

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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Par 14.7.2015

SECTION OFFICER (JUDL.)

FROM NO. 4
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: 100/2009

2. Misc Petition No

3. Contempt Petition No

4. Review Application No

Applicant(s) Spi Jayanta Hazarika

Respondent(s) Union of India

Advocate for the Applicant(s): Mr. P. Talukdar
Mr. P.K. Hazarika

Advocate for the Respondent(s): C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. 69 F 38006 69 F 38005 Dated.....25.5.09..... <i>28/5/09 Dy. Registrar 28/5/09</i>	08.06.2009	Non-consideration of the prayer of the Applicant for providing him an employment on compassionate ground is the subject matter of this case. A copy of this O.A. has already been supplied to Ms. Usha Das, learned Addl. Standing counsel for the Govt. of India.
28.5.09 4 copies of Application with envelope received for issue notice to the Respondent Nos 2 to 4. Copy served. <i>28/5/09</i>	/bb/	Call this matter on 17.06.2009 for admission.
	17.06.2009	For the reasons recorded separately, the O.A. stands disposed of.

Y
(M.R.Mohanty)
Vice-Chairman

Y
(M.R.Mohanty)
Vice-Chairman

19. 6. 09

order dt. 17. 6. 09

send to D/S for issue
the same to the Applicant
and to Respondents and for
copy to counsels both Impartial
rule No 3378 dt. 22/6/09

3383

19/6/09

10. 11. 09

A Circular received
from Chief Post Master
General, Assam Circle
regarding Appointment
on compassionate ground
of Applicant in C.A 1001/09.

Following is to compassionate
at flag A

if privilege not infringe act
of public stamp act no. 19 of 1900

to 1900 & 1900 and return stamp act
of 1900

1900 of 1900 and stamp act
of 1900

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 100 of 2009

Date of Decision : 17.06.2009

Sri Jayanta Hazarika

..... Applicant/s

Ms. Mrinali Dutta

..... Advocate for the
Applicant/s

- Versus -

U.O.I. & Ors.

..... Respondent/s

Ms. Usha Das, Addl. C.G.S.C.

..... Advocate for the
Respondents

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN

1. Whether reporters of local newspapers may be allowed Yes/No
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 Yes/No
of the Judgment ? Yes/No



Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 100 of 2009

Date of Order: This, the 17th of June, 2009.

HON'BLE MR. MANORANJAN MOHANTY, VICE CHAIRMAN

Sri Jayanta Hazarika
S/o Sri Jageswar Hazarika
Alias Sri Jogen Hazarika
Resident of Village : Gumjoria Kachalial
Mouza : Gumjoria
District : Golaghat, Assam.

..... Applicant

(By Advocate: M/s. P. Talukdar & P.K. Mazumdar & Mrinali Dutta)

-Versus-

1. The Union of India
Represented by the Secretary
to the Government of India
Department of Posts
New Delhi- 110 001.
2. The Superintendent of Post Offices
Sivsagar Division
Jorhat- 785 001.
3. The Director of Accounts (Postal)
Kolkata- 700 001.
4. The Post Master General
G.P.O. Panbazar
Guwahati-1.

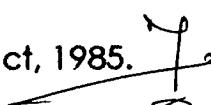
..... Respondents

(By Advocate : Ms. Usha Das, Addl. C.G.S.C.)

ORDER (ORAL)
17.06.2009

MANORANJAN MOHANTY, VICE CHAIRMAN:-

Claiming an employment on compassionate ground, following to the retirement of his father, the Applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985.



2. The prayers made in this Original Application reads as under:-

"8.1 For appointing the Applicant in any post in the Department for Posts on compassionate ground.

8.2 For that a post in the Department of Posts be kept vacant till disposal of the instant matter.

8.3 Any other relief/reliefs that the applicant may be entitled to and as may be deemed fit and proper by the Hon'ble Tribunal."

3. Employment on compassionate ground is not just a right. No reason has been given out in this O.A., as to why an employment, on compassionate ground, should be given to the Applicant. In any event, existence of a right is not enough to rush to this Tribunal. One must approach the authorities before approaching this Tribunal. It appears before approaching this Tribunal, the Applicant did not approach the authorities for any relief whatsoever.

4. In the aforesaid premises, after hearing Ms. Mrinali Dutta, Advocate (representing M/s. P.Talukdar & P.K.Mazumdar, learned counsel for the Applicant) and Ms. Usha Das, learned Addl. Standing counsel for the Government of India (to whom a copy of this Original Application has already been supplied); this Original Application is, hereby, disposed of (a) with grant of liberty to the Applicant to represent his case, if any, within next one month and (b) with direction to the Respondents to treat a copy of this O.A. as a representation (of the Applicant) to the Respondents and (c) do needful, as due and admissible under the Rules, on the grievances whatsoever of the Applicant.

5. Send copies of this order to the Applicant and to all the Respondents (along with the copies of this Original Application) and free



copies of this order be also supplied to counsel appearing for both the parties.

Manoranjan Mohanty
17/06/09

(MANORANJAN MOHANTY)
VICE CHAIRMAN

/BB/

1425

5 NOV 2009

Department of Post : India :
Office of the Chief Postmaster General : Assam Circle :
Meghdoat Bhawan 4th floor : Guwahati : 781 001.

Guwahati Bench
गुवाहाटी न्यायिकाठ

No :: VIG/5/III/2009

Dated at Guwahati 27th Oct 2009

In accordance with directions contained in order dated 17.06.2009
in connection with Central Administrative Tribunal, Guwahati Bench, O.A.
No 100 of 2009, case of Shri Jayanta Hazarika-Vs-Union of India and Ors.,
the following is placed on record:-

Shri Jayanta Hazarika through his representation dated nil read with
O.A. 100 of 2009 referred to above has sought for appointment on
compassionate grounds in relaxation of normal rules on the strength of
being the son of a former postal employee, namely, Shri Jogeswar
Hazarika, Ex.Postman, Baruabamungaon Sub Office under Sivasagar
Postal Division. Without going into each point raised by the applicant
individually, only two key issues are considered.

1. As per Supdt. Of Pos Sivasagar Division Memo No. C2/J.Hazarika dated 17.12.2004 submitted as Annexure (Page-16) to the O.A. it is clear that

Shri Jogeswar Hazarika retired on superannuation on 30-11-2004.

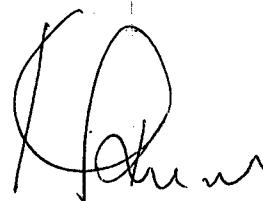
50(5)
17/11/09
30/11/04
30/11/09

2. As per Scheme for Compassionate Appointment issued under Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) Memo No. 14014/6/94-Estt.(D) dated 9-10-1998, Para 1 "Object" it is clearly stated that the object of the scheme is to grant appointment on compassionate grounds to dependent family members of Government servants either dying in harness or retiring on medical grounds.

As per Para 2 of the same memo "To Whom Applicable", it is clearly stated once more that the scheme applies only to dependent family members of Government servants who either die while in service or retire on medical grounds [a copy of the relevant page is annexed].

It is obvious from the above two points that since Shri Jogeswar Hazarika, Ex. Postman, Baruabamungaon Sub Office neither retired on medical grounds nor died while in service but retired on superannuation in the normal course, this particular case does not fall under the ambit of appointment on compassionate grounds. It is sad that though this dependent of a former postal employee cannot be helped in the manner that he would like, nevertheless, that he could

not be given this simple piece of information by those who should have known better, but instead found it expedient to put this impecunious young man through a pointless legal exercise. For the reasons stated above it is regretted that the prayer of the applicant cannot be acceded.



(Monojit Kumar)
Chief Postmaster General
Assam Circle, Guwahati.

Copy forwarded to :-

1. Shri Jayanta Hazarika, S/O Sri Jogeswar Hazarika. Alias Sri Jogen Hazarika. Resident of Village: Gumjoria Kachalial, Mouza: Gumjoria. Dist-Golaghat Assam.
2. The Postmaster General, Dibrugarh Region, Dibrugarh for information.
3. The SPOs., Sivasagar Division, Jorhat for information along with copy for the applicant. He is requested to deliver the letter and inform this office of the date of delivery of the letter.
3. Section Officer(Judl), CAT Guwahati Bench, Guwahati w.r.t. CAT Guwahati Bench order dated 17.06.2009 in OA 100/2009
4. Staff branch, CO, Guwahati for information.



For Chief Postmaster General,
Assam Circle, Guwahati.

SCHEME FOR COMPASSIONATE APPOINTMENT

1. OBJECT

The object of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying ~~in harness~~ or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency.

2. TO WHOM APPLICABLE

To a dependent family member —

(A) of a Government servant who —

- (a) dies while in service (including death by suicide); or
- (b) is retired on medical grounds under Rule 2 of the CCS (Medical Examination) Rules 1957 or the corresponding provision in the Central Civil Service Regulations before attaining the age of 55 years (57 years for Group 'D' Government servants); or
- (c) is retired on medical grounds under Rule 38 of the CCS (Pension) Rules, 1972 or the corresponding provision in the Central Civil Service Regulations before attaining the age of 55 years (57 years for Group 'D' Government servants); or

(B) of a member of the Armed Forces who —

- (a) dies during service; or
- (b) is killed in action; or
- (c) is medically boarded out and is unfit for civil employment.

Note I

"Dependent Family Member" means:

- (a) spouse; or
- (b) son (including adopted son); or
- (c) daughter (including adopted daughter); or
- (d) brother or sister in the case of unmarried Government servant or member of the Armed Forces referred to in (A) or (B) of this para,

who was wholly dependent on the Government servant/ member of the Armed Forces at the time of his death in harness or retirement on medical grounds, as the case may be.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: RAJGARH ROAD
BHANGAGARH :: GUWAHATI - 05.

O.A. No. 100 of 2009.

Sri Jayanta Hazarika,

Applicant,

-Versus-

U.O.I. & Ors.

Respondent(s).

MEMO NO. 3378/10 3383

Dated 22-6-2009

Copy to :-

1. Sri Jayanta Hazarika, S/O Sri Jageswar Hazarika,
Alias Sri Jogen Hazarika, Village, Gumjoria Kechalial,
Mouza, Gumjoria, Dist. Golaghat, Assam.

2. The Secretary, Govt. of India, Deptt. of Posts,
New Delhi-110 001.

3. The Superintendent of Post Offices, Sivasagar Division,
Jorhat - 785 001.

4. The Director of Accounts (Postal) Kolkata - 700 001.

5. The Post Master General, G.P.O., Panbazar, Guwahati-01.

6. Sri P. Talukdar, Advocate, CAT, Guwahati.

7. Miss Usha Das, Addl. C.G.S.C, CAT, Guwahati-01.

Please find enclosed herewith a copy of the order
dated 17/06/2009 passed in O.A. No. 100/2009 by
this Tribunal and do needful.

By Order,

Enclo :

As above.



SECTION OFFICER(J).

Received
Usha Das
Advocate
20/7/09

Received
Partha Talukdar
02/07/09

DEPARTMENT OF POSTS:INDIA

OFFICE OF THE SUPDT.OF POST OFFICES,SIVASAGAR DIVISION,JORHAT:785001

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

To,

Sri Jayanta Hazarika,

S/O Sri Jogeswar Hazarika

Alias Sri Jogen Hazarika

Gunijoria Kachalial , Mauza:Gunijoria

District:Golaghat [Assam].

No:- C-2/Misc /Pt-I/2009-10

Dated at Jorhat the 14-07-2009.

Sub:- Appointment on compassionate ground – the case of Sri Jayanta Hazarika ,S/o:Sri Jogeswar Hazarika ,Retired Postman ,Baruabamungaon SO.

Ref:- Pleader Notice:- OA.No.100 of 2009 filed by Sri Jayanta Hazarika.

Inviting a kind reference to above pleader notice the parawise compliance from this end are appended below for onward information to your pleader as directed by Hon'ble Tribunal ,Guwahati Bench.

Para.1:- No Comment.

Para.2:- No Comment.

Para.3:- No Comment.

Para.4:- No Comment.

Para.4.1:- No Comment.

Para.4.2:- No Comment.

Para.4.3:- No Comment.

Para.4.4:- No Comment.

50(1)
R/S
23.7.09

Para.4.5:-

As per Para.4.3 ,the candidate in question has passed H.S.L.C Exam only ,thus as per Rules of the Department of Posts ,the candidate is only appeared eligible for submission of application to the Posts of Gramin Dak Sevak[GDS].

Secondly as per Postal Gramin Dak Sevak [Conduct and employment] Rules-2001, section-X , stipulates that "Suitable jobs in GDS Cadre may be offered to one dependant of the ex-official who dies while in service leaving the family in indigent circumstances ,subject to the conditions applicable to regular employees who die while in service or retire in invalid pension. Such employment to the dependant should however be given only in very hard and exceptional cases.

But ,in the instant case ,Sri Jogeswar Hazarika ,the father of the applicant ,Sri Jayanta Hazarika was retired on attaining the age of superannuation i.e.60 years on 30-11-2004 as per this office record as postman ,Baruabamungaon Sub Post Office under Golaghat HPO .Thus the claim made by Sri Jayanta Hazarika is appeared clearly out of purview of Departmental Rulings for providing appointment on compassionate ground.

Para.4.6 :-

As per para 4.5

Para.4.7 :-

Other then compassionate ground ,appointment to the post of GDS are done after observing all formalities as laid down by Dak Sevak [Conduct and employment] Rules-2001

The applicant may not perhaps applied for such Post as and when notified .And if applied for may not perhaps fallen within the consideration zone for awarding appointment.

Para.4.8:-

These Rules are made by the Department of Post :Govt. of India .

Para.4.9 :-

The Post vacated by the father of the applicant is a Postman Cadre and not the GDS one .And as per Departmental Rules ,no direct recruitment to the post of postman are made direct . Rather ,such vacant posts are filled up through Departmental Examination from amongst the group-D staff and GDS Staffs.

Thus these para is appeared not tenable .

Para.4.10:- In every cases of appointment Departmental Rules are adhered to :-

Para.4.11:- No Comment.

Para.5.1:- No Comment .

Para.5.2:-As per para 4.5.

Para.5.3:- As above.

Para.5.4:- As above.

Para.5.5:- As per para 4.8.

Para.5.6:- As per para .4.5.

Para.5.7:- As per para 4.5.

Para.5.8:- No Comment.

Para.5.9:- No comment.

Para.6:- No Comment.

Para.7:- No Comment.

Para.8:- Application admitted .

Para.8.1:- As per para 4.5.

Para.8.2:- No comment.

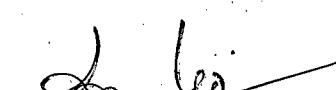
Para.8.3:- No comment as these are no vacant post of GDS now.

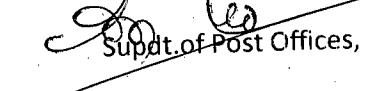
Para.9:- No comment.


Supdt.of Post Offices,

Sivasagar Division,Jorhat:785001.

Copy to:- The Section Officer[J] Central Administrative Tribunal ,Guwahati for information.


Supdt.of Post Offices,


Sivasagar Division,Jorhat:785001.

In the Central Administrative Tribunal, Guwahati Bench,
Guwahati

O.A. no 100/09

File in Court on 17/6/09
Court Officer.

Sri Jayanta Hazarika

Applicant

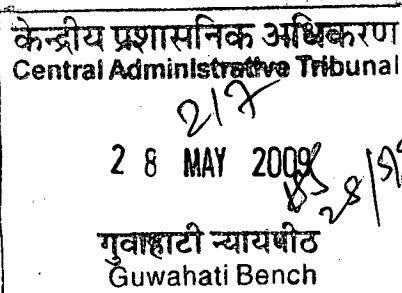
- vs -

Union of India & ors

Respondent

I Srimati Minali Dutta Advocate appeared
and argued the above mention O.A. before the Hon'ble
Hon'ble Tribunal today on behalf of the applicant.

Filed by
Miss Minali Dutta
Advocate
Date 17.6.09



THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI:: BENCH

GUWAHATI

(Application under Section 19 of the Central Administrative Tribunal Act, 1988)

O.A. No. 100 of 2009

Sri Jayanta Hazarika.

.....APPLICANT

-VERSUS-

Union of India & Ors.

.....RESPONDENTS

SYNOPSIS

That the applicant is an H.S.L.C pass student and his father was retired from the post of Post Man on 30/11/2004 from the Department of Posts.

That after the retirement of his father from the post of Post Man from the Department of Posts on 30/11/2004, the applicant's approached the Department of Posts to absorb him in their Department on compassionate ground. The Applicant approach the Respondents on several occasions for his appointment on compassionate ground but till date the Respondents have not appointed him in the said Department of Posts..

As such urgent interference by this Hon'ble Tribunal is prayed for in the entire matter.

Filed by:

Pranab K. Mazumdar
(ADVOCATE)
27/05/09.

Received by
L. Barigha
Sr. C.G.S.C.
D. Kour
Advocate
27-5-09

D. Kour
Advocate
27-5-09

28 MAY 2009

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गुवाहाटी न्यायालय
Guwahati Bench

THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI :: BENCH
GUWAHATI

(Application under Section 19 of the Central Administrative Tribunal
Act, 1988)

O.A. No. of 2009

Sri Jayanta Hazarika.

.....APPLICANT

-VERSUS-

Union of India & Ors.

.....RESPONDENTS

I N D E X

<u>Sl. No.</u>	<u>Annexure</u>	<u>Particulars</u>	<u>Page No.</u>
1.		Application	1-10
2.		Verification	11
3.	A	H.S.L.C. Pass Certificate	12
4.	B	Employment Exchange Registration Card.	14
5.	C	Letter of Superintendent	15

Date of filing : 27/05/09

28 MAY 2009

गुवाहाटी न्यायालय
Guwahati Bench

- 3 -

Filed by the Applicant
Through
Panab K. Majumdar
Advocate
27/05/09

THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI :: BENCH

GUWAHATI

(Application under Section 19 of the Central Administrative Tribunal
Act, 1988)

O.A. No. 2009

BETWEEN

Sri Jayanta Hazarika.

S/O Sri Jogeswar Hazarika.

Alias Sri Jogen Hazarika.

Resident of Village: Gumjoria Kachalial, Mouza: Gumjoria.

District: Golaghat, Assam

.....APPLICANT

-VERSUS-

1. The Union of India,

Represented by the Secretary to the Government of India,
Department of Posts,
New Delhi-110001.

2. The Superintendent of Post Offices,
Sivsagar Division, Jorhat 785001.

gurijyoti Hazarika
gurijyoti Hazarika

28 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- 4 -

3. The Director of Accounts (Postal),

Kolkata. - 700001.

4. The Post Master General

G.P.O. Panbazar, Guwahati-1.

.....**RESPONDENTS**

DETAILS OF APPLICATION

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

The present application is against non appointment of the applicant in any post under Department of Posts on Compassionate ground.

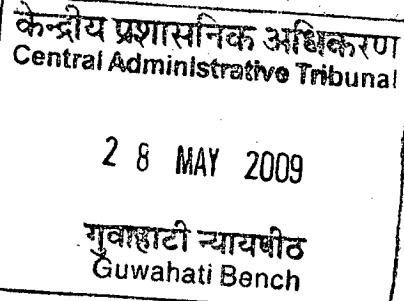
2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the applicant is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:

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

गुवाहाटी न्यायपीठ
Guwahati Bench



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4. FACTS OF THE CASE:

4.1 That the applicant is a citizen of India and as such he is entitled to all the right and privileges guaranteed under the Constitution of India and the laws framed thereunder.

4.2 That the applicant passed his H.S.L.C. exam in the year 2002 in Second (II) Division.

In this connection copy of the H.S.L.C. Pas Certificate is enclose herewith and marked as **Annexure-1.**

4.3 That the applicant comes from extremely poor family and after passing his H.S.L.C. Exam to tide over his financial difficulty, as he was without any permanent source of income, the applicant was desperately searching for employment opportunities and approached various Government Officials/departments etc. for a suitable job and he also registered his name in the Employment Exchange on 05/10/07.

In this connection copy of the Registration Certificate is enclose herewith and marked as **Annexure-2.**

4.4 That, the applicants father was retired from the post of Post Man from the Department of Posts on 30/11/04.

गुवाहाटी न्यायालय
Guwahati Bench

28 MAY 2009

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गुवाहाटी न्यायालय
Guwahati Bench

In this connection a copy of the letter dated 17/12/04 from the Superintendent of Post office showing the date of Retirement is annexed herewith as
Annexure-3

4.5 That being the son of the Ex-Post Man and being eligible for appointment in the said Department of Posts the Applicant applied in the said Department to appoint him in any post on compassionate ground.

4.6 That the applicant respectfully stated that despite of number of approaches till date, the Respondents concerned has not taken any concrete positive step for addressing the grievances of the applicant in the instant matter for appointing him in one of vacant posts in the Department of Posts. Having no other way, the Applicant approaches this Hon'ble Court for appropriate relief.

4.7 That it would be relevant to state here that the Applicant could be appointed in any post in the Department of posts, But in spite of numerous approaches the matter has not been considered till date.

4.8 That the Applicant begs to state that the said appointment and/or non consideration etc. is in violation of the applicants fundamental right under the Constitution of India and the laws framed thereunder and is a clear case of discrimination. It is also against the principal of natural justice. It may be mentioned here that the applicant is also getting age barred for any other employment in Government Service or elsewhere and he is also to look after his huge family.

SRI JYOTI BORAH
Advocate

28 MAY 2009

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गुवाहाटी न्यायालय
Guwahati Bench

4.9 That the Applicant begs to state that the said appointment is vitiated by arbitrariness, malafide, malice in law and there is violation of the Constitutional and/or any other rights of the Applicant. The Applicant has been discriminated without any reasonable basis or justification and he has been denied equality before the law and/or equal protection under the law. The said appointment etc, being most arbitrary, unreasonable and capricious, this hon'ble Tribunal may interfere at the earliest with a positive direction to the Respondents concerned for immediate appointment of the Applicant to any post in the Department of Posts.

4.10 That there has been a total non application of mind to the relevant factors as regards the Applicants appointment in the Department of Posts, there has been a colourable exercise of power for collateral purpose and the said non appointment etc. can be justified only by reasons other relevant and bona fide.

4.11 That there is no other adequate, efficacious, alternative remedy available to the Applicant and the relief's as prayed for, if granted would be just, adequate and proper.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS

5.1 For that the impugned non-action of the official respondents concerned in connection with the appointment of the applicant in any post in the Department of Posts is illegal and liable to be interfered with by this Hon'ble Tribunal

pp: Jayanta Negi
RAJAT KUMAR

28 MAY 2009

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गुवाहाटी न्यायघर
Guwahati Bench

5.2 For that in the aforementioned factual background, the non appointment of the Applicant in any post in the Department of Posts is a clear case of discrimination, biasness, arbitrariness, malafide, unfairness, illegality, unlawfulness and unreasonableness.

5.3 For that the Applicant has been discriminated against without any reasonable basis or justification and has been denied equality before the law and/or equal protection under the law.

5.4 For that the non-appointment of the Applicant is vitiated by arbitrariness, malafide, malice, in law there are violation of the Constitutional right(s) and/or any other right(s) of the Applicant under the prevailing law and/or practice.

5.5 For that there is violation of the principles of Natural Justice and/or the fundamental and any other right(s) of the Applicant in the instant matter.

5.6 For that it is discreditable form the aforesaid factual that there has been a total non application mind to the relevant factors and/or colorable exercise of power for collateral purpose(s) in connection with the Applicants non appointment under the Department of Posts.

5.7 For that there are violation of the eligibility stipulated by the Department and/or the reservation policies in this regard.

Sri Jayanta Bhagwati

28 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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5.8 For that the Applicant craves leaves of this Hon'ble Tribunal to rely upon any other Ground(s) at the time of hearing of the instant matter.

5.9 For that in any view of the matter, the impugned non-action on the part of the respondents concerned in not appointing the applicant is not sustainable in law and liable to be interfered with by this Hon'ble Tribunal.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that he has no other alternative and efficacious remedy except by way of filling this application. He is seeking urgent and immediate relief.

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

The applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon

Sri Jayanta Neganika

28 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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hearing the parties and on perusal of the records, be pleased to grant the following reliefs.

8.1 For appointing the Applicant in any post in the Department of Posts on compassionate ground.

8.2 For that a post in the Department of Posts be kept vacant till the disposal of the instant matter.

8.3 Any other relief/reliefs that the applicant may be entitled to and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

The applicant prays for an interim order/direction to keep at least one post vacant in the Department of Posts and/or any other interim relief as may deem fit and proper by this Hon'ble Tribunal.

10. FILING OF APPLICATION:

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O.:

(i) I.P.O. No. :69F 350004 of Rs. 20/-

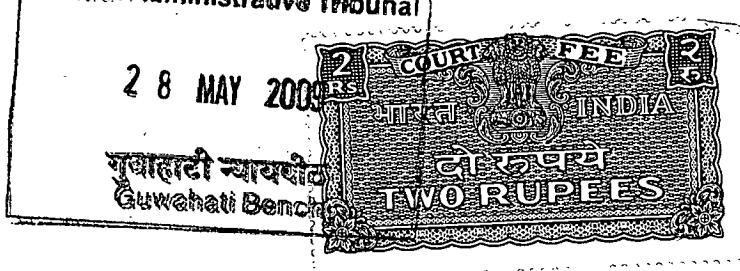
69F 350005 of Rs. 20/-

69E 999210 of Rs.10/-

(ii) Date :25/05/09

(iii) Payable at : Guwahati

*Wagnika
Sri Jayanta*



12. LIST OF ENCLOSURE:

As stated in the Index.

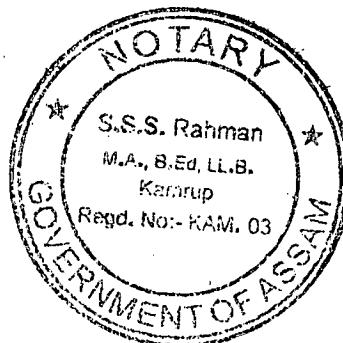
VERIFICATION

I, Sri Jayanta Hazarika. Aged about 25 years S/O Sri Jogeswar Hazarika, Alias Sri Jogen Hazarika, Resident of Village: Gumjoria Kachalial, Mouza: Gumjoria in the District of Golaghat, Assam solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 are true to the best of my knowledge, those made in paragraphs 4, 2, 4, 3 and 4, 4 are to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 25th day of May, 2009, at Guwahati.

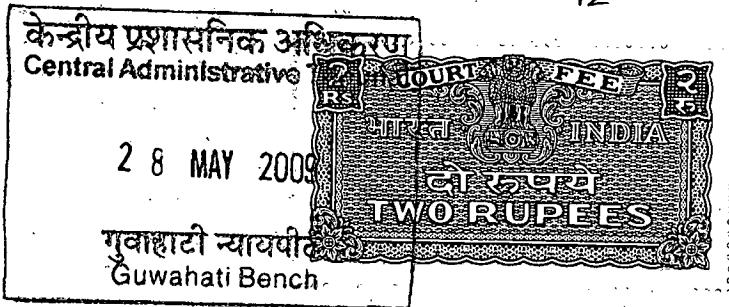
Sri Jayanta Hazarika

Signature



3
25-5-09.

Shah Syed Samadur Rahman
SHAH SYED SAMADUR RAHMAN
M.A., B.Ed., LL.B.
NOTARY
Guwahati, Kamrup.
Regd. No.: KAM. 03



AFFIDAVIT

I, Sri Jayanta Hazarika. Aged about 25 years S/O Sri Jogeswar Hazarika, Alias Sri Jogen Hazarika, Resident of Village: Gumjoria Kachalial, Mouza: Gumjoria in the District of Golaghat, Assam, do hereby solemnly affirm and declare as follows:-

1. That, I am the Applicant of the instant application and as such I am fully acquainted with the facts and circumstances of the case, and as such I am competent to swear this affidavit.
2. That, the statements made in this affidavit and those made in paragraph no. 1, 2, 3, 4, 1, 4, 5 to 4, 11, 5, 6 and 7 are true to the best of my knowledge and I believe to be true and those made in paragraph 4, 2, 4, 3, 4, 4, of the present Appeal petition are being matters of record are true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this 27th day of May, 2009 at Guwahati.

Sri Jayanta Hazarika

Identified by

DEPONENT.

Pranab K. Mazumdar
Advocate *27/05/09*

ULUBARI HIGHER SECONDARY SCHOOL

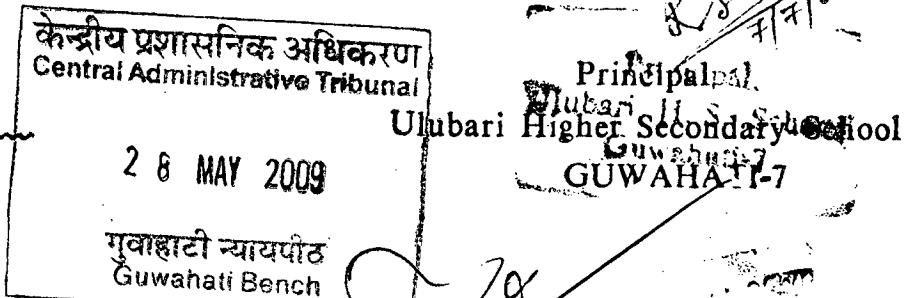


Serial No.: 311

Date: 7/7/02

This is to Certify that Jayanta Hazarika appear in the H.S.L.C. Examination, 2002 (Annual Compartmental) of the Board of Secondary Education Assam, as a Repeater candidate from this school under Roll No. 228 No. 0139. He/She passed same being placed in II (2nd) Division. His/Her date of birth is 1-1-1984. His/Her character has been good. In base of compartmental, chance

Date: 7/7



Certified to be true copy.

Hazarika
27/05/09

EXCECUTIVE

Assam Schedule LXIII, Form No. 11
 GOVERNMENT OF ASSAM
 DEPARTMENT OF LABOUR
 EMPLOYMENT EXCHANGE *Guwahati*
 IDENTITY CARD

(Not an introduction card for interview with employers)

X-10 (B)

केन्द्रीय प्रशासनिक अधिकारपाल
 Central Administrative Tribunal

28 MAY 2009

गुवाहाटी न्यायपीठ
 Guwahati Bench

1. Name of Applicant *Sri Jayanta Hazarika*
 2. Date of Birth *01-1-84*
 3. Date of Registration *5-10-07*
 4. Registration No. *3272/07*
 5. N.C.O. Code No. *X 0110*
 6. Qualifications *H.S.L.C*
 7. Occupation
 8. Identification Marks.....

Sri Jayanta Hazarika *Employment Officer*
 (Signature of Applicant) *Asstt. Director of Employment*
Dist. Employment Exchange, Dibrugarh

INSTRUCTION TO APPLICANT

(a) Bring this card with you whenever you come to the Exchange.
 (b) Quote your Registration Number and N.C.O. Number whenever you write to the Exchange.
 (c) Renew your Registration every three years. If you do not renew by the due date your registration will be cancelled.
 (d) You can renew your registration personally or by post. For renewal by post DO NOT SEND THIS CARD. Apply to the Exchange on a REPLY PAID POST CARD.

Date before
 which
 registration
 should be
 renewed

27/05/09
 Senior Medical & Health Officer
 K. K. Civil Hospital

Certified to be true COPY

Muzumdar
 27/05/09

28 MAY 2009

DEPARTMENT OF POSTS, INDIA

OFFICE OF THE SUPDT OF POST OFFICES, SIVASAGAR DIVN, JORHAT: 785001
Guwahati Bench

Memo no. C2// J. Hazarika dtd. at Jorhat the 17/12/2009

Sanction of the Supdt. of Post Offices, Sibsagar Divn, Jorhat is hereby accorded to the payment of a sum of Rs. 20399/-
Rs. twenty thousand and three hundred and forty nine only.
only to Sri/Smt. Jogenwar Hazarika ex-postmaster/wife/guardian of
the family of Late BB. Hazarika retired on
superannuation ~~expired~~ on 30-11-2004 being the
amount equivalent to leave salary admissible for the unutilised
earned leave for 102 Days days in favour of the
retired/deceased official at the time of retirement / death on
30-11-2004 in accordance with rule 39, 39 A, of
(Leave) Rules 1972, and O.M. dtd. 25-8-1985.

Copy to :-

1. The Postmaster Jorhat/Sibsagar for effecting payment to
Sri/Smt. J. Hazarika under proper identification.
2. The Director of Accounts (Postal) Kolkata through the
Postmaster Jorhat/Sibsagar HO Jorhat-HO
3. Sri/Smt. Jogenwar Hazarika Ex-Postmaster Jorhat-HO

Supdt. of Post Offices,
Sivasagar Divn, Jorhat-1

Guwahati-785001
Jorhat-785001

Certified to be true copy

Hazarika
27/05/09