

30/600

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 143/95

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN.NO. 143 OF 1995
TRANSFER APPLN.NO. OF 1995
CONTEMPT APPLN.NO. OF 1995 (IN OA NO.)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN./NO. OF 1995 (IN OA NO.)

..... S. Nilo Singh APPLICANT(S)

..... -VS-
U.O.I. Respondent(S)

FOR THE APPLICANT(S) ... MR. G.B. Singh Sharma
MR.
MR.
MR.

FOR THE RESPONDENTS ... MR. S. Ali, h. case.

OFFICE NOTE

DATE

ORDER

28.7.95

Mr G.B. Sharma for the applicant submits to withdraw this application without prejudice to his contentions as he proposes to file two separate applications. Prayer is allowed. The application is disposed of as withdrawn without prejudice to the right of the applicant to submit fresh applications and raise all the contentions that have been made in this application.

Copy of the order may be furnished to the counsel for the parties.

~~Vice-Chairman~~

Member

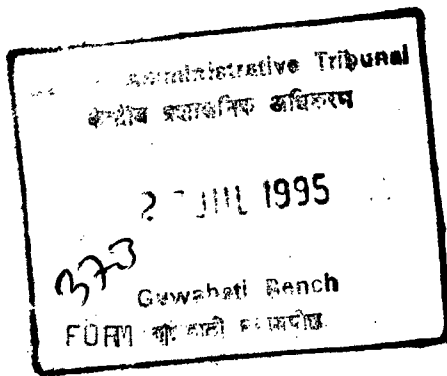
nkm

This application is in form and within time.
C. F. of Rs. 50/- deposited vide
IPO/BD No. 234057
Dated 15.7.95

B. P. Singh
Registrar (1)
28

11.8.95
copy of order dtd 28.7.95 issued to all concerned by Regd. Post and their Journal also vide d/no. 3696-3700 dtd. 17.8.95.

24/7



(See Rule 4)

C.A. 143/95

Presented by: S

S. Bijoy chandra Sharma

Advocate

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

For use in the Tribunals Office : -

DATE OF FILING:	_____
DATE OF RECEIPT	_____
BY POST	_____
REGISTRATION NO:	_____
SIGNATURE:	
MAGISTRATE.	

S. Nilo. Singh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

* PRINCIPAL BENCH, NEW DELHI.

* ADDITIONAL BENCH AT GUWAHATI (STATE OF ASSAM).

BETWEEN

Shri Salam Nilo Singh, son of Late Khoidum Singh,
resident of Thanga Kerang Village, P.O. and P.S.
Moirang, BISHNUPUR DISTRICT, Manipur.

... APPLICANT.

AND

1. The Union of India, represented by
Post Master General North Eastern Circle,
Shillong.
2. The Superintendent of Post Office,
Manipur, at Imphal. ... RESPONDENTS.

DETAILS OF THE APPLICATION:

1. Particulars of the Applicant:

- (i) Name of the Applicant: Salam Nilo Singh.
- (ii) Name of father : Late Salam Khoidum Singh.
- (iii) Designation and Extra Departmental Agency
Office in which employed (EDA), Thanga Kerang Extra
Departmental Branch Office.
- (iv) Office address : Thanga Kerang Extra De-
partmental Branch Office,
Thanga, Manipur.

Contd. 3/-

S. Nilo Singh

(v) Address for service

of notice : Thenga Village, P.O. and
P.S. Moirang, Bishnupur
District, Manipur.

3. Particulars of the order against which application is made :

- (i) Letter No.: - 41/PF/Thenga Karang.
- (ii) Date : - 4-8-1994.
- (iii) Passed/issued by:- Superintendent of Post
Offices, Manipur.
- (iv) Subject in brief: -

(a) A prayer for quashing the
order in ANNEXURE-A/5.

(b) A prayer for a direction to
the Respondent to release the
pay and allowances held-up
from the month of December, 1993
till date.

(c) A prayer for a direction to the
Respondents to retain the service
of the applicant.

AND

(d) A further prayer for an interim
order of stay of the order in
ANNEXURE-A/5 till the disposal
of the case.

Contd..... 4/-

S. Nilo Singh

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 the Tribunal.

5. Limitation:

The Applicant further declares that the application is within the Limitation period prescribed in Section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the case :

(i) That, the applicant was appointed as an Extra Departmental Agency with effect from the forenoon of 1-11-1973 on a monthly allowance and usual adhoc increase vide Order No.H 106(F) dated 13-12-1973, and was posted at Thanga Karang, Extra Departmental Branch Office, within Moirang Sub-Post Office.

A true copy of the said order of appointment dated 13-12-1973 is enclosed hereto and marked as ANNEXURE-A/1.

(ii) That, since the time of said appointment, the applicant has been working sincerely and obediently till date without any stigma. In the meantime his monthly allowance has been increased upto around Rs.600/-(Rupees six hundred) per month.

Contd... 5/-

S. Nilo Singh

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(iii) That, sometime in the month of September, 1993 the Inspector of Post Office, Churachandpur Sub-Division, Manipur charged the applicant along with another Extra Departmental Delivery Agency (EDDA) to the fact that some Mail Bags were not received by the Sub-Post Office, Moirang from the applicant's Branch Office vide Letter No. A-1/FO/TPR/CCP/93 dated 7-9-1993.

A true copy of the said letter dated 7-9-1993 is enclosed hereto and marked as ANNEXURE-A/2.

In connection with the Letter (ANNEXURE-A/2) the Applicant submitted his reply dated 15-9-1993 stating that Mail Account Exchange Daily Service (despatch and delivery) between applicant's Branch Office and sub-post Office Moirang was the duty of EDDA and therefore, the applicant was not responsible for the same. The reply dt. 15.9.'93 is enclosed as Annexure A/3.

(iv) That, on receipt of the applicant's reply (ANNEXURE-A/3), the Inspector of Post Office, Churachandpur Sub-Division

Contd... 6/-

S. Nilo Singh

Sub-Division conveyed a Letter to the Sub Post Master, Moirang Sub-Post Office to the effect that the matter had been settled and therefore, pay and allowance of the Applicant might be released vide Letter No. A-1/ED/IRR/CCP/93 dated CCP 7-10-1993.

A true copy of the Letter dated 7-10-1993 is enclosed hereto and marked as ANNEXURE-4/4.

(v) That, suprisingly enough, since December 1993, the pay and allowance of the applicant have been held-up without assigning any reason thereof. On enquiry also nothing was disclosed to him while his services were still utilised. Only on 4-8-1994 the Respondent No. 2 issued a letter addressed to the applicant directing him to hand over charge to one Shri D. Rajen Singh who has been appointed as ED/BPM of Thanga Karang EDBO vide Letter No. A-1/PF/Thanga Karang dated 4-8-1994.

A true copy of the letter dated 4-8-1994 is enclosed hereto and marked as ANNEXURE-4/5.

(vi) That, no one claiming himself to be Shri D. Rajen Singh came to take over the charge and as such the applicant is still working as ED 4 of Thanga Karang till date.

Contd....7/-

S. Nils. Singh

(vii) That, the applicant filed an application by way of appeal on ³⁰8-8-1994 demanding his pay and allowances since December, 1993 but the respondent No. ¹³ paid no heed to the demand nor has he given any reason thereof.

§ A true copy of the application dated 30 8-8-1993 is enclosed hereto and marked as ANNEXURE-4/6.

(viii) That, the applicant submits that the appointment of the said Shri O. Rajendra Singh in place of the applicant while the post of the applicant being placed hung in the balance amounts to his removal and therefore such whimsical acts coupled with direction of handing over charge in ANNEXURE-4/5 is violative of the Article 14, 16 and 311 of the Constitution since others who are equally situated have been allowed to continue.

(ix) That, non-payment of the pay and allowances from the month of December, 1993 without assigning any reason thereof and the direction in ANNEXURE-4/5 with threat to resorting to police help suffers from the vice of violation of the natural justice and therefore the same is liable to be quashed in limine.

(x) That, the applicant submits that the appointment of the said Shri O. Rajendra Singh in place of the applicant while in post of the latter being placed leaving in the balance

Contd...8/-

S. Nilo. Singh

balance amounts to removal of the applicant and therefore, such shimsical acts coupled with direction of handing over charge in ANNEXURE-4/5 is violative of Articles 14, 16 and 311 of the Constitution.

7. Reliefs sought :

The humble applicant prays that Your Lordships be pleased to issue -

- (I) A writ in the nature of certiorari for quashing the order in ANNEXURE-4/5.
- (II) A writ in the nature of Mandamus directing the respondents to release the pay and allowances of the applicant held-up from the month of December, 1993 till date.
- (III) A writ in the nature of prohibition restraining the Respondents from any act of removal or termination of the service of the applicant.

8. Interim order :

It is prayed that the order in ANNEXURE-4/5 be stayed till the disposal of the case.

9. Details of the remedies exhausted:

A representation by way of appeal dated 30-8-1994 was made to the respondent No.1 but to no effect.

A true copy of the representation dated

Contd. ..9/-

S. Nilo. Singh

dated 30-8-1994 is enclosed hereto and
marked as ANNEXURE-4/6.

10. Matter not pending with any other Court.

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

11. Particulars of Postal order in respect of the application fee.

1. Number of Indian postal order. 8 09 334057
2. Name of the Issuing Post Office: Imphal Post Office.
3. Date of issue of postal order: 15.7.1995
4. Post Office at which payable: Guwahati.

12. Details of Index:

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

13. List of Enclosures:

1. A true copy of the Order No.H 106(F) dated 13-12-93 appointing the applicant to the Post of EDA at Thanga Marang, Extra Departmental Branch Office
ANNEXURE-4/1.
2. A true copy of the Letter No. 4-1/FD/TRR/CCR/93 dated 7-9-1993 issued by the Inspector of Post Office, Churachandpur
ANNEXURE-4/2.
3. A true copy of the application/reply dated 15-9-1993 by the applicant,
ANNEXURE-4/3.

Contd...10/-

S. Nilo. Singh

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4. A true copy of Letter No. 4-1/ED/IRR/CCP/93 dated 7-10-1993 of the Inspector of Post Offices, Churachandpur Sub-Division, ANNEXURE-4/4.
5. A true copy of Letter No. 4I/FF dated 4-8-1994 of the Superintendent of Post Office, Manipur, ANNEXURE-4/5.
6. A true copy of the application dated 8-8-1993 submitted by the applicant to the Superintendent of Post Office, Manipur. ANNEXURE-4/6.

S. Nilo Singh

Signature of the Applicant.

VERIFICATION :-

I, Salam Nilo Singh, son of Late S. Khoidum Singh of Thenga Karang Village, P.O. and P.S. Moirang, Bishnupur District, Manipur do hereby verify that the contents from paragraphs 1 to 13 of the petition are true to my personal knowledge and belief and I have not suppressed any material facts.

Dated, Guwahati,
The 27/5 July, 1995.

S. Nilo Singh

Signature of the Applicant.

To,

The Registrar,
Central Administrative Tribunal,
Additional Bench at Guwahati.

S. Nilo Singh

INDEX :

S1.No.	Particulars of documents	Page	Remarks :
1.	Copy of the appointment order No. H 106(F) dated 13-12-1973 of the Supdt. of Post Offices, Manipur & Nagaland Divn. of Shri S. Nilo Singh.	12	ANNEXURE-4/1.
2.	Copy of Letter No. A-I/ED/IRR/CCF/93 dated 7-9-93 of Inspector of Post Offices, Churachandpur Sub-Division.	13-14	ANNEXURE-4/2.
3.	Application dated 15-9-93 submitted by S. Nilo Singh to Inspector of Post Offices, Churachandpur Sub-Divn.	14	ANNEXURE-4/3.
4.	A true copy of Letter No. A-I/ED/IRR/CCF/93 dt. 7-10-93 of the Inspector of Post Offices Copur Sub-Division.	15	ANNEXURE-4/4:
5.	True copy of Letter No. AI/FF/Thanga Kerang 4-8-94 of the Supdt of Post Offices, Manipur.	17-18	ANNEXURE-4/5:
6.	True copy of last representation submitted by way of appeal to the Post Master General, North Eastern Circle, Shillong by the applicant.	19-20	ANNEXURE-4/6.

Place: Guwahati.

Dated 27/7/1995

By: S. Nilo Singh
ADVOCATE:

S. Nilo Singh
Signature of the applicant.

S. Nilo Singh

ANNEXURE- A/1.

(TRUE COPY)

OFFICE OF THE SUPDT. OF POST OFFICES : MANIPUR
NAGALAND DIVISION, IMPHAL.

Memo No. H 106(F) Dated at Imphal, the 13-12-1973

Singh of ^{S/O} Village Th Nilo Skngh, S/O S alom Khoidum
Skngh of Thanga Karang has been appointed pro-
visionally to act as an E.D. Thanga Karang EDBO
in account with Mokrang S.O. under Imphal/Kohima
H.O. with effect from the forenoon of 1-XI-73 ~~under~~
~~xxxx~~ on a monthly allowance of Rs. 25/- plus usual
ad hoc increase.

Sd/-()

Supdt. of Post Offices, Manipur Nagaland
Divn. Imphal.

Copy forwarded to :-

- 1) The Post Master, Imphal/Kohima. He will
please intimate early whether the security bond of
the ED has since been received.
- 2) The Inspect of Post Offices, I.P. West
Sub-Dn.
- 3) The Sub-Post-master, Moirang.
- 4) The ED Thanga Karang
- 5) P/F. of RD Thanga Karang.

Sd/- Illegible.

Supdt. of Post Offices, Manipur Nagaland
Divn., Imphal.

Attested
By
[Signature]
[Signature]

- 13 -

(TRUE COPY)

ANNEXURE - A/2.

DEPARTMENTS OF POSTS
OFFICE OF THE SUB-DIVISIONAL INSPECTOR OF POSTS OFFICES
CHURACHANDPUR SUB DIVISION: CHURACHANDPUR.

To,

1. The Branch Postmaster
Thanga Karang B.O.
2. The EDD (C) EDMC
Thanga Karang B.O.

No. A-1/ED/TRR/CCP/93 Dated at CCP the 7th September '93.

Sub :- Irregular functioning of Thanga Karang
EDBO

The Sub Postmaster Moirang Sub Post Office reported vide his Savingsgram dated 16-6-93 and 17-8-93 that due B.O.bags 7-5-93 to 11-6-93 and again from 26-6-93 to 17-8-93 were not received from your office and at the same time due B.O.bags could not be despatched from Moirang S.O. It is a very serious matter to ignore the daily mail service without any information.

It is therefore the undersigned in the interest of the service has proposed to initiate disciplinary against both of you for your such carelessness and negligence to your duty and also explain why you should not be put off duty immediate. Your explanation should reach the undersigned within 15 days from the date of receipt of this letter.

Sd/- U. Basumtary
Inspector of Post Offices, Churachandpur
Sub-Division Churachandpur-795128.

Attested
By
[Signature]
[Signature]

Copy to :-

1. The Sub Postmaster Moirang Sub
Post Office for information with
reference to his Sagingram cited above.
He will held up the Pay allowances of
both BPM and EDD (C) EDMC Thanga Karang
until further direction from the under-
signed.
2. The Director Postal Services Manipur
Division Imphal for information and
necessary action.

Sd/-

(U. Basumtary)

Inspector of Post Offices Churachandpur

Sub-Division, Churachandpur - 795128.

Attested
By
Advocate

ANNEXURE-4/3.

To,

The Inspector of Post Offices,
Churachandpur Sub-Division,
Churachandpur.

Sub:- Irregular function of Thanga-Karang
E.D.B.O.

Sir,

With reference to your Letter No. A/EDRR/
CCP/93 dated 7th September, 1993, I have the honour
to state that as regards the charge the Sub-Post
Master, Mokrang Sub-Post Office had not received due
B.O. bags 7-5-93 to 11-6-93 to and against from 26-6-93
to 17-8-93.

I beg to submit as follows that I am daily
working in my duty and regularly functioning the B.O.
during the above dates on the account Book Work and I
have already reported to SPM/Moirang and Inspector of
C.C.pur for information in time.

That, Mail Account Exchange daily service
is the duty of EDDA cum-EDMC but he did not attend
to my office and he never performed his duties during
the period.

According I submit that there is no ground
for taking any disciplinary action against me.

It is, therefore, requested for your kind
necessary action and I shall ever be grateful to you.

Yours faithfully,

Dt/Thanga
the 15-9-94.

Sd/- S. Nklo Singh
B.P.M. Karang (Thanga)

Sd/- S. Nklo Singh
B.P.M. Karang (Thanga)

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ANNEXURE-A/4.

(TRUE COPY)

DEPARTMENT OF POSTS

OFFICE OF THE SUB-DIVISIONAL INSPECTOR OF POST OFFICE
CHURACHANDPUR SUB-DIVISION :
CHURACHANDPUR.

To

The Sub-Post Master,
Moirang Sub-Post Office, Moirang.
No. A-I/ED/IRR/CCP/93 dated at CCP the 7-10-93
Sub:- Release of pay and allowance in respect
of ED4 and EDD4(C) EDMC Thanga, Karang
EDBO.

Please refer to this office letter of even
dated 7-8-93 where in it was instructed to help up
the pay and allowances of above ED staffs due to their
irregular functioning of the office works. Now the
case was inquired by me and the case has been settled
amicably on mutual understanding among them.

It is, therefore, the pay and allowances so
held up may please be released and arranged to pay to
both the ED staff at an early date.

Sd/- (U.B. BASUMATARY)

Inspector of Post Offices Churachandpur
Sub-Division, Churachandpur-
795 128.

Copy to :-

The ED4 and EDD4(C) EDMC Thanga-Karang

Sd/- (U. Basumatory)
Inspector of Post Offices Churachandpur
Sub-division Churachandpur- 795 128.

Attested
By
a/vaeai

DEPARTMENT OF POSTS, INDIA.
OFFICE OF THE DIRECTOR POSTAL SERVICES : MANIHUR : IMPHAL :
795 001.

No. M/PF/Thenga Karang. Dated at Imphal, the 04.08.94.

To

Shri S. Nilo Singh,
Ex-ED/BPM, Thenga Karang B.O.
via - Moirang S.O.

Sub: - Handing over of office articles and records
to new selected ED/BPM, Thenga Karang B.O.

It has been reported by the Sub-Divisional
Inspector Churechandpur that you have refused to hand
over the charge of ED/BPM to Shri O. Rajendra Singh who
has been provisionally appointed as ED/BPM of Thenga
Karang EDBO.

In this connection, please note that the
functioning of Thenga Karang EDBO had already suffered
a lot due to your shimsical act and nonperformance of
duty by you. The Post Office is a public concerned office
and its deterioration in your hands cannot be allowed.

Hence, you are requested to hand over the charge
of the office in the larger interest of the General
public as well as the post office.

In case, your immediate co-operation is not
received very painfully this department will have
to take the help of police which may un-necessary
create un-healthy atmosphere.

P.T.O.

Handwritten signature
Handwritten signature
Handwritten signature

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Your immediate action in the matter is
thus requested.

Yours faithfully,

Sd/- S.P. Singh.

Supdt. of Post Offices, Manipur,
Imphal- 795001.

Copy to : -

The Sub-Divisional Inspector of P.Os,
Churachandpur for information and further action.

Sd/- S.P. Singh

Supdt. of Post Offices,
Manipur, Imphal- 795 001.

Handwritten:
Sd/-
S.P. Singh

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(TRUE COPY)

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ANNEXURE-A/6.

IMPHAL,
AUGUST 30, 1994.

To,

The Post Master General,
North Eastern Circle,
Shillong.

Ref:- Letter No. AI/FF/Thenga Karang Dated
4-8-1994.

IN THE MATTER OF
A representation by way of appeal
against the order under the above
reference.

Sir,

I have the honour to prefer this representation by way of appeal against the illegal directives and whimsical acts of the Superintendent of Post Offices, Manipur noted out to me.

That since I was appointed as an E.D. A. on 1-11-1973, I have been working sincerely and obediently at Thenga Karang Extra Departmental Branch Office.

That sometime in the month of September, 1993 the Inspector of Post Offices, Churachandpur Sub-Mail Bags were not received from my Branch Office by the Sub Post Office, Moirang and demanded an explanation to that effect. In connection with the charge I submitted my reply dated 15-9-1993 stating that Mail Account Exchange Service (despatch and delivery) between my Branch Office and Sub-Post Office Moirang was the duty of E.D. A. and therefore, I was not responsible for the same.

That the said Inspector being satisfied with my reply made a directive to the Sub-Post Master, Moirang for release of my pay and allowances which

Contd....

A/urk

Ry

A/urk

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which were held-up for some time in connection with the said confusion and misunderstanding vide Letter No. 4/ED/IRR/CCP/93 dated at Churechandpur on 7-10-1993.

A true copy of the said letter is enclosed herewith and marked as ANNEXURE-A/1.

That since December, 1993, my pay and allowances have been being held up without assigning any reason therefor. On enquiry also nothing was disclosed to me while my services were still utilised. Only on 4-8-1994, the Superintendent of Post Offices, Manipur issued a letter No. 41/FF/Thenga Kerang, Dated 04-08.1994 to me directing me to hand over the charge of ED/BPM to Shri O. Rajendro Singh who was provisionally been appointed as ED/BPM.

A true copy of the said letter is enclosed as marked as ANNEXURE-A/2.

That no one claiming himself to be that O. Rajendro Singh came to take over the charge nor has the matter been pursued further. Accordingly, I the petitioner continued to work and is still working till date. In the meantime I also filed an application demanding payment of pay and allowances since December, 1993.

That the Superintendent of Post Offices has also threatened me to resort to taking police helps in the event of my refusal to hand over the charge to the said O. Rajendro Singh.

That if such whimsical acts culminating to forcible seizure of my office under coercion is not rectified/cancelled by quashing the aforesaid orders particularly in ANNEXURE-A/2, it will amount to infraction of natural justice of the Constitution of India. Hence this representation.

F.T.O.

Attested
2/10/94
Advocate

23

- 21 -

It is, therefore, humbly prayed that Your respected self would be pleased, in the use of good offices, to look into, examine this humble representation and to pass on a benign perusal and sympathetic consideration whereof ~~such orders as deemed fit for quashing~~ on the basis of records connected therewith by being sent for, such orders as deemed fit for quashing the Letter in ANNEXURE-4/2 directing the Supdt. of Post Offices to release the pay and allowance with effect from December, 1993 till date and for directing the Supdt. of Post Offices to retain me in service for the ends of justice.

For this act of kindness, I shall, as in duty bound, ever pray.

Yours faithfully,

Sd/- S. Nilo Singh, S/o Late Khoidum
Singh, resident of Thenga Kerang
Village, P.O. and P.S. Moireng,
Bishnupur District, Manipur.
(B.F.M., Thenga Kerang).

21/12/93
RA
Advocate

7a

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI - 5

O.A.143/95

Sri Salam Nilo Singh ... Applicant

-VS-

Union of India & Anr. ... Respondents

P R E S E N T

THE HON'BLE SHRI G. L. SANGLYINE, MEMBER (ADMN)

For the Applicant ... Mr. G.B. Sharma.

For the Respondents ... Mr. S. Ali, Sr.C.G.S.C.

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Sd/- MEMBER (ADMN)

Memo No. :

Date :

Copy for information & necessary action to :

- (1) Shri Salam Nilo Singh, S/O. Late Khoidum Singh, resident of Thanga Karang Village, P.O. & P.S. Moirang, Bishnupur District, Manipur.
- (2) The Post Master General, North Eastern Circle, Shillong.
- (3) The Superintendent of Post Office, Manipur, Imphal.
- (4) Mr. G. Bijoychandra Sharma, Advocate, High Court Bar Association at Imphal.
- (5) Mr. S. Ali, Sr.C.G.S.C., C.A.T., Guwahati Bench, Guwahati.

SECTION OFFICER (J)