

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO...203...2019

R.A./CP/NO.....2015

E.P./M.P./NO.....2019

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Filed by M.K.K. Dora. Asst.

02/07/2015
SECTION OFFICER (JUDL.)

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

1. ORIGINAL APPLICATION No : 203 / 2009
2. Transfer Application No : -----/2009 in O.A. No.-----
3. Misc. Petition No : -----/2009 in O.A. No.-----
4. Contempt Petition No : -----/2009 in O.A. No.-----
5. Review Application No : -----/2009 in O.A. No.-----
6. Execution Petition No : -----/2009 in O.A. No.-----

Applicant (S) : Partha Sarathi Sarmas

Respondent (S) : Union of India's mems.

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

Advocate for the : -----
{Respondent (S)} C&SC.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C.F. for Rs. 20/- deposited via F.D. No. <u>396 40 2533</u> Dated <u>13.8.09</u></p> <p>Dy. Registrar <u>HS 29/9/09</u></p> <p><u>29.9.09</u> 4 (Fan) copies of Application with envelope received for issue notices to the Respondents No. 1 to 4. Copy served.</p> <p><u>HS 29/9/09</u></p>	<p>29.09.2009</p>	<p>On being mentioned by Mr H.K. Das, learned Counsel for the Applicant, this matter is taken up in presence of Mr K.K. Das, learned Addl. Standing Counsel for the Union of India, to whom a copy of this O.A. has already been supplied. Heard and perused the materials placed on record.</p> <p>Issue notice by <u>Special Messenger</u> to the Respondent Nos.2, 3 and 4 and by <u>Speed Post</u> to Respondent No.1 requiring them to file their reply by 16.10.2009. The Respondents should disclose about the fate of the test (that was taken during May 2009) in the said written statement to be filed by 16.10.2009.</p> <p>Call this matter on 20.10.2009; when interim prayer (made in the O.A.) shall be taken up for consideration.</p>

Contd ----/-

O.A. No. 203/2009

Send copies of this order (with notices) to the Respondents.

Free copies of this order be sent to the Applicant and be also supplied to the Advocates for both parties.



(M.R. Mohanty)
Vice-Chairman

nkm

Copies of notices along with order dated 29/9/2009 send to D/Sec. for issuing to the resp. no- 1 by speed post, A/D and others resp nos- 2, 3 and 4 by spl. Messenger.

Free copies of this order also handed over to the Advocates for both parties.

D/No - 11656-11659

5/10/09. Dt = 6.10.09

9/10/09

Memo of appearance filed by Mr Kankan Das, Addl. CGS.C.

Per
9/10/09

(i) Service report awaited.

23.10.09

20.10.2009 Mr. Kankan Das, learned Addl. Standing Counsel appearing for the Respondents seeks four weeks time to obtain instructions from the Respondents as to why they are not declaring the result of the examination held. Learned counsel for applicant contends that result of other Division has been declared except the result of Guwahati Division. In this regard the learned counsel for the Respondents is directed to obtain instructions as to what is the status of said Division.

Call this matter on 26.10.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/lm/

26.10.2009 For the reasons recorded separately, this O.A. stands disposed of.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/lm/

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI:

O.A. NO: 203 & 204 of 2009

Date of Decision 26.10.2009

Sri Parth Sarathi Sarma (O.A. No.203 of 2009)
Sri Samar Choudhury, (O.A.No.204 of 2009)

Applicant/s

Mr. H. K.Das

Advocates for the
Applicant/s

- Versus -

U.O.I. & Ors.

Respondent/s

Mr.Kankan Das, Addl.C.G.S.C.(O.A.203 of 009)
Mr.M.K.Boro Addl.C.G.S.C. (O.A.No.204 of 2009)

Advocate for the
Respondents

CORAM :

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

1. Whether reporters of local newspapers may be allowed
to see the Judgment ?

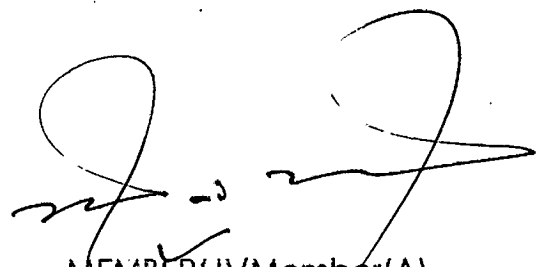
Yes/No

2. Whether to be referred to the Reporter or not ?

Yes/No

3. Whether their Lordships wish to see the fair copy
of the Judgment ?

Yes/No


MEMBER(J)/Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 203 & 204 of 2009

Date of order: This the 26th Day of October 2009

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

O.A.203 of 2009

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

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, Panbazar, Meghdoot Bhawan,
Assam Circle, Guwahati-1
3. The Director of Postal Services, O/O Chief Post Master
General, Assam Circle, Meghdoot Bhawan,
Guwahati-1.
4. The Senior Superintendent of Post Offices,
Panbazar, Meghdoot Bhawan,
Guwahati-1. Respondents

By Mr.Kankan Das, Addl.C.G.S.C.



O.A.204 of 2009

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

Applicant.

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, Panbazar, Meghdoot Bhawan,
 Assam Circle, Guwahati-1
3. The Director of Postal Services, O/O Chief Post Master
 General, Assam Circle, Meghdoot Bhawan,
 Guwahati-1.
4. The Senior Superintendent of Post Offices,
 Panbazar, Meghdoot Bhawan,
 Guwahati-1. Respondents

By Mr.M.K.Boro, Addl.C.G.S.C.

ORDER (ORAL)


MUKESH KR.GUPTA (MEMBER(J)


The grievance of Applicant in present O.As is that the Respondents, without any justification, have not declared the result of examination held pursuant to advertisement dated 13.02.2009.

Earlier matter had been adjourned on the request of learned counsel for the Respondents to obtain instructions. To-day when these O.As were called out Mr.K.K.Das, learned Addl.Standing Counsel appearing for the Respondents stated that aptitude test and computer test held on 31.05.2009, pursuant to aforesaid notification the result have been cancelled for Guwahati center, and information to this effect has been published in various news papers. In support of aforesaid aspects, copies of various newspaper dated 3rd October 2009 were produced before this Tribunal. On perusal of the aforesaid aspects, we are of the view that present O.A have become infructuous and accordingly validity of cancellation of said examination, which is otherwise not challenge in present O.As, can not be adjudicated at this stage.

Accordingly O.As. are disposed of.

Liberty is hereby granted to Applicant to take action in accordance with rules and as per law.


(Madan Kumar Chaturvedi)
Member(A)


(Mukesh Kumar Gupta)
Member (J)

28/10/2009

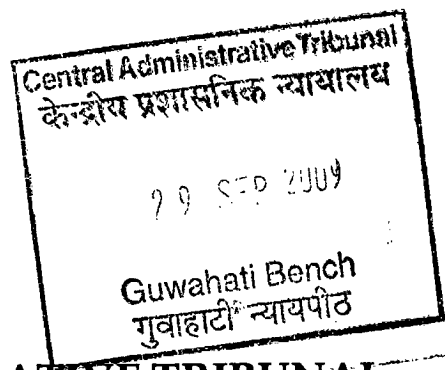
Common judgment
order dtd 26/10/2009 has
been prepared and send
to the D/section for
issuing to the Applicant
and Respds by Regel.
post. Original judgment
orders copy kept in
the O.A. No. 203/2009.

~~Both~~ Free copies of
both side standing
counsel by hand.

D/No. —

Dtd. —

~~Rem~~
28/10/09



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

OA No. 208 of 2009

Partha Sarathi Sarma

...APPLICANT

- Vs -

Union of India & Ors.

...RESPONDENTS

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Filed by

H. S.
29.9.09.
Advocate

Received
Alsha Das
Addl encl
29/9/09.

29 SEP 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠIN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATIOA No. 203 of 2009

Partha Sarathi Sarma

...APPLICANT

- Vs -

Union of India & Ors.

...RESPONDENTS

S Y N O P S I S

The present original application has been filed challenging the legality and validity of the impugned advertisement dated 19.09.09 and the inaction on the part of respondents in making inordinate delay in declaring the results of the examination held pursuant to the earlier advertisement dated 13.02.09.

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 are 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

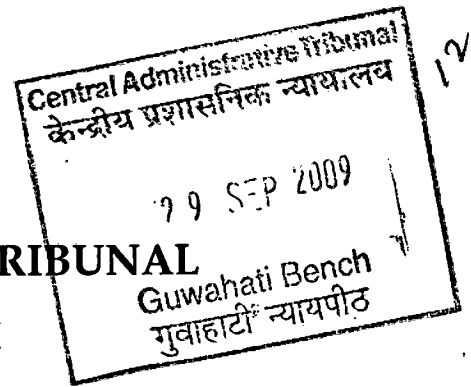
Guwahati Division from the purview of the impugned advertisement dated 19.09.09. Hence, in such an eventuality the necessity of issuance of the advertisement dated 19.09.09 again filling up of backlog vacancies without indicating the fate of the advertisement dated 13.02.09 smacks malafide.

It is stated that there are sufficient number of vacancies in the 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.

Hence, the exercise of power in notifying the vacancies in piece meal clearly indicates that the respondents are going to mis-utilize their discretion in favour of their blue eyed boys. The applicant submitted an application under the RTI ACT 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

[Signature]
29.9.09.
Advocate



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

OA No. of 2009

LIST OF DATES

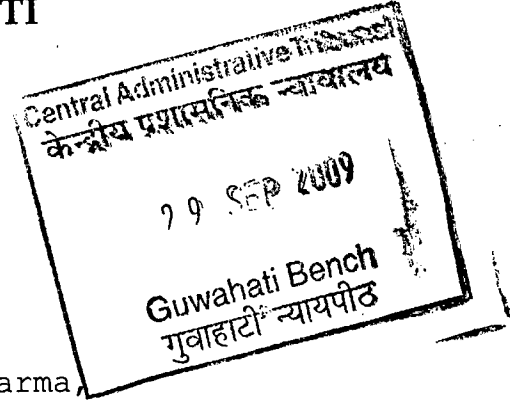
- 13.02.09** Advertisement issued by the 2nd respondents for filling up of 124 residual vacancies i.e. backlog vacancies for the year 2006-08 in the cadre of postal assistant and sorting assistant. **[Annexure- 1] [Page- 12]**
- 13.05.09** The respondents issued the hall permit to the applicant calling him up on 30.05.09 for the aptitude test and on 31.05.09 for the computer test. **[Annexure- 2] [Page- 13]**
- 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- 3] [Page- 14]**
- 23.09.09** The applicant submitted RTI application seeking some definite and pointed informations. However, the respondents till date failed to furnish the informations. **[Annexure- 4] [Page- 15]**

Filed by
Hab
29.9.09.
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

OA No. 203 of 2009



Filed by:
The Applicant
through
Hridip K. Das
Advocate
29.9.09. 13

BETWEEN

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

APPLICANT

-Versus-

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

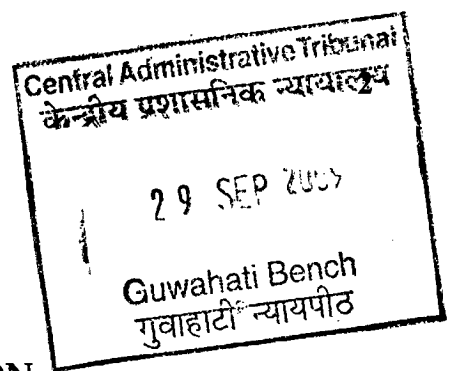
2. The Chief Postmaster General,
Panbazar, Meghdoot Bhawan,
Assam Circle, Guwahati- 1.

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

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

RESPONDENTS

Partha Sarathi Sarma.



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]

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

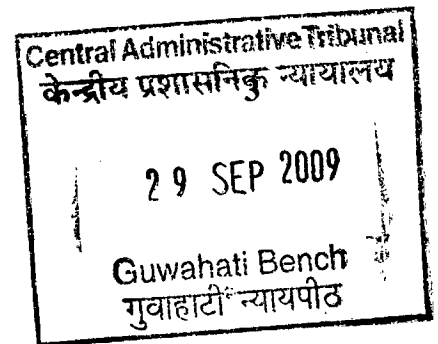
The applicant further declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:

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

4.2 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 124 residual vacancies. The applicant fulfilling all the criterions and being eligible as per the advertisement applied for the post of Postal Assistant in the Guwahati Division.

Partha Sarathi Sarma.



A Copy of the advertisement dated 13.02.09 is annexed herewith and marked as **ANNEXURE- 1.**

4.3. That the applicant begs to state that the respondents on 13.05.09 issued the hall permit to the applicant calling up the applicant 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 applicant appeared in the aptitude test on 30.05.09 and computer test on 31.05.09, and did well in the examination.

A copy of the hall permit dated 13.05.09 is annexed herewith and marked as **ANNEXURE- 2.**

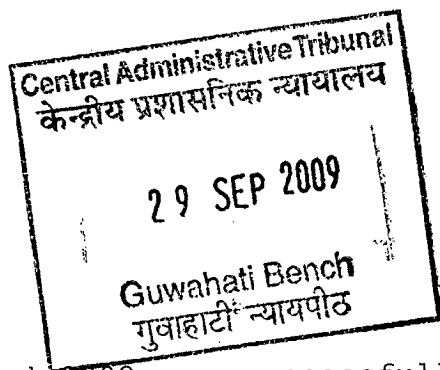
4.4 That the applicant begs to state that during the subsistence of the advertisement dated 13.02.09 which was issued for filling up of 124 backlog vacancies of Postal Assistants and Sorting Assistants in the Guwahati Division along with the other Division in the Assam Circle, the 2nd respondent issued 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- 3.**

4.5 That the applicant begs 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

Partha Sarathi Sarma.

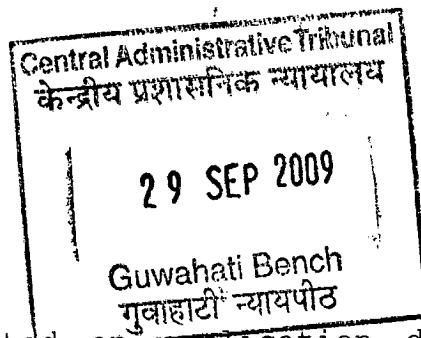


vacancies of the year 2006, 2007 and 2008 was successfully over long before on 31.05.09 in the Guwahati Division, however the respondents are yet to declare the results of the said examination. It is stated that before completion of the process of selection pursuant to the advertisement dated 13.02.09 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 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 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.

4.6 That the applicant begs 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.

4.7 That being aggrieved by the inaction on the part of the respondents towards declaring the results of the

Partha Sarathi Sarma.



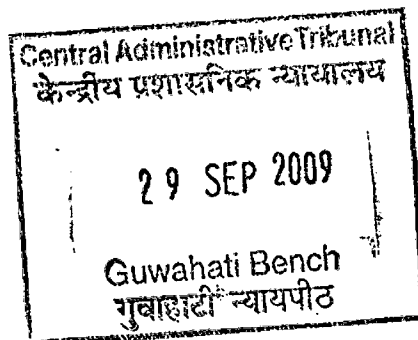
examination the applicant submitted an application dated 23.09.05 under the Right to Information Act' 2005 making some specific query. However, till date the respondents failed to furnish the information sought for by the applicant.

A copy of the application dated 23.09.09 submitted under the RTI Act is annexed herewith and marked as **ANEXURE-4**.

4.8 That the applicant begs 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 applicant, who is aspiring success in the examination.

4.9 That the applicant begs 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 "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 piecemeal 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

Partha Sarathi Sharma

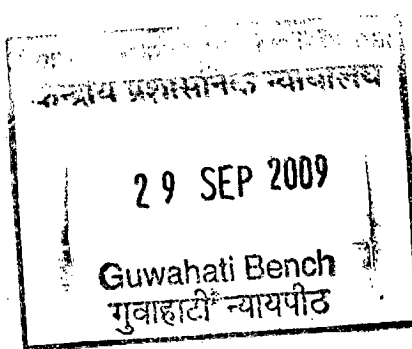


up of backlog vacancies without indicating the fate of the advertisement dated 13.02.09 smacks malafide.

4.10 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 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 applicant from the reliable source and it is the definite information of the applicant 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.

4.11 That from the facts and circumstances of the case it is clear that the respondents are deliberately with malafide exercise of power are not declaring the results of 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 declaration of the results and the applicant who has got high hopes for the success in the examination has to get

Partha Sarathi Sarma.



prejudiced. The respondents vested with malafide intention, in spite of there being vacancies in the Guwahati Division, did not notify the vacancies and are making attempts fill up those vacancies on transfer under Rules 38 of Postal Manual Vol- IV. 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 declare the results of the examination held pursuant to the advertisement dated 19.09.09. The applicant has 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. He would also suffer irreparable loss and injury if the interim order sought for is not passed by the Hon'ble Tribunal.

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

4.13. 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.

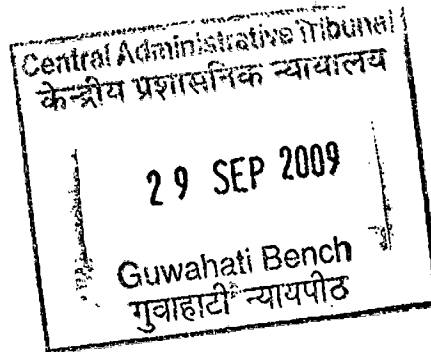
4.14 That the applicant files this application bonafide for securing the ends of justice.

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 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

Partha Sarathi Sarma.



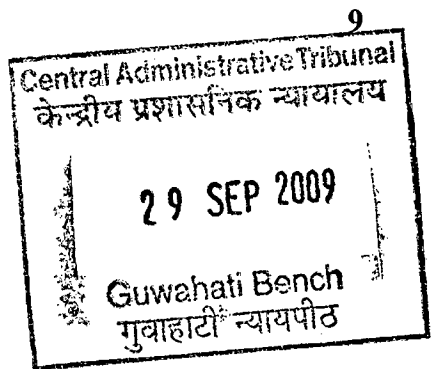
for filling up of the backlog vacancies of the year 2006 to 2008. Therefore there is ambiguity in the matter of vacancies. In the advertisement dated 19.09.09, in spite of there being approximately 35 vacancies in the Guwahati division, the respondents did not notify those vacancies and are making attempt to fill up those vacancies under transfer on Rule 38, thereby depriving the candidates of the Guwahati Division. 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 are delaying the declaration of results of the examination held pursuant to the advertisement dated 13.02.09 although a substantial period has elapsed from the date of conclusion of the examination. 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.

5.5 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 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.

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.

Partha Sarathi Sarma.



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

That the applicant declares that he has 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 applicant further declares that he has 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 within 2 (two) weeks.

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

8.3 Cost of the application.

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

9. **INTERIM ORDER PAYED FOR:**

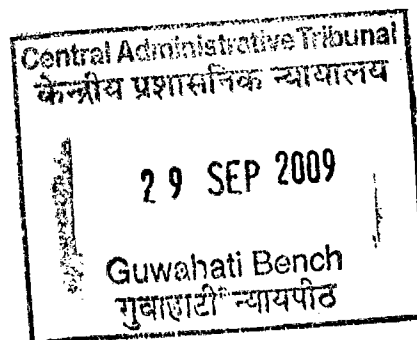
Pending disposal of the present original application the Hon'ble Court may be pleased to stay the effect and operation of the impugned advertisement dated 19.09.09 and/or alternatively direct the respondents not to declare the results of examination (if any) held pursuant to the advertisement dated 19.09.09.

Partha Sarathi Sarma

10. The application is filed through Advocates.

11. PARTICULARS OF THE IPO:

(I)	IPO No.	:	396 407533
(II)	Date of Issue	:	13.8.09.
(III)	Issued from	:	SPD
(IV)	Payable at	:	Guwahati

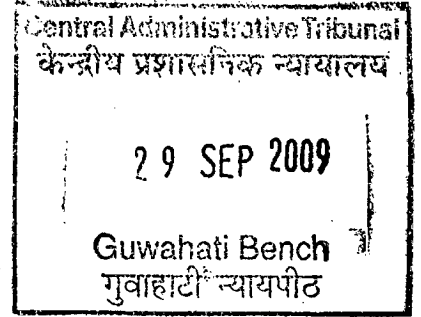


12. LIST OF ENCLOSURES:

As stated in the Index.

...Verification

Partha Sarathi Sarma.

VERIFICATION

I, Sri Parth Sarathi Sarma, Son of Amarendra Sarma, aged about 21 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, 4.5, 4.6, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14 are true to my knowledge, those made in paragraphs 4.2, 4.3, 4.4, 4.7 being matters of records are true to my information derived there from and the grounds urged are as per legal advice. I have not suppressed any material fact.

And I sign this verification on this the 29th day of September, 2009 at Guwahati.

Partha Sarathi Sarma

APPLICANT



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) 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) Kokrajgar HPO | 15) Jorhat HPO | 25) Hallakandi HPO | 35) Lumding MDG |
| 6) Bongaigaon MDG | 16) Golaghat HPO | 26) Karimganj HPO | 36) Barpeta Rd MDG |
| 7) Goalpara MDG | 17) Sivasagar HPO | 27) Badarpur MDG | 37) Rangirkhari 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) Cherial 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 16-03-2009 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
केन्द्रीय प्रशासनिक न्यायपीठ

7.9 SEP 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Notified

Advocate

-13- DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SENIOR SUPERINTENDENT OF POST OFFICES,
GUWAHATI DIVISION, MEGHDOOT BHAWAN,
GUWAHATI-781001

ANNEXURE - 2

HALL PERMIT

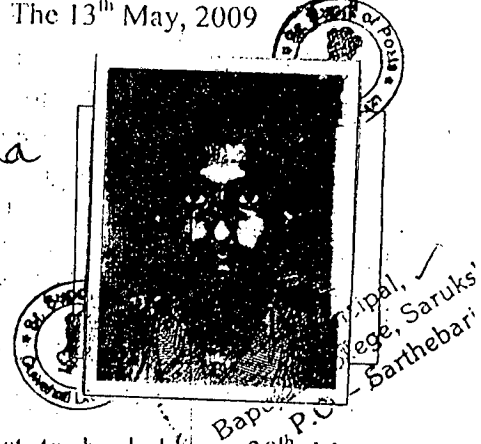
(Aptitude Test for recruitment of Postal Assistants, to be held on 30-05-09)

No. B/A-Rect/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:-

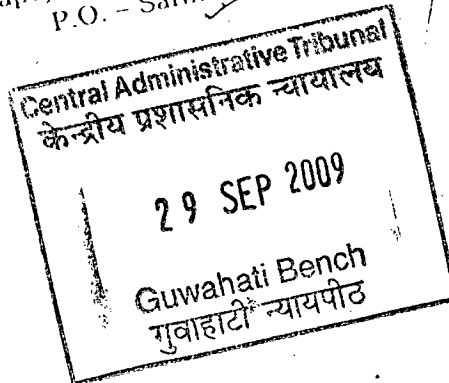
Name in block letters:- DR. NARUL CH. DEKA
with office seal.

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

13.5.09
Sr. Supdt of Post Offices
Guwahati Division: Guwahati - 1

Attested

H. Sub
Advocate





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)

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) Udalguri MDG | 21) DiphuHPO | 31) MaligaonMDG |
| 2) Nalbari HPO | 12) North Lakhimpur HPO | 22) Hojai MDG | 32) Rangia 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) Kokrajgar HPO | 15) Jorhat HPO | 25) Hallakandi 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) 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) Chariati 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.Suptd./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

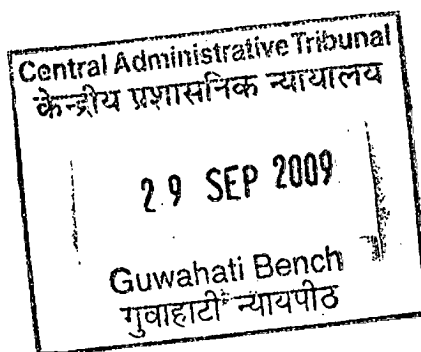
Attested
H
advocate

Guwahati Bench
29 SEP 2009
Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক ন্যায়ালয়

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ANNEXURE-4

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

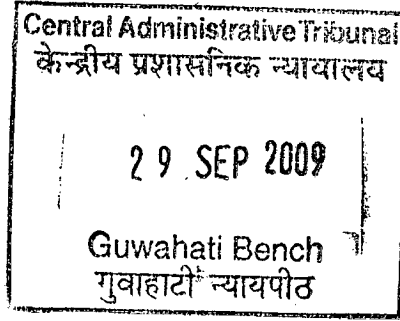

Advocate



GUWAHATI GPO - 781001
BLAD E 11:51
Counter No:5, OP-Code:1445
To:DFS,CPIO,CPMG GUWAHATI,
GUWAHATI, PIN:781001

Mt: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 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

-17-

29

भारत का डाक टिकट दस रुपये का है। इस टिकट पर दस रुपये का मूल्य है। इस टिकट पर दस रुपये का मूल्य है।

अपरकाय्य
NOT NEGOTIABLE

भारतीय पोस्टल ऑर्डर
INDIAN POSTAL ORDER

डाक महानिदेशक DIRECTOR GENERAL OF POSTS.

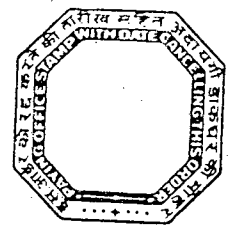
PAY TO D.P.S. (H.O.)

& C.P.O. Assam circle

दस रुपए की रकम THE SUM OF RUPEES TEN ONLY

रुपए 10.00 Rs.

AT THE POST OFFICE AT



कमीशन COMMISSION फीस 50 PAISE

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

Nalin Das

के डाकघर में अदा करें।

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

72E 131836

डाक टिकट
POSTAGE STAMPS

पोस्ट मास्टर POSTMASTER

भारत का डाक टिकट दस रुपये का है। इस टिकट पर दस रुपये का मूल्य है। इस टिकट पर दस रुपये का मूल्य है।

अपरकाय्य
NOT NEGOTIABLE

भारतीय पोस्टल ऑर्डर
INDIAN POSTAL ORDER

डाक महानिदेशक DIRECTOR GENERAL OF POSTS.

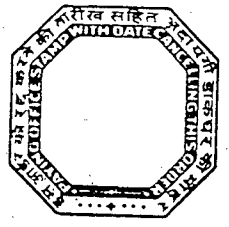
PAY TO D.P.S. (H.O.)

& C.P.O. Assam circle Guwahati

दस रुपए की रकम THE SUM OF RUPEES TEN ONLY

रुपए 10.00 Rs.

AT THE POST OFFICE AT



कमीशन COMMISSION फीस 50 PAISE

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

Nalin Das

के डाकघर में अदा करें।

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

72E 131835

डाक टिकट
POSTAGE STAMPS

पोस्ट मास्टर POSTMASTER

29 SEP
Guwahati Bench
गुवाहाटी न्यायापीठ