

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 246 2015  
R.A./CP/NO. .... 2015  
E.P./M.P./NO. .... 2015

1. Order Sheets..... 2 ..... page..... 01 ..... to..... 03 ✓
2. Judgment/ order dtd. 19.05.2010 page..... 01 ..... to..... 03 ✓
3. Judgment & Order dtd.....received from H.C. /Supreme Court.
4. O.A. .... 246/09 ..... page..... 01 ..... to..... 04 ✓
5. E.P/M.P. .... page..... to.....
6. R.A./C.P. .... page..... to.....
7. W.S. Filed on behalf of the Page..... 01 ..... to..... 22 ✓  
Respts
8. Rejoinder..... page..... to.....
9. Reply ..... page..... to.....
10. Any other papers ..... page..... to.....

11. memorandum appearance pg 01 to 01 ✓

24/7/2015  
SECTION OFFICER (JUDL.)

24.7.15

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

1. ORIGINAL APPLICATION No : 246 / 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) : Shri Sonaram Borah

Respondent (S) : Union of Ind's mops

Advocate for the : Mr. Adil Ahmed  
{Applicant (S)} Mr. N. Ahmed & Mr. S.N. Tamuli

Advocate for the : -----  
{Respondent (S)} C.G.P.C

Notes of the Registry	Date	Order of the Tribunal
<p>No. <u>396,438458</u> Dated <u>31.10.09</u> <u>26.11.09</u> Dy. Registrar <u>26/11/09</u></p>	<p>27.11.2009</p>	<p>Notice be issued to the Respondents requiring them to file their replies to this case by 8<sup>th</sup> January, 2010.</p> <p style="text-align: right;">(Madan Kumar Chaturvedi) Member (A)</p>
<p><u>26.11.09</u> Three copies of application with envelops received for issue notices to the Respondents No 1 to 3. Copy served. <u>26.11.09</u> <u>K. Das</u> Issue notice to the Respondents urgently. <u>30/11/09</u></p>	<p>8.1.2010</p>	<p>Mrs. M.Das, learned Senior Standing Counsel appearing for the Respondents seeks and allowed three weeks time to file reply.</p> <p>List the mater on 1.2.2010.</p> <p>(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta) Member (A) Member (J)</p>

Copies of notices along with order dated 27/11/09 send to D/Sec. for issuing to the respondents by regd - A/D part.

O.A.246-09

01.02.2010

Mrs.M.Das, learned Sr.C.G.S.C. seeks and allowed four weeks time to file reply.

List on 03.03.2010.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

/bb/

Clerk D/No-12772 to 12774  
11/12/09. D/- 03-12-2009

03.03.2010

It is stated that reply has been filed today, copy of which has been served upon the applicant who seeks and allowed three weeks time to file rejoinder.

List on 26<sup>th</sup> March 2010.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

26.03.2010

Ms. J. Dutta, proxy counsel for Mr. A. Ahmed, learned counsel for Applicant appeared and prayed for three weeks time to file rejoinder.

List on 20<sup>th</sup> April 2010.

(Madan Kr. Chaturvedi)  
Member (A)

/pb/

20.04.2010

Rejoinder has not been filed. Granting further opportunity to applicant to file rejoinder within one week adjourned to 27.4.2010.

(Madan Kr. Chaturvedi)  
Member (A)

(Mukesh Kr. Gupta)  
Member (J)

/pg/

3.3.2010

W/S has been filed by the Respondents in the Comd. Copy served.

4/3/2010

Notice duly served on R-No. 9,3

18/3/2010

Rejoinder not filed.

24.5.3.2010

No rejoinder filed.

Notes of the Registry	Date	Order of the Tribunal
<p>Rejoinder not filed</p> <p><u>26.4.2010</u></p> <p>Rejoinder not filed.</p> <p><u>11.5.2010</u></p> <p>Im</p>	<p>27.4.2010</p>	<p>Last and final opportunity is granted to Applicant to file rejoinder.</p> <p>List the matter on 12.5.2010.</p> <p>(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta) Member (A) Member (J)</p>
<p>Im</p>	<p>12.5.2010</p>	<p>Mr. A. Ahmed, learned counsel for Applicant has filed a letter of absence.</p> <p>List the matter on 17.05.2010.</p> <p>(Madan Kumar Chaturvedi) Member (A)</p>
<p>Im</p>	<p>17.05.2010</p>	<p>Heard Mr. Adil Ahmed, learned counsel for Applicant and Mrs. M. Das, learned Sr. Standing counsel for Respondents.</p> <p>Hearing concluded. Reserved for orders.</p> <p>(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta) Member (A) Member (J)</p>
<p>/pb/</p>	<p>19.05.2010</p>	<p>Judgment pronounced in open court.</p> <p>The O.A. is dismissed in terms of order passed separately. No costs.</p> <p>(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta) Member (A) Member (J)</p>
<p>Received order copy for Mr. M. Das Sr. C&amp;SC</p> <p><u>25.5.10</u></p> <p>21-7.2010</p> <p>Indgent principal order sent to en A/S for issuing read <del>order</del> 148</p>	<p>/bb/</p>	

Final Order/Judgment  
made at. 19-5-2000 sent  
to A/S clerk for  
issuing to applicants  
& Respondents by post

M. No. 1643-1646

At 23-7-2000

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI:

O.A. No.246 of 2009

Date of Decision : 19.05. 2010

Shri Sonaram Borah  
.....

Applicant/s

Mr. Adil Ahmed  
.....

Advocates for the  
Applicant/s

- Versus -

U.O.I. & Ors.  
.....

Respondent/s

Mrs. M. Das, Sr. CGSC  
.....

Advocate for the  
Respondents

CORAM :

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

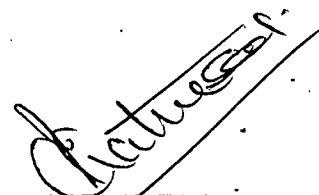
1. Whether reporters of local newspapers may be allowed to see the Judgment ?
2. Whether to be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?

Yes/No

Yes/No

Yes/No

Judgment delivered by

  
MEMBER(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.246 of 2009

Date of Order: This , the 19<sup>th</sup> Day of May, 2010.

THE HON'BLE MR MUKESH KUMAR GUPTA, JUDICIAL MEMBER

THE HON'BLE MR M.K.CHATURVEDI, ADMINISTRATIVE MEMBER

Shri Sonaram Borah  
Son of Late Khargeswar Borah  
Village – Uluwoni  
Post Office – Bengenati  
Via – Kuwaritol  
Police Station – Uluwoni  
District – Nagaon, Assam  
Pin Code – 782137.

...Applicant

By Advocate: Mr. Adil Ahmed.

-Versus-

1. The Union of India  
represented by the Secretary  
to the Government of India  
Ministry of Communication  
Department of Posts,  
New Delhi  
Pin Code – 110001.
2. The Superintendent of Posts  
Nagaon Division, Nagaon  
District – Nagaon, Assam  
Pin Code – 782001.
3. The Inspector of Posts  
Nagaon East Sub-Division  
Nagaon  
District – Nagaon, Assam  
Pin Code – 782001.

...Respondents.

By Advocate: Mrs. Manjula Das, Sr. Standing Counsel.

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ORDER

HON'BLE M.K. CHATURVEDI, ADMINISTRATIVE MEMBER:


By this O.A., Applicant makes a prayer to set aside and quash the impugned Termination Order No.A-155 dated 28.11.2008 issued by the Respondent No.2 and relieving order dated 04.12.2008 of the Applicant from Ambagan SO. It is further prayed that the Applicant be reinstated in the service as GDS, packer with all consequential service benefits.

2. We have heard Mr. Adil Ahmed, learned counsel for Applicant and Mrs. M. Das, learned Sr. CGSC for Respondents.

3. An advertisement was made on 01.08.2008 by Respondent No.3 inviting application for filling up the vacant post of GDS Packer, Ambagan SO in the district of Nagaon, on the basis of conditions and eligibility criteria laid down in the said advertisement. In pursuance of the said advertisements, 17 applications were submitted. Out of that, 12 applications were found incomplete. Five candidates were called for verification of original documents. Thereafter, a comparative chart was prepared. In the said comparative chart, the marks obtained by candidates in the H.S.L.C. Examination are as under:

1. Sri Jeetendra Roy (SL No 2) – 47.88%
2. Miss Parbin Nehar Mir (SL No 4) – 46.33%
3. Md. Ahidul Islam Choudhury (SL No 1) – 45%
4. Sri Sonaram Borah (SL No 3) – 43.76%
5. Sri Biswajit Nath (SL No 5) – 37.83%

4. The Applicant though secured less marks in the H.S.L.C. examination, he was appointed by violation of the prescribed norms laid down in the appointment. Immediately, after joining of the Applicant, the





Superintendent of Posts, Nagaon Division received several complaints from many quarters against the selection and appointment of Applicant. He, then directed the Asstt. Superintendent of Posts (HQ), Nagaon Division to carry out an enquiry into the whole recruitment process of the post.

Consequent upon the enquiry into the alleged irregular appointment of the applicant, the ASP (HQ), Nagaon Division had noted the following irregularities in the selection process:

"1) Sri Sona Ram Bora, the selected candidate has assumed the charge on 24.09.08 whereas the appointment letter was issued by the Inspector of Posts, Nagaon East Sub-Division on 25.09.08.

2) Notification for the post was issued by the Inspector of Posts on 01.08.08 whereas the selected candidate has registered his name in the employment exchange on 22.08.08.

3) The date of birth of Sri Sona Ram Bora is recorded in the school certificate as 01.01.57 whereas in the registration card of employment exchange, it is written as 22.07.59.

4. 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> candidates were not considered for appointments but the candidate for 4<sup>th</sup> position was selected which is not in order.

5. The selected candidate does not belong to the delivery jurisdiction of Ambagan SO or any of its BO. He belongs to village Ulluwani, PO Bengenati via Kuwaritol and it is learnt that he has not yet shifted his residence to Ambagan."

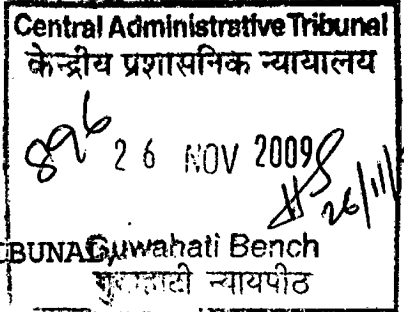
In view of the above, service of the Applicant was terminated. We do not find any infirmity in the impugned order as such we uphold the same.

In the result, O.A. stands dismissed. No costs.

  
(MADAN KUMAR CHATURVEDI)  
ADMINISTRATIVE MEMBER

  
(MUKESH KUMAR GUPTA)  
JUDICIAL MEMBER

/PB/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL Guwahati Bench  
GUWAHATI BENCH, GUWAHATI.  
গুৱাহাটী ন্যায়পীঠ

ORIGINAL APPLICATION NO. 246 OF 2009

Shri Sonaram Borah

-Applicant

-Versus-

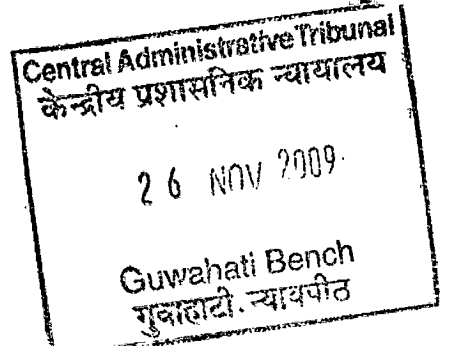
The Union of India & Others

-Respondents

S Y N O P S I S

Applicant belongs to Koch community which is recognized as Other Backward Class (OBC) in the State of Assam. He passed High School Leaving certificate (H.S.L.C.) Examination under Board of Secondary Education of Assam by securing second Division in the year 1978. On 08.09.2008 the Applicant was informed to appear before the office of the Inspector of Posts, Nagaon East Sub Division i.e Respondent No.3 for verification of original documents for the selection to the post of Gramin Dak Sevak (GDS in short) Packer, Ambagan S.O. The office of the Respondent No.3 on 22.09.2008 informed the Applicant about his selection for the post of GDS Packer, Ambagan S.O. Thereafter the Respondent No.3 on 25.09.2008 issued an appointment letter to the Applicant as GDS Packer, Ambagan S.O. Accordingly the Applicant joined as GDS Packer at Ambagan S.O. while he was performing his duties very sincerely, without any blemish all of sudden the office of the Respondent No.2 without any prior notice directed the Respondent No.3 to terminate the Applicant from the post of GDS PKR, Ambagan S.O. immediately. The office of the Respondent No.3 as per the direction of the Respondent No.2 relieved the Applicant as GDS, packer in the Ambagan S.O. on 04.12.2008. Hence, this Original Application for seeking justice into this matter.

Shri Sonaram Borah



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

ORIGINAL APPLICATION NO. 246 OF 2009

Shri Sonaram Borah

-Applicant

-Versus-

The Union of India & Others

-Respondents

LIST OF DATES

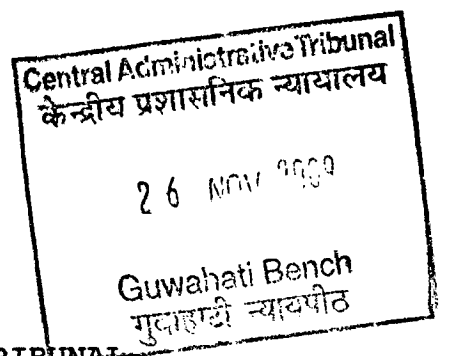
Year 1978 Para : 4.2 Annexure 2	Applicant passed H.S.L.C. Examination by securing Second Division under the Board of Secondary Education, Assam.
08.09.2008 Para : 4.3 Annexure 3	The office of the Respondent No.3 informed the Applicant to attend his office for verification of original documents for the selection to the post of GDS, Packer, Ambagan S.O.
22.09.2008 Para : 4.4 Annexure :4	The Respondent No.3 informed the Applicant about his selection for appointment to the post of GDS Packer, Ambagan S.O.
25.09.2008 Para: 4.5 Annexure 5	The office of the Respondent No.3 issued an appointment letter to the Applicant as Gramin Dak Sevak, Packer, Ambagan S.O.
28.11.2008 Para : 4.7 Annexure :6	The office of the Respondent No.2 directed the Respondent No.3 to terminate the Applicant from the post of GDS PKR, Ambagan S.O. immediately.
04.12.2008 Para: 4.7 Annexure: 7	The office of the Respondent No.3 relieved the Applicant from the Ambagan S.O.

Filed by

*Nuruddin Ahm*

Advocate

*Shri Sonaram Borah.*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH, GUWAHATI.

ORIGINAL APPLICATION NO. 246 OF 2009

Shri Sonaram Borah

-Applicant

-Versus-

The Union of India & Others

-Respondents

INDEX

Sl. No.	Particulars	Annexures	Pages
1	Original Application		1 to 10
2	Verification		11
3	Copy of the caste certificate No. 2718 /78 of the Applicant issued by the office of the Deputy Commissioner, Nagaon, Assam	1	12 to 13
4	Copy of the H.S.L.C. pass certificate	2	14
5	Copy of the office order dated No.A2/Ambagan/GDSPKR 08.09.2008.	3	15 to 16
6	Copy of the letter No.A2/Ambagan/GDSPacker dated 22.09.08 issued by the respondent No.3.	4	17 to 18
7	Copy of the office order dated No.A2/Ambagan/GDSP/08 25.09.08.	5	19 to 21
8	Copy of the letter No.A-155 dated 28.11.2008 issued by the Respondent No.2.	6	22
9	Copy of the relieved order dated 4.12.2008 of the Applicant.	7	23 to 24

10.

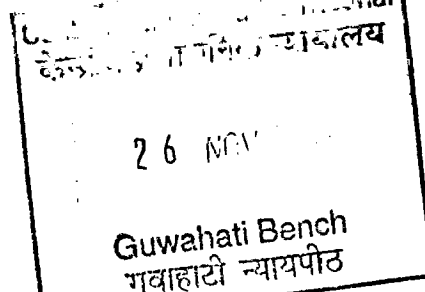
Date: 26/11/09

25-46

Filed by

Nuruddin Ahmad  
Advocate

Sri Sonaram Borah,



FILED BY  
Sri Sonaram Borah  
Applicant  
through Nirmal Kumar Thakur  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 246 OF 2009

BETWEEN

Shri Sonaram Borah,  
Son of late Khargeswar Borah  
Village-Uluwoni, Post Office-Bengenati,  
Via Kuwaritol, Police Station-Uluwoni,  
District-Nagaon, Assam,  
PIN Code-782137.

-Applicant

-AND-

- 1] The Union of India represented by the  
Secretary to the Government of India,  
Ministry of Communication,  
Department of Posts, New Delhi,  
PIN Code-110001.
- 2] The Superintendent of Posts  
Nagaon Division,  
Nagaon,  
District-Nagaon, Assam,  
PIN Code-782001.
- 3] The Inspector of Posts  
Nagaon East Sub-Division,  
Nagaon,  
District-Nagaon, Assam,  
PIN Code-782001.

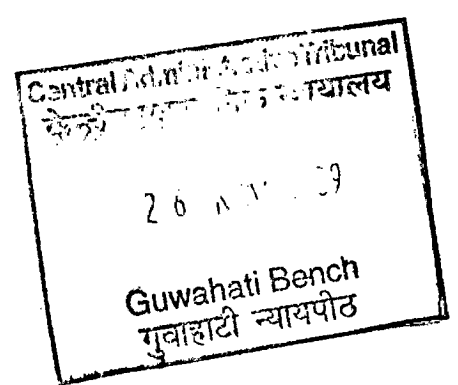
-Respondents

DETAILS OF THE APPLICATION:

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

This application is made against the impugned order No.A-155  
dated 28.11.08 issued by the Superintendent of Posts, Nagaon  
Division, Nagaon i.e. Respondent No.2 whereby direction was  
issued to the Inspector of Posts Nagaon East sub-Division, Nagaon  
i.e. Respondent No.3 to terminate the service of the Applicant  
from the post of Gramin Dak Sevak (GDS in short) PKR Ambagan SO  
immediately and also against the relieving order dated 04.12.2008  
whereby Applicant was relieved from the Ambagan SO.

Sri Sonaram Borah.



2] JURISDICTION OF THE TRIBUNAL:

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

3] LIMITATION:

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4] FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1] That the Applicant is a citizen of India, as such, he is entitled to all the rights and privileges guaranteed under the Constitution of India and the Laws framed thereunder from time to time. He belongs to a 'Koch' community which is recognized as Other Backward Class (OBC) in the State of Assam.

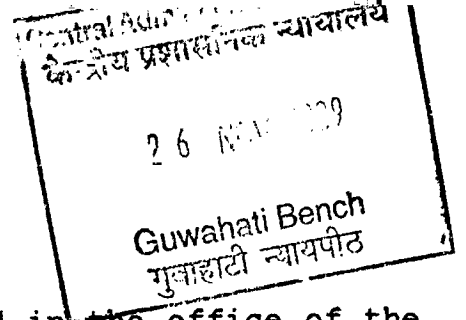
Copy of the caste certificate No. 2718 /78 of the Applicant issued by the office of the deputy Commissioner, Nagaon, Assam is annexed herewith and marked as Annexure 1.

4.2] That the Applicant begs to state that he has passed High School Leaving certificate Examination (H.S.L.C) in the year 1978 in Second Division under the Board of Secondary Education Assam. Thereafter, the Applicant could not pursue his further studies due to poor financial condition.

Copy of the H.S.L.C. pass certificate is annexed herewith and marked as Annexure-2.

4.3] That the Applicant applied for the post of Gramin Dak Sevak Packer in Ambagan S.O. under the office of the Inspector of Posts, Nagaon East Sub Division, Nagaon i.e. the Respondent No.3. The Respondent No.3 vide letter No.A2/Ambagan/GDSPKR dated

Sri Sonaram Bora.



08.09.2008 informed the Applicant to attend in the office of the Inspector of Post Offices, Nagaon East Sub Division, Nagaon for verification of original documents for selection to the post of Gramin Dak Sevak packer (GDS packer) Ambagan S.O. The original documents as mentioned in the aforesaid letter dated 08.09.2008 are quoted below for kind perusal of this Hon'ble Tribunal:-

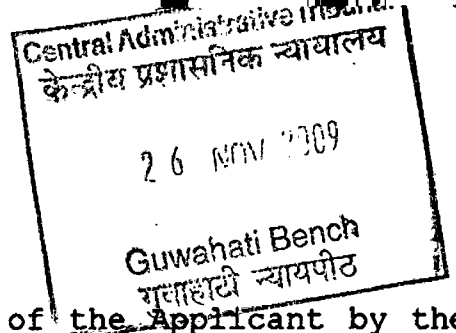
- 1) Landed property documents viz. jamanbandi/Namjari/Patta/registered deed in original in the name of the candidate issued by the competent authority.
- 2) Original income certificate issued by the Revenue authority and Source of income.
- 3) Original School certificate/Admit card & marksheets of H.S.L.C.
- 4) Caste certificate in original, if any in case of SC/OBC/ST candidate.
- 5) Employment exchange registration certificate.

Copy of the office letter No.A2/Ambagan/GDSPKR dated 08.09.2008 is annexed herewith and marked as Annexure-3.

4.4] That the Respondent No.3 vide his letter No.A2/Ambagan/GDSPacker dated 22.09.08 informed the Applicant about his selection for appointment to the post of GDS Packer, Ambagan S.O. on provisional basis. Applicant was also informed that the charge of the post would be transferred to him after completion of verification process and medical examination. The Applicant was directed to produce the landed property documents, original income certificate issued by Revenue Authority, source of income, caste certificate, employment exchange registration etc.

It is to be stated here that Section IV (Under the Head Method of Recruitment) of Gramin Dak Sevak (Conduct and Employment) Rule 2001 (hereinafter called as Rule 2001) provides various criteria's required for selection of GDS staff. This includes-(i)Age (ii) Educational Qualifications (iii) Income and Ownership of Property (iv) Preferential Categories etc. After

Sri Somaram Borah.



verification of the aforesaid documents of the Applicant by the Respondents as per Rule 2001, the Applicant was found eligible and fit for appointment to the post of GDS Packer.

Copy of the letter No.A2/Ambagan/GDSPacker dated 22.09.08 issued by the Respondent No.3 is annexed herewith and marked as Annexure-4.

4.5] That the Applicant begs to state that he was appointed as GDS Packer, Ambagan S.O. vide appointment Order No.A2/Ambagan/GDSP/08 dated 25.09.08 issued by the Inspector of Posts, Nagaon East Sub Division, Nagaon. In the aforesaid appointment letter dated 25.09.2008.

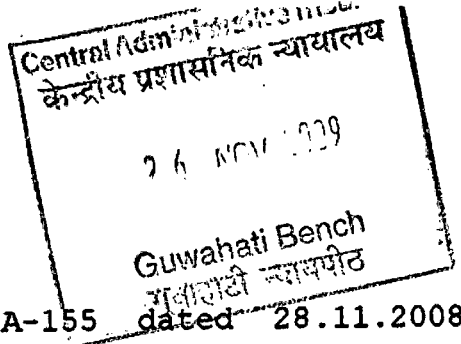
Copy of the office order No.A2/Ambagan/GDSP/08 dated 25.09.08 is annexed herewith and marked as Annexure-5.

4.6] That your Applicant begs to state that in pursuance of his appointment as GDS, Packer he has joined at Ambagan S.O. under the Respondent No.3. Since the date of joining he had performed his duties sincerely, efficiently, with devotion and without any blemish from his superior officer.

4.7] That all of sudden without any prior notice the office of the Superintendent of Posts, Nagaon Division, Nagaon i.e. the Respondent No.2 vide its letter No.A-155 dated 28.11.2008 (with a copy to the Applicant) directed the Respondent No.3 to terminate the service of the Applicant from the post of GDS Packer, Ambagan S.O. immediately. In the aforesaid letter dated 28.11.2008 it has been stated that there was some irregularity in the appointment of the Applicant to the post of GDS Packer, Ambagan S.O. As per the aforesaid letter the Applicant was relieved from his post on 4.12.2008 afternoon. It is worth to mention here that in the Termination order, the Respondent No.2 or 3 did not disclose the irregularity of the Applicant in his appointment. The Order of Termination of the Applicant dated 28.11.2008 is vague and cryptic and is bad in the eye of law. Hence finding no other alternative the Applicant is compelled approach before this Hon'ble Tribunal.

Sri Sonaram Bora.





Copy of the letter No.A-155 dated 28.11.2008 issued by the Respondent No.2 is annexed herewith and marked as Annexure-6.

Copy of the relieved order dated 04.12.2008 is annexed herewith and marked as Annexure-7.

4.8] That the Applicant humbly submits that he was selected as per GDS Rules 2001 following all procedures prescribed therein and on fulfillment of all terms and conditions as per the Gramin Dak Sevak (Conduct and Employment) Rule 2001. There was no irregularity in his selection and as such the order dated 28.11.2008 was passed arbitrarily, whimsically and without application of mind. Non application of mind is explicit in this case. The Respondent No.2 maliciously passed the aforesaid order only to deprive the Applicant from his means of livelihood and to accommodate persons of his choice in the aforesaid post.

4.9] That the Applicant humbly submits that without any prior notice the Respondents particularly the Respondent No.2 & 3 have terminated the service of the Applicant without disclosing any cause/causes. Hence the respondents have totally violated the principle of Natural Justice.

4.10] That the Applicant humbly submits that if there was some irregularity at all in the decision making process that could have been cured without terminating the service of the Applicant and also by issuing show cause to the Applicant to rectify any alleged irregularity as stated by the Respondents. It is submitted by the Applicant as per his knowledge that there are no irregularity in his selection to the post of GDS, PKR and he was duly selected as per Rules 2001. He has not been appointed through any backdoor policy or any fraudulent manner.

4.11] That your Applicant humbly submits that the Respondents misconstrued the case of the Applicant as substitute. It is stated that the Applicant's appointment was provisional. As per Director General of Posts letter No. D.G. Posts, Letter No.17-115/2001-GDS, dated the 21st October, 2002 it was clarified that "where provisional appointment became unavoidable, action may be

*Sonaram Bora*

26 NOV 2009

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

initiated to filled the posts following all the formalities prescribed for regular appointment. ...". The Applicant humbly submits that his appointment was made on provisional basis following all the formalities prescribed for regular appointment. As such the termination of his service without following the procedure and in violation of principles of natural justice is bad.

4.12] That in the aforesaid circular dated 21.10.2002 it was also mention that where the regular incumbents is not reinstated, immediate action must be taken to regularize the regularly selected provisional appointee against the said posts without resorting to fresh recruitment. It is humbly submitted that the provisional appointees are not at par with the substitute. They (appointees) are considered as a preferential group and their service must be regularised if there is any vacancy.

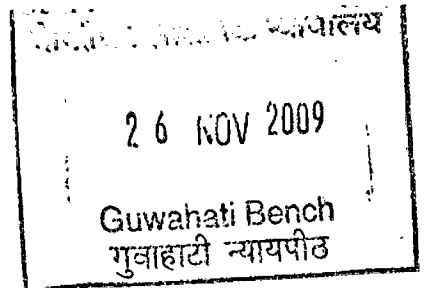
4.13] That the Applicant humbly submits that after joining as the GDS Packer, Ambagan S.O. he had served honestly, sincerely, and he had a unblemished service record. He had attended office regularly since his date of joining.

4.14] That your Applicant submits that he has a strong prima-facie case in his favour. The action of the Respondent No.2 & 3 in terminating the service of the Applicant is arbitrary, unjust and violative of the established principles of service jurisprudence. The Respondent No.2 ordered for termination of Applicant service with a mala-fide intention to accommodate persons of his choice.

4.15] That it is respectfully submitted in the premises of aforesaid that it is a fit case wherein your lordship in the interest of justice would be please to interfere into this matter otherwise the Applicant will suffer irreparable loss and injury and he will be deprived of his right to livelihood.

4.16] That the Applicant submits that the action of the state and it's instrumentalities are to be just, fair and reasonable and such authorities cannot adhere to unfair procedure. Fair

Sri Sonaram Boruah.



procedure is the essence and the legitimate expectation of a citizen cannot be whittled down by adopting an unfair procedure.

4.17] That your Applicant submits that the action on the part of the Respondents are illegal, arbitrary, mala-fide and hence not sustainable before the eye of law as well as in facts.

4.18] That your Applicant submits that the actions of the Respondents are in violation of the fundamental as well as other Constitutional rights guaranteed under the Constitution of India.

4.19] That this application is filed bonafide and for the interest of justice.

5] GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1] For that, on the above narrated facts and circumstances, the actions of the Respondents are prima facie illegal, mala- fide, arbitrary and without jurisdiction. Hence, the impugned Termination Order No.A-155 dated 28.11.2008 issued by the respondent No.2 is liable to be set aside and quashed.

5.2] For that, the Respondent No.2 and 3 without giving any authentic reason or reasons terminated the service of the Applicant which is bad in law. As such the impugned Termination Order No.A-155 dated 28.11.2008 issued by the Respondent No.2 is liable to be set aside and quashed

5.3] For that, the Respondent No.2 and 3 without giving any prior notice or opportunity of being heard to the Applicant terminated his service. Hence, the action of the Respondent No.2 and 3 is total violation of the principle of Natural Justice. As such the impugned Termination Order No.A-155 dated 28.11.2008 issued by the Respondent No.2 is liable to be set aside and quashed.

5.4] For that, the Applicant was selected and appointed to the post of Gramin Dak Sevak, Packer following all the formalities prescribed for regular appointment and as such his termination from service without notice is bad in law. Hence, the action of

Sri Sonaram Bora.

the Respondents for termination of the service of the Applicant is arbitrary and not maintainable in the eye of law.

5.5] For that, the Applicant's was misconstrued as a substitute though his appointment was provisional. The Respondents terminated his service without application of proper mind.

5.6] For that, the Applicant and his family are suffering from mental anxiety since 28.11.2008 without their any fault and they are also suffering from financial hardship and will be deprived from their right to livelihood.

5.7] For that, there is violation of guidelines circulated vide letter dated 21.10.2002 by treating the Applicant at par with the substitute.

5.8] For that, the Respondent No.2 and 3 have violated the provisions of Article 14, 16 and 21 of the Fundamental Rights granted under the Constitution Of India.

5.9] For that, the Respondent No.2 and 3 have violated the provisions of Article 311 of the Constitution of India.

5.10] For that, in any view of the matter the action of the Respondents are not sustainable in the eye of law.

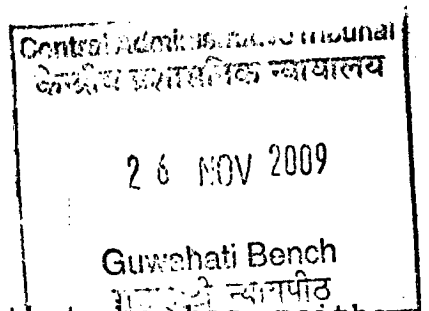
The Applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of the instant application.

6] DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the Applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

Sri Somaram Bora.



That the Applicant further declares that he has neither filed any application, Writ Petition or suit in respect of the subject matter of the instant application before any other court or authority, nor any such application, writ petition or suit is pending before any of them.

8] RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the Applicant most respectfully prays that Your Lordships may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and/or relieves sought for by the Applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relief:

8.1] To set aside and quash the impugned Termination Order No.A-155 dated 28.11.2008 issued by the Respondent No.2.

8.2] To set aside and quash the impugned relieving order dated 04.12.2008 of the Applicant from Ambagan SO.

8.3] To reinstate the Applicant in his service as GDS, packer with all consequential service benefits.

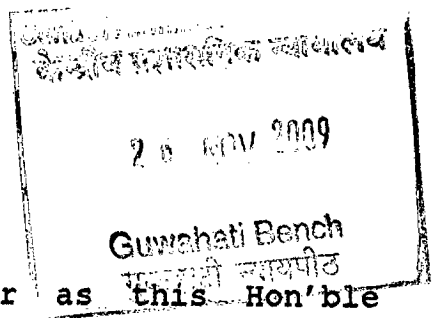
8.4] To pass any other appropriate relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.5] To pay the cost of the application.

9] INTERIM ORDER PRAYED:

During pendency of this Original Application the Applicant most respectfully prays before your Lordships that this Hon'ble Tribunal may be pleased to direct the Respondents particularly Respondent No.2 & 3 to allow the Applicant to work as GDS, packer

Sri Sonaram Borah.



under them and/or any other interim order as this Hon'ble Tribunal may deem fit and proper.

10] Application is filed through Advocate.

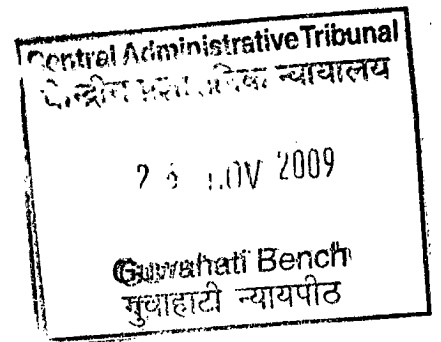
11] Particulars of I.P.O. :-  
I.P.O. No. :- 399 438458  
Date of Issue :- 31.10.2009  
Issued from :- Guwahati G.P.O.  
Payable at :- Guwahati

12] LIST OF ENCLOSURES:

As stated above.

-Verification

Sd/ Sonaram Boted.-

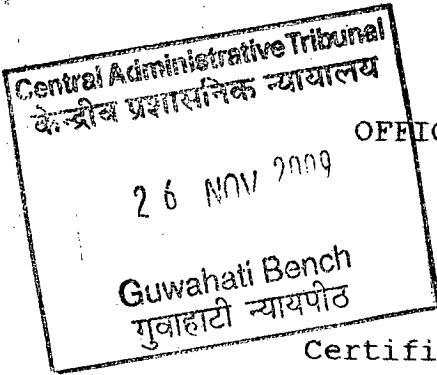


- V E R I F I C A T I O N -

I, Shri Sonaram Borah, aged about 51 years Son of late Khargeswar Borah, resident of Village Uluwoni, Post Office Bengenati, Via Kuwaritol & Police Station Uluwoni, District Nowgong, Pin Code 782137 do hereby solemnly verify that the statements made in paragraph nos. 4.1 (Partly), 4.2 (Partly), 4.4 (Partly), 4.6, 4.7 (Partly) are true to my knowledge, those made in paragraph nos. 4.1 (Partly), 4.2 (Partly), 4.3, 4.4 (Partly), 4.5, 4.7 (Partly) are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this Verification on this the 26<sup>th</sup> day of November 2009.

Shri Sonaram Borah,  
 DECLARANT



(TYPED COPY)

OFFICE OF THE DEPUTY COMMISSIONER, NOWGONG

CASTE CERTIFICATE

NO. 2718/78

Certified that Shri Sonaram Borah Son of late Khargeswar Borah of village Uluwani, Mouza-Borbhagia, P.S-Koliabor in the District of nowgong belongs to Koch community which is recognized as Other Backward Class in the State of Assam.

Date-27/8/78

Seal

Sd/

Addl. Deputy Commissioner

Nowgong; Assam

ATTESTED  
ADVOCATE



- 13 -

DEPUTY COMMISSIONER : : : : NOWGONG.

CASTE CERTIFICATE

NO. 2718../78.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
26 NOV 1978  
Guwahati Bench  
গুৱাহাটী বেঞ্চ

Certified that Shri *Sonaram Borah*

son/daughter of Shri/Late *Khargashan Borah* . . . of Village  
. . . *Uliana* . . . Mouza *Borbhaga* . . . P.S. *Kaliakani*  
in the District of *Nowong* belongs to *Mech* . . community which  
is recognised as Other Backward Class in the State of Assam.

Date *11.8.78*



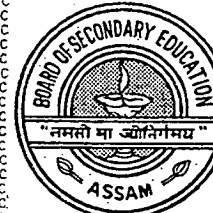
Adcl. Deputy Commissioner,  
Nowong : : : : Assam.

XXXXXXXXXXXXXXXXXXXX

ATTESTED  
*(Signature)*  
ADVOCATE

27324

Guwahati Bench  
গুৱাহাটী ন্যাযপীঠ



I Certify that Sonaram Berak  
116 No 570 aged 21 years 2 months x days  
First of March, 1978 duly passed the High School Leaving  
Examination 1978 (new course) of this Board and was placed  
Second Division.

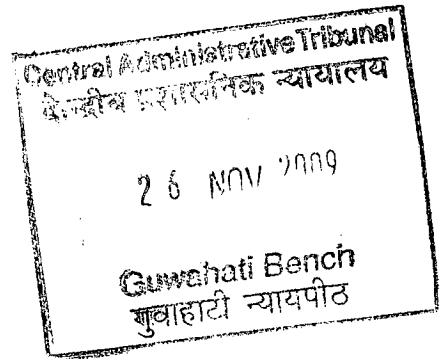
The 11th July. 1978

**ATTESTED**  
  
**ADVOCATE**



**SECRETARY**

- 15 -



-TYPED COPY-

O/O the Inspector of Post Offices  
Nagaon East Sub Division  
Nagaon 782001

To  
Sri Sonaram Borah  
Vill-Ulluwoni  
P.O.-Bengenati  
Via-Kuwaritol  
Dist-Nagaon(Assam)

A2/Ambagan/GDSPKR

Dated at Nagaon(Assam) the 08.09.2008

Sub:-Selection for the post of GDSPKR, Ambagan S.O.  
attend the office of the Inspector of Posts, Nagaon East  
Sub Dn, Nagaon for verification original documents.

Please appear in person with the following  
original documents on 19.09.08 at 11.30 hrs to the office of  
the undersigned in connection with selection for the post of  
GDSPKR, Ambagan S.O.

- 1) Landed property documents viz.  
jamanbandi/Namjari/Patta/registered deed in original in the  
name of the candidate issued by the competent authority.
- 2) Original income certificate issued by the Revenue  
authority and Source of income.
- 3) Original School certificate/Admit card & marksheets of  
H.S.L.C.
- 4) Caste certificate in original, if any in case of  
SC/OBC/ST candidate.
- 5) Employment exchange registration certificate.

This is not an interview but verification of original  
documents. No TA/DA will be paid in this connection.

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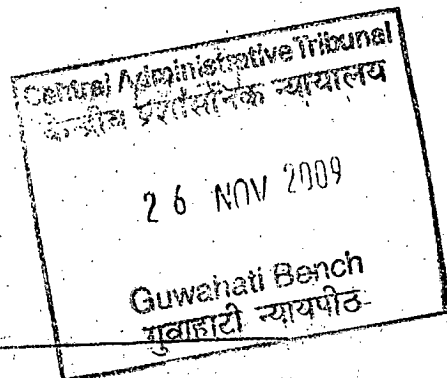
Sd/

OFFICE SEAL

ATTESTED

ADVOCATE

O/O the Inspector of Post Offices,  
Nagaon East Sub Division.  
Nagaon- 782001.



*legat*  
To,

Sri / Smt. Sonarain Borah.  
vill - Ulluwani,  
PO - Bengemati,  
via - Kumbhari, Dist - Nagaon (Assam)

A2 - Ambagan / GIDSPKX

Dated at Nagaon (Assam) the  
08-09-2008

Sub:— Selection for the Post of GIDSPKX, Ambagan S.O,  
attend the office of the Inspector of Posts, Nagaon  
East Sub Dn, Nagaon for verification of original  
documents.

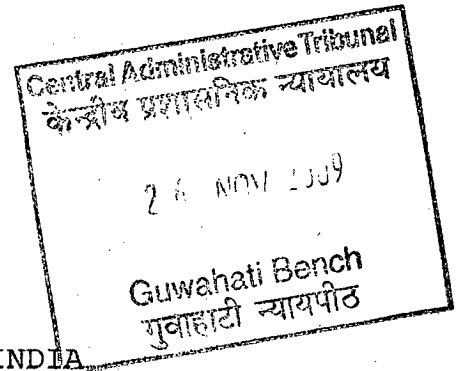
Please appear in person with the  
following original documents on 19.09.08 at 11.30 hrs  
to the office of the undersigned in connection with  
selection for the Post of GIDSPKX, Ambagan S.O

- 1) Land & Property documents viz:- Jahambandi /  
Namjari / Patta / Registered deed in original in the  
name of the candidate issued by the competent  
authority.
- 2) Original income certificate issued by the  
Revenue authority and Source of income.
- 3) Original school certificate / Admit card & marksheet of  
H.S.C.
- 4) caste certificate in original, if any, in case of  
SC / OBC / ST candidate.
- 5) Employment exchange registration certificate.

This is not an interview but verification  
of original documents. NO TA/DA will be paid  
in this connection.

**ATTESTED**  
  
**ADVOCATE**

yours faithfully  
(L. M. Borah)  
INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon- 782001



-TYPED COPY-

DEPARTMENT OF POSTS:INDIA

From  
O/O the Inspector of Posts  
Nagaon East Sub Division  
Nagaon 782001

To  
Sri Sonaram Boarah  
S/O Late Khageswar Borah  
Vill:Uluwoni  
P.O.-Bengenati  
Via:Kuwaritol  
Dist:Nagaon(Assam)

No. A2/Ambagan/GDSPacker Dated at Nagaon(Assam) the  
22.09.08.

Sub:-Regarding selection for appointment to the post of GDS  
Packer, Ambagan S.O.

You have been selected for appointment to the post of  
GDS Packer, Ambagan S.O. on provisional basis. Charge of the  
post would be got transferred to you after completion of the  
verification process and medical examination.

You are hereby directed to produce the following  
documents at this office at the earliest.

- 1) Attestation form in duplicate.
- 2) Descriptive particulars
- 3) Declaration
- 4) Oath of allegiance
- 5) Character certificate i)Character certificate®
- 6) Health certificate
- 7) Declaration to supplement income.

Enclo-(As above)

Sd/  
Illegible  
(office Seal)

**ATTESTED**  
  
**ADVOCATE**

DEPARTMENT OF POSTS : INDIA

To,

From  
Noted,

INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon - 782001

Sri Soma Ram Borah  
S/O Late Khargenwar Borah  
vill:- Uluwani  
PO:- Bengonati  
via:- Kananitoli  
Dist:- Nagaon (Assam)

NO:- A2/ Ambagan / GIDSPACKER Dated at Nagaon (Assam)  
the 22.09.08


Sub:- Regarding Selection for appointment to the  
Post of GIDSPACKER, Ambagan S.O.

You have been Selected for appointment  
to the Post of GIDSPACKER, Ambagan S.O on Provisional  
basis. Charge of the post would be got transferred  
to you after completion of the verification process  
w/ medical examination.

You are hereby directed to produce  
the following documents at this office at the  
earliest.

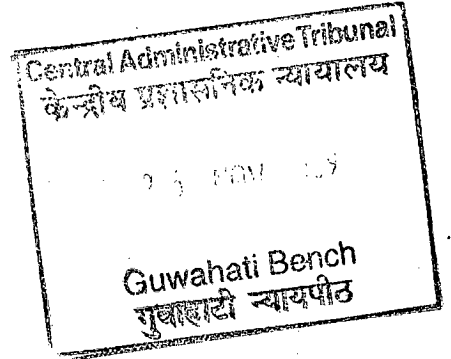
- 1) Attestation form in duplicate
- 2) Descriptive particulars.
- 3) Declaration,
- 4) Oath of Allegiance.
- 5) Character certificate (1), Character certificate (2)
- 6) Health certificate
- 7) Declaration to Supplement income.

Encls:-  
(As above)

  
INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon - 782001

ATTESTED

ADVOCATE



-TYPED COPY-  
ANNEXURE- 'A'  
(In Duplicate)

Whereas the post of Gramin Dak Sevak, Packer, Ambagan S.O. (Name of post and office of duty) has become vacant/has been newly created and it is not possible to make regular appointment to the said post immediately the Inspector of Posts, Nagaon(E) Sub Dvn., Nagaon (Appointing authority) has decided to make provisional appointment to the said post for a period of (period) from 180 days to \_\_\_\_\_ till regular appointment is made, whichever period is shorter.

2. Sri Sona Ram Borah, Village-Uluwani, P.O.-Bengenati, Dist.-Nagaon (name and address of the selected person) is offered the provisional appointment. He/she should clearly understand that the provisional appointment will be terminated when regular appointment is made and he/she shall have no claim for appointment to any post.

3. The Inspector of Posts, Nagaon East Sub Dvn. (appointing authority) also reserves the right to terminate the provisional appointment at any time before the period mentioned in Para 1 above without notice and without assigning any reason.

4. Sri Sona Ram Borah will be governed by the Gramin dak Sevaks (Conduct & Employment) rules 2001 as amended from time to time and all other rules and orders applicable to Gramin Dak Sevaks.

5. In case the above conditions are acceptable to Sri Sona Ram Borah (name of the selected candidate) he should sign the duplicate copy of this memo and return the same to the undersigned, immediately.

Sd/

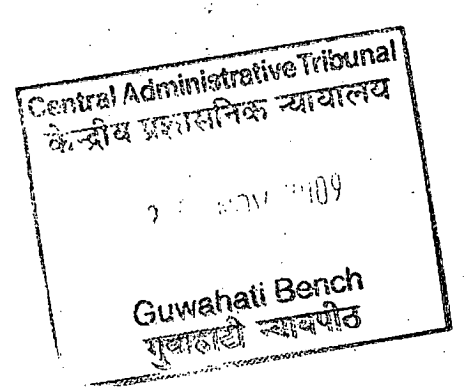
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(Office Seal)

Appointing Authority

ATTESTED  
ADVOCATE

No.A2/Ambagan/GDS PKR dated at Nagaon (Assam), the 25/9/08



To,

Shri Sona Ram Borah

Vill:-Uluwani, P.O.-Bengenati, Via-Kuwaritol, Dist.-  
Nagaon (Assam)

2. The Postmaster, Nagaon/Diphu H.O.

3. The SDIPOS, \_\_\_\_\_ Sub Dn \_\_\_\_\_

4. Spare

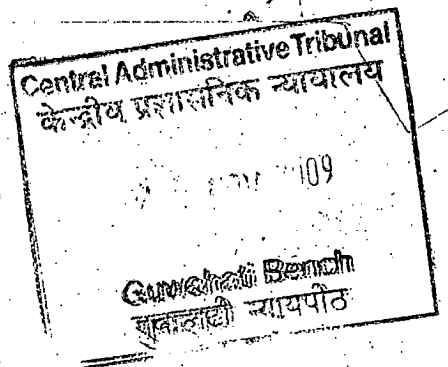
Sd/

Illegible  
(Office Seal)

ATTESTED

ADVOCATE





ANNEXURE - 'A'  
( In Duplicate )

Whereas the post of Gramin Dak Sevak, Packer, Ambagan S.O  
( Name of post and office of duty ) has become  
vacant/has been newly created and it is not possible to make  
regular appointment to the said post immediately the Inspector of Posts  
(appointing authority) has decided to make provisional appoint-  
ment to the said post for a period of (period) from 18 days  
to \_\_\_\_\_ till regular appointment is made, whichever  
period is shorter.

2. Sri Sona Ram Borah, Vill:- Uluwani, PO:- Bengemati Dist:- Naga  
(Name and address of the  
selected person) is offered the provisional appointment. He/she  
should clearly understand that the provisional appointment will  
be terminated when regular appointment is made and he/she shall  
have no claim for appointment to any post.

3. The Inspector of Posts, Nagaon Sub Dn.  
(appointing authority) also  
reserves the right to terminate the provisional appointment at  
any time before the period mentioned in Para 1 above without  
notice and without assigning any reason.

4. Sri Sona Ram Borah will be governed by the Gramin  
Dak Sevaks (Conduct & Employment) Rules, 2001 as amended from  
time to time and all other rules and orders applicable to Gramin  
Dak Sevaks.

5. In case the above conditions are acceptable to Sri  
Sona Ram Borah (Name of the selected candidate) he/she  
should sign the duplicate copy of this memo and return the same  
to the undersigned, immediately.

Sd/-  
INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon 782001

Appointing Authority

No. As/Ambagan/GDS/Pho dated at Nagaon (Assam), the 25/10/08

To Sri Sona Ram Borah,  
Vill:- Uluwani, PO:- Bengemati, Dist:- Nagaon (Assam)

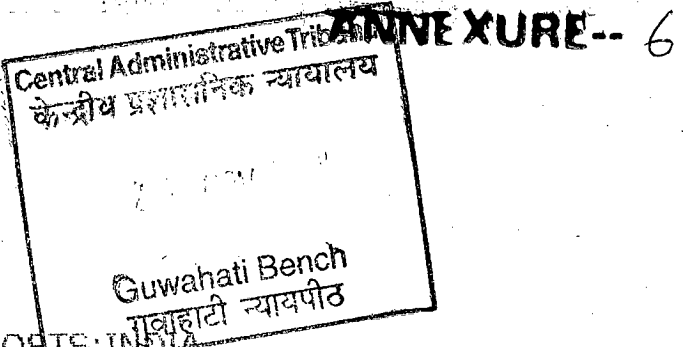
2. The Postmaster, Nagaon/Diphu H.O.
3. The SDIPOs, \_\_\_\_\_ Sub Dn. \_\_\_\_\_
4. Spare.

Sd/-  
INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon 782001

ATTESTED

ADD: MTB

- 22 -




DEPARTMENT OF POSTS: INDIA  
OFFICE OF THE SUPERINTENDENT POSTS, NAGAON DIVISION  
NAGAON-782001

To  
Sri Damodar Barman  
Inspector of Posts  
Nagaon East Sub Division  
Nagaon-782001

No:A-155

Dated at Nagaon (A) the 28-11-08


While reviewing the monthly appointment statement submitted vide your letter No.A1/Stt/GDS/Apptt/Review/Ngg(E)/2007-08 dated 10-10-08 some irregularities have been noticed by the undersigned in c/w appointment made to the post of GDS Pkr Ambagan SO vide your letter No.A2/Ambagan/GDS Pkr dated 25-09-08. You are, therefore, directed to terminate the appointment of Sri Sonaram Borah from the post of GDS Pkr Ambagan SO immediately and date of termination may be intimated to this office.

  
Superintendent Posts  
Nagaon Division. Nagaon-782001


Copy to:-

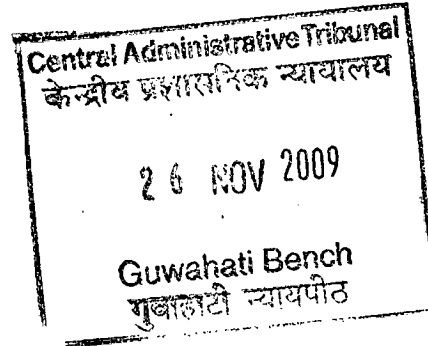
- 1) The Postmaster, Nagaon HO for information and necessary action.
- 2) The SPM, Ambagan SO for information.
- 3) Sri Sonaram Borah, Vill-Uluwani PO-Bengenati Via-Kuwaritol Dist-Nagaon (Assam)

Recd also

  
Superintendent Posts  
Nagaon Division. Nagaon-782001

ATTESTED

  
ADVOCATE



-TYPED COPY-

DEPARTMENT OF POSTS: INDIA

Charge Report and receipt for cash and stamps on transfer of charge.

Certified that the charge of the office of Ambagan was made over by Sri Sonaram Borah to relieved at Ambagan on the 4.12.08 after noon in accordance with No. A-155 Dt. At Ngg. (A) the 28.11.08.

Sd/

Relieved Officer

ATTESTED

(M)

ADVOCATE

Guwahati Bench  
गुवाहाटी न्यायपीठ

120 Nagaon (See File 2)  
INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon 782001 चार्ज  
Change R

भारतीय डाक  
DEPARTMENT OF POSTS, INDIA  
Sub-Post Office  
Amroha

(देखिए नियम 267, डाक-तार वित्त पुस्तिका का भाग 1, पृष्ठ 1, पंक्ति 1)  
(See Rule 267, Posts and Telegraphs Financial Handbook  
Second Edition)

Charge Report and Receipt for cash and stamps on transfer of charge.

प्रमाणित किया जाता है कि  
Certified that the charge of the office of *Ambagan* का

..... (नाम) ने  
was made over by (name) Shri Sanaram Barah

(नाम) को  
to (name) Relieved

स्थान  
at (place) A-bagon

to (name) ए. ए. ए. ए. को पूर्वाह्न में  
 रा. लेख ..... को अपराह्न  
 on the (date) 4.12.08 fore noon in accordance with  
after

सं. A-155 Dt. 28/11/85 (H) The 28-11-85 के अनुसार दे दिया ।  
No. Dated from

Sd/- Sonararam Bora  
भारतमूक्त अधिकारी  
Relieved Officer

भारंग्राही अधिकारी  
Relieving Officer  
क्र०पू०उ०  
[P.T.O.]

**ATTESTED**

ADVOCATE

File in Court on... 9/3/10  
Court Officer.

Filed by:  
The Respondents  
Through  
Mangla Dns  
Sr. CGSC, CAT  
3.3.2010

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
03 MAR 2010  
Guwahati Bench  
गुवाहाटी न्यायपीठ

IN THE MATTER OF:

In O.A. No. 246/09

Sri Sonaram Borah

.....Applicant

-VS.-

Union of India and others

.....Respondents

-AND-

IN THE MATTER OF:

Written statement on behalf of the  
respondents.

सुप्रीम डायरेक्टर  
Supdt. of Post Offices  
नागांव मंडल / Nagaon Division  
नागांव / Nagaon-782001

(WRITTEN STATEMENT ON BEHALF OF RESPONDENTS)

I, Sri. Leshurtoch Barman, S/o. Late Sajendra Barman  
aged about 37 years, presently working as the Supdt. Post Offices Nagaon  
do hereby solemnly affirm and state as follows:-

1. That I am the Supdt. of Post Offices, Nagaon Division.  
I have been impleaded as party respondent no. 2. I have gone through the  
Original Application and have understood the contents thereof. I am  
conversant with the facts and circumstances of the case. I have been  
authorized to file this written statement on behalf of all respondents.

2. That I do not admit any of the averments except which are  
specifically admitted hereinafter and the same are deemed as denied.

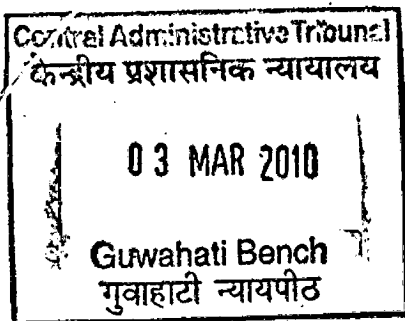
3. That before traversing various paragraphs of the present  
Original Application, the answering respondent would like to place the brief  
facts of the case.

BRIEF FACTS OF THE CASE:

3.1 That an advertisement was made on 01.08.08 by respondent  
no. 3, Inspector of Posts, Nagaon East Sub-Division, Nagaon inviting  
application for filling up the vacant post of Gramin Dak Sevak Packer,  
Ambagan SO in the district of Nagaon. In the said advertisement, some  
conditions and eligibility criteria were incorporated and amongst other  
conditions, it was specifically mentioned against serial no. 2:

"The candidate should be permanent resident of Post village/  
a resident of a village within the delivery jurisdiction of post

R  
28/2/2010



office. However a candidate belonging to a village, other than post village/delivery jurisdiction may also apply and his case can be considered for selection to the said post, if he takes up his residence in the post village/ delivery jurisdiction before appointment."

In pursuance of the said advertisement dated 01.08.08, the applicant offered his candidature by making application before respondent no. 3, Inspector of Posts, Nagaon East Sub-Division, Nagaon.

**3.2** That in pursuance of the said advertisement altogether 17 applications were submitted by different candidates including the applicant. Out of 17 applications, 12 numbers of applications were found incomplete not as per prescribed procedural norms and hence the same were rejected. Five applications were found in order and consequently same five candidates including the applicant were called for to attend office of the respondent no. 3, Inspector of Posts, Nagaon East Sub-Division, Nagaon on 19.09.08 for verification of original documents. Thereafter a comparative chart was prepared by the Inspector of Posts, Nagaon East Sub-Division by taking all particulars of the candidates. In the said comparative chart the marks obtained by them in the H.S.L.C. Examination are mentioned below:

1. Sri Jeetendra Roy (SL No 2)-47.88%
2. Miss Parbin Nehar Mir (SL No 4)-46.33%
3. Md. Ahidul Islam Choudhury (SL No 1)- 45%
4. Sri Sonaram Borah (SL No 3)-43.76%
5. Sri Biswajit Nath (SL No 5)-37.83%

**3.3** That the Inspector of Posts, Nagaon East Sub-Division vide order dtd 25.09.08 appointed the applicant to the post of Gramin Dak Sevak Packer, Ambagan SO provisionally for a period of 180 days till regular appointment is made.

**3.4** That although the applicant secured less marks in the H.S.L.C. examination he was appointed by violating the prescribed method of recruitment. It is also to be stated here that the applicant was appointed by the Inspector of Posts, Nagaon East Sub-Division on 25.09.08 but he assumed charge earlier to his appointment i.e. on 24.09.08.

**3.5** That immediately after joining of the applicant the Superintendent of Posts, Nagaon Division received several complaints from many quarters against the selection and appointment of the applicant as Gramin Dak Sevak Packer. He, then directed the Asstt Superintendent of Posts (HQ), Nagaon Division to carry out an inquiry into the whole

Supdt. of Post Offices  
नागोंव मंडल / Nagaon Division  
नागोंव / Nagaon-782004

recruitment process of the post vide Divisional Office letter no. A-155 dated 29.09.09.

**3.6** That the ASP (HQ), Nagaon Division carried out an inquiry into the alleged irregular appointment of the applicant and had noted the following irregularities in the selection process in his inquiry report:

1) Sri Sona Ram Bora, the selected candidate has assumed the charge on 24.09.08 whereas the appointment letter was issued by the Inspector of Posts, Nagaon East Sub-Division on 25.09.08.

2) Notification for the post was issued by the Inspector of Posts on 01.08.08 whereas the selected candidate has registered his name in the employment exchange on 22.08.08.

3) The date of birth of Sri Sona Ram Bora is recorded in the school certificate as 01.01.57 whereas in the registration card of employment exchange, it is written as 22.07.59.

4) 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> candidates were not considered for appointments but the candidate for 4<sup>th</sup> position was selected which is not in order.

5) The selected candidate does not belong to the delivery jurisdiction of Ambagan SO or any of its BO. He belongs to village Ulluwani, PO Bengenati via Kuwaritol and it is learnt that he has not yet shifted his residence to Ambagan.

**3.7** That depending upon the inquiry report of ASP (HQ), Nagaon Division, the Superintendent of Posts, Nagaon Division issued Memo No. A-155 dated 28.11.08 with a direction to Inspector of Posts, Nagaon East Sub-Division to terminate the service of the applicant.

**3.8** That in pursuance of the said instruction dated 28.11.08 the applicant was relieved from his service.

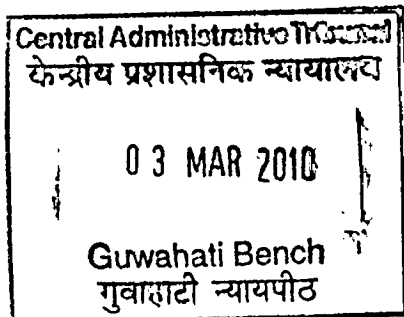
#### **REPLY TO THE FACTS :**

**4.1** That with regards to the statements made in paragraphs 4.1 and 4.2 of the Original Application, the humble answering respondent has nothing to make comment on it.

**4.2** That with regards to the statements made in paragraph 4.3 of the Original Application, the humble answering respondent begs to state that an advertisement was made on 01.08.08 by respondent no. 3, Inspector of Posts, Nagaon East Sub-Division, Nagaon inviting application for filling up the vacant post of Gramin Dak Sevak Packer, Ambagan SO in the district of Nagaon. In the said advertisement, some conditions and eligibility criteria

were incorporated and amongst other conditions, it was specifically mentioned against serial no. 2:

"The candidate should be permanent resident of Post village/ a resident of a village within the delivery jurisdiction of post office. However a candidate belonging to a village, other than post village/delivery jurisdiction may also apply and his case can be considered for selection to the said post, if he takes up his residence in the post village/ delivery jurisdiction before appointment."



Further the public notifications were also issued to the following offices/ places for displaying in a public place vide office letter no. A2/Ambagan/GDSPacker dated 01.08.08. The offices/ places are as follows:-

- i) The President, Ambagan Gaon Panchayat ,
- ii) The Government Gaonburah, Ambagan Kisam ,
- iii) The Head Master, Ambagan High School ,
- iv) The SPM Ambagan SO and Superintendent Posts, Nagaon

In pursuance of the said advertisement dated 01.08.08, the applicant offered his candidature by making application before respondent no. 3, Inspector of Posts, Nagaon East Sub-Division, Nagaon.

There are altogether 17 candidates applying for the same post within the stipulated period i.e. the date 29.08.08. Out of 17 applications, 12 numbers of applications were found incomplete not as per prescribed procedural norms and hence the same were rejected. Five applications were found in order and consequently five candidates including the applicant were called for to attend the office of the respondent no. 3, Inspector of Posts, Nagaon East Sub-Division, Nagaon on 19.09.08 for verification of original documents.

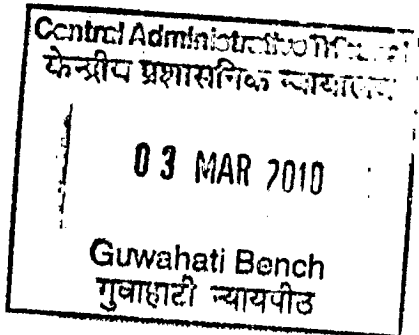
A copy of the advertisement dated 01.08.08 is annexed herewith and marked as **Annexure A**.

4.3 That with regards to the statements made in paragraphs 4.4 and 4.5 of the Original Application, the humble answering respondent begs to state that the Inspector of Posts, Nagaon East Sub-Division vide his letter no. A-2/Ambagan/GDS Packer dated 22.09.08 informed the applicant Sri Sonaram Borah about his selection for appointment to the post of GDS Packer on provisional basis. It is to be noted here that a comparative chart was made by the Inspector of Posts, Nagaon East Division in this regard wherein the applicant was placed 4<sup>th</sup> position with 43.76% in the H.S.L.C. Examination

अपीसी प्रकल्प  
 Supdt. of Post Offices  
 नगांव मंडल / Nagaon Division  
 नगांव / Nagaon-782001



wherein other three candidates obtained higher percentage of marks than the applicant, which means the first, second and third candidates as per merit was not considered for appointment. The marks obtained by the candidates are mentioned below:



1. Sri Jeetendra Roy (SL No 2) - 47.88%
2. Miss Parbin Nehar Mir (SL No 4) - 46.33%
3. Md. Ahidul Islam Choudhury (SL No 1) - 45%
4. Sri Sonaram Borah (SL No 3) - 43.76%
5. Sri Biswajit Nath (SL No 5) - 37.83%

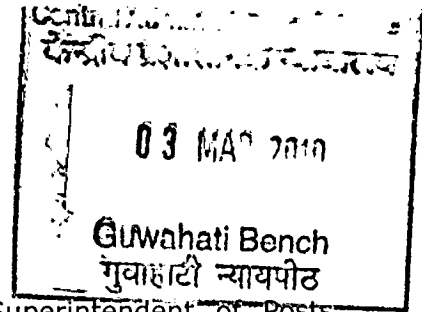
The action of the Inspector of Posts, Nagaon East Sub-Division is found not in order in as much as the mode of selection, despatch of the selection letter dated 22.09.08 earlier to the submission of the related documents. The documents related to joining in the service were submitted on 23<sup>rd</sup> and 24<sup>th</sup> of September 2008 whereas his selection letter was issued on 22.09.08 and the applicant assumed his service on 24.09.08. Further the applicant having found his position in 4<sup>th</sup> place in order to merit by scoring less marks in the H.S.L.C. Examination was appointed to the post of GDS Pkr. Hence the whole process from selection then taking over of the charge of office and then appointment reflected the serious lapse on the part of the Appointing Authority by giving undue favour to the blue eyed candidate i.e. Sri Sonaram Borah, the applicant.

Copies of the Selection Letter dated 22.09.08, letter of taking over charge of GDS Pkr dated 24.09.08, Appointment order dated 25.09.08 and Comparative Chart are annexed herewith and marked as **Annexures B, C, D and E** respectively.

4.4 That with regards to the statements made in paragraph 4.6 of the Original Application, the humble answering respondent denies the correctness of the statement. It is pertinent to mention here that the applicant joined in the office in the afternoon on 24.09.08 and absent from duty since 25.09.08 without any information to his immediate superior i.e. the Sub-Post Master, Ambagan SO. In this regard the Sub- Postmaster Ambagan S.O. informed Respondent no 2 vide letter no. A1/staff/Ambagan dated 27.09.08 about absence of the applicant from duty.

Copy of the letter dated 27.09.08 is annexed herewith and marked as **Annexure F**.

4.5 That with regards to the statements made in paragraph 4.7 of the Original Application, the humble answering respondent begs to state that



immediately after joining of the applicant the Superintendent of Posts, Nagaon Division received several complaints from various quarters against the selection and appointment of the applicant as Gramin Dak Sevak Packer. He then directed the Asstt Superintendent of Posts (HQ), Nagaon Division to carry out an inquiry into the whole recruitment process of the post vide Divisional Office letter no. A-155 dated 29.09.09.

Then the Asstt Superintendent of Posts (HQ), Nagaon Division made an inquiry into the alleged irregular appointment of the applicant and thereafter prepared a report and submitted the report to the Superintendent of Posts, Nagaon Division. The findings of the report are as follows:

1) Sri Sona Ram Borah, the selected candidate has assumed the charge on 24.09.08 whereas the appointment letter was issued by the Inspector of Posts, Nagaon East Sub-Division on 25.09.08.

2) Notification for the post was issued by the Inspector of Posts on 01.08.08 whereas the selected candidate has registered his name in the employment exchange on 22.08.08.

3) The date of birth of Sri Sona Ram Borah is recorded in the school certificate as 01.01.57 whereas in the registration card of employment exchange, it is written as 22.07.59.

4) 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> candidates were not considered for appointments but the candidate for 4<sup>th</sup> position was selected which is not in order.

5) The selected candidate does not belong to the delivery jurisdiction of Ambagan SO or any of its BO. He belongs to village Ulluwani, PO Bengenati via Kuwaritol and it is learnt that he has not yet shifted his residence to Ambagan.

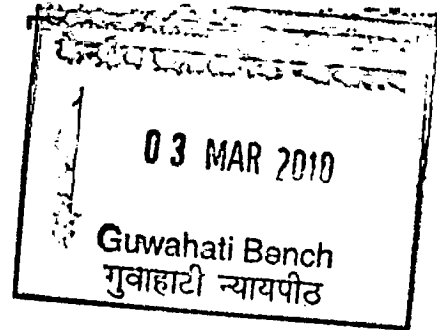
On the basis of the findings of the inquiry report the Superintendent of Posts, Nagaon Division directed the Inspector of Posts, Nagaon East Sub-Division to terminate the service of the applicant. Accordingly the applicant was relieved from service on 04.12.08

Copy of the report submitted by the Asstt. Supdt of Posts is annexed herewith and marked as Annexure G.

4.6 That with regards to the statements made in paragraphs 4.8 to 4.10 of the Original Application, the humble answering respondent begs to state that Rule 8 of GDS Conduct Employment Rule 2001 says,

" (1) The employment of a Sevak who has not already rendered more than three years continuous employment from the date of his appointment shall be liable to termination at any time by a notice in writing given either by the Sevak to the Appointing Authority or by the Appointing Authority to the Sevak"

Supdt. of Post Offices  
Nagaon Division  
নগাঁও / Nagaon-782001



Further in the said appointment order dated 25.09.08 some conditions were incorporated and amongst other conditions, it was specifically mentioned against serial no. 3 of the order that,

"The Inspector of Posts, Nagaon East Sub-Division (Appointing Authority) also reserves the right the right to terminate the provisional appointment at any time before the period mentioned in para 1 above without notice and without assigning any reason."

It is stated that the appointment of the applicant was made illegally and irregularly by superseding three genuine candidates who obtained higher percentage of marks in the H.S.L.C. Examination than the applicant. Moreover the applicant was allowed to assume charge on 24.09.08 whereas appointment order was issued only on 25.09.08. As and when the complaints came before the authority an inquiry was made by the official respondents and they found that the appointment was made illegally and irregularly and accordingly <sup>on 28.11.08</sup> the Superintendent of Posts, Nagaon Division directed the Inspector of Posts, Nagaon East Sub-Division to terminate the applicant from his service as Gramin Dak Sevak Packer. Thereafter the Superintendent of Posts relieved the applicant on 04.12.08.

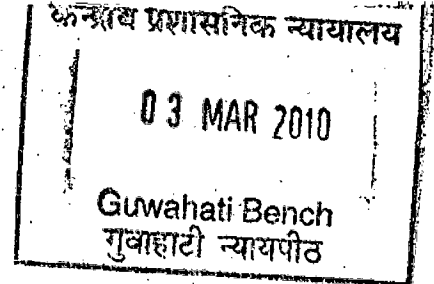
It is stated that the appointment of the applicant was made provisionally for a period of 180 days. The entire episode of the selection and appointment is on the footing of illegality and irregularity. The appointment of the applicant was made without observing the method of procedural formalities. Therefore the relieved order of the applicant is in order and legal in the eyes of law.

4.7 That with regards to the statements made in paragraph 4.11 of the Original Application, the humble answering respondent reiterates and reaffirms the statements made in paragraph 3.7 of this Written Statement.

Further it is stated that the said appointment order dated 25.09.08 was issued without following the prescribed rule. The applicant having been <sup>placed</sup> in 4<sup>th</sup> position in order to merit was appointed illegally by depriving the eligible candidates whose positions were above the applicant. Hence the appointment order is bad and termination order was issued by following the Rule 8(1) of the Gramin Dak Sevak (Conduct and Employment) Rules, 2001.

4.8 That with regards to the statements made in paragraph 4.12 of the Original Application, the humble answering respondent begs to state that the appointment order dated 25.09.08 issued by Res. No 3 itself is an illegal and irregular order as much as the applicant obtained only 43.76% in the

अभिप्रेत किया  
Supdt. of Post Offices  
गुवाहाटी मंडल / Nagaon Division



H.S.L.C. Examination whereas other 3 candidates obtained higher marks than the applicant.

Further there are various anomalies in the selection process. Interestingly the applicant appointed on 25.09.08. But he assumed charge earlier to his appointment i.e. on 24.09.08. The advertisement was issued on 01.08.08 whereas the applicant got his name registered in the Employment Exchange on 22.08.08.

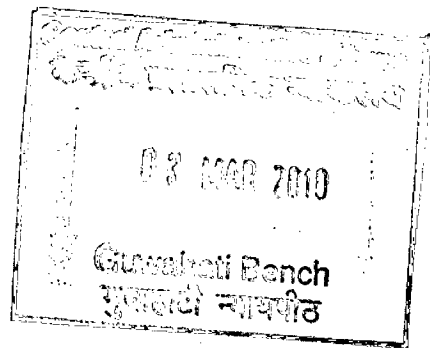
Further it is pertinent to mention here that the applicant does not belong to the delivery jurisdiction of Ambagan SO or any of its Branch Office. He infact not shifted his residence to Ambagan after joining in his office. Inspite of non-fulfillment of eligibility criteria by the applicant the Inspector of Post Offices, Nagaon East Sub-Division selected the applicant. Thus the selection and appointment made by the Inspector of Post Offices, Nagaon East Sub-Division is illegal and irregular. The regularization of service as stated by the applicant infact does not arise at all.

4.9 That with regards to the statements made in paragraph 4.13 of the Original Application, the humble answering respondent begs to reiterate and reaffirm the statements made in paragraph 4.5 of the instant written statement. It is surprising that since the very next day of joining the applicant absent from duty without any information to his immediate superior i.e. the Sub-Post Master, Ambagan SO.

4.10 That with regards to the statements made in paragraph 4.14 of the Original Application, the humble answering respondent begs to submit that the applicant could not make out prima-facie a good case for interference of this Hon'ble Tribunal. There are serious irregularities and illegalities in making the selection and appointment of the applicant and thus termination was warranted and accordingly the applicant was terminated and relieved from his service w.e.f. 04.12.08. Further there was no malafide intension on the part of the respondent no 2 as much as on the basis of several complaints made by various quarters an inquiry was conducted and it was found that there were serious irregularities and illegalities in making the selection and appointment of the applicant, hence the applicant was terminated and relieved as per law.

4.11 That the application filed by the applicant has no merit at all and is liable to be dismissed.


अधिवक्ता  
Supdt. of Post Offices  
नगांव मंडल / Nagaon Division  
नगांव / Nagaon-782001

**VERIFICATION**

I, Sri. Lal Bahadur Sharma, S/o. Lal Gajendra Sharma,  
 aged about 59 years, presently working as the Store, do hereby solemnly  
 state and verify as follows:

That the statements made in  
 paragraphs 1, 2, 4.9 and 4.10 are true to my  
 knowledge which I believe to be true and the statements made in paragraphs  
3.1 to 3.8, 4.2 to 4.8 being matters derived  
 from the records of the case are true to my knowledge and information  
 derived therefrom which I believe to be true and the rest are my humble  
 submissions before the Hon'ble Tribunal. I have not suppressed any material  
 facts.

And I sign this verification on this the 2<sup>nd</sup> day of March  
 2010.

  
**Signature**  
 अधीक्षक डाकघर  
 Supdt. of Post Offices  
 नगीन बंसा / Nagaon Division  
 नगीन / Nagaon-782001

**NOTICE**

This is hereby notified that a post of Gramin Dak Savak is lying vacant at Ambagan S.O. in account with ..... in the district of Nagaon. Eligible intending candidates are requested to apply for the said post in the enclosed prescribed application form along with the related documents / certificates to reach this office by 29-08-08. The application received after due date will not be considered/entertained. The post is reserved for...../not reserved for any community.

**Condition and eligibility for the post**

1. Minimum Educational Qualification is VIII Std. Pass (candidates with HSLC pass will be preferred). No weightage is given for higher qualification.
2. The candidate should be permanent resident of post village/a resident of a village within the delivery jurisdiction of post office. However a candidate belonging to a village other than post village/delivery jurisdiction may also apply and his case can be considered for selection to the said post if he takes up his residence in the post village/delivery jurisdiction before appointment. (A declaration to this effect should be furnished along with the application).
3. The candidate should furnish a declaration about the vocation and private income.
4. Minimum age limit of the candidate will be 18 years and maximum age upto which a GDS can be retained in service will be 65 years.
5. Monthly Time Related continuity Allowance will be Rs. 1220-20-1600 plus DA as admissible from time to time and other admissible allowances.

Inspector of Post Offices  
Nagaon... East ... Sub-Division  
Nagaon-782001

Memo No. A2/Ambagan/GDSPK Dated at Nagaon the 01-08-08

Copy forwarded to :-

1. The President, Ambagan Gaon Panchayat.
2. The Govt. Gaonbhura, Ambagan K. Sam
3. The Headmaster, Ambagan High School.
4. The Sub Post Master, Ambagan S.O.
5. The Branch Postmaster, .....
6. The SPOs, Nagaon Division, Nagaon.
7. O/c

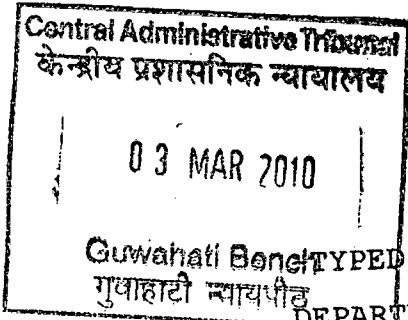
They will please display the notice in the office notice board/prominent place for wide publicity.

Encl :- Specimen copy of the application form

*Certified to be true copy*

(Mrs. M. Das)  
S.A. C. G. S. C.

Inspector of Post Offices  
Nagaon... East ... Sub-Division  
Nagaon-782001



DEPARTMENT OF POSTS: INDIA

From  
O/O the Inspector of Posts  
Nagaon East Sub Division  
Nagaon 782001

To  
Sri Sonaram Boarah  
S/O Late Khageswar Borah  
Vill: Uluwoni  
P.O.-Bengenati  
Via: Kuwaritol  
Dist: Nagaon (Assam)

No. A2/Ambagan/GDSPacker Dated at Nagaon (Assam) the  
22.09.08.

Sub:- Regarding selection for appointment to the post of GDS  
Packer, Ambagan S.O.

You have been selected for appointment to the post of  
GDS Packer, Ambagan S.O. on provisional basis. Charge of the  
post would be got transferred to you after completion of the  
verification process and medical examination.

You are hereby directed to produce the following  
documents at this office at the earliest.

- 1) Attestation form in duplicate.
- 2) Descriptive particulars
- 3) Declaration
- 4) Oath of allegiance
- 5) Character certificate i) Character certificate®
- 6) Health certificate
- 7) Declaration to supplement income.

Enclo-(As above)

Sd/  
Illegible  
(office Seal)

12-36-

केन्द्रीय प्रशासनिक न्यायालय

03 MAR 2010

Guwahati Bench  
गुवाहाटी न्यायापीठ

DEPARTMENT OF POSTS : INDIA

To,

Sri Soma Ram Borah,  
S/o Late Khargenswar Borah,  
vill. - Uluwon.

PO - Bengomati

via - Kunwaritoli



Dist. - Nagaon (Assam)

NO. - A2/ Ambagan / GIDSPACKER Dated at Nagaon (Assam)  
the 22.09.08.Sub: - Regarding Selection for appointment to the  
post of GIDSPACKER, Ambagan S.D.You have been Selected for appointment  
to the post of GIDSPACKER, Ambagan S.D. on provisional  
basis. Charge of the post would be got transferred  
to you after completion of the verification process  
w/ medical examination.You are hereby directed to produce  
the following documents at this office at the  
earliest.

- 1) Attestation form in duplicate
- 2) Descriptive particulars.
- 3) Declaration,
- 4) Oath of Allegiance.
- 5) Character certificate ①, Character certificate (2)
- 6) Health certificate
- 7) Declaration to Supplement income.

Encls: -  
(As above)

Certified to be true


(Mr. M. Das)  
Sr. C. G. S. C.
  
INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon 782001



ए.सी.जी. 61  
A.C.O. 61

INSPECTOR GENERAL OF POSTS AND TELEGRAPHS  
 DEPARTMENT OF POSTS, INDIA  
 Nagpur, 267, Posts and Telegraphs Financial Handbook, Volume I,  
 Second Edition)

चार्ज की बदली पर चार्ज रिपोर्ट और नकदी और टिकटों की रशि  
 Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि

Certified that the charge of the office of

Ambagan ED Pecor

24/9/08  
 Sub-Postmaster  
 Ambagan S.O.  
 Pin-782120

Central Administrative Tribunal  
 गुवाहाटी न्यायालय  
 03 MAR 2010  
 Guwahati Bench  
 गुवाहाटी न्यायालय

चार्ज ..... (नाम) ने .....  
 was made over by (name) Assume

(नाम) को  
 to (name) Sri Sunaram Das

स्थान  
 at (place) Ambagan

तारीख ..... को पूर्वाह्न  
 अपराह्न में

on the (date) 24-9-08 fore after noon in accordance with

सं.  
 No.

17-2 Ambagan Dt 22-9-08

के अनुसार दे निम्न  
 from

1 P.O.S. (E)

भारतमुक्त अधिकारी  
 Relieved Officer

भारतमुक्त अधिकारी  
 Relieving Officer

[कंप्यूटर]  
 P.T.O.

Sri Sunaram Das

Copy to:- The IPOB, Nagpur (2) Subd

Certified to be true copy

(Mrs. M. Das,  
 S.N.C.G.S.C.)

NAGAON RPO (782001)  
PS-EL A 92  
Counter No: 1. OP-Code: 03  
To: SONARAM BORAH,  
KUMARITOL.ANNEXURE -  
(In Duplicate)Postal Service 25/09/2008 16:30  
(Have a nice day)Whereas the post of Gramin Dak Sevak, Paeker, Ambagan S.O

(Name of post and office of duty) has become vacant/has been newly created and it is not possible to make regular appointment to the said post immediately the Inspector of Posts (appointing authority) has decided to make provisional appointment to the said post for a period of (period) from 180 days to                      till regular appointment is made, whichever period is shorter.

2. Sri Sona Ram Borah, Vill:- Uluwoni, PO:- Bengenati, Dist:- Nagaon (Name and address of the selected person) is offered the provisional appointment. He/she should clearly understand that the provisional appointment will be terminated when regular appointment is made and he/she shall have no claim for appointment to any post.

3. The Inspector of Posts, Nagaon East Sub Div. (appointing authority) also reserves the right to terminate the provisional appointment at any time before the period mentioned in Para 1 above without notice and without assigning any reason.

4. Sri Sona Ram Borah will be governed by the Gramin Dak Sevaks (Conduct & Employment) Rules, 2001 as amended from time to time and all other rules and orders applicable to Gramin Dak Sevaks.

5. In case the above conditions are acceptable to Sri Sona Ram Borah (Name of the selected candidate) he/she should sign the duplicate copy of this memo and return the same to the undersigned, immediately.

*de*  
INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon 782001

Appointing Authority

No. As/Ambagan/Gudspk/8 dated at Nagaon (Assam), the 25.09-08

To  
Shri Sona Ram Borah,  
Vill:- Uluwoni, PO:- Bengenati, Dist:- Nagaon (Assam)

- The Postmaster, Nagaon/Diphu H.O.
- The SPMs, SPM, Ambagan S.O. for information.
- Spare.

Certified to be true copy

*(Mrs. M. Das)*  
*(S. C. G. S. C.)*

*de*  
INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon 782001

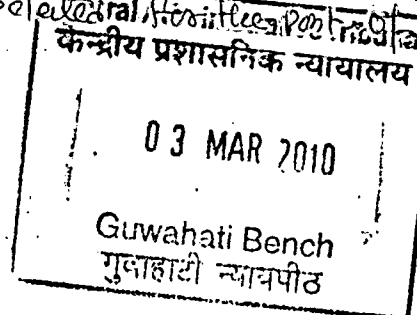
Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
03 MAR 2010  
Guwahati Bench  
गुवाहाटी न्यायपीठ

Sl. No.	Name of the Candidate	Qualification	Community	Date of Birth	Marks obtained in the HSLC Exam	P/c of marks	Ground of Rejection	Remarks
1.	md. Ahidul Gskam Choudhury	HSLC	Gen.	31-12-1988	270-	45%	1) As per School certificate name of the candidate is 'Ahidul Islam Choudhury'. 2) Declaration about the vocation & Private income not available as per norms.	
2.	Sri Jeetendra Roy	HSLC	SC	23.02-1976	431	47.88%	1) Personal & vocational income certificate not furnished. 2) Declaration about the vocation & Private income not available.	
3.	Sri Sona Ram Borah	HSLC	O.B.C	01-01-1957	372	43.76%	NIL	
4.	Miss Parbim Nehar Mish	H.S.	O.B.C	09-05-1987	278-	46.33%	1) Declaration about the vocation & Private income not furnished. 2) Personal & vocational income certificate not available.	
5.	Sri Biswajit Nath	H.S.	O.B.C	30.4-1987	227	37.83%	1) Declaration about the vocation & Private income not furnished. 2) No personal & vocational certificate produced.	

Certified to be true  
Copy

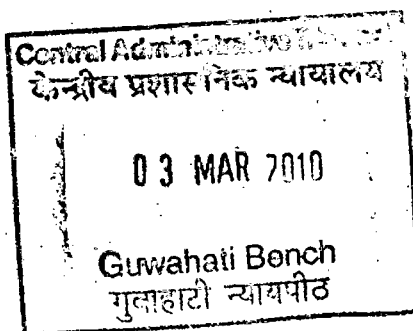
(Mrs. M. Das)  
Sd/- C.G.S.C

Candidate at serial no 3 in the list  
Sri Sona Ram Borah fulfilled all the terms  
and condition and criteria. Hence he has  
been selected for the post of GIDSPKPR, Ambagom S.O.



19/09/08  
INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon - 782001

SINO	Name of the Candidates	Educational Qualification	Marks obtained	P/c of marks	Documents Submitted by the candidate	Documents not Submitted by the candidates as required	Signature of the candidates
1	2	3	4	5	6	7	8
1	Md. Ahidul Islam Choudhury DOB-	HSLC	270	45%		1) Declaration about vocation and private income.	Md. Ahidul Islam Choudhury 19/9/08
2	Sri Jeetendra Roy - DOB - 23-2-1976	HSLC	431-	47.88%		1) Personal & vocational income certificate not furnished and not available with the candidate 2) Declaration about the vocation & private income not furnished.	Jeetendra Roy 19/09/08
3	Sri Sonam Ram Borra DOB:-	HSLC	372	43.76%		NIL	Sri Sonam Ram Borra 19.9.08
4	Parbin Nehar Mir, DOB	H.S.	278	46.33%		1) Personal & vocational income certificate not furnished and also not available with the candidate. 2) Declaration about the vocation & private income not furnished.	Parbin Nehar Mir 19.09.08
5	Sri Biswajit Nath DOB - 30.4.87	H.S.	227	37.83%		1) Personal & vocational certificate not produced and also not available with the candidate. 2) Declaration about the vocation and private income not furnished.	Sri Biswajit Nath 19-09-2008



19/09/08  
SUPERVISOR OF POSTS  
Nagaon East Sub Division  
Nagaon 782001

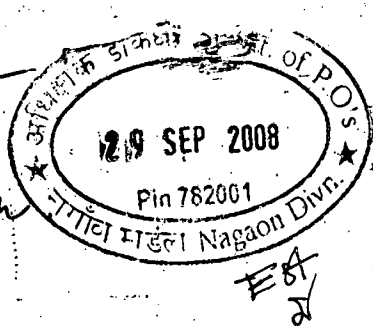
# Selection process of GDS PR, Ambagan S.O

17 41

S1	Name of the candidate in full	Caste	Date of Birth	Educational Qualification	Marks	Residence	Signature of the candidate
1.	md. Ahidal Islam Choudhury ✓	Gen	31-12-1988	H-SLC	270	vill:- Nol Bar- Bhuli, PO:- Bonghuli SP:- Ambagan	md. Ahidal Islam Choudhury. 19/9/08
2.	Sri Jeetendra Roy ✓	SC	23-02-1976	HSLC	431	vill:- Dohin Bhumbaguri PO:- Ambagan	Jeetendra Roy 19/09/08
3.	Sri Sonaram Borah ✓	OBC	1-1-1957	HSLC	372	vill:- Uluwoni PO:- Bengenati	Sri Sonaram Borah 19-9-08
4.	Miss Parbin Nehar ✓ Miz.	OBC	9-5-1987	H-S	278	vill:- 270 Bonghuli PO:- Bonghuli SP:- Ambagan	Parbin Nehar miz. 19-9-08
5.	Sri Biswajit Nath ✓	OBC	30-4-1987	H-S.S.LC	227	vill:- Kulidanga PO:- Ambagan	Sri Biswajit Nath 19-09-2008

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
03 MAR 2010  
Guwahati Bench  
गुवाहाटी न्यायपीठ

cept. of Post: India



Sub-Postmaster  
Ambagan S.O.  
Pin-782120

✓ To,  
The Supdt. of P's  
Nagam divn.  
Nagam-782001.

No. A1/Staff/Ambagan and 27-9-08.

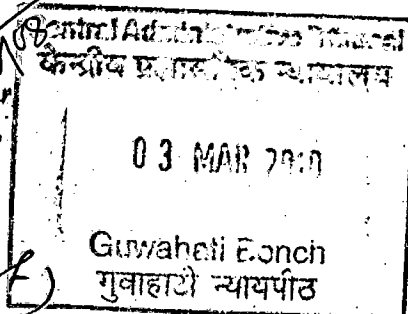
Sub: - Regarding Daily Wage to a  
outsider.

Sri Sonaram Boroch joined as GDS Pks.  
Ambagan so. on 24-9-08 (A/M). And from the  
next-day Sri Boroch is absent from duty  
without any information.

The workload of the office is very  
huge and could not manage to perform  
the duties of all branches sincerely.

Therefore you are requested to  
grant Daily Wage to a outsider to maintain  
the duties of GDS pks. until regular appointment  
of GDS pks, Ambagan so.

Sub-Postmaster  
Ambagan S.O.  
Pin-782120

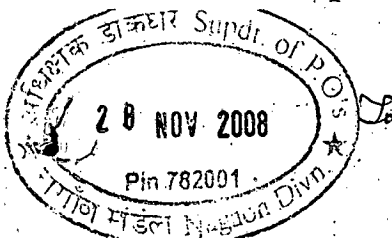


Copy to: - The SD of P's, Nagam (East)  
Sub. adn, Nagam for favour of  
kind information.

Continued to be true  
Copy

Sub-Postmaster  
Ambagan S.O.  
Pin-782120

(Mrs. M. Das.)  
(S.N.C.G.S.C.)



1243 ANNEXURE - 62

The Supdt, Posts  
Nagaon Divn  
Nagaon

No = SP/con dated at Nagaon the 27/11/2008

Sub = Alleged irregular appointment case of  
Sri Sonaram Borah newly selected GDS  
Packer Ambagan.

Ref = Div/office no A-155 dtd 29.9.2008

The undersigned has reviewed the appoint-  
ment file of the newly selected GDS Packer  
Ambagan and has noticed the following irregu-  
larities in the selection process.

(i) Sri Sonaram Borah selected candidate  
has assumed the charge on 24.9.2008 whereas  
the appointment letter was issued by the IAO on  
25.9.2008

(ii) The notification for the post was  
issued by the IAO on 01.8.2008 whereas  
the selected candidate has registered his  
name in the Employment Exchange on 22.8.08

(iii) The date of birth of Sri Sonaram  
Borah as recorded in the school certificate  
is 01-01-57 whereas in the Rgn card of  
E/Exchange it is written as 22.7.59.

(iv) 1st, 2nd & 3rd candidate as per merit  
was not considered for appointment but  
the candidate of 4th position was selected  
which is not in Order.

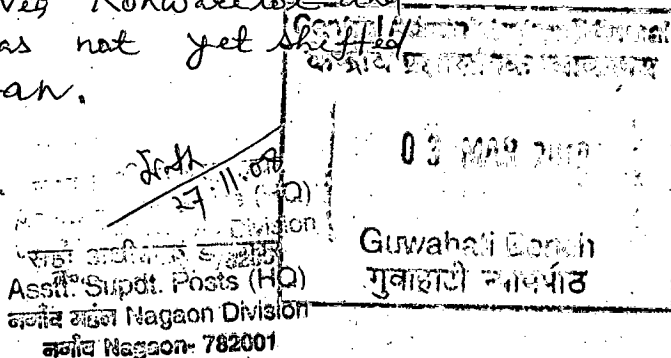
(v) The selected candidate is not  
belongs to the delivery jurisdiction of Ambagan  
so on any of its P.O.s. He belongs to vill-  
Ulluwani PO = Benganiati Vg Konwarital and  
it is learnt that he has not yet shifted  
his residence to Ambagan.

Pl, terminate the  
selection immediately.

Certified to be

true copy

(Mrs. M. Das  
Sd. C. G. S. C.)



DEPARTMENT OF POSTS: INDIA  
OFFICE OF THE SUPERINTENDENT POSTS, NAGAON DIVISION  
NAGAON-782001

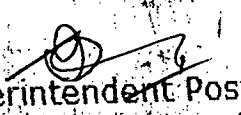
To

Sri Damodar Barman  
Inspector of Posts  
Nagaon East Sub Division  
Nagaon-782001

No:A-155

Dated at Nagaon (A) the 28-11-08


While reviewing the monthly appointment statement submitted vide your letter No.A1/Stt/GDS/Apptt/Review/Ngg(E)/2007-08 dated 10-10-08 some irregularities have been noticed by the undersigned in c/w appointment made to the post of GDS Pkr Ambagan SO vide your letter No.A2/Ambagan/GDS Pkr dated 25-09-08. You are, therefore, directed to terminate the appointment of Sri Sonaram Borah from the post of GDS Pkr Ambagan SO immediately and date of termination may be intimated to this office.

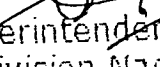
  
Superintendent Posts  
Nagaon Division, Nagaon-782001  
etc

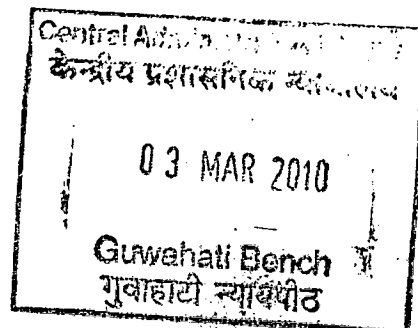
Copy to:-

- 1) The Postmaster, Nagaon HO for information and necessary action.
- 2) The SPM, Ambagan SO for information.
- 3) Sri Sonaram Borah, Vill-Uluwani PO-Bengenati Via-Kuwaritol Dist-Nagaon (Assam)

Certified to be  
true copy

  
(Mrs. M. Das)  
Sa. C. G. S. C.

  
Superintendent Posts  
Nagaon Division, Nagaon-782001  
etc





## DEPARTMENT OF POSTS, INDIA

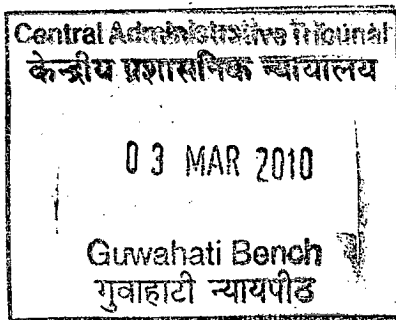
o/o the

INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon - 782001

To,

SRI SONARAM BORAH  
GDS PKR, Ambagan SO  
Ambagan, Nagaon.

NO A2/ Ambagan SO/ GDS PKR dated at Nagaon, the 03/12/08

Sub: Termination from service.Ref: The SPO3, Nagaon Div, letter no. A-155 dt at Nagaon (A)  
the 28/11/08With respect to the subject cited above and the  
letter no. under reference, you have been terminated from  
the service with immediate effect.You are therefore asked to be relieved from the  
the post of GDS PKR, Ambagan SO with immediate effect.

Dr. 3/12/08  
INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon - 782001

COPY TO:

(1) The SPM, Ambagan SO for information 2 p/a.

Certified to be true

COPY

(Mrs. M. Das)  
Sn. C. G. S. C.

Dr. 3/12/08  
INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon - 782001

10-61 / A.C.C. 61

24-  
Master  
DEPARTMENT OF POSTS AND  
AIR MAIL  
1982


INSPECTOR OF POSTS  
Nagaon East Sub Division  
Nagaon 782001

प्रमाणित किया जाता है कि  
Certified that the charge of the office of  
2001 चाज की बदली पर चाज रिपोर्ट और नकदी और टिकटों की स्थिति  
Charge Report and Receipt for cash and stamps on transfer of charge  
Division 267, Posts and Telegraphs  
Second Edition)

..... (नाम) है  
 was made over by (name) *Shri. Sanarcam Das*  
 स्थान  
 at (place) *Buxen*

(नाम) को  
to (Name) ..... को  
रा. रोह ..... को  
on the (date) 4.12.08 ..... को  
पराहल में  
अपराहल  
fore noon in accordance with  
after  
1.4.1998 (A) The 28.11.98 के अनुसार  
from

सं. १५७३  
No. *San* *Somazam* *Bornh.*  
तारीख  
Dated  
मांछाही अधिकारी  
Relieving Officer  
मांछाही अधिकारी  
Relieved Officer  
क्र.पु.उ.  
[P.T.O.]

Certified to be true  
Copy  
  
(Mrs. M. Das  
Sr. C. G. S. C.)

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
03 MAR 2010  
Guwahati Bench  
गुवाहाटी न्यायपीठ