

100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN. NO. 267 OF 1995 ✓

TRANSFER APPLN. NO. OF 1995

CONT EMPT APPLN. NO. OF 1995 (IN NO.)

REVIEW APPLN. NO. OF 1995 (IN NO.)

MISC. PETITION NO. OF 1995 (IN NO.)

M. K. Paul APPLICANT(S)

-vs-

..... h. o. l. RESPONDENT(S)

For the Applicant(s) ... Mr. P. K. Barua

Mr. P. D. Gogoi

Mr.

Mr.

Mr. S. Ali, Sr. C. G. S. C.

For the Respondent(s)

OFFICE NOTE

DATE

ORDER

7.12.95

Mr P.K. Barua with Mr P.D. Gogoi for the applicant.

Mr S. Ali, Sr. C. G. S. C for respondents on notice.

Since the learned counsel argued that this is a genuine case where the applicant believes that great injustice has been done to him in the matter of his due promotion, we carefully consider the matter in some detail and discussed various aspects relating to it with the counsel. We however, regret our inability to admit the application for following reasons :

The grievance of the applicant is that while he was working as a Sorter in the Railway Mail Service Wing, N.E. Circle, Shillong he appeared for the departmental examination for promotion to the cadre of Inspector RMS held in the year 1976. However, he was not given promotion in pursuance of that examination as all the four vacancies were filled up upto serial No. 3 whereas his serial number was 4 amongst the qualified

22-8-96

COPY OF THE ORDER
ISSUED TO THE 1/ADVISER
OF THE PARTIES VIDE
S. N. 2752 & 2753
D. 27.8.96

10/8

WA

(contd. to Page No. 2)

OA/TA/CP/RA/MP No. of 19

OFFICE NOTE

DATE

ORDER

7.12.95

candidates. However, according to him during the currency of the ~~panel~~ for one year another post fell vacant due to promotion of some officer and he should have been appointed against that post but was illegally deprived of that opportunity. The applicant therefore prays that the respondents may be directed to appoint him to the promotional post of Inspector with retrospective effect. Evidently the grievance relates to the year 1976. It appears that the applicant had filed a representation to the General Manager, N.E. Telecom. Circle on 7.4.77 and that was rejected by the Director General on 17.9. 1977 and copy was sent to the applicant on 24.6.78. It was only after a lapse of about 10 years that on 4.5.88 the applicant filed another representation. Although he was a regular employee of the department and was not without any source of income he stated in the representation that it was a case of poor employee. Thereafter the applicant has placed his case before the Staff Adalat held on 30.9.92 and that being forwarded to the Adalat at Shillong, the request of the applicant for re-consideration of the matter was rejected on 13.10.93. It was stated that it was not feasible to consider the case after a lapse of more than 17 years. It is thereafter after a lapse of about 2 years the Tribunal has been approached, simply because once more the applicant was informed on 12.5.95 relating to the proceeding before the Staff Adalat that it was too late to do anything to consider his case that the applicant has approached the Tribunal. During all these periods the applicant has already been promoted as Senior Accountant in the office of the Chief General Manager, Telecom., Assam Circle.

contd...

7.12.95

Really speaking he should have been satisfied with the same instead of raking ^{up} ~~out~~ the matter which is about 18 years old. By no stretch of imagination and on any principle of law the application can be entertained. Hence it is rejected. No order as to costs.

Jayaram
Member

Subrahmanyam
15.12
Vice-Chairman

pg

The 15th

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT 1985.

Filed by
Prasant
(P.K. Baruah)
Advocate

For Office use only

Date of filing

Registration No. 267/95

Signature of the Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
GUWAHATI.

B E T W E E N

Shri Mihir Kanti Paul

.... Applicant.

- AND -

Union of India and others.

.... Respondents.

1. Particulars of the applicant:

Shri Mihir Kanti Paul, son of Late Shishir
Kumar Paul, Senior Accountant, in the Office
of the Chief General Manager, Telecom, Assam
Circle, Ulubari, Guwahati-7.

2. Particulars of the respondents :

1. Union of India,
Through Director General,
Department of Posts (Ministry of Communication)
Dak Bhawan, Sansad Marg, New Delhi- 1.

Mihir Kanti Paul

contd... 2

2. The Chief Post Master General,
N.E. Circle, Shillong-1, Meghalaya.
3. The Chief Post Master General,
Assam Postal Circle, Meghdoot Bhawan,
Guwahati-1.
4. The Assistant Post Master General (staff)
N.E. Circle, Shillong, 1, Meghalaya.
5. The Senior Superintendent, RMS
'GH' Division, Guwahati-1.

..... Respondents.

3. Particulars of the order against
which application is made :
1. Letter No.7/53/76-SPB dtd. 1-9-1977 of
the Director General P & T New Delhi.
2. Letter No. Staff/109-6/92 dtd. 12-5-1995 of
the Asstt. Postmaster General N.E. Circle,
Shillong.

4. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Tribunal.

5. Limitation :

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

Mihir Kant Paul

6. Facts of the case :

1. That the humble applicant was initially appointed as SORTER in the Railway Mail Service (RMS) Wing N.E. Circle, Shillong on 1-6-1967 and Posted at Guwahati in ~~xxvii~~ August 1975. The applicant appeared in the departmental promotion examination to the cadre of Inspector, RMS and ~~he~~ qualified in the said examination under Roll No.NE-140 along with other five candidates and the applicant's position was 4th in the selection list. The applicant secured the following marks in the aforesaid examination.

1st paper - 45, 2nd paper - 55
3rd paper - 59, 4th paper - 70
& 5th paper - 65.

The candidates who qualified in the said examination are also mentioned below in order of merit:-

S/Shri

- (i) G.G. Singh
- (ii) R.C. Chakraborty
- (iii) Bijoy Bhusan Roy Choudhury
- (iv) Mihir Kanti Paul
- (v) Bhadreswar Bairagi
- (vi) Susanta Kr. Das.

Copy of letter No. B2/29/Exam/76 dtd.23-2-76
of S.S. RMS, GH, ^{conveying} comprising applicants' marks in the Exam. is annexed as Annexure- 1.

contd... 4

Mihir Kanti Paul

2. That the first two candidates viz. S/Shri G.G. Singh and R.C. Chakraborty were appointed as Inspector (RMS) by the Post Master General, N.E. Circle, Shillong, following the declaration of the result against two other category vacancies(out of three notified vacancies, two other category and one Scheduled Caste vacancies). As no S/C candidate qualified in the aforesaid examination and the post was lying vacant for three consecutive years, the post was dereserved by the Deptt. under the pressure of Service Union and the third successful candidate viz. Shri Bijoy Bhushan Roy Choudhury, who was on deputation to Army Postal Service, was called back and appointed in that post after departmental examination of 1976 for Inspector (RMS) was held in which the above direserved S/C post was also notified.

3. That during the next twelve months following declaration of result of 1975 IRM-ship examination, one other category vacancy occurred under N.E. Circle, Shillong, consequent upon promotion of Shri M.M. Deb, ASRM to PSS Class-II Cadre. As per Rule 279/1 of Post & Telegraph Manual (Vol-IV, 4th Edition) the Director General could fill up the said vacancy by the qualified candidates of last 1975 examination. Accordingly, the applicant being the number one in the waiting list prayed to the post Master General, N.E. Circle, Shillong, to accommodate him against the said vacancy of Inspector/RMS vide his letter dtd. 1-3-1976

against the ~~vacancy~~ occurred during next 12 months. But PMG, Shillong did not accede to the genuine request of the applicant and thus deprived the applicant from his legitimate claim.

Copy of cited above is annexed as Annexure-II.

4. That the applicant thereafter appealed to the Director General, Department of Posts & Telegraph, New Delhi on 7-4-77 through proper channel to consider his prayer for appointment as Inspector/RMS against the ~~occurred~~ vacancy within next 12 months. Director General also rejected applicant's prayer vide his letter No.7/53/76-SPB/dtd. 1-9-77 (conveyed to the applicant vide G.M. N.E. Circle letter No. STB-8/TAC). The applicant further prayed to the Director General, P & T, New Delhi on 4-5-1988 and 11-4-90 to accommodate him against existing vacancies as the applicant's claim was genuine. But the D.G., New Delhi sat over the matter. The applicant's grievance remained unredressed.

Copy of D.G. letter dated 1-9-77 and applicants request dtd. 4-5-88 are annexed as Annexure- III & IV respectively.

5. That after constitution of Staff Adalat at Guwahati for redressal of grievances of P & T employees, the applicant submitted his appeal to the Chairman, staff Adalat, Assam Circle, Guwahati vide his letter dtd. 20-8-92 for redressal of applicant's genuine

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grievance. As the office of PMG at Guwahati came into existence in the year 1988, the Secretary Staff Adalat forwarded the applicant's grievance to the Chief Post Master General, N.E. Circle, Shillong for consideration.

Copy of applicant's letter dated 20-8-92 and Staff Adalat Secretary's endorsement No. SA/3-28/92 dated 29-10-92 are annexed as Annexure- V & VI respectively.

6. That on persistent appeal to the Chairman, Staff Adalat, N.E. Circle, Shillong to consider the applicant's case, the Asstt. Post Master General(s), Shillong informed the applicant to furnish complete documents in support of the applicant's claim and accordingly the applicant furnished all details to the Chief Post Master General Shillong in this regard vide his letter dated 21-10-93.

Copy of APMG(S) letter No. Staff/109-6/92 dated 13-10-93 & copy of applicant's letter dated 21-10-93 are annexed as Annexure- VII & VIII respectively.

7. That to the utter surprise of the applicant after about one & half year, APMG, N.E. Circle, Shillong sent a vague reply to the applicant vide his letter No. Staff/109-6-92 dated 12-5-95 regretting to consider the case of the applicant on the plea that all records of 1975 Exam. were weeded out long ago.

In this connection it may be mentioned that both CPMG, Shillong and Director General, New Delhi made gross irregularities in appointing candidates as Inspector

(RMS) flouting departmental rules right from 1975 to 1978, Annexure-V may kindly be seen in this connection.

Copy of APMG, N.E. Circle, Shillong dated 12-5-95 is annexed at Annexure- IX.

7. Relief sought :

The Hon'ble Tribunal may be pleased to direct the Respondents to appoint the applicant as Inspector/R.M.S. with retrospective effect as the Applicant's efforts to get justice from the Respondents for long 18 years have failed to secure the same.

8. Interim order, it prayed for :

No interim relief is prayed for.

9. Details of remedies exhausted :

Appeals/representative made to :-

1. PMG. N.E. Circle, Shillong.
2. Director General, P & T, New Delhi.
3. Staff Adalat, Guwahati.
4. Staff Adalat, Shillong.

10. Matter not pending with any other Court etc.

The applicant further declares that the matter regarding which the application has been made is not pending before any Court of Law or any other authority or any other Bench of the Tribunal.

11. Particulars of Bank/Postal order in respect of the Application fee.

Bank Draft/Indian Postal order No. 801 30/088 of Rs.50.00 is enclosed.

12. Details of Index.

An index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of enclosers.

As in the index.

VERIFICATION

I, Shri Mihir Kanti Paul, son of Late Shishir Kanti Paul, working as Sr. Accountant in the Office of Chief General Manager, Telecom, Assam, Circle Guwahati-7, resident of Pandu, Guwahati, Dist. Kamrup, do hereby verify that the contents made in paragraphs 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

And I sign this Verification on this 29th day of November, 1995 at Guwahati.

Mihir Kanti Paul

Signature of the Applicant.

Mihir Kanti Paul

INDIAN POSTS & TELEGRAPH DEPARTMENT

Office of the Senior Superintendent, RMS 'GH' Dn. Guwahati

A copy of PMG, N.E. Circle, Shillong's letter No. STA-21/
Exam/ 75 Pt.II dt. 17.2.76 addressed to the Sr. Supdt. RMS
'GH' Dn. Gauhati.

Sub: Communication of marks of IRM Exam'75.

Ref: Your letter/Endst. No. B2/29/Exam/75 dt. 27.11.75 & 3.12.75

The marks obtained by the following officials in the
above mentioned examination are given below:-

Sl. No.	Roll No.	Name of Candidates	Attached No.	Paper	I	II	III	IV	V	VI
1.	NE-145-	Shri D.K. Roy Choudhury	SRO Ban gia	17	63	41	64	49		
2.	NE-139-	Shri B.B. Roychoudhury		67	65	55	62	63		
3.	NE-140-	Shri M.K. Paul	SRO Gauhati	45	55	59	70	65		

No. B2/29/Exam/75

Dated, Gauhati, the 23.2.76

Copy to:

SRC Gauhati & SRC Rangia. They will please communicate this
to the officials concerned.

*Acctd
Praveen
Advocate*

Sd/-Illegible.

for Senior Superintendent
RMS 'GH' Dn. Gauhati-781003

Mihire Kanti Paul.

To

The Postmaster General
N.E. Circle, Shillong-793001

(Through the Sr. Supdt. R.M.S. 'GH' Dn. Gauhati)

Sir,

With due respect and humble submission I beg to lay before you the following few lines for favour of your kind consideration and sympathetic orders please.

Para-1. That Sir, in the year 1972, the vacancies/ for IRM in ~~N.E. Circle~~ N.E. Circle was notified in Circle office letter No. Staff/A/AA-21/Exam/March&72 as follows:-

Total Vacancies. 4

Un-Reserved. 2

S/C. 1

S/T. 1

Unfortunately none could come out successful.

Para-2. That Sir, in the year 1973, no notification of the vacancies was made. But 4(four) officials(3 O/C & 1 S/T) candidates) passed.

Para-3. That Sir, in the year 1974 ,eligible officials appeared in the IRM ship examination where no notification for the vacancies were made and unfortunately there was no successful candidate.

Para-4. That Sir, in the year 1975 ,as per routing IRM ship Examination was held and vacancies were notified vide C.O's letter No. Staff/A/21/Exam/75/Pt-II dt. 26.8.75 with the following break-up.

contd..2

Mihir Kanti Paul

*Atesuk
Mihir
Advocate*

- 2 -

Total vacan- cies	Unreser- ved vacan- cies		Reserved vacan- cies		Out of figures in Col.5,no carried forw- ard for 3rd Yr.		Out of figures in Col.6,no carried forwar- d for 3rd Yr.		Remarks
	SC/	ST	4	5	6	7			
1	2	3	4	5	6	7			
3	2	1	-	-	-	-			

Against the above vacancies 2(two)O/C candidates passed.

Para-5. That Sir, as per Ministry of Home affairs, Deptt. of personnel A R OM No. 16/2/74-Est(SCT)dt.8.5.74. it is found that reserved vacancies (S/C & S/T) stand lapsed, if in the 3rd year of carry forward no suitable candidate of the reserved category is selected/passed/appointed.

Now in view of this fact, the reserved vacancy for S/C which originated in the year 1972 (as explained in para-1 above) stands lapsed. I, being an O/C candidate appeared in the year 1975 in IRM-ship Exam. and I secured the following marks:

Name of Exam.	Roll No	Centre	1st paper	2nd paper	3rd paper	4th paper	5th paper
IRM ship	NE-140	Gauhati	45	55	59	70	65

As per PMG.N.E.Circle, Shillong letter No. STA-21/Exam/75 Pt-II dt. 17.2.76. communicated vide S S R M 'GH' Dn. Gauhati letter No. B 2/29/Exam/75 dt. 23.2.76.

Para- 6. That Sir, as per P&T Manual Vol. IV. (4th Edition, 1971) Rule No.279/1 para-II, which says "An examination for the recruitment of IPO/IRM(RMS) will normally be held once a year at the discretion of the D.G. It is open to the D.G. not to hold the examination in any year in a circle if the number of qualified candidates on the waiting list is adequate for the vacancies likely to occur in the next 12 months. The examination will be held at selected centres in each circle.

contd..3

Mihir Kanti Paul

- 3 -

Now, sir it will not be out of place to mention ~~xx~~ here that a clear vacancy has occurred in TRM cadre, in consequence of selection of Sri M. M. Deb. ASRM Silchar in P. SS II Cadre.

Sir, in view of the marks I have secured in the Exam. as stated vide para 5 above, may I hope that your honour would be gracious enough to absorb me as IRM against one of the vacancies as stated in para 5 and 6 above there by giving me a chance to serve the administration with entire satisfaction to my superiors.

For this act of kindness I shall remain in ever grateful to you.

Dated, Guwahati-
the 1st March '76.

Yours faithfully,
(MIHIR KANTI PAUL)

S. R. O. GUWAHATI

Mihir
Kanti
Paul
Advocate

Mihir Kanti Paul.

TRUE COPY

Annexure-III

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Office of the General Manager: N.E. Telecommunications Circle.
Shillong-793001.

STB-80/TAC Dated at Shillong, the 17.9.1977.

To : The Accounts Officer Telecom Accounts,
Morello Building
Shillong-793001.

Sub: Inspector Railway Mail Service-Petition from Shri Mihir Kanti Paul, TAC 0/0 The Telecom Accounts, Shillong for his selection as an Inspector Railway Mail Service on the results of Inspector Railway Mail Service Examination in 1975 in N.E. Circle.

A copy of Director General, Posts and Telegraphs, New Delhi letter No. 7/53/76-SHB.II dated 1.9.77 on the above subject is sent herewith for information.

The official, Shri M.K. Paul, may please be informed accordingly.

Sd/- Illigible

Sd/-

(T.S. Krishnamurthy)
Chief Accounts Officer,
O/C The General Manager
North Eastern Telecommunication Circle,
Shillong-793001

Copy of the Directorate letter referred to above.

I am directed to invite a reference to your letter No STB-80/TAC dtd. 5.8.77 forwarding a petition dated 7.4.77. addressed to the Director General from Shri Mihir Kanti Paul office of the Telecom Accounts Shillong on the subject noted above and to say that after careful consideration of the request of the petitioner, the Director General has decided that the same cannot be granted. He has therefore, rejected the petition. The petitioner may be informed accordingly.

E. N. D. T. No : TA/SH/Gen/Staff/dt. 24.6.78

As requested in this letter No. nil dated 24.6.78, copy of the D.G's letter as above is furnished to the official (Sri M.K.Paul)

Mihive Kanti Paul.

Sd/- Illegible.

Annexure-IV

To

The Director General
Department of Posts
Dak Bhavan
New Delhi-110001.

Sub : Inspector Railway Mail Service-Petition from Shri Mihir Kanti Paul, TAC 0/0 the Telecom Accounts, Shillong for his selection as an Inspector Railway Mail Service on the result of Inspector Railway Mail Service Examination held in 1975(1975) in N.E.Circle

Th-P/C

Respected Sir,

I beg most humbly and respectfully to lay before you the following few lines for favour of kind consideration and justice.

That sir, my case has a reference to the Director's letter No. 753/76-SPB.II dated 1-9-77.

That sir, I had qualified in the examination of Inspector Railway Mail Services held in Sept, 1975 securing the following marks.

Name of Roll No	Centre	1st paper	2nd paper	3rd paper	4th paper	5th paper
IRM ship NE-140	Gauhati	45	55	59	70	65

That Sir, under the provision of Rule-279/1 of P&T Manual Vol. IV I was entitled to be absorbed against the clear vacancy occurred in the IRMs Cadre in consequence of selection of Shri M.M. Deb. ASRM RMS 'S' Division in the PSS-II cadre in April, that is within 12 months subsequent to the examination when my name was at the top of the waiting list of qualified candidates.

contd...2

- 2 -

That sir, inspite of my repeated appeals for redressal no justice has since been shown, my genuine claim is being denied without assigning any justified.

That sir, I have lost my energy of years for achieving the benefit to which I am entitled by standing rules of the department.

That sir, now there are vacancies and with the high hope I pray your honour to be kind enough to consider the case of a poor employee most sympathetically and to cause for settlement of a long pending issue by absorbing me in the cadre of Inspector Railway Mail Service for which I am qualified and for this act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Dated GH
The 4th May 88

(Mihir Kanti Paul)

Jr. Accountant O/O
C. T. S. D. Assam Circle
Panbazar, Guwahati-1.

*Mihir Kanti Paul
Advocate*

Mihir Kanti Paul.

Annexure- V

To

The Chairman
STAFF ADALAT
O/O The Chief Postmaster General
ASSAM CIRCLE, GUWAHATI.
781001.

(Through proper channel)

Respected Sir,

Sub: Prayer for absorption as an
Inspection of R.M.S. consequent
on the result of 1975 Examination

With due respect and humble submission, I beg to lay before you the following facts with a high hope of getting justice through the STAFF ADALAT which is never formed in earlier years. The prayer petition is submitted in response to a notification issued from the O/O the C.P.M.G. Assam Circle, Guwahati-781001 vide No STAFF/ADALAT/APC/92 dated 1.7.92.

2. That Sir, the fact pertains to the period of pre-bifurcation of the erstwhile combined N.E. Circle, with Circle Office at Shillong.

3. That Sir, by virtue of passing the Departmental Aptitude Test for Telecom Accounts Clerk, conducted after holding the I.R.M ship Examination 1975, I crossed over to Telecom Wing from Postal Wing (R.M.S.). Initially I joined in the P&T Deptt. as a SORTER in R.M.S. on 1.6.67 and later joined in Telecom A/Cs under G.M.T.N.E. Circle, Shillong on 13.7.76 (DEPARTMENTALLY.)

*Ansive
Dated
Tocal*

4. That sir, a gist of happenings in filling up of posts of I.R.M from 1975 to 1978 is appended below stage by stage for your information & seeking justice in my case.

i) I.R.M ship Exam'75 was held by 8/75 against notification vide Staff A-21/Exam'75/Pt.II dated 26.8.75 (Annexure I)

Result announced by the end of 1975 and

Mihire Kanta Paul

contd. 2

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and approved Sri G.G.Singh & Sri R.C.Chakraborty being qualified candidate No.1 & 2 out of total 5 qualified candidates in merit list, _____ marks communicated on 23.2.76 vide (Annexure-2) _____ Representation submitted by qualified candidate No.3&4 (namely S/Sri Bijoy Bhushan Roy Choudhury & Mihir Kanti Paul) on 1.3.76 (vide Ann-3) showing two points(one for derservation vide Ann.4 & to fill up one vacancy and the other for approving a candidate from waiting list by virtue of Rule 279/1 para-2 of P&T Manual Vol-IV to fill up the post caused due to promotion of Sri M.M.Deb to PSS Class-II on 19.4.76(vide Annx-5).

Representations were forwarded to P.M.G Shillong vide SSRM/GH/No. B-2/29/Exam/75 dated 4.3.76 (vide Annex-3)

____ Representation dt. 1.3.76 of 3rd qualified candidate Sri B.B.Roy choudhury was rejected by DG,P&T, New Delhi vide No.7/43/76-SPB-I dated 16.7.76(Annexure-6) on the basis of one sided wrong report of the P.M.G.

Shillong and the representation of 4th qualified candidate Shri M.K.Paul was remained unrepplied.

*Ansult
D.M.C
Parvati*

ii) IRM Exam'76 held in 1976 against notification No Staff/40-4/75 dated 14.10.76(vide Annex-7) Vacancies are those vacancies for which No.3&4' qualified candidate represented. ____ Fortunately due to pressure of service union .DG.P&T ,New Delhi agreed to and approved 3rd representation of Sri B.B.Roy Choudhury by derserving the post of S/C to O/C (vide Annex-8) which was initially rejected by the D.G.P&T,New Delhi on 16.7.76 as noted above. As a result of this filling up of post by the 3rd qualified candidate of 1975, the result of 1976 Exam.was declared for only one O/C post & approved Sri B. Bairagi. There was no result for SC post as it was reserved & given to 1975.

- 3 -

candidate. It is mysterious that my representation (4th O/C) was neither replied nor any action was taken before holding of 1976 Exam. My representation (4th Q/C) might have been considered under the standing rule No. 279/1 Para 2 of P&T Manual Vol. IV. and the Exam '76 need not be conducted. After that Sri Rabindra Ch. Das SC candidate of 1976 learnt that he was not declared qualified against the notified post inspite of getting pass mark & took up case incidentally, another post of IRM was suddenly fallen vacant due to death of Rupdhar Das, IRM/GH-2nd Sub.Dev. Tezpur just after completion of IRM/1976 Exam. To satisfy Sri Rabindra Ch. Das who created pressure otherwise, DG.P&T/ND approved Sri Rabindra Ch. Das through supplementary result vide No.7-5/76-DE. COU-I dt. 18.2.77 by modifying the vacancies announced in Annexure.7 vide No.7-5/76-SEB II dt. 20.8.76 (Annex-9) How this modification of the post caused due to death of Rupdhar Das at Tezpur in 9/76 was done in 8/76 is not known. This time also representation of Sri M.K. Paul 4th Q/candidate of 1975 Exam. was not considered. Case of Sri Rabindra Ch. Das SC candidate of 1976 Exam & 2nd Q/C of 1976 Exam was approved by the DG,P&T ND deceiving the prayer of Sri M.K.Paul 4th Q/C of 1975 Exam.

*Misuse
of power
Advocate*

iii) In 1977, there was no exam. as no vacant post was available.

iv) In 1978, one post was fallen vacant in IRM cadre due to death of Sri Prafulla Kr. Das SC ex ASRM/Silchar for which IRM Exam. was held in 8/78 against no notification.

Result was announced vide P.M.G.NE Circle, Shillong No. Staff/12/2/76 dt. 20.2.79 (Annexure-10) training at Silchar. In later stage the candidature of Sri

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and Sri Nikhil Ranjan Dey was approved & sent for practical training at Silchar — In ~~xx~~ later state the candidature of Sri Nikhil Ranjan Dey who was sent for practical training was cancelled and the 2nd qualified candidate of 1978 Exam. Sri D.K. Roy Choudhury was approved by DG.P&T,ND(vide Annex-II) —.But subsequently the DG.P&T.ND was very kind to re-approved the candidature of Sri Nikhil Ranjan Dey against the post for which Exam. & 78 was called for — As a result, Sri D.K. Roy Choudhury promotion was in excess but accommodated him against no post — It is clear that against one declared vacancy, two IRMs approved — Still then case of Sri M.K. Paul was not accepted yet.

The above noted prima facie history in filling No IRM post irregularly depriving the legitimate claim of Sri M.K. Paul 4th Q/Candidate of 1975 Exam.is furnished in a tabular form from 1972 to 1978 (vide Annex.12&13) to you for your kind investigation so that your high hand will rescue me from the mental sufferings caused due to the wrong done in my case.

5. That Sir, I was representing time to time & lastly represented on 4.5.88 and followed by reminder on 11.4.90 which forwarded by CGMT/GH-7/ND ESTQ-5/73 dt 19.6.90 to DG (Postal) Deptt of Posts, Dak Bhawan, New Delhi, (Vide Annex 14&15), but till date no communication is received.

Under the above circumstances, I hope that your honour would be kind enough to see the case and offer justice so that a poor Govt. servant gets his legitimate claim for which act of your kindness I shall remain ever grateful to you.

Thanking you, Sir.

Yours faithfully,

Enclo: 15(Fifteen)

Dated at Guwahati the
20.8.92.

(SH MIHIR KANT PAUL)

Offg. JAO(IC)
O/Office C.G.M. Telecom

Annexure-VI

Department of Posts: India:
Office of the Chief Postmaster General: Assam Circle:
Meghdoot Bhawan 4th floor: Guwahati-781001

.....
No: SA/1/92/Rlgs.

the 29th October 1992

To _____

Subject: Decision taken on Staff Adalat held on 30.09.92 in Assam Circle, Guwahati.

A copy/Extract(s) of the decision taken by the Staff Adalat held on 30.09.92 under the Chairmanship of Chief Postmaster General, Assam Circle, Guwahati on the respective grievances of the Staff is sent herewith for favour of taking necessary action. A brief particulars of the grievances along with the name and designation of the official is also enclosed herewith for favour of ready reference.

Encl::: As above.

(P.Dey)

Secretary
Staff Adalat & Accounts Officer
O/O of the Chief Postmaster
General Assam Circle.
GUWAHATI-781001

Copy to:-

*Advocate
Dr. M. K. Paul
Advocate*
Shri Mihir Kanti Paul, Ex.SA J.A.O.(K)GMT, Guwahati with reference to his application dated 20.8.92. An extract of the decision of the Staff Adalat held on 30.09.92 is enclosed herewith for information.

2) File No- SA/3-28/92

Secretary

Staff Adalat & Accounts Officer
O/o the Chief Postmaster General
Assam Circle, Guwahati

SA/3-28/92:

This case relates to 1975-76 and no records are available in Circle Office Guwahati as this Circle same into existence only in the year 1988. Adalat therefore directs the Petitioner to take up his case in the Staff Adalat, N.E. Circle, Shillong.

Case is closed.

Mihir Kanti Paul

Annexure-VII

DEPARTMENT OF POSTS

OFFICE OF THE CHIEF POSTMASTER GENERAL: N.E. CIRCLE: SHILLONG

No. Staff/109-6/92

Dated Shillong, the 13.10.93

To

Shri Mihir Kanti Paul,
J.A.O.(IC)
Assam Telecom Circle Office
Guwahati.

Sub:- Absorption as Inspector RMS as a result of
IPO/IRM Examination, 1975.

Ref:- Your telegram dated 5-10-1993.

Sir,

All the records pertaining to the IPO/IRMs Examination, 1975 have since been weeded out long ago in the usual course, except a register of candidates which showed that you appeared in the examination under Roll No. NE-140 but without indication of success. Hence it is regretted that your case is not feasible of consideration after a lapse of more than 17 years. Besides, there is not any RMS establishment in this circle.

You may furnish complete documents in support of your claim for examination.

Yours faithfully,

(L. Munga)
Asstt. Postmaster General(S)

*Mihir Kanti Paul
Advocate*

Mihir Kanti Paul

Annexure - VIII

To

Chief Post Master General,
N.E. Circle,
Shillong-793001.

(Through proper channel)

Respected Sir,

Sub: Absorption as Inspector RMS as a result
of IPO/IRM Examination, 1975.

Ref: Your letter No. Staff/109-6/92
dated 13.10.93..

It is surprisingly noticed that Secretary, Staff Adalat & Accounts Officer, O/O C.P.M.G. Assam Circle, Guwahati has forwarded my case through file No. SA/3-28/92 vide CPMG/ Assam Circle, Guwahati letter No. SA/1/92/Rlgs. dated 29.10.92 to you endorsing copy to the undersigned who was eagerly waiting for the decision from Staff Adalat, N.E. Circle, Shillong inspite of giving reminder on 17.11.92. but instead you are now directing me for furnishing complete documents in support of my claim for examination regretting that my case is not feasible of consideration after a lapse of more than 17 years that too on receipt of my telegram. Originally the omissions were pointed out prior to holding of IPO/IRM Examination of 1976. but the reason of non-consideration of my case was forcibly suppressed by the Authority for which I approached the supreme authority of justice 'Staff Adalat' to examine the ill-fated case with a high hope.

contd..2

Mihir Kanti Paul

*Mihir
Kanti
Paul
Advocate*

- 2 -

However, in reply to your letter dated 13.10.93. I am sending herewith the documents submitted earlier in support of my legitimate claims to your honour expecting a favourable decision. Further, the representation with enclosures submitted by me is self explanatory for the indication of success as desired by you.

Under the above circumstances, I hope that your honour would be kind enough to examine the enclosures alongwith copy of representation dated 20.8.92 which were submitted for justifying my legitimate claim and offer your judgement for which act of your kindness I shall remain ever grateful to you.

Encl: 15 + 1

Yours faithfully,

(MIHIR KANTI PAUL)

Sr. Acctt.

O/o Accounts Officer(TA)
O/o C.G.M. Telecom,
Assam Telecom Circle,
GUWAHATI-781007.

Dated at Guwahati
the 21st Oct. 1993.

*Mihir
Kanti
Paul
Advocate*

Mihir Kanti Paul

Annexure-IX

Chief P.M.G.
N.E.Circle,
Shillong-1.

Shri Mihir Kanti Paul,
Sr. Accountant,
C/o. the Account Officer,
O/o the C.G.M.T. Telecom
Assam Telecome Circle,
Guwahati-781007.

No. Staff/109-6/92 dated at Shillong the 12.5.95.

Sir,

Since, all the records have been weeded out long ago in the usual course and moreover, there is no RMS establishment in this Circle, it is regretted that it is too late to do anything ^{To} consider your case.

Yours Faithfully,

(. N. CHOWDHURY)
A.P.M.G. (STAFF)
for Chief Postmaster General,
N.E. Circle, Shillong-1.

*Ans. and
Ans. and
Advocate*

Mihir Kanti Paul