

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00253/2020

Date of Order: This, the 25th Day of February, 2021

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Smt. Roma Goala
W/o Sri Hiralal Goala
Vill – Chottomamda
P.S. – Lakhipur, Dist – Cachar, Assam
Pin – 788103.

GDS BPM (Branch Post Master)
Chotomamda BO (Now under put off duty)
Via – Binnakandighat SO, Dist – Cachar.

... Applicant

- Versus -

1. The Union of India
Through the Secretary
To the Govt. of India
Postal Department, Postal Service
Board Dak Bhawan, New Delhi – 110001.
2. The Chief Post Master General
Assam, Meghdoot Bhawan
Panbazar, Guwahati – 01.
3. Senior Superintendent of Posts
Cachar Division, Pin – 788001.

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4. Inspector of Posts
Silchar West Sub-Division
Silchar – 788001.

...Respondents.

For the Applicant : Sri L.R. Mazumdar &
Sri A.Z. Ahmed

For the Respondents : Sri R. Hazarika, Addl. CGSC

ORDER (ORAL)



MANJULA DAS, MEMBER (J):-

By this O.A., applicant makes a prayer for setting aside the punishment order imposed by the Disciplinary Authority vide order dated 29.10.2018 by imposing a major penalty of removal from service.

2. Heard Sri L.R. Mazumdar along with Sri A.Z. Ahmed, learned counsel for the applicant and Sri R. Hazarika, learned Addl. CGSC for the respondents and perused the pleadings and the documents annexed there with the OA.

3. No written statement has since been filed despite notice was issued upon the respondents on

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04.12.2020. Thereafter, although opportunity was granted, however, the respondent authorities have failed to submit the same. A Memorandum of charge with one Article of Charge was levelled against the applicant on 15.06.2017. Said Article of Charge reads as under:-



"Smt. Roma Goala, GDSBONm Chotomamda BO (Now under put off duty) while working as GDS BPM of Chotomamda BO during the period from 01.01.2012 to 27.04.2015, did not perform her duty properly. She did not keep the Date Stamp of Chotomamda BO in her safe custody during the whole period for which Sri Nani Kanta Goswami, the then GDSMD of her office committed RD fraud by using the Date Stamp of the BO during that period. The said GDSMD used to collect money from the depositors along with pass books for depositing in their respective Accounts, made entry in pass books, casted balance, authenticated the entries with impression of Date Stamp of the BO unauthorizedly, but did not handover the deposited amount to the GDSBPM for crediting the same in the Govt. Accounts and thus he misappropriated the whole amount."

4. The Inquiry Officer was appointed and the Inquiry Officer prepared the report and remarked the findings/conclusions as follows:-

"Findings:-

As per analysis & assessment made above, it is clear and confirmed that the CO, while working as GDS BPM of Chotomamda BO during the period from 01.01.2012 to 27.04.2015, did not perform her duty properly. She did not keep the Date Stamp of Chotomamda BO in her safe custody during the whole period for which Sri Nani Kanta Goswami, the then GDSMD of her office committed RD fraud by using the Date Stamp of the BO during that period. The said GDSMD used to collect money from the depositors along with pass books for depositing in their respective Accounts, made entry in pass books, casted balance, authenticated the entries with impression of Date Stamp of the BO unauthorizedly by sitting in the office & finding the chance in the absence of the CO. During the period of her absence in office, the Date Stamp was kept on the table of the office for which the same was misused. Moreover, the depositors did not find the CO on duty in the office during their attendance at Post Office for making transactions. Moreover, the CO was even not known to the depositor that she is serving in the Post Office."

"Conclusion

From the aforesaid inquiries, analysis, assessment & findings, as well as the result yielded from the documents produced before me and the facts deposed by witnesses and also by the Charged Official before me during the period of Inquiry, I have arrived at the conclusion that the charges framed against the said Smt. Roma Goala, GDSBPM Chotomamda BO (now under put off duty), vide Senior Superintendent Posts, Cachar Division, Silchar-1 Memo No.F1-2/2015-16/DA dated 15.06.2017 having Article-1, is **proved beyond any shadow of doubt.**

Dated at Silchar
The 20th July, 2018."

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Accordingly, the applicant was imposed a punishment of removal from service vide order dated 29.10.2018.

5. Being aggrieved, applicant preferred appeal before the Appellate Authority on 22.05.2019 under Section 13 of the GDS Conduct and Engagement Rules, 2011 which was received by the Appellate Authority on the same day on 22.05.2019 as stamped by the authority as acknowledgement. However, same has not yet disposed of. In view of the above, we deem fit and proper to direct the Appellate Authority to dispose of the same.



6. Accordingly, without going into the merit of the case, we direct the Appellate Authority i.e. Chief Post Master General, Assam, Meghdoot Bhawan, Panbazar, Guwahati, to dispose of the pending appeal dated 22.05.2019 within a period of one month from the date of receipt a copy of this order. Whatever decision to be arrived by the Appellate Authority that shall be communicated to the applicant forthwith.

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7. Liberty is however, granted to the applicant to approach this Tribunal if his grievance is not redressed by the Appellate Authority.

8. O.A. stands disposed of. No order as to costs.



(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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