Original Application No : 231 / 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) : Parth Sarathi Sarmah

Respondent (S) : Union of India

Advocate for the : Mr. S. Sarmah
{Applicant (S)} Mr. H.K. Das.

Advocate for the : -----
{Respondent (S)} CS SC

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form. is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. <u>286 925489</u> Dated <u>9/11/2009</u> <u>Sarmah</u> 10.11.09 Dy. Registrar <u>10/11/09</u></p>	<p>11.11.2009</p>	<p>On the request of Mr.H.K.Das, learned counsel for Applicant list on 13.11.2009.</p> <p><u>(Madan Kumar Chaturvedi)</u> (Mukesh Kumar Gupta) Member (A) Member (J)</p>
<p>10.11.09 4 (Four) Copies of Application with envelopes received for issue Notices to the Respondent No 1 to 4, Copy served. <u>10/11/09</u></p>	<p>13.11.2009</p>	<p>On the request of Mr. H.K.Das, learned counsel for applicant case is adjourned to 02.12.2009.</p> <p>List this matter on 02.12.2009.</p> <p><u>(Madan Kumar Chaturvedi)</u> (Mukesh Kumar Gupta) Member (A) Member (J)</p>

O.A. No.231 of 09


02.12.2009


Order pronounced in open Court.

Abdavit to bring
on record the representation
Dated- 16-11-09 submitted
by the applicant, /lm/


Kept in separate sheets. Application is
disposed of.


Madan Kumar Chaturvedi
Member (A)


(Mukesh Kumar Gupta)
Member (J)


11/12/09

Received copy.



8/12/09

Received copy
For Mrs. N. Das
A2-CASE,
C2 Hazarika
18.12.09

Issue vide memo

No. 12916 to 12919

dt 17-12-2009


30/12/09

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. No.231 of 2009

DATE OF DECISION: 02.12.2009

Sri Parth Sarathi Sarma & another

Mr. H.K. Das

Applicant/s.

Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors.

Respondent/s

Mrs. Manjula Das, Sr. CGSC.

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)/Member (A)

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI :**

Original Application No. 231 of 2009

DATE OF DECISION: THIS, THE 2ND DECEMBER, 2009

HON'BLE MR. MUKESH KUMAR GUPTA, JUDICIAL MEMBER

HON'BLE MR. MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

1. Sri Parth Sarathi Sarma
Son of Amarendra Sarma,
Resident of Village-Karakuchi,
P.O. Sarthebari, District-Barpeta, Assam,
Pin-781307.
2. Sri Sameer Choudhury
Son of Sri Arabinda Choudhury,
Resident of village -Milanpur,
P.O.- Pathsala,
District-Barpeta, Assam, Pin-781325. Applicants

By Advocate Mr.H.K.Das

-Versus-

1. The Union of India
Represented by its Secretary,
Ministry of communication,
Department of Posts, New Delhi-1
2. The Chief Postmaster General,
Assam Circle,
Meghdoot Bhawan,
Panbazar, Guwahati-1
3. The Director of Postal ,
Services, O/O Chief Post Master General,
Assam Circle, Meghdoot Bhawan, Panbazar,
Guwahati-1.
4. The Senior Superintendent of
Post Offices, Meghdoot Bhawan,
Panbazar, Guwahati-1. Respondents


By Mrs. Manjula Das, Sr.C.G.S.C.



ORDER(ORAL)**MUKESH KR.GUPTA, (MEMBER J):**

Two Applicants in this O.A. challenge the advertisement for the post of Postal Assistant dated 19.09.2009 inviting applications for certain vacancies for Guwahati Division. An affidavit has been filed by Applicant No.1 on 1st December, 2009 that during pending disposal of the aforesaid original application, they have submitted representation dated 16.11.2009. Thus it is clear that Applicants have not exhausted the alternative remedy, and they approached this Tribunal prematurely. Accordingly, this O.A. is held to be premature. As the Applicants have submitted representations to the Chief Post Master General, Assam Circle, direction is issued to Respondent No.2, to consider said representations and to dispose it of by passing a reasoned and speaking order within a period of three months from the date of receipt of this order.

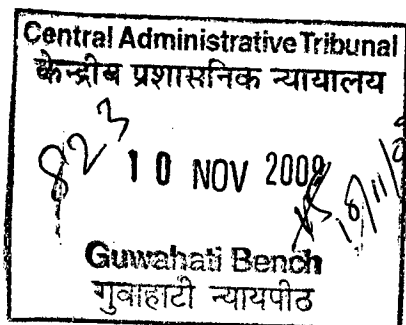
Accordingly, application is disposed of.


(MADAN KUMAR CHATURVEDI)
MEMBER (A)


(MUKESH KUMAR GUPTA)
MEMBER (J)

/lm/

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



OA No. 231 of 2009

Partha Sarathi Sarma & Anr. **...APPLICANTS**

- Vs -

Union of India & Ors. **...RESPONDENTS**

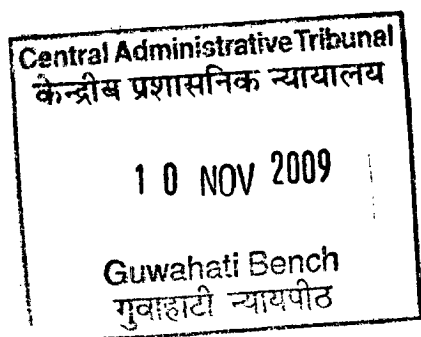
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Filed by

H.K. Das
(H.K. Das)
Advocate
19.11.09.

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



O.A. No. 231 of 2009

Partha Sarathi Sarma & Anr. **...APPLICANTS**

- Vs -

Union of India & Ors. **...RESPONDENTS**

S Y N O P S I S

The applicant being eligible applied for the post of Postal Assistant pursuant to an advertisement dated 13.02.09 issued by the 2nd respondent for filling up of the residual vacancies i.e. the backlog vacancies of the year 2006-08. The respondents thereafter issued hall permit dated 13.05.09 to the applicant for appearing in the aptitude test and computer test scheduled to be held on 30.05.09 and 31.05.09 respectively.

That although the examination was over long back, the respondents without there being any reason were delaying the declaration of the results of the examination held pursuant to the advertisement dated 13.02.09.

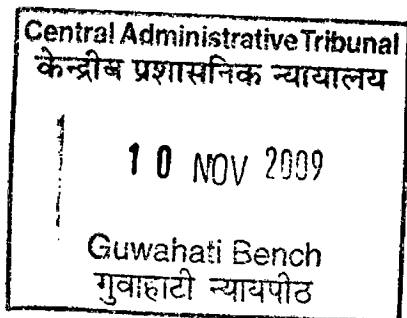
Thereafter, on 19.09.09 the respondents issued another advertisement for filling up of the backlog vacancies of the year 2006-08. It is stated that the meaning carried by the word 'residual vacancy' and the 'backlog vacancy' is similar and in the advertisement dated 13.02.09, it was apparent that the respondents took note of all the residual vacancies and/or the backlog vacancies up to 2009. Moreover, the subsequent advertisement dated 19.09.09 does not indicate anything about the earlier advertisement dated 13.02.09 not the same has been issued as an addendum to the advertisement dated 13.02.09. The vacancy position reflected in both the advertisements are ambiguous and interestingly in spite of there being vacancies in the Guwahati Division, the respondents purposefully and vested with malafide exercise of the discretion excluded the Guwahati Division from the purview of the impugned advertisement dated 19.09.09. Hence, in such an eventuality the necessity of issuance of the advertisement dated 19.09.09 again filling up of backlog vacancies without indicating the fate of the advertisement dated 13.02.09 smacks malafide.

II

It is stated that the there are sufficient number of vacancies in he Guwahati Division under the direct recruitment slot and surprisingly the respondents excluded the Guwahati division from the subsequent advertisement and are making attempt to fill up those vacancies by departmental procedure i.e. Rule 38 of P & T Manual Vol- IV from other division wherein the respondents have notified vacancies in excess.

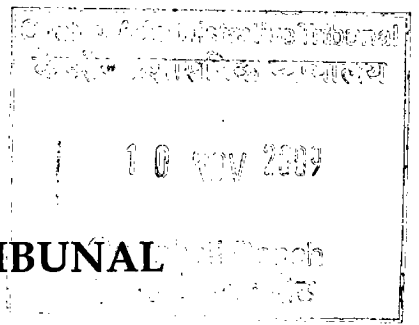
It is stated that the respondents purposefully notified the vacancies in excess of the existing vacancies in the Divisions except Guwahati in the advertisement dated 13.02.09 and thereafter cancelled the examination of the Guwahati Division vide notification dated 03.10.09 thereby reserving and filling up the vacancies of the Guwahati Division by the Rule 38 transferee vide order dated 12/20.10.09 from those Division wherein surplus vacancies were notified. Hence, after the transfer of the employees under Rule 38 to the Guwahati Division, corresponding vacancies surfaced in the Divisions wherein there were excess successful candidates after the declaration of result dated 11.10.09 and accordingly the respondents accommodate those surplus successful candidates who happened to be the blue eyed boys in their respective Divisions and deprived the applicants by canceling the examination of the Guwahati Division.

Hence, the exercise of power in notifying the vacancies in piece meal clearly indicates that the respondents misutilized their discretion in favour of their blue eyed boys. The applications under the RTI ACT were also submitted seeking some significant information pertaining to the issue involved in the instant case, however, the respondents till date failed to furnish the information sought for. The applicant has demanded justice but same has been denied to him and having no other alternative the applicant has approached his Hon'ble Tribunal for justice.



Filed by

H.K. Das
10.11.09.
(H.K. Das
Advocate

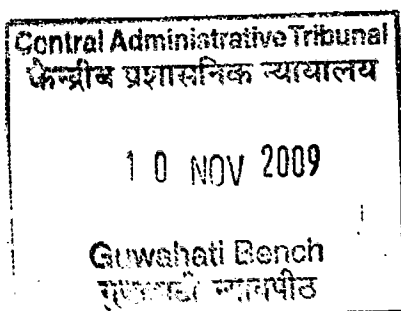
**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL****GUWAHATI BENCH :: GUWAHATI****O.A. No. 23/ of 2009****LIST OF DATES**

- 13.02.09** Advertisement issued by the 2nd respondents for filling up of 124 residual vacancies i.e. backlog vacancies for the year 2006-08 in the cadre of postal assistant and sorting assistant. **[Annexure-2] [Page-20]**
- 13.05.09** The respondents issued the hall permits to the applicants calling upon them 30.05.09 for the aptitude test and on 31.05.09 for the computer test. **[Annexure- 3 series] [Page-21]**
- 30.05.09** The aptitude test held in Pandu College, Pandu, Maligaon.
- 31.05.09** The Computer test held in the Meghdoot Bhawan.
- 19.09.09** The respondents again issued another advertisement for filling up of posts under the direct recruitment quota of vacancies for the year 2006-08 i.e. backlog vacancies during the pending declaration of the result of the examination held pursuant to the advertisement dated 13.02.09. The respondents in the advertisement dated 13.02.09 took note of all the residual vacancies i.e. the backlog vacancies up to 2009. Therefore the necessity of issuance of the advertisement dated 19.09.09 again for filling up of backlog vacancies without indicating the fate of the advertisement dated 13.02.09 smacks malafide on the part of the respondents. **[Annexure- 4] [Page- 23]**
- 23.09.09** The RTI application seeking some definite and pointed informations. However, the respondents till date failed to furnish the informations. **[Annexure-5] [Page- 24]**
- 28.09.09** O.A. No. 203/09 and 204/09 filed by the applicant before the Hon'ble Tribunal and the Hon'ble Tribunal was pleased to pass an interim order directing the

IV

respondents to place on record the reasons for not declaring the results of the examination held pursuant to the advertisement dated 13.02.09.

- 07.09.09 Communication under No. BI/PA Rctt/09 issued by the respondents to one Miss. Parismita Das of Darrang Division intimating her that the aptitude test and computer test held on 30.05.09 and 31.05.09 have been cancelled and re-examination will be held on 03.10.09 and 04.10.09. Hence, the illegality of the respondents is apparent on the face of it that before publish of notification dated 03.10.09 regarding cancellation of the examination the respondents intimated to the candidates of other Division intimating re-examination. [Annexure- 7] [Page- 28]
- 03.10.09 Notification issued by the A.P.M.G. (Staff) during the pendency of the original application canceling the written test/computer test held on 30.05.09 and 31.05.09 respectively in Guwahati (postal), Dhubri, Nalbari, Tinsukia, Tezpur & Silchar (Postal) for recruitment of postal assistants for filling up of the residual vacancies. [Annexure- 6] [Page- 27]
- 11.10.09 Notification published in the daily news paper declaring the results of the examination held pursuant to the advertisement dated 13.02.09 in all the divisions except the Guwahati Division. [Annexure- 8] [Page- 29]
- 12/20.10.09 Memo under no. Staff/35-104/97/Gh/Loose dated 12/20.10.09 issuing the transfer and posting of Postal Assistants under Rules 38 of P & T Manual Vol- IV from the Divisions where the vacancies are notified in excess. [Annexure- 9] [Page- 31].



Filed by
H.K. Das
10.11.09.
(H.K. Das)
Advocate

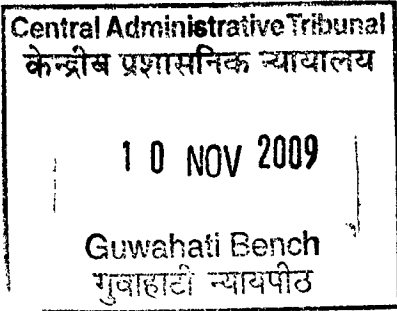
Filed by:
The Applicants
through
Hridip B. Das.
Advocate
10.11.09.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

An application under Section 19 of the Administrative Tribunal Act 1985.

OA No. 231 of 2009.



BETWEEN

1. Sri Parth Sarathi Sarma,
Son of Amarendra Sarma,
Resident of village- Karakuchi,
P.O- Sarthebari, District-
Barpeta, Assam, Pin- 781307.

2. Sri Sameer Choudhury,
Son of Sri Arabinda Choudhury,
Resident of village- Milanpur,
P.O.- Pathsala, District- Barpeta,
Assam, Pin- 781325.

APPLICANTS

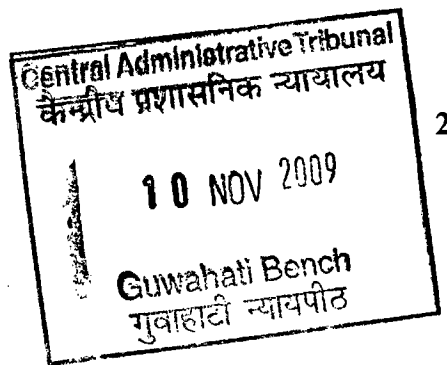
-Versus-

1. The Union of India
Represented by its Secretary,
Ministry of communication,
Department of Posts, New Delhi- 1.

2. The Chief Postmaster General,
Assam Circle, Meghdoot Bhawan,
Panbazar, Guwahati- 1.

3. The Director of Postal
Services, O/o Chief Post Master
General, Assam Circle, Meghdoot
Bhawan, Panbazar, Guwahati- 1.

Partha Sarathi Sarma



4. The Senior Superintendent of Post Offices, Meghdoot Bhawan, Panbazar, Guwahati-1.

RESPONDENTS

DETAILS OF APPLICATION

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

The present application is directed against the inaction on the part of the respondents in not declaring the results of the examination held pursuant to the advertisement dated 13.02.09 issued by the 2nd respondent and the present application is also directed against the subsequent impugned advertisement dated 19.09.09 [ANNEXURE- 3] and the impugned notification dated 03.10.09 issued canceling the examination held pursuant to the advertisement dated 13.02.09.

2. JURISDICTION OF THE TRIBUNAL:

The applicants further declare that the subject matter of the instant application is well within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION:

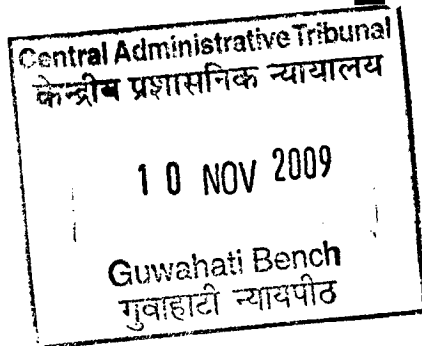
The applicants further declare that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:

4.1 That the applicants are citizen of India and permanent resident of the above mentioned place and as such they are entitled to all rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicants beg to state that the relief sought for and the natures of grievance raised in the instant application are same. Therefore, the applicants pray before this Hon'ble Court to grant leave to them to

Partha Sarathi Sarma.



joint together instant original application as per Section 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

4.3 That the applicant No. 1 passed his Metric examination in the year 2005 from Amrikhowa High School securing 1st Division Distinction with star marks. It is stated that he has secured Letter marks in all the subjects securing 85% marks. Accordingly in the Higher Secondary examination also in the year 2008, the applicant secured 68 % marks. It is worthwhile to mention here that in the entire academic graph the applicant acquired milestones with his hard work and all through he is a brilliant student.

Copies of mark sheets of HSLC and HSSLC examination are annexed herewith and marked as **ANNEXURE- 1 series**.

4.4 That the 2nd respondent on 13.02.09 issued an advertisement calling applications from willing candidates within 16.03.09 for filling up of 124 residual vacancies of Postal Assistants and Sorting Assistants in the Assam postal Circle. It is stated that although the year of backlog in which vacancies surfaced were not specified, however vacancies were stated to be "residual vacancies". The applicants fulfilling all the criteria and being eligible as per the advertisement applied for the post of Postal Assistant in the Guwahati Division.

A Copy of the advertisement dated 13.02.09 is annexed herewith and marked as **ANNEXURE- 2**.

4.5 That the applicants beg to state that the respondents on 13.05.09 issued the hall permit to the applicants calling up the applicants to the aptitude test to be held on 30.05.09 in Pandu College, Pandu, Guwahati following the Computer Test scheduled to be held on 31.05.09 in Meghdoot Bhawan. The applicants appeared in the

Partha Sarathi Sarma

Aptitude Test on 30.05.09 and Computer Test on 31.05.09, and did well in the examination.

Copies of the hall permit dated 13.05.09 is annexed herewith and marked as **ANNEXURE- 3 series**.

4.6 That the applicants beg to state that during the subsistence of the advertisement dated 13.02.09 which was issued for filling up of 124 backlog residual vacancies of Postal Assistants and Sorting Assistants in the Guwahati Division along with the other Division in the Assam Circle, the 2nd respondent issued another advertisement dated 19.09.09. It is stated that the advertisement dated 19.09.09 has been issued for filling up of direct recruitment of quota of 165 "back log vacancies" of Postal Assistant/Sorting Assistants for the year 2006, 2007 and 2008.

It is worthwhile to mention here that in spite of there being vacancies under the direct recruitment quota in the Guwahati division; the respondents have not notified the vacancies in the advertisement dated 19.09.09 thereby depriving the candidates willing to apply in the Guwahati division including the present applicant.

A copy of the advertisement dated 19.09.09 is annexed herewith and marked as **ANNEXURE- 4**.

4.7 That the applicants beg to state that although the aptitude test and computer test pertaining to the advertisement dated 13.02.09 for filling up of the back log vacancies of the year 2006, 2007 and 2008 was successfully over long before on 31.05.09 in the Guwahati Division, however the respondents are yet to declare the results of the said examination. It is stated that before completion of the process of selection pursuant to the advertisement dated 13.02.09 the respondents published another advertisement dated 19.09.09 again for filling up of 165 "back log vacancies" of Postal Assistants/Sorting Assistants in the Assam Circle. It is stated that

Partha Sarathi Sarma.

surprisingly in the advertisement dated 19.09.09 the respondents did not notify the vacancies surfaced in the Guwahati division in spite of there being approximately 35 vacancies and even more under the direct recruitment quota in the Guwahati Division. It is reliably learnt that the respondents vested with malafide intention deliberately concealed the vacancies surfaced in the Guwahati division to fill up those vacancies by transfer under Rule 38 of Postal Manual Vol- IV from other division.

4.8 That the applicants beg to state that the residual vacancy circulated vide advertisement dated 13.02.09 means and includes the back log vacancies lying in the department in the year 2006, 2007 and 2008. The respondents in their written statements filed in O.A. No. 72/09 admitted the vacancies to be of backlog vacancies of 2006, 2007 and 2008. Therefore, the respondents during the existence of the advertisement dated 13.02.09 wherein the process has been finalized, ought not to have notified another advertisement dated 19.09.09 indicating filling up of the backlog vacancies pertaining to the year 2006, 2007 and 2008. It is stated that the stand taken by the respondents are ambiguous and smacks malafide because the respondents in spite of there being vacancies in the Guwahati Division did not notify those vacancies in the subsequent advertisement dated 19.09.09. And at the same time are not declaring the results of the examination held pursuant to the advertisement dated 13.02.09.

4.9 That being aggrieved by the inaction on the part of the respondents towards declaring the results of the examination one of the aggrieved person like that of the applicant submitted an application dated 23.09.05 under the Right to Information Act' 2005 making some specific query. However, till date the respondents failed to furnish the information sought for in the said RTI application.

Copy of the application dated 23.09.09 submitted under the RTI Act is annexed herewith and marked as **ANEXURE- 5**.

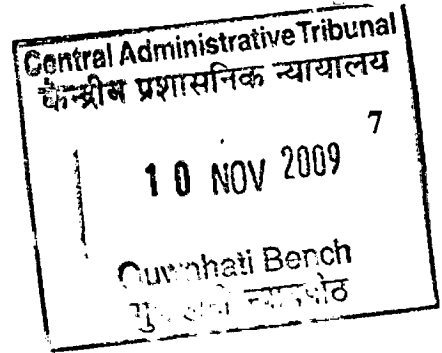
Partha Sarathi Sarma

4.10 That the applicants beg to state that the respondents taking into consideration the fact of conclusion of aptitude test and computer test on 30.05.09 and 31.05.09 respectively ought to have declared the results pursuant to the advertisement dated 13.02.09. However, the respondents for the reasons best known to them are unnecessarily making delay in declaration of the results causing serious prejudice to the applicants, who are aspiring success in the examination.

4.11 That the applicants beg to state that the respondents in a very surreptitious manner indicated the nature of vacancies in both the advertisements to camouflage their illegalities. In the advertisement dated 13.02.09 vacancies have been indicated to be "the residual vacancies" meaning thereby the backlog vacancies. And similarly in the subsequent advertisement dated 19.09.09 the vacancies therein have been indicated to be the vacancies surfaced ranging from the period 2006-08, meaning thereby- "the backlog vacancies". The exercise of power in notifying the vacancies in piece meal clearly indicates that the respondents are going to mis-utilize their discretions to favour their blue eyed boys. It is stated that the meaning carried by the word 'residual vacancy' and the 'backlog vacancies' is similar and in the advertisement dated 13.02.09 it was apparent that the respondents took note of all the residual vacancies or the backlog vacancies up to 2009. In such an eventuality the necessity of issuance of the advertisement dated 19.09.09 again filling up of backlog vacancies without indicating the fate of the advertisement dated 13.02.09 smacks malafide.

4.12 That as stated above the respondents have acted illegally in issuing the advertisement dated 19.09.09 that too during the pendency of declaring the result of the advertisement dated 13.02.09. The subsequent advertisement dated 19.09.09 does not indicate anything about the earlier advertisement dated 13.02.09 nor the same has been issued as an addendum to the advertisement dated 13.02.09. The

Partha Sarathi Sarma .



vacancy position indicated in both the advertisements are not identical and interestingly the Guwahati Division has been excluded in the subsequent advertisement dated 19.09.09 purposefully, to fill up the same by departmental procedure i.e. Rule 38 of P & T Manual Vol- IV from other divisions wherein the respondents have advertised excess of its notified vacancies. The above information has been gathered by the applicants from the reliable source and it is the definite information of the applicants that there are plenty of vacancies under the direct recruitment slot in Guwahati division pertaining to the period 2006-08. The matter pertaining to the malafide exercise of power is also apparent from the fact that the said power of advertisement has been exercised by the 2nd respondent whereas as per the Schedule of Power the Divisional authorities i.e. Sr. Superintendent/Superintendent of Post Offices of respective divisions are vested with the power of appointment to the post of Postal Assistant/Sorting Assistant as the said posts are of divisional cadre and their seniority is maintained division wise.

4.13` That the applicants making a grievance against the aforesaid action on the part of the respondents preferred O.A No. 203/09 and 204/09 before the Hon'ble Tribunal and the Hon'ble Tribunal having found prima-facie case against the respondents was pleased to pass an order directing the respondents to place on record the reason for not declaring the result of the said examination held pursuant to the advertisement dated 13.02.09 for Guwahati Division.

4.14 That the applicant begs to state that after filing of the O.A. No. 203/09 and during its pendency the A.P.M.G. (Staff), O/o Chief Postmaster General in a most unconstitutional, arbitrary and capricious manner issued a notification dated 03.10.09 canceling the written test/computer test held on 30.05.09 and 31.05.09 respectively in Guwahati (Postal), Dhubri, Nalbari, Tinsukia, Tezpur and Silchar (Postal) Centers for

Partha Sarathi Sarma.

10 NOV 2009

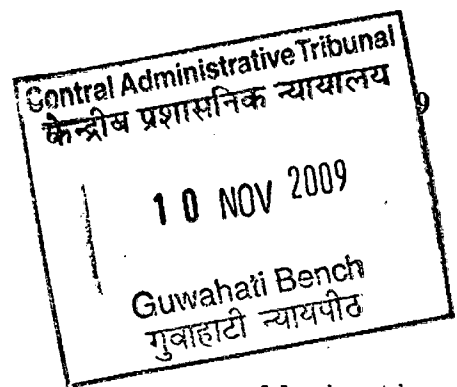
Guwahati Bench
গুৱাহাটী বেঞ্চ

recruitment of postal Assistants for filling up of the residual vacancies. It is stated that the respondents without holding any inquiry, without assigning any reason and without providing any opportunity to the applicant have unilaterally cancelled the examination held pursuant to the advertisement dated 13.02.09. The law is well settled that any illegality or irregularity is not the criterion for invalidating a selection process. The extent of the illegalities has to be considered and scrutinized to assess the effect thereof and pick out the persons who have been unlawfully benefited from the irregularities. There has to be a deep and pervasive inquiry into the matter so that the person who has done the mischief can be picked out. Hence, the action of the respondents in canceling the examination without resorting to any inquiry is per se illegal and is in clear violation of the Constitutions mandate.

A copy of the notification dated 03.10.09 is annexed herewith and marked as **ANNEXURE- 6**.

4.15 That the applicants beg to state that the respondents in a most clandestine and surprising manner before publishing of the cancellation of examination notification dated 03.10.09 in a daily news paper issued a communication under No. BI/PA Rectt/09 dated 07.09.09 to one Miss. Parismita Das of Darrang Division, who also appeared in the examination held on 30.05.09 and 31.05.09 respectively pursuant to the advertisement dated 13.02.09 for filling up of the residual vacancies. By the said communication dated 07.09.09 the respondents intimated said Miss Das that the aptitude test and computer test held on 30.05.09 and 31.05.09 were cancelled and re-examination will be held on 03.10.09 and 04.10.09 respectively. Had there been any case of irregularity and illegality occurred in the Guwahati division in the examination held on 30.05.09 and 31.05.09 respectively, in such an eventuality the respondents should have proceeded for re-examination or inquiry into the matter. However, the respondents in a total malafide exercise of the discretion conferred upon

Partha Sarathi Sarma



them without resorting to any inquiry cancelled the examination of the Guwahati division without taking the necessary leave of the Hon'ble Tribunal as required under the law. The law is also well settled that one should not suffer for the mistake done by others and the respondents by canceling the examination without resorting to any inquiry have deprived a meritorious candidate like that of the applicant from his opportunity of life.

A copy of the communication dated 07.09.09 is annexed herewith and marked as **ANNEXURE- 7.**

4.16 That the applicant begs to state that in spite of the interim order of the Hon'ble Tribunal the respondents did not consider the aspect of declaration of the results of the examination held pursuant to the advertisement dated 13.02.09. Thereafter, during the pendency of the original application No. 203/09 and 204/09, on 11.10.09 the Chief Postmaster General, Assam Circle establishing the illegalities declared the results of all the Divisions notified in the advertisement dated 13.02.09 except the Guwahati division without the leave of the Hon'ble Court. It is stated that the respondents resorting to gross illegalities in one hand misled the Hon'ble Court and on the other hand singled out the Guwahati division causing serious illegalities and prejudice to the applicants who are eagerly waiting for the results and have legitimate expectation of clearing the examination.

A copy of the result sheet dated 11.10.09 is annexed herewith and marked as **ANNEXURE- 8.**

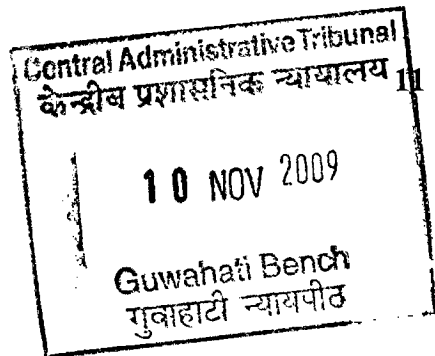
4.17 That the applicants beg to state that it is the pleaded case of the applicants in O.A. No. 203/09, 204/09 and in the instant O.A. that the respondents are playing with the vacancies surfaced in the Guwahati Division by malafide exercise of the discretion conferred upon them. It is stated that the respondents published the vacancies in the advertisement dated 13.02.09 in the other Divisions

Partha Sarathi Sarma.

excess in number and after the declaration of the results some of the successful candidates who are the blue eyed boys of the respondents has become surplus. Accordingly only with the sole purpose to accommodate the blue eyed boys and to create vacancy for the excess successful candidates in the respective divisions, the respondents have cancelled the results of the Guwahati Division pursuant to the advertisement dated 13.02.09 and purposefully excluded the Guwahati Division from the advertisement dated 19.09.09 to create and utilize the vacancies of Guwahati Division for the persons who have opted for transfer under Rule 38 of the P & T Manual Vol-IV thereby accommodating the surplus successful candidates in the vacant posts of the transferee.

4.18 That the applicants beg to state that the respondents by proving the apprehension of the applicant to be true issued a memo under no. Staff/35-104/97/Gh/Loose dated 12/20.10.09 issuing the transfer and posting of Postal Assistants under Rules 38 of P & T Manual Vol- IV from the Divisions where the vacancies are notified in excess. It is stated that the respondents resorting to serious illegalities are not declaring the results of the Guwahati Division only with the purpose to utilize the vacancies of Guwahati Division to accommodate the transferee under Rule-38 of P & T Manual Vol.- IV, thereby creating vacancies in the other division wherein the excess vacancies are notified. It is stated that the respondents in the entire process of selection resorted to serious manipulation and the Guwahati division being the head office of the circle the prospect of manipulation is remote and it is easier in the other division to do the manipulation in the selection. Therefore, the respondents in execution of a very meticulous planning have intentionally notified excess vacancies in the other divisions in the advertisement dated 13.02.09 and cancelled the examination of Guwahati division so that the vacancies of the Guwahati division can be utilized to accommodate Rule 38 transferee and in place of the transferee the

Partha Sarathi Sharma.



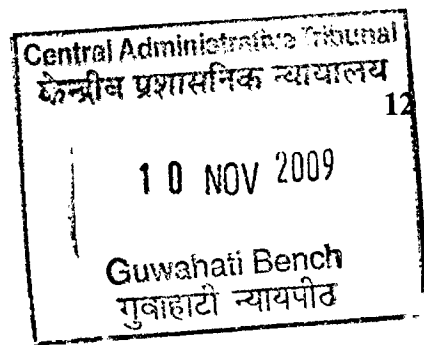
surplus successful blue eyed boys of the respondents can be accommodated. It has been reliably learnt that there has been huge involvement of stakes in appointing selected blue eyed boys of the respondents in the respective divisions and also there is involvement of stakes in accommodating the optees of transfer under Rule 38 of the P & T Mannual Vol-IV.

A copy of the memo dated 12/20.10.09 is annexed herewith and marked as **ANNEXURE- 9.**

4.19 That from the aforesaid narration of fact clearly indicates that the respondents with some ulterior motive has been mis-utilising their discretionary powers at the behest of interested candidates and thereby has been depriving the applicants from their legitimate claim. It is a unique case of malafide exercise of power and the respondents in a planned manner are moving ahead with their illegalities for some ulterior motive. The respondents even knowing fully well about the pendency of the O.A. 203/09 and 204/09 did not even chose to place the instruction within the time stipulated by the Hon'ble Tribunal and at the same time they have been doing all short of illegalities to cover up their illegal acts.

4.20 That the applicants beg to state that on 26.10.09 when the O.A No 203/09 and O.A. No. 204/09 were listed the respondents placed the instruction relating to the cancellation of the examination scheduled pursuant to the advertisement dated 13.02.09. While coming to the discussion in the matter it was felt that a fresh O.A would be necessary challenging the said cancellation order as well as to ventilate the subsequent event occurred during the pendency of the said O.A.s and accordingly the O.A. No. 203/09 and 204/09 were disposed of with a common order granting liberty to file a fresh O.A. It is under this fact situation of the case and having regard to the urgent and immediate relief, the present O.A. has been filed

Partha Sarathi Sarma .

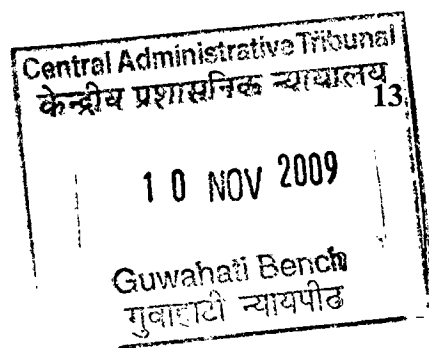


challenging the order canceling the said examination as well as the other consequential reliefs.

4.21 That from the facts and circumstances of the case it is clear that the respondents are deliberately with malafide exercise of power has cancelled the examination held pursuant to the advertisement dated 13.02.09. The respondents after long lapse of conclusion of the examination are still not making any whisper of the reason as to why examination has been cancelled in Guwahati Division, and why the re-examination has been allowed in other Divisions and selection has completed in some Divisions. The applicant who has got high hopes for the success in the examination has to get prejudiced for the impugned illegal action on the part of the respondents. The respondents vested with malafide intention, in spite of there being vacancies in the Guwahati Division, did not notify the vacancies in the impugned advertisement dated 19.09.09 and are making attempts fill up those vacancies on transfer under Rules 38 of Postal Manual Vol.- IV as evident from the order dated 12-20/10.09. Hence the present case is a fit case wherein the Hon'ble Tribunal may be pleased to pass an interim order of stay of the impugned advertisement dated 19.09.09 and/or alternatively to direct the respondents not to fill up two posts at Guwahati Division in the cadre of Postal Assistant as indicated in the advertisement dated 13.02.09 under the quota of back log vacancies and not to declare the results of the examination held pursuant to the advertisement dated 19.09.09. The applicants have made out a prima facie case of illegality and arbitrariness on the part of the respondents. The balance of convenience is in favour of the applicant for such an interim order. They would also suffer irreparable loss and injury if the interim order sought for is not passed by the Hon'ble Tribunal.

4.22 That the applicants demanded justice from the respondents which has been denied to them.

Partha Sarathi Swarna



4.23 That the applicants have no other alternative or any other efficacious remedy and the remedy sought for, if granted, shall be adequate, just and proper.

4.24 That the applicant files this application bonafide for securing the ends of justice.

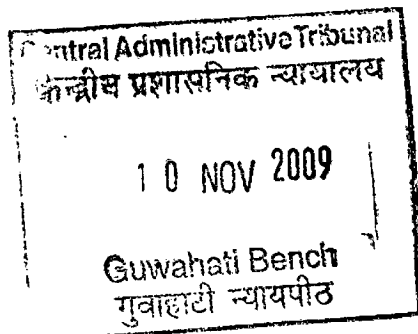
5. GROUNDS FOR RELIEF(S) WITH LEGAL PROVISIONS :

5.1 For that the action/inaction on the part of the respondents in not declaring the results of the examination held pursuant to the advertisement dated 13.02.09 and thereafter canceling the said examination in isolation that too after a laps of about 8 months is illegal, arbitrary and clear violation of the principles of administrative fair play and is in clear violation of Article 14 and 16 of the Constitution of India and liable to be set aside and quashed.

5.2 For that the vacancies notified in the advertisement dated 13.02.09 and the advertisement dated 19.09.09 are same i.e. both the recruitment process has been initiated for filling up of the backlog vacancies of the year 2006 to 2008. Therefore there is ambiguity in the matter of vacancies. In the advertisement dated 19.09.09, in spite of there being approximately 35 vacancies and even more in the Guwahati division, the respondents did not notify those vacancies and have filled up those vacancies under transfer on Rule 38, thereby depriving the candidates of the Guwahati Division. This shows that though the cadre of Postal Assistant and Sorting Assistant are divisional cadres the respondents have failed to maintain a distinct cadre separation and failed in the matter of maintaining quota rota. Hence the action of the respondents smacks malafide which requires interference of this Hon'ble Court.

5.3 For that the respondents without there being any just and valid reason have delayed the declaration of results of the examination held pursuant to the advertisement dated 13.02.09 although a substantial period has elapsed from the

Partha Sarathi Sarma .



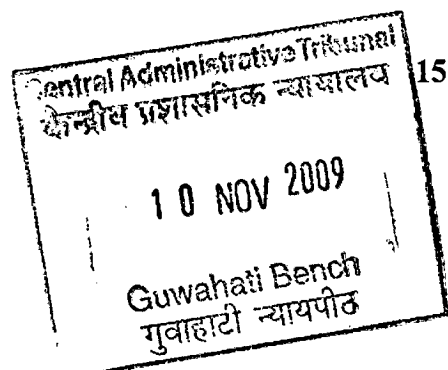
date of conclusion of the examination and thereafter acted illegally in canceling the same without following prescribed procedure and at the same depriving the applicant whereas re-examination has been allowed in some districts. Therefore, the respondents are playing with the legitimate expectation of the applicant who has got high hopes for his success in the examination. Hence, the action of the respondents smacks malafide in the matter of selection in both the advertisements which requires interference of this Hon'ble Court.

5.4 For that the law is well settled that any illegality or irregularity is not the criterion for invalidating a selection process. The extent of the illegalities has to be considered and scrutinized to assess the effect thereof and pick out the persons who have been unlawfully benefited from the irregularities. There has to be a deep and pervasive inquiry into the matter so that the person who has done the mischief can be picked out. Hence, the action of the respondents in canceling the examination without resorting to any inquiry is per se illegal and is in clear violation of the Constitutions mandate.

5.5 For that from the sequence of events it is clear that the act of the respondents in not declaring the results of examination held pursuant to the advertisement dated 13.02.09 for filling up of the backlog vacancies of 2006, 2007 and 2008, and thereafter canceling the same and again notifying the same vacancies by another advertisement dated 19.09.09 for filling up of the backlog vacancies of the year 2006, 2007 and 2008 is per se illegal, arbitrary and contrary to the Article 14 and 16 of the Constitution of India and has been done with the sole purpose to deprive the applicant from participating in the interview held on 28.03.09 and accommodate the blue eyed boy.

5.6. For that in any view of the matter the action/inaction on the part of the respondents requires interference of the Hon'ble Tribunal by setting them aside.

Partha Sarathi Sarma



The applicant craves leave of the Hon'ble Court to advance more grounds both legal and factual at the time of hearing of this case.

6. DETAILS OF THE REMEDIES EXHAUSTED:

That the applicants declare that they have exhausted all the remedies available to him and there is no alternative remedy available to him.

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

The applicants further declare that they have not filed any application, writ petition or suit regarding the grievances in respect of which this application is made, before any other court or any other bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF(S) SOUGHT FOR:

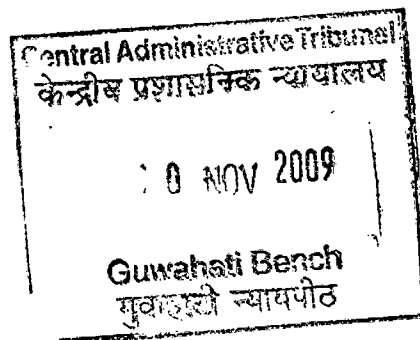
8.1 To direct the respondents to declare the results of examination held pursuant to the advertisement dated 13.02.09.

8.2 To set aside and quash the impugned advertisement dated 19.09.09.

8.3. To direct the respondents not to divert or utilize any of the vacancies as indicated in the advertisement dated 13.02.09 in respect of Guwahati Division.

8.4. To direct the respondents to issue advertisement in addendum to the advertisement dated 19.09.09 notifying the backlog vacancies falling within Guwahati Division numbering about 35.

Partha Sarathi Sarma



8.5. To set side and quash the notification canceling the written test and computer test held on 30.05.09 and 31.05.09 as indicated in Annexure- 5, or any other notification issued to that effect.

8.6. Cost of the application.

8.7. pass any such order/orders as Your Lordships may deem fit and proper.

9. **INTERIM ORDER PAYED FOR:**

Pending disposal of the present original application the Hon'ble Court may be pleased to stay the effect and operation of the impugned advertisement dated 19.09.09 and/or alternatively direct the respondents not to declare the results of examination (if any) held pursuant to the advertisement dated 19.09.09 and to keep two posts of Postal Assistant falling under Guwahati Division, vacant for the applicants.

10. The application is filed through Advocates.

11. **PARTICULARS OF THE IPO:**

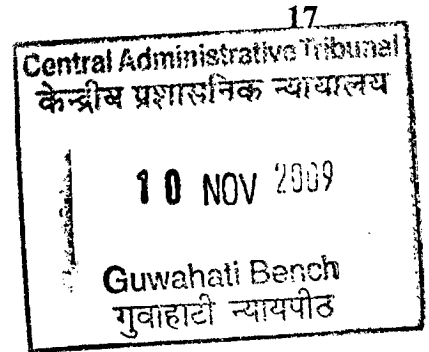
(I)	IPO No.	:	286 925489
(II)	Date of Issue	:	6.11.09
(III)	Issued from	:	G.P.O
(IV)	Payable at	:	Guwahati

12. **LIST OF ENCLOSURES:**

As stated in the Index.

...Verification

Partha Sarathi Sarma



VERIFICATION

I, Sri Parth Sarathi Sarma, Son of Amarendra Sarma, aged about 20 years, Resident of village- Karakuchi, P.O- Sarthebari, District- Barpeta, Assam, Pin- 781307, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 4.1, 4.2, 4.7, 4.8, 4.10, 4.11, 4.12, 4.13, 4.17, 4.19, 4.20, 4.21, & 4.22 are true to my knowledge, those made in paragraphs 4.3, 4.4, 4.5, 4.6, 4.9, 4.14, 4.15, 4.16 & 4.18 being matters of records are true to my information derived there from and the grounds urged are as per legal advice. I have not suppressed any material fact and I am authorized by the co-applicant to sign the verification.

And I sign this verification on this the 8th day of November, 2009 at Guwahati.

Partha Sarathi Sarma

APPLICANT



MARKS - SHEET

HSLC
2005

Date : JULY 25, 2005

This is to certify that
of

of AMRIKHOWA HIGH SCHOOL,

has secured marks as detailed below in the High School Leaving Certificate Examination, 2005

Roll : B 05 - 054

No. 0022

01298.

Subjects	First Language			Lang. in form of 1st Language		Second Language English	General Science	General Mathematics	Social Studies	Elective			Grand Total - 600	Work Experience Grade	English for Communication in Division I ESTN.	Plighe for Compartmental in Subject	
	ASSESSMENT									TRANSFERRY							
	Group Ex-A-C	Without Group	Total							Without Practical	With Practical						Total
											Theory	Practical					
Full Marks	100	100	100	50	50	100	100	100	100	100		100					
Pass Marks	30	30	30	15	15	30	30	30	30			30					
Marks Obtained	80		80 L			62 L	88 L	91 L	80 L	90 L		511	2				
Theory																	
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	Theory		Practical	
	Full Marks	Pass Marks	Full Marks	Pass Marks
Dance/Visual/Fine Arts	30	9	70	21
Computer Science	40	12	60	18
Crafts	50	15	50	15
Agriculture	60	18	40	12
Home Science	70	21	30	9

* Grade denotes:
A - Excellent
B - Good
C - Fair
D - Average
E - Poor

DSTN. dentes - DISTINCTION

(Dr. D. D. Goswami)

Dy. Controller of Examinations

(E. C. Medhi)

Controller of Examinations

Attstox

Advocate

25 9/10
Very Asst Surgeon
State Very Dispy. Santhubana

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

10 NOV 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

ASSAM HIGHER SECONDARY EDUCATION COUNCIL
GUWAHATI - 781021
MARKS-SHEET
HIGHER SECONDARY FINAL EXAMINATION-2008



Ms. No. : 030902 Stream : ARTS Date : 14/05/2008

Name : PARTHA SARATHI SARMA

College/School : N.I.P.

Roll No. 0422 No. 10181 (BETTERMENT CHANCE)

CODE	SUBJECTS	THEORY	PR	TOTAL	RESULT
ENGL : CORE	ENGLISH	81		81	1st Division
MASS : CORE	MIL (ASSAMESE)	75		75	2nd Division
SANS : EL-I	SANSKRIT	85		85	3rd Division
ECON : EL-II	ECONOMICS	82		82	150 - Without practical subjects
LOPH : EL-III	LOGIC & PHILOSOPHY	82		82	150 - With one practical subject
EDUC : EL-IV	EDUCATION	70		70	150 - With two practical subjects
GRAND TOTAL				405	FIRST DIVISION
(Marks of subjects excluding the fourth elective)				FOUR ZERO FIVE	

* Marks secured under Betterment chance

	THEORY	PRACTICAL
MARKS	100/70	30
PASS MARKS	30/21	12

Handwritten signature
Very Asst. Surgeon
State Very Dispy. Sarthachari

Handwritten signature
Controller of Examinations
Assam Higher Secondary Education Council
Guwahati-21

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
10 NOV 2009
Guwahati Bench
गुवाहाटी न्यायपीठ



RECRUITMENT OF POSTAL ASSISTANTS AND SORTING ASSISTANTS FOR FILLING UP OF RESIDUAL VACACIES

ASSAM POSTAL CIRCLE, DEPARTMENT OF POSTS, GOVERNMENT OF INDIA requires Postal Assistants and Sorting Assistants as indicated below in the Pay Band- 1 Rs. 5200-20200 with Grade Pay Rs.2400/- + other allowances admissible from time to time in the following Postal, Railway Mail Service Divisions.

Sl No.	Name of Division	Number of vacancies					Application to be addressed to
		OC	OBC	SC	ST	Total	
POSTAL ASSISTANT							
1 ✓	Tinsukia	5	—	3	1	9	Supdt. of Post Offices, Tinsukia Division, Tinsukia-786125
2	Guwahati	23	—	4	1	28	Sr. Supdt. of Post Offices, Guwahati Division, Guwahati-781001
3 ✓	Sivasagar	4	2	—	2	8	Supdt. of Post Offices, Sivasagar Division, Jorhat-785001
4 ✓	Cachar	2	—	1	—	3	Supdt. of Post Offices, Cachar Division, Silchar-788001
5 ✓	Nalbari-Barpeta	2	—	1	1	4	Supdt. of Post Offices, Nalbari-Barpeta Division, Nalbari-781355
6 ✓	Goalpara	9	—	2	3	14	Supdt. of Post Offices, Goalpara Division, Dhubri-783301
7 ✓	Darrang	9	7	2	—	18	Supdt. of Post Offices, Darrang Division, Tezpur-784001
Sorting Assistants							
8 ✓	RMS 'GH' Division, Guwahati	33	—	2	2	37	SSRM, RMS 'GH' Division, Guwahati-781001
9 ✓	RMS 'S' Division, Silchar	3	—	—	—	3	SRM, RMS 'S' Division, Silchar-788001

(Vacancies are subject to change)

Willing and eligible candidates may collect Application Form and Prospectus from the following Post Offices on payment of Rs.25/- (By cash)

- | | | | |
|-------------------|-------------------------|-------------------|-----------------------------|
| 1) Guwahati GPO | 11) Udalguri MDG | 21) Diphu HPO | 31) Maligaon MDG |
| 2) Nalbari HPO | 12) North Lakhimpur HPO | 22) Hojai MDG | 32) Rangsa MDG |
| 3) Barpeta HPO | 13) Dibrugarh HPO | 23) Nagaon HPO | 33) Bokakhat MDG |
| 4) Dhubri HPO | 14) Dhemaji MDG | 24) Marigaon MDG | 34) Mariat MDG |
| 5) Kokrajgar HPO | 15) Jorhat HPO | 25) Haflong MDG | 35) Lening MDG |
| 6) Bongaigaon MDG | 16) Golaghat HPO | 26) Karimganj HPO | 36) Barpeta Rd MDG |
| 7) Goalpara MDG | 17) Sivasagar HPO | 27) Badarpur MDG | 37) Rangitkhari MDG |
| 8) Mangaldoi HPO | 18) Tinsukia HPO | 28) Silchar HPO | 38) Assam Sachivalaya MDG |
| 9) Tezpur HPO | 19) Digboi MDG | 29) Haflong MDG | 39) Guwahati University HPO |
| 10) Cheriali MDG | 20) Duliajan MDG | 30) Nazira MDG | |

The candidates may send their applications to the Sr. Supdt./Supdt. of Post Offices in respect of Sl. No. 1 to 7, Sr. Supdt./Supdt. of RMS in respect of Sl. 8 & 9. The applications should be submitted either by Registered Post or Speed Post so as to reach on or before 18-03-2009 positively. Applications received other than by Registered Post or Speed Post will be summarily rejected.

The candidates should be between 18 to 25 years of age as on 1.1.2009 with minimum of 10+2 or equivalent certificate (Excluding Vocational Stream) and should have studied language of the state as a subject at least upto matriculation level. Candidate should have typing and computer knowledge with certificates from reputed coaching institutes. Maximum eligible age for SC/ST candidates would be 30 years and for OBC candidates would be 28 years.

Sd/-

Chief Postmaster General
Assam Circle, Guwahati-781001

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

Attested

Advocate

10 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

-21-
DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SENIOR SUPERINTENDENT OF POST OFFICES,
GUWAHATI DIVISION, MEGHDOOT BHAWAN,
GUWAHATI-781001

ANNEXURE - 3
Series

HALL PERMIT

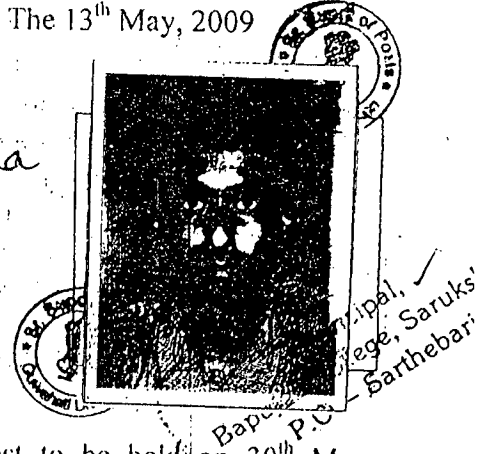
(Aptitude Test for recruitment of Postal Assistants, to be held on 30-05-09)

No. B/A-Rectt/Residual Vacancy/Direct/08-09

Dated at Guwahati-781001
The 13th May, 2009

To

Sri/Smt/Ms. Partha Sarathi Sarma
C/o. Amarendra Sarma
Vill - Karakuchi
P.O. - Sarthebari
Dist. - Barpeta (Assam)
PIN - 781307



You are permitted to appear in the Aptitude Test to be held on 30th May, 2009 (Saturday) at Guwahati Centre under Roll No. GH/PA-28/09

Syllabus and time table of the Test is as below :-

Paper:- Aptitude Test

Time:- 10-00 hrs. to 11-00 hrs.

Venue of the Test:- Pandu College, Pandu, Guwahati-12.

Computer Test : To be held on 31-05-2009 at O/o the SSPOs Guwahati Division, Meghdoot Bhawan, 3rd Floor, Guwahati-1, from 09-00 hours onward.

Specimen signature of the Candidate:- Partha Sarathi Sarma
(to be attested by any Gazetted officer)

Signature:-

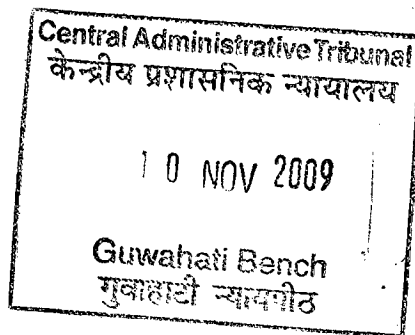
Name in block letters:- DR. NARUL CH. DEKA
with office seal.

Principal,
Bapujee College, Sarukshethi
P.O. - Sarthebari

Sr. Supdt of Post Offices
Guwahati Division: Guwahati - 1

Attested

[Signature]
Advocate.



-22-

HALL PERMIT

(Aptitude Test for recruitment of Postal Assistants, to be held on 30-05-09)

No. B/A-Recdt/Residual Vacancy/Direct/08-09

Dated at Guwahati-781001
The 13th May, 2009

To

Sri/Smt/Ms. Sameer Choudhury
C/o. Sri Arabinada Choudhury
Pathsala, Milanpur
Dist. - Barpeta (Assam)
PIN - 781325



You are permitted to appear in the Aptitude Test to be held on 30th May, 2009 (Saturday) at Guwahati Centre under Roll No. GH/PA-4/09

Syllabus and time table of the Test is as below :-

Paper:- Aptitude Test

Time:- 10-00 hrs. to 11-00 hrs.

Venue of the Test:- Pandu College, Pandu, Guwahati-12.

Computer Test : To be held on 31-05-2009 at O/o the SSPOs Guwahati Division, Meghdoot Bhawan, 3rd Floor, Guwahati-1, from 09-00 hours onward.

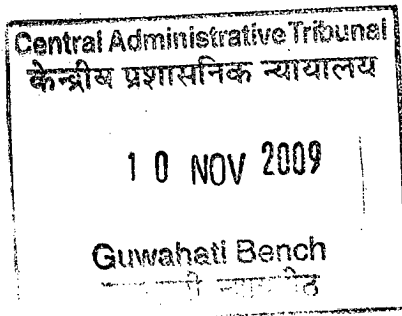
Specimen signature of the Candidate:- Sameer Choudhury
(to be attested by any Gazetted officer)

Signature:-

Name in block letters:- D.A. RAJENDRA NATH DE
with office seal.

D.A. RAJENDRA NATH DE
S.D.M. & H.O. (A.D.)
Bajali Sub-Division
Palacharkuchi, Barpeta

Sr. Supdt of Post Offices
Guwahati Division: Guwahati - 1



RECRUITMENT OF POSTAL ASSISTANTS AND SORTING ASSISTANTS FOR FILLING UP OF DIRECT RECRUITMENT QUOTA VACANCIES FOR THE YEAR 2006, 2007 AND 2008

ASSAM POSTAL CIRCLE, DEPARTMENT OF POSTS, GOVERNMENT OF INDIA requires Postal Assistants and Sorting Assistants as indicated below in Pay Band = 1 Rs.5200-20200 with Grade Pay Rs.2400/- plus other allowances admissible from time to time in the following Postal, Railway Mail Service Divisions and Regional Office, Dibrugarh.

Sl No	Name of Division / Unit	Number of vacancies						Total	Application to be addressed to
		OC	SC	ST	OBC	PH	Ex-S		
POSTAL ASSISTANTS									
1	Tinsukia	12	--	--	2	--	1	15	Supdt. of POs, Tinsukia Division, Tinsukia - 786125.
2	Sivasagar	20	2	--	2	2	--	26	Supdt. of POs, Sivasagar Division, Jorhat - 785001
3	Cachar	21	4	2	3	2	2	34	Sr. Supdt. of POs, Cachar Division, Silchar - 788001.
4	Nalbari-Barpeta	6	1	--	--	--	1	8	Supdt. of POs, Nalbari - Barpeta Division, Nalbari - 781335
5	Goalpara	9	--	--	3	--	2	14	Supdt. of POs, Goalpara Division, Dhubri - 783301
6	Darrang	6	2	1	2	--	1	12	Supdt. of POs, Darrang Division, Tezpur - 784001
7	Dibrugarh	8	3	1	2	1	1	16	Supdt. of POs, Dibrugarh Division, Dibrugarh - 786001
8	Nagaon	9	--	--	2	--	--	11	Supdt. of POs, Nagaon Division, Nagaon - 782001
	TOTAL	91	12	4	16	5	8	136	
SORTING ASSISTANTS									
1	RMS 'GH' Division, Guwahati	9	2	2	--	--	--	13	SSRM, RMS 'GH' Division, Guwahati-781001
2	RMS 'S' Division, Silchar	7	1	2	1	--	--	11	SRM, RMS 'S' Division, Silchar - 788001
	TOTAL	16	3	4	1	--	--	24	
POSTAL ASSISTANTS IN REGIONAL OFFICE, DIBRUGARH									
1	RO, Dibrugarh	3	--	--	2	--	--	5	Asstt. Postmaster General (Staff), O/o the Chief Postmaster General, Assam Circle, 4th Floor, Meghdoot Bhawan, Guwahati- 781001
(Vacancies are subject to change)									

(Vacancies are subject to change)

The willing and eligible candidates may collect Application Forms and Prospectus from the following Post Offices on payment of Rs.25/- (by cash).

- | | | | |
|-------------------|-------------------------|-------------------|-----------------------------|
| 1) Guwahati GPO | 11) Udaiguri MDG | 21) Diphu HPO | 31) Mailgaon MDG |
| 2) Nalbari HPO | 12) North Lakhimpur HPO | 22) Hojai MDG | 32) Rangla MDG |
| 3) Barpeta HPO | 13) Dibrugarh HPO | 23) Nagaon HPO | 33) Bokakhat MDG |
| 4) Dhubri HPO | 14) Dhemaji MDG | 24) Marigaon MDG | 34) Mariani MDG |
| 5) Kokrajhar HPO | 15) Jorhat HPO | 25) Halkandi HPO | 35) Lumding MDG |
| 6) Bongaigaon MDG | 16) Golaghat HPO | 26) Karimganj HPO | 36) Barpeta Road MDG |
| 7) Goalpara MDG | 17) Sivasagar HPO | 27) Badarpur MDG | 37) Rangirkhari MDG |
| 8) Mangaldol HPO | 18) Tinsukia HPO | 28) Silchar HPO | 38) Assam Sachivalaya MDG |
| 9) Tezpur HPO | 19) Dighol MDG | 29) Haflong MDG | 39) Guwahati University HPO |
| 10) Chiriali MDG | 20) Duliajan MDG | 30) Nazira MDG | |

The candidates may send their applications to the Sr. Supdt./Supdt. of Post Offices in respect of POSTAL ASSISTANTS, to the Sr. Supdt./Supdt. of RMS in respect of SORTING ASSISTANTS and to the Asstt. Postmaster General (Staff), O/o the Chief Postmaster General, Assam Circle, 4th Floor Meghdoot Bhawan, Guwahati -1 in respect of POSTAL ASSISTANTS in Regional Office, Dibrugarh. The applications should be submitted either by Registered Post or Speed Post so as to reach the concerned Divisions/ Unit on or before 19/10/2009 positively. Applications received other than by Registered Post or Speed Post and after due date will be summarily rejected.

The candidates should be between 18 to 25 years of age as on last date prescribed for receipt of application as shown in the advertisement with minimum qualification of 10+2 or equivalent (Excluding vocational stream) and should have studied local language of the state as a subject at least up to matriculation level. Candidates should have typing and computer knowledge with certificates from reputed Institutes. Maximum eligible age for SC/ST candidates would be 30 years and for OBC candidates would be 28 years.

Sd/-

Chief Postmaster General
Assam Circle, Guwahati- 781001

Attested

[Signature]
Advocate

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

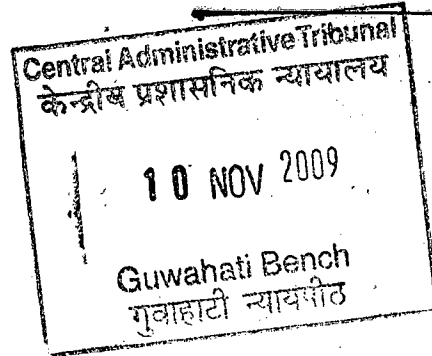
10 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

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ANNEXURE - 5

Page-1



To
The Director, of Postal Services,
And
Central Public Information Officer,
O/O the Chief Postmaster General,
Assam Circle, Guwahati- 781001

Dated Guwahati the 22-09-2009

Sub- Application with request for furnishing Information under RTI Act' 2005.

Sir,

Kindly furnishing the following information under RTI ACT' 2005

1. Kindly inform the meaning of Residual vacancy of Postal Assistant & Sorting Assistant vide advertisement dated 13-02-2009 Published in Aamar Asom by the Chief Postmaster General, Assam Circle, Guwahati and please mention the period covered in the said Residual vacancy declared.
2. Kindly inform the reason of not declaring the result of examination conducted on 30-05-2009 and 31-05-2009 as per aforesaid advertisement dated 13-02-2009.
3. Kindly inform the reason for re-examination in respect of Nalbari, Dhubri Tezpur, Dibrugarh and Tinsukia etc. Postal Division
4. Kindly inform the reason of non inclusion of Guwahati Postal Division for re-examination like other Division as mentioned in above 3. And when it will be declared.
5. Sir, the Guwahati Postal Division neither included for re-examination nor the result of examination conducted on 30-05-2009 and 31-05-2009 declared, if so the reason behind it or if declared any one of the above, also please inform the propose date of declaration of result or re-examination.
6. Kindly state the reason for not advertising the vacancies pertaing to the Guwahati Postal Division in the advertisement dated 19-09-2009 published in Aamar Asom by the Chief Postmaster General, Assam Circle, Guwahati for recruitment of Postal Assistant.
7. Kindly inform the vacancy position in Guwahati Postal Division in the post of Postal Assistant for the year 2006, 2007 and 2008.
8. Kindly inform whether the post of Postal Assistant mentioned in the advertisement dated 19-09-2009 published in Aamar Asom by the Chief Postmaster General, Assam

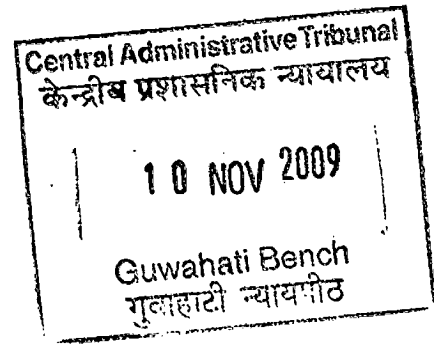
Attested


Advocate



GUWAHATI GFO - 781001
BLAD E 11151
Counter No:5, Of-Code:1445
To: D/S, CPIC, CPMS GUWAHATI
GUWAHATI, PIN:781001

Wt: 25grams,
Amt: 30.00 , 23/09/2009 , 13:17



Page> 2.

Circle, Guwahati for recruitment of Postal Assistant in Postal Divisions are Residual vacancies, since the period is declared for the year 2006, 2007 and 2008.

9. Kindly inform whether both the advertisement dated 13-02-2009 and advertisement dated 19-09-2009 published by the Chief Postmaster General, Assam Circle, Guwahati is same and if not please inform the difference in detailed
10. Sir, Please inform what is the total no. of vacancy position of PA cadre in Guwahati Postal Division up to 2009 and no. of Sc and ST vacancies.

I hereby Certified that two Postal Orders sl. No. 72 E 131835 and 72 E 131836 dated 22-09-2009 for of Rs. 20/- is annexed herewith as RTI Fee for informing the above mentioned information along with documents.

Yours faithfully

Nalini D. Das

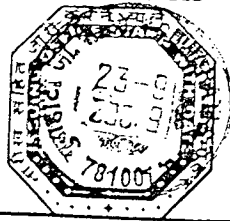
Sri Nalini Das
C/O Late Satish Kalita,
House no. 43, K.K.Road,
Nabagraha Hill Side,
Near Shankar Mandir,
P.O. - Silpukhuri, Guwahati-781003

-26-

मरुतका मण ठाका हस्त लिपि। कर्तु रसनाय। द्वा० १०९ पत्रां प्रव दहानये गे वल। एम वृष्टे दश रूप्यकणि

अपराधाय
NOTES

अपरक्राम्य
NOT NEGOTIABLE



डाक टिकट
POSTAGE STAMPS



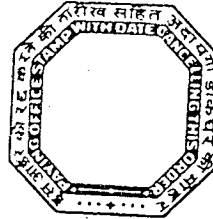
डाक महानिदेशक DIRECTOR GENERAL OF POSTS.

PAY TO D.P.S. (HQ)
& C.P.I.O. Assam Circle

दस रुपए की रकम THE SUM OF RUPEES TEN ONLY



AT THE POST OFFICE AT



सत्यमेव जयते

कमिशन COMMISSION फी 50 PAISE

SENDER MAY FILL IN HIS NAME AND ADDRESS HERE.

Natini pad

पोस्ट मास्टर POSTMASTER

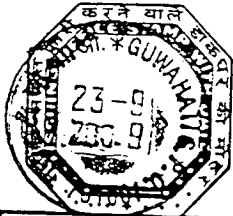
के ठाकुर में अदा करें ।

इस लाइन के नीचे मत लिखिए DO NOT WRITE BELOW THIS LINE

72E 131836

मरुतेका मग ठाका दस रुपिया कहु रमासायि १९७० पतुनु कुप दहारूपये गे वल। एस बुधटे दश रूप्यकामि
अपराकाय

अपरक्राम्य
NOT NEGOTIABLE



डाक टिकट
POSTAGE STAMPS



डाक महानिदेशक DIRECTOR GENERAL OF POSTS.

PAY TO D. P. S. (H20)
8 cp 10. Team circ G2-6

दस रुपए की रकम THE SUM OF RUPEES TEN ONLY



AT THE POST OFFICE AT



सत्यमेव जयते

कमीशन COMMISSION फ़ै 50 PAISE

प्रेषक अपना नाम और पता यहां लिख दे।
SENDER MAY FILL IN HIS NAME AND ADDRESS HERE.

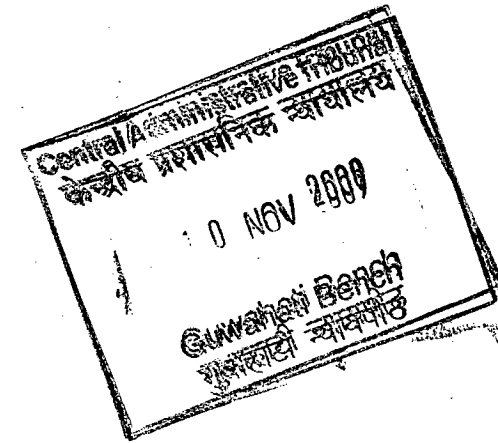
Neline A.

पोस्ट मास्टर POSTMASTER

के डाकघर में अदा करें ।

इस लाइन के नीचे मत लिखिए DO NOT WRITE BELOW THIS LINE

72E 131835



दैनिक कुलपत्र, एग्राहाटि, बनियार, ७ अक्टोबर, २००२ (क्रमांक)

জমে উঠছে ইরানি কাপ

নাগপুর, ২ অক্টোবর : মেঘলা আনহাওয়ার বুঝাইকে বাড়িতে মিলেন না অবশিষ্ট ভারতের সিংহরা। ২৬০ রানের উদ্বৃত্তে বিজয় বিনের শেষে বুঝাই ২০০/৬। ওয়াশিংটন ডাক্তার ৬৮ রানে আউট হন। উইকেটে রয়েছেন ক্রিস্টোফার স্মিথ (১৯) ও রমেশ পাওয়ার (২৬)। দুজনে যোগ করেন ৪০ রান।

ছুরের জন্য আঁধা ফিফিং করতে নামেননি বীরেশ্বর সেওয়ারা। অস্ত্রাঘাতের
কাজ চালান বহিনাথ। তিনি শিরদেবের ডালই চালিয়েছেন। পেসারদের মধ্যে
সবচেয়ে ভাল বল করেছেন শাজাহান ত্রীপাঠ। অষ্ট্রেলিয়ার বিরুদ্ধে এক
দিনের সিরিজে তিনি জাতীয় দলে ঢুকে পড়লে অবাক হওয়ার কিছু নেই। সুদীপ
ডাফী দুটি উইকেট পেলেও দাগ কটতে পারেননি। সুদাক আবার বজ্র যেমি
ব্যাক-অব-লোপ করেছেন, দরকার ছিল মূলার লেগের।

শেষ পর্যন্ত অবশ্য ডাক্তারকে আউট করেন সেই মুহূর্তই। বিতীয় সেশনে এই উইকেটটি তাঁকে ভাগিয়ে দেয়। এরপর চান্না অকস্মাৎ করিভোরে বল করে গেছেন। মনোজ ভিণ্ডওয়ারি কাচ না ফাটালে সামিউ একদা আর অপরাধিত থাকেন না। এ ছাড়া শ্রীশঙ্করে বলে রমেশ পাণ্ডয়ারের জেরাল এলবিস্টাইডির আবেদন নাকট করেন আশ্চর্য।

দুদিন খেলা হয়ে গেল, এখনও পর্যন্ত খেলার স্কেট তেমন প্রাণশক্তি হারা
করতে পারেনি। তুল্যমূল্য বিজ্ঞানে সামান্য এগিয়ে রয়েছে অবশিষ্ট ভারত।
কেননা তাঁদের চতুর্থ ইনিংস ব্যাট করতে হবে না। তাঁরা আগে সবচেয়ে জরুরি
বীরেন্দ্রের সেওয়াগের ব্যাটে ঝড় রান। সেটা কী কাল হবে?

গীতা উক্ত, হিন্দি, কিত্ত গারিনি। একনা বুর কামান লাগছে। সেদিন
সরফাতরান ককেন গভীর। তারপর বিজী রান জড়টের নিকার হুং বা একাও
ঠাক গীড়া দিচ্ছে।

গাম্ভীর্যময় চিত্রিতে বার্ষিকের জন্য এক চারিদিকে সমালোচিত হয়েছে।
খানি। গভীর কিন্তু তাঁর অস্বাভাবিক প্রশংসাই কতটুকু। তবে তাঁর চিত্র তখন
ব্রহ্মার প্রদান অনুষ্ঠানে উপস্থিত ছিলেন না।

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL
ASSAM CIRCLE, GUWAHATI, ASSAM

CANCELLATION OF
WRITTEN TEST / COMPUTER TEST

It is noticed for the information of all concerned that the Written Test and Computer Test held on 30/05/2009 and 31/05/2009 respectively in Guwahati (Postal), Dhubri, Nalbari, Tinsukia, Tezpur and Silchar (Postal) Centres for recruitment of Postal Assistants for filling up of residual vacancies have been cancelled.

(L. K. Barman)

A.P.M.G. (Staff)

**O/o the Chief Postmaster General
Assam Circle, Guwahati - 781001**

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

10 NOV 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

৭৭ জন।
জন সিং।
বংশধর
২ প্রধান
নায়ক।

পেসারকে ৮ অষ্টোদর থেকে অনুর্যয় প্রতিযোগিতাটিতে
পানে না নিউ সাউথ ওয়েলস। চ্যাম্পিয়নস ট্রফিতে
ফেলতে গিয়ে চেষ্টা পান তিনি। এরপর তাঁকে দেশে
প্রতিযোগিতা দেওয়া হয়। মিডলি এবং ফেলনারা দু'জামাত
শিশুদের পরামর্শ নিয়েছেন তিনি। উভয় ছানাই তাঁকে
মহোৎসবের পরামর্শ দেওয়া হয়েছে।

অফিস অফ দি ডিআইজিপি, গ্ৰুপ সেন্টাৰ সিআৰপিঅফ শিলচৰ (অসম)

Attested

Advocate

DEPARTMENT OF POST

OFFICE OF THE SUPD. OF POST OFFICES :DARRANG DIVISION: TEZPUR

No. BU/PA Recdt/09

Dated at Tezpur the 7. 9. 2009

To:

Parismila Das
 c/o Mr. Monoran
 c/o Saurabh Rayan Das
 Vill. West Podingdi Shati Near
 Brown M.V. School, P.C. Barpeta
 Dist Barpeta (Assam)



Parismila Das.

Sub: Hall Permit for Aptitude Test for Recruit
Assistants for Filling up of the residual vacancies

Sir/Madam,

The Aptitude Test and the computer Test held on 30-03-2009 and 31-5-2009 has been cancelled by the competent authority. Re-examination will be held on 03-10-2009 and 4-10-2009 respectively.

You are hereby allowed to appear in the Aptitude Test for the Recruitment of Postal Assistant in Darrang Division. The Test will be held on 3-10-2009 (Saturday) from 1000 hours to 1100 hours in Tezpur College, Tezpur near District Jail, Tezpur.

- 1) Answer Books will be supplied by the Department. You are to bring pen, pencil etc.
- 2) Your Roll No. is TX-37/09
- 3) Please bring this Hall Permit with you and submit the same to the undersigned before commencement of the Test.
- 4) A sum of Rs.100/- for unreserved candidates and Rs.50/- for SC/ST/OBC should be deposited in any post office and the receipt(ACG-67) should be submitted at the time of appearing in the Test.
- 5) The Type Test and Computer Test will be held from 0800 hrs on 4-10-2009 in the office of the undersigned.

Yours sincerely,

(J. J. Sharma)

Supdt. of post offices
 Darrang Division, Tezpur.

Signature of the candidate.

Attested

H. B.
 Advocate

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

0 NOV 2009

Guwahati Bench
 गुवाहाटी न्यायपीठ

১১ অক্টোবর ২০০৯ দেওবাৰ, গুৱাহাটী

भारतीय डाक

India Post

**DEPARTMENT OF POSTS OFFICE OF THE CHIEF POSTMASTER GENERAL:
ASSAM CIRCLE : GUWAHATI 781001**

List of successful candidates for the post of Postal Assistants / Sorting Assistants under unfilled residual vacancies of the Postal / Railway Mail Services
Divisions in Assam Postal Circle published in newspaper notification dated 13/02/2009.

Sl. No.	Name of Division	Roll Number	Name of the candidates	Category	Date of examination
1.	CACHAR POSTAL DIVISION	SC-02/PA	Saurabh Chakraborty	OC	3-4/10/2009
		SC-01/PA	Baishaly Chakraborty	OC	-do-
		SC-17/PA	Abhijit Das	SC	-do-
2.	DARRANG POSTAL DIVISION	TZ-44/09	Monoj Kumar Sarma	OC	3-4/10/2009
		TZ-16/09	Kumud Ch. Kakati	OBC	-do-
		TZ-23/09	Samim Anwar	OC	-do-
		TZ-38/09	Helena Ahmed	OC	-do-
		TZ-83/09	Arifa Sulatana	OC	-do-
		TZ-11/09	Karabi Devi	OBC	-do-
		TZ-64/09	Aditi Baruah	OBC	-do-
		TZ-159/09	Dhirendra Chetry	OBC	-do-
		TZ-05/09	Tahmina Begum	OC	-do-
		TZ-01/09	Imrana Begum	OC	-do-
		TZ-112/09	Nabanita Neog	OBC	-do-
		TZ-93/09	Bhaskar Chamua	OBC	-do-
		TZ-61/09	Gitanjali Saikia	OBC	-do-
		TZ-180/09	Mridusmita Pathak	SC	-do-
		TZ-166/09	Partha Bikas Borgohain	OBC	-do-
		TZ-10/09	Bubal Kumar Nath	OBC	-do-
		TZ-117/09	Debashish Bora	OBC	-do-
		TZ-172/09	Lipika Pathak Medhi	SC	-do-
3.	GOALPARA POSTAL DIVISION	WAT-47/2009	Dhruba Jyoti Sarma	OC	3-4/10/2009
		WAT-01/2009	Sameer Choudhury	OC	-do-
		WAT-32/2009	Azaz Ahmed	OC	-do-
		WAT-23/2009	Nilakshi Bharali	OC	-do-
		WAT-57/2009	Dipankar Dey	OC	-do-
		WAT-04/2009	Kunab Kumar Sinha	OC	-do-

8.	RMS GH DIVISION GUWAHATI	SSRM/GH/SA-130	Nupur Bania	OC	30-31/5/2009
		SSRM/GH/SA-133	Debajit Mahanta	OC	-do-
		SSRM/GH/SA-100	Debajit Barua	OC	-do-
		SSRM/GH/SA-120	Kunal Purkayastha	OC	-do-
		SSRM/GH/SA-337	Jitumoni Haloi	SC	30-31/5/2009
		SSRM/GH/SA-138	Hemanta Barman	OC	-do-
		SSRM/GH/SA-340	Mrinmoy Haloi	SC	-do-
		SSRM/GH/SA-359	Dipjyoti Boro	ST	-do-
		SSRM/GH/SA-58	Ankur Dutta	OC	-do-
		SSRM/GH/SA-292	Javed Iqbal	OC	30-31/5/2009
		SSRM/GH/SA-66	Digen Patowary	OC	-do-
		SSRM/GH/SA-135	Trinayan Rabha	ST	-do-
		SSRM/GH/SA-85	Bhaskar Jyoti Kalita	OC	-do-
		SSRM/GH/SA-189	Parasmitta Baruah	OC	-do-
		SSRM/GH/SA-338	Mridusmita Pathak	SC	-do-
		SSRM/GH/SA-307	Promod Yadav	OC	-do-

Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক ন্যায়ালয়

1-0 NOV 2009

Guwahati Bench
গুৱাহাটী ন্যায়ালয়

Attested

[Signature]

advocate

WAT-79/2009	Hemanta Barman	OC	-do-
WAT-15/2009	Sonali Ray	OC	-do-
WAT-55/2009	Kangkan Adhikary	OC	-do-
WAT-109/2009	Mridul Das	SC	-do-
WAT-118/2009	Barna Jyoti Boro	ST	-do-
WAT-119/2009	Kironjeet Rabha	ST	-do-
WAT-83/2009	Dhanada Malakar	SC	-do-
WAT-34/2009	Mizing Gwa Brahma	ST	-do-

4.	NALBARI-BARPETA POSTAL DIVISION	NLB/09/09	Surajit Sarma	OC	3-4/10/2009
		NLB/15/09	Gyandeep Das	OBC	-do-
		NLB/22/09	Pankaj Kumar Baishya	SC	-do-
		NLB/37/09	Bhumidhar Das	ST	-do-

5.	RMS S-DIVISION SILCHAR	S-14/08	Mriganka Deb	OC	30-31/5/09
		S-06/08	Tapan Chandra Barman	OC	-do-
		S-19/08	Hamida Kowsar Mazarbhuiya	OC	-do-

6.	SIVASAGAR POSTAL DIVISION	JRT-06/09/PA	Gautam Priyam Mahanta	OC	30-31/5/2009
		JRT-03/09/PA	Padmada Hazarika	OC	-do-
		JRT-22/09/PA	Nirmali Neog	OBC	-do-
		JRT-21/09/PA	Palash Pratim Saikia	OBC	-do-
		JRT-35/09/PA	Nilakshi Mishra	OBC	-do-
		JRT-27/09/PA	Pubali Dutta	OBC	-do-
		JRT-74/09/PA	Debojit Deori	ST	-do-
		JRT-81/09/PA	Krishna Kanti Bordoloi	ST	-do-

7.	TINSUKIA POSTAL DIVISION	TSK/71/PA/Residual	Manish Hazarika	SC	3-4/10/2009
		TSK/06/PA/Residual	Chandan Dey	OC	-do-
		TSK/69/PA/Residual	Mrinmay Haloi	SC	-do-
		TSK/45/PA/Residual	Khanindra Gogoi	OBC	-do-
		TSK/11/PA/Residual	Ankur Dutta	OC	-do-
		TSK/40/PA/Residual	Hrishikesh Talukdar	OC	-do-
		TSK/12/PA/Residual	Monalisa Sonowal (Goswami)	ST	-do-
		TSK/43/PA/Residual	Bhagyasree Hazarika	SC	-do-
		TSK/66/PA/Residual	Indrajit Paul	SC	-do-

-30-

SSRM/GH/SA-147	Tahidur Rahman	OC	-do-
SSRM/GH/SA-99	Gunajit Das	OC	-do-
SSRM/GH/SA-171	Rinku Dutta	OBC	-do-
SSRM/GH/SA-116	Debojit Borah	OBC	-do-
SSRM/GH/SA-116	Arinal Sarkar	SC	-do-
SSRM/GH/SA-116	Arthajit Kausik	OC	-do-
SSRM/GH/SA-116	Prabhas Babha	ST	-do-
SSRM/GH/SA-116	Debojit Borah	OBC	-do-
SSRM/GH/SA-116	Debojit Hazarika	ST	-do-
SSRM/GH/SA-116	Debojit Borah	ST	-do-
SSRM/GH/SA-43	Bhogsawar Basumatary	SC	-do-
SSRM/GH/SA-305	Raj Hazarika	OBC	-do-
SSRM/GH/SA-305	Zedul Alam Mazumder	OBC	-do-
SSRM/GH/SA-37	Modul Hussain	OBC	-do-
SSRM/GH/SA-356	Upa PCh Boro	ST	-do-
SSRM/GH/SA-284	Mazharul Haque	OC	-do-
SSRM/GH/SA-12	Rupam Rajbongshi	OBC	-do-
SSRM/GH/SA-196	Debojit Dutta	OC	-do-
SSRM/GH/SA-289	Harna Nod Boro	SC	-do-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

0 NOV 2009

Guwahati Bench
गुवाहाटी बेंच

भारतीय डाक विभाग

DEPARTMENT OF POSTS :: INDIA

कार्यालय, मुख्य पोस्टमास्टर जनरल, असम परिमंडल, गुवाहाटी-781001

OFFICE OF THE CHIEF POSTMASTER GENERAL::ASSAM CIRCLE :: GUWAHATI-781001

Memo No.Staff/35-104/97/Gh/Loose

Dated at Guwahati the October 12, 2009

Subject:- Transfer and postings under Rule-38 of P&T Manual Vol. IV.

Approval of the Chief Postmaster General, Assam Circle, Guwahati is hereby conveyed for the transfer and postings under Rule-38 of P&T Manual Vol. IV to the Guwahati Postal Division in respect of the following Postal Assistants.

Sl. No.	Name of the officials (S/Shri/Smt)	Divisions presently working	Divisions of transfer
1	Parag Kumar Das, PA	Sivasagar	Guwahati
2	Khalil Ahmed, PA	-do-	-do-
3	Sailendra Choudhury, PA	-do-	-do-
4	Chandan Pathak, PA	Goalpara	-do-
5	Aminul Ahmed, PA	-do-	-do-
6	Afzal Saikia, PA	Sivasagar	-do-
7	Pradip Das, PA	-do-	-do-
8	Nalini Kr. Boro, PA	Nagaon	-do-
9	Khagendra Nath Boro, PA	-do-	-do-
10	Jagannath Das, PA	Cachar	-do-
11	Navaranjan Sarma, PA	Tinsukia	-do-
12	Kanchan Kr. Deb, PA	Nagaon	-do-
13	Basana Deb, PA	-do-	-do-
14	Binay Kr. Sarma, PA	Nalbari-Barpeta	-do-
15	Dev Raj Adhikary, PA	Tinsukia	-do-
16	Puspanjali Saikia, PA	Sivasagar	-do-
17	Rani Barthakur, PA	Nagaon	-do-
18	Jilmil Devi, PA	-do-	-do-
19	Pankaj Kr. Baishya, PA	Sivasagar	-do-
20	Shampa Das, PA	Darrang	-do-
21	Babita Das	Nalbari-Barpeta	-do-
22	Madhab Ch. Das, PA	Sivasagar	-do-
23	Aynul Hoque, PA	Dibrugarh	-do-
24	Deben Kr. Saharia, PA	Darrang	-do-
25	Madan Deka, PA	Nagaon	-do-
26	Golak Ch. Parman, PA	-do-	-do-
27	Hiranmayee Sarma, PA	Darrang	-do-
28	Gunindra Pathak, PA	Nalbari-Barpeta	-do-
29	Kiran Kalita, PA	-do-	-do-
30	Marami Medhi, PA	Darrang	-do-
31	Chinmay Kr. Das, PA	Sivasagar	-do-

Attested

[Signature]
Advocate

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

10 NOV 2009


Guwahati Bench
गुवाहाटी न्यायपीठ

Contd...2

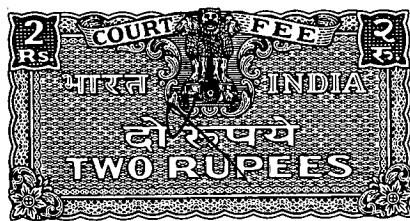
As the transfer and postings are allowed at the request of the officials, the transfer shall be subject to the following conditions.

1. That they will not be entitled to TA/TP.
2. That their seniority in the new unit shall be fixed strictly in accordance with the provision of Rule-3 of P&T Manual Vol. IV.
3. That their initial pay shall be fixed under FR-22, if necessary.
4. That they will not claim repatriation to their parent unit at a later stage.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
10 NOV 2009
Guwahati Bench
गुवाहाटी न्यायाधीश


(L. K. Barman)
A. P. M. G. (Staff)
O/o the Chief Postmaster General
Assam Circle, Guwahati - 781 001

Sl./Instrument No. 2A
Date 1/12/09

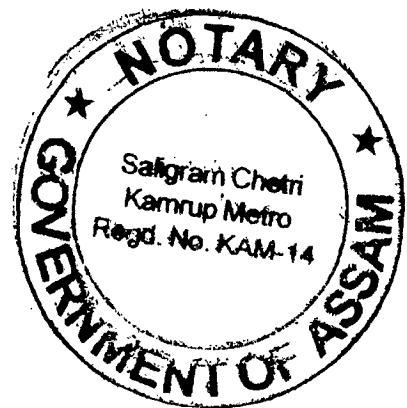


Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
- 1 DEC 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Filed by

The Applicant
through
Advocate
1.12.09.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI



O.A. NO. 231/2009

IN THE MATTER OF:

Sri Partha Sarathi Sarma & Ors.

-VS-

Union of India & Ors.

- AND -

IN THE MATTER OF:

An affidavit to bring on record
the representation dated 16.11.09
submitted by the applicant.

I, Sri Parth Sarathi Sarma, son of Amarendra Sarma,
Resident of village Karakuchi, P.O- Sarthebari, District-
Barpeta, Assam, Pin- 781307, do hereby solemnly affirm and
state that I am the applicant No. 1 in the connected
original application and I am competent and authorized by
the co-applicant to swear this affidavit.

1. That the applicants beg to state that being aggrieved
by the illegal, arbitrary and discriminatory action on the
part of the respondents the applicants have approached the
Hon'ble Tribunal by way of filling the O.A. No. 231/09.

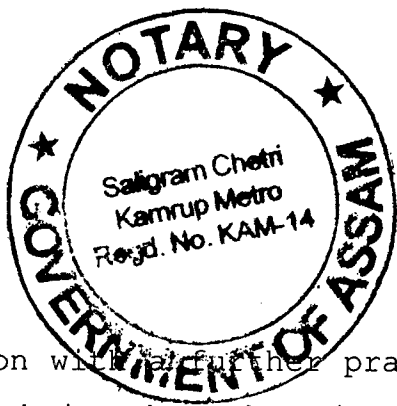
2. That the applicant begs to state that during pending
disposal of the aforesaid Original Application the
applicants submitted representations dated 16.11.09 before
the respondents for redressal of their grievances.

A copy of one of such representation
dated 16.11.09 is annexed herewith and
marked as ANNEXURE- 10.

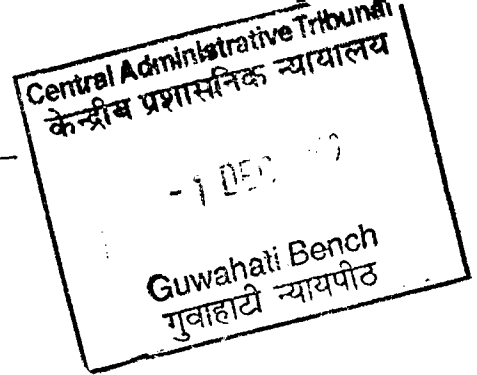
Signature
1/12/09
NOTARY
Kamrup Metropolitan District
Guwahati, Assam

That the applicants beg to state that in the aforesaid
representation the applicants prayed for declaration of the
results of the examination held pursuant to the
advertisement dated 13.02.09 pertaining to the Guwahati

Partha Sarathi Sarma.



- 2 -



Division with a further prayer not to fill up the vacancies notified in the advertisement dated 13.02.09 in Guwahati Division. The applicants further stated that the respondents purposefully mis-utilizing the discretion conferred upon them under an intense scheme have notified the excess vacancies in different divisions in the advertisement dated 13.02.09. Accordingly, as a consequence excess number of successful candidates surfaced after the examination. Therefore, in spite of there being vacancies in the Guwahati Division the respondents excluded the Guwahati Division in the subsequent advertisement dated 19.09.09 and reserved the vacancies of the Guwahati Division. When excess successful candidates surfaced in the different divisions the respondents upon huge involvement of stakes transferred the optee existing Postal Assistants from those divisions to the Guwahati division and as a consequence vacancies surfaced in those divisions to accommodate the blue eyed boys of the respondents. The respondents committed serious illegality and totally mis-utilized the discretion to the detriment of the applicants which is not at all sustainable in the eye of law.

4. That this affidavit has been filed for securing ends of justice with a prayer to consider the representation dated 16.11.09 as a part of records.

5. That the statements made in this affidavit and in the accompanying petition in paragraphs 1, 2 and 4 are true to my knowledge and those made in paragraph 4 being matters of records are true to my information derived there from and the rest are my humble submissions before this Hon'ble Court.

6. The Annexures are true copies of their originals and I have not suppressed any material facts.

And, I sign this affidavit on this the 1st day of December, 2009.

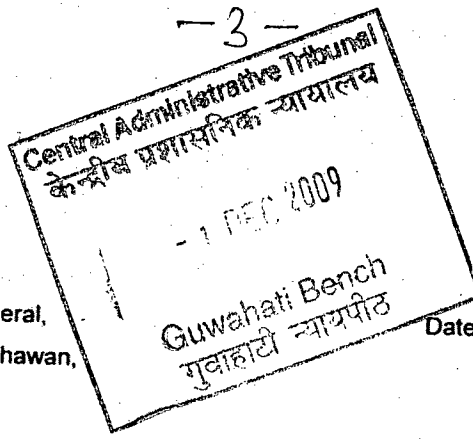
Identified by me

Hridy Kr. Das
Advocate

[Signature]
NOTARY
Kamrup Metropolitan District
Guwahati, Assam

Partha Sarathi Sarma

DEPONENT



ANNEXURE - 10

To,
The Chief Postmaster General,
Assam Circle, Meghdoot Bhawan,
Panbazar, Guwahati- 1.

Date: 16.11.09.

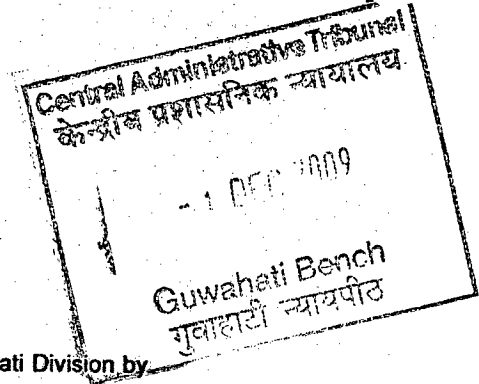
Sub: - Representation praying for recalling of the paper notification dated 03.10.09 with regard to Guwahati Division and declaration of results of the examination held pursuant to the advertisement dated 13.02.09.

Sir,

With due deference and profound submission I beg to lay the following few lines for your kind consideration and necessary action thereof:

1. That sir, I have applied for the post of Postal Assistant in the Guwahati Division pursuant to the advertisement dated 13.02.09 notified for filling up of the residual vacancies of 2006-08.
2. That accordingly call letters dated 13.05.09 was issued to me for appearing in the aptitude test and computer test scheduled to be held on 30.05.09 and 31.05.09 in Pandu College, Maligaon respectively. Therefore, I appeared in the test on the aforesaid dates and was waiting for the results to be declared.
3. That in the mean time on 19.09.09 another advertisement was issued for filling up of the backlog vacancies of the year 2006, 2007 and 2008. It is stated that the meaning carried by the residual vacancies and the backlog vacancies are same and therefore vacancies notified in the both the advertisement are identical. Moreover, in spite of there being vacancies of Postal Assistant in the Guwahati Division the authorities purposefully excluded the Guwahati Division from the purview of the advertisement dated 19.09.09. Therefore, in the subsistence of the advertisement dated 13.02.09 for filling up of the backlog vacancies, publishing of another advertisement dated 19.09.09 for filling up of the same backlog vacancies is totally illegal and violation of the Constitutional provisions. It is further stated that the advertisement dated 19.09.09 also has not been issued as an addendum to the earlier advertisement dated 13.02.09.
4. That being aggrieved by the non declaration of the results of the examination held pursuant to the advertisement dated 13.02.09, I approached the Hon'ble Central Administrative Tribunal, Guwahati Bench by way of filing O.A. No. 203/09. The Hon'ble Tribunal while taking up the matter for admission was pleased to pass an order directing the counsel for the respondents to take the instruction why the results of the Guwahati Division has not been declared and also to consider the aspect of declaration of results of the examination held on 30.05.09 and 31.05.09 pursuant to the advertisement dated 13.02.09. In the aforesaid O.A., my categorical stand was that the respondents are

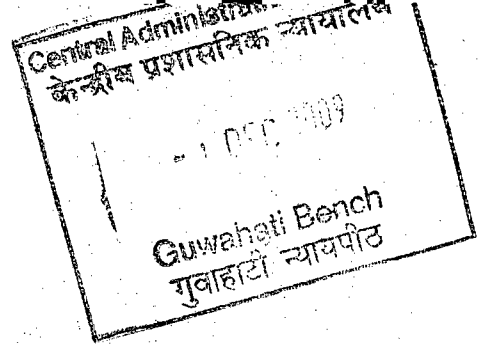
Aggrieved
Habe
Advocate



making a move to fill up the vacant post of Postal Assistant in the Guwahati Division by transfer under Rule 38 of the P & T Manual Vol- IV and they purpose fully reserved those vacancies to accommodate their blue eyed boys.

5. That during the pendency of the O.A. No. 203/09 the respondents issued a news paper notification dated 03.10.09 canceling the examination of all the Divisions held pursuant to the advertisement dated 13.02.09. It is stated that the postal authorities have committed gross illegality in canceling the examination during the pendency of the original application without there being any allegations and irregularities in conducting the examination.
6. That the malafide action and the illegality committed by the department also apparent when the authorities of the Darrang Division in the Tezpur Center before publish of the paper notification dated 03.10.09 issued a call letter to one Miss. Parismita Das dated 07.09.09 intimating her about the cancellation of the examination dated 30.05.09 & 31.05.09 and directing her to appear in the re-examination scheduled to be held on 03.10.09. Therefore, the respondents before publishing of the official paper notification dated 03.10.09 regarding cancellation of the examination have internally issued the call letters dated 07.09.09 to Miss Das holding re-examination. If that be so in the case of Guwahati Division also the authorities ought to have conducted re-examination allowing us to participate in the examination. However, only with sole purpose to fulfill the vested interest the authorities singled out the Guwahati Division.
7. That sir after publish of the paper notification dated 03.10.09 towards the cancellation of the examination of all the centers pursuant to the advertisement dated 13.02.09, the respondents issued another paper notification dated 11.10.09 by which the postal authorities declared the results of all the Divisions except the Guwahati Division. It is stated that in Cachar Postal Division, Darrang Division, Goalpara Division, Nalbari-Barpeta Division, Tinsukia Division the authorities conducted re-examination on 03.10.09 i.e. the date on which the paper notification was published declaring cancellation of the examination held pursuant to the advertisement dated 13.02.09. It is further stated that there was not a single allegation raised towards occurrence of any illegality or irregularity in the examination in Guwahati Division. The postal authorities with the sole purpose to accommodate their blue eyed boys on transfer under Rule 38 have only cancelled the examination of Guwahati Division to utilize the vacancies of Guwahati Division for fulfilling their vested interest.
8. That finally proving my allegations to be true the APMG (Staff) issued the order dated 12/20.10.09 by which the Postal Assistants of the divisions wherein the excess vacancies were notified have been transferred to the Guwahati Division under Rule 38 of the P & T Manual Vol- IV. The authorities notified the vacancies in the other division in excess in the advertisement dated 13.02.09. Therefore, there occurred

-5-



excess number of successful candidates in the examination held and to accommodate those excess candidates who happened to be blue eyed boys of the authorities vacancies were created in the respective divisions by transferring other Postal Assistants of the respective divisions under Rule 38 to Guwahati Division. Therefore, in such a manner the authorities by mis-utilizing the discretion conferred upon them committed serious illegalities to deprive me from getting selected for the post of Postal Assistant.

9. That the authorities committed serious illegalities in canceling the examination of the Guwahati Division without there being any illegality and irregularity in conducting the examination. It is stated that I have blazing academic qualification 80% marks in the HSLC and HSSLC examination and in the event of not declaring the results of the Guwahati Division I will be deprived of the opportunity of my life to serve the postal department.

I therefore pray before your Honor to declare the results of the examination held pursuant to the advertisement dated 13.02.09 with regard to the Guwahati Division otherwise it will be gross discrimination caused towards us and till such declaration not to fill up the vacancies of the Guwahati Division notified in the advertisement dated 13.02.09.

Thanking you.

Yours faithfully

Partha Sarathi Sarma

Sri Parth Sarathi Sarma,
Son of Amarendra Sarma,
Resident of village Karakuchi, P.O-
Sarthebari, District- Barpeta, Assam,
Pin- 781307.

Copy to:

1. The Secretary, Ministry of communication, Department of Posts, New Delhi- 1.
2. The Director of Postal Services, O/o Chief Post Master General, Assam Circle, Meghdoot Bhawan, Panbazar, Guwahati- 1.
3. The Senior Superintendent of Post Offices, Meghdoot Bhawan, Panbazar, Guwahati-1.