

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

Original Application No.040/0000131of 2014

Date of Order: This the 19<sup>th</sup> Day of May 2016

**HON'BLE MRS.MANJULA DAS, JUDICIAL MEMBER**

**HON'BLE MOHD HALEEM KHAN, ADMINISTRATIVE MEMBER**

1. Sri Kamaleswar Sarma  
S/O Late Chand Ram Sarma  
R/O Vill-Bhuyakhat, P.O.Bhuyakhat  
Tangla, Dist: Udalguri, Assam Applicant

By Advocate Mrs.D.Sharma

-Vs-

1. The Union of India  
Through the Chief Postmaster General  
Assam Circle, Guwahati-1
2. Assistant Director  
O/O the Chief P.M.G  
Assam Circle Guwahati-1
3. The Superintendent of Post Office  
Darrang Division, Tezpur Respondents

By Advocate Mrs.Kakali Saikia, Addl.C.G.S.C.

**ORDER (ORAL)****Per Mrs. Manjula Das, Judicial Member:-**

By this O.A. the applicant makes a prayer for setting aside the impugned termination order dated 13.3.2014 and for direction to continue the engagement of applicant and allow the applicant to perform his duty without any break or termination.

2. Heard Mrs. D.Sharma, learned counsel for the applicant and Mr.M.haque on behalf of respondent No.4 and Mrs. Kakali Saikia on behalf of Respondent No.1, 2, and 3 along with Mr.Apparajeet Pattanayak, Sr.Superintendent of Post Offices, Darrang Division, Tezpur who appeared personally to assist the Court.

3. It was submitted by the learned counsel for the applicant that the applicant was appointed as Gramin Dak sevak, (GDSBPM) Branch Postmaster of Bhuyakhat BO in account with Purani Tangla S.O. According to the learned counsel after verification of the records

and as the applicant fulfilled all criteria in pursuance of the advertisement dated 17.07.2013 he was appointed. It was submitted by the learned counsel that however suddenly the Assistant Director, office of the CPMG, Assam Circle vide letter dated 13.3.2014 cancelled the appointment of the applicant on the ground that the recruitment process had not been done properly. Learned counsel for the applicant vehemently argued that the applicant was selected in due procedure of law and his appointment ought not to have been cancelled. Accordingly, the termination order shall be liable to be set aside.

4. Learned counsel Mr.Haque for the Respondent No.4 submitted that Shri Bhupen Ch.Boro, secured highest percentage of marks i.e 51% whereas the applicant secured 44%. Although the applicant was the highest percentage holder in the HSLC examination and Shri Bhupen Ch. Boro was placed at serial No.1 in the Selection List/Merit list of GDSBPM, Bhuyakhat BO but appointment order was issued to Sri Kamaleswar Sarma (applicant of the instant Original Application No.040/0000131/2014), who was placed at Serial No.4 in

the said Selection List who secured only 44.58% of marks in the HSLC examination. According to the learned counsel as per GDSBPM Conduct and Engagement Rules, 2011 the engagement as GDSBPM shall be in the nature of a contract liable to be terminated. Accordingly, the private respondent No.4 Shri Bhupen Ch. Boro has been selected and appointed.

5. Ms.kakali Saikia, learned Addl.C.G.S.C. for the respondents submitted that the appointment of the applicant is temporary on contractual basis being part time worker and the termination has been made by the department being found irregular, shall not be interfered by this Tribunal.

6. The Sr.Superintendent of Post Offices, Tezpur who is present before the Court to assist with the relevant records.

7. We have perused the records containing respective applications along with other documents who offered the candidature for the post of GDSBPM Bhuyakhat , SO one by one as

well as the tabulation sheet for the list of candidates for selection of the said post.

8. Sri Kamaleswar Sharma from the perspective statement it was revealed that Mr. K. Sharma, i.e the applicant scored in HSLC Examination 44.58% marks. Shri Bhupen Chandra Bora (Respondent No.4) scored in H.S.L.C Examination 51% marks. In the column "list of documents wanting" deficiency reflected but in case of the applicant i.e Shri Kamalaswar Sharma no such deficiency reflected. Another candidate namely, Miss Anupama Boruah however, scored 48.16% and on scrutiny, we noted that although some deficiency reflected in the tabulation sheet which was annexed by the applicant in the O.A. ,it was revealed that "List of documents wanting" column in case of Miss Anupama Boruah is not correctly put in as much as the requirement is duly fulfilled by Miss.Anupama Bourah, who has scored higher than the applicant, she was not selected and appointed. Hence, in the recruitment process for the post of GDSBPM advertisement dated 17.7.2013 exist serious irregularity

and illegality for which warranting afresh initiation of the recruitment process for the said post.

9. We accordingly, hold that the termination order is just and proper. Therefore, we are not inclined to interfere with the termination order passed by the respondents authority.

O.A. Stands disposed of accordingly. No order as to costs.

(MOHD HALEEM KHAN)  
ADMINISTRATIVE MEMBER

(MANJULA DAS)  
JUDICIAL MEMBER

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