

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No/249/89
T.A. No.

DATE OF DECISION 16/6/93

Vinod kumar N.Raval Petitioner

P IN P Advocate for the Petitioner(s)

Versus

Union of India Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt

: Judicial Member

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

....2....

9

Vinod kumar N.Raval,
Sorting Assistant,
F,12, Suviral Apartment,
Ranip,
Ahmedabad.

....APPLICANT

Advocate Party in Person

versus

Union of India,

1. Senior Superintendent of R.M.S.,
AM.DN.Ahmedabad-380 004.
2. The Post Master General,
Gujarat Circle,
Ahmedabad-380 009

....RESPONDENTS

Advocate Shri Akil Kureshi.

ORAL ORDER

O.A./249/89

Date : 16/6/1993

Per : Hon'ble Shri R.C.Bhatt,
Judicial Member.

The applicant in this application has challenged the order of transfer dated 28th September, 1988, issued by the respondent no.1 which is produced at Ann.A/1. The applicant serving as Sorting Assistant at Ahmedabad was transferred as a Sorting Assistant Viramgam. The earlier

...3....

suspension order was also ~~revoked~~ by order of the same date vide Ann.A/2. The applicant had filed M.A./485/89 seeking the directions that the respondents should produce certain documents mentioned in M.A. and the respondents were directed to keep also all the documents listed to be ready at the time of final hearing and on applicant on establishing the relevancy, the order was to be passed regarding the same and M.A. was disposed of. Today, the applicant is not present, and therefore it is not possible to know what is the relevancy of these documents in his transfer matter. Mr. Akil Kureshi, learned advocate for the respondents submits that ~~xx~~ the documents referred to in the ~~xxxx~~ M.A. are not at all relevant in deciding the transfer application. He submitted that the applicant was transferred from Himatnagar to H.R.O. Ahmedabad at his own cost and request with effect from 22/2/1987 on first occasion. On second occasion, the applicant was transferred from H.R.O.(R), Ahmedabad to Sorting Assistant, H.R.O.(R), Ahmedabad with effect from 23/6/1988 in the same office. which according to the respondents' advocate, Mr. Kureshi was not the transfer from one office to the other office at other place. ~~Then~~ According to the respondents in their reply, the applicant was transferred to S R O, Viramgam, because of

the gross misbehaviour on his part, Mr. Kureshi, therefore, submitted that the first transfer was at the request of the applicant himself, and the second so called transfer was in the same office, and the applicant cannot have grievance about ^{it} ~~is~~. The respondents real transfer ^{by} was on impugned order which was the first one transferring the applicant from Ahmedabad to Viramgam. Therefore, he submitted that the contention of the applicant that he is being harrassed by the respondents by transferring him frequently from one place to other is not tangible and it is misleading.

2. The learned advocate for the respondents today produces the memo dated 8th November, 1990 by which the applicant is removed from Govt. service with immediate effect. The said document dated 8th November, 1990 be taken on record and to be given mark as Annexure R/1. Thus, this O.A. becomes infructuous. I have considered all the documents on record and submissions of the learned advocate Mr. Kureshi for the respondents. Apart from the fact, that there is no merit in this O.A. and the impugned order of the transfer cannot be held

AHMEDABAD BENCH

Application No. OA/249/89. of 19

Transfer Application No. _____ Old w. Pett. No

CERTIFICATE

Certified that no further action is required
to be taken and the case is fit for consignment to the
Record Room (Decided).

Dated: 23/06/93.

Countersigned : R.S. Christian

Signature of the
Dealing Assistant.

CPH/for
9-7-93
Section officer/Court officer.

INDEX SHEET

NAMES OF THE PARTIES V. N. Raval

U. of T. & Osg.

[illegible]

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

APPLICANT (S) V. N. RawalRESPONDENTS (S) Union & India etc.

PARTICULARS TO BE EXAMINED

ENDORSEMENT AS TO
RESULT OF EXAMINATION

1. Is the application competent?
2. (A) Is the application in the prescribed form?
(B) Is the application in paper book form?
(C) Have prescribed number complete sets of the application been filed?
3. Is the application in time?
If not, by how many days is it beyond time?
Has sufficient cause for not making the application in time stated?
4. Has the document of authorisation/ Vakalat nama been filed?
5. Is the application accompanied by B.D./I.P.O for Rs.50/-? Number of B.D./I.P.O. to be recorded.
6. Has the copy/copies of the order(s) against which the application is made, been filed?
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed?
(b) Have the documents referred to in (a) above duly attested and numbered accordingly?
(c) Are the documents referred to in (a) above neatly typed in double space?
8. Has the index of documents has been filed and has the paging been done properly?

Y

Y

Y

Y

Y

Y

DD
57/5321
747945

Yes (Anne. A7 P3)

Y

Y

Y

Y

PARTICULARS TO BE EXAMINED

ENDORSEMENT AS TO BE
RESULT OF EXAMINATION.

9. Have the chronological details of representations made and the outcome of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal?
11. Are the application/duplicate copy/spare copies signed?
12. Are extra copies of the application with annexures filed.
 - (a) Identical with the original.
 - (b) Defective.
 - (c) Wanting in Annexures
No _____ Page Nos _____?
 - (d) Distinctly Typed?
13. Have full size envelopes bearing full address of the Respondents been filed?
14. Are the given addressed, the registered addressed?
15. Do the names of the parties stated in the copies, tally with those indicated in the application?
16. Are the translations certified to be true or supported by an affidavit affirming that they are true?
17. Are the facts for the cases mentioned under item No.6 of the application.
 - (a) Concise?
 - (b) Under Distinct heads?
 - (c) Numbered consecutively?
 - (d) Typed in double space on one side of the paper?
18. Have the particulars for interim order prayed for, stated with reasons?

checked
JLS
18/6

URGENT note.

From V. M. Raval
Sorting Asst Rms. Am. On.
Ahmedabad Dt. 15.6.89.

TO
The chairman
Central Admin. Tribunal
Ahmedabad.

Sub- Early Hearing.

In Reference to above subject
I, petitioner kindly submit as under.
I have filed today my petition
for Transfer. In this petition I have
prayed for Interim injunction.

I pray for early hearing
for my Interim injunction so please
give me Date earlier and oblige.

Yours faithfully
M.L.
(V.M. Raval)

742945
DD

Received
on 22.6.88
I am sending
every thing
just in order

15/6/89
V.M.R.

V.M.R.
24/4

URGENT note-

From V. M. Raval.
Secty. Asst. Rms. Am. Or.
Ahmedabad Dt. 15-6-89.

TO
The chairman.
Central. Admin. Tribunal.
Ahmedabad.

Sub- Early Hearing.

In Reference to above subject
I, petitioner kindly submit as under
I have filed today my petition
for Transfer. In this petition I have
prayed for Interim injunction.

I pray for early hearing
for my Interim injunction so please
give me Date earlier and oblige.

Yours faithfully
M. L.

519 - 260/89
1076

0-1 (2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD

B E T W E E N 0A/249/89

APPLICANT : Vinod Kumar N. Raval.

VERSUS

RESPONDENT: Union of India.

(1) Particular's of Applicant :

- (i) Name : Vinod Kumar N. Raval.
- (ii) Name of Father: ~~Narmadashanker~~ Raval
Narmadashanker
- (iii) Designation: Sorting Assistant,
Office R.M.S. AM. D.N. Ahmedabad.
- (iv) Office Address: R.M.S. AM.Dn .Ahmedabad
- (v) Address of : F,12 Shivral Apartment
Serving notices Ranip, Ahmedabad-382480.

(2) Particulars of Respondent :

- (i) Senior Superitendent of R.M.S.
AM. DN. Ahmedabad-380 004.
- (ii) The Post Master General.
Gujarat Circle, Ahmedabad-380 009.

(3) Application is against the following :

- (i) B.9/1 (a) Dated at Ahmedabad-4 28-9-88
issued by respondent No.1.

Subject: Transfer of Shri V.N. Raval at S -2

- (4) The Applicant Declare that the subject matter of order against which he wants redressal is with in Jurisdiction of the Tribunal.
- (5) The Applicant further Declares that the application is with in the limitation prescribed in Section :21 in ADMINISTRATIVE TRIBUNAL ACT, 1985.
- (6) The fact of the case :
- (A) The Applicant was ordered suspension without any types of ~~Review~~ of Review of the case order in subject served to Applicant to Applicant dramatically as such (a) order it self is only a cyclostyed paper ;
- (B) It is not bearing any type of office seal or Rubber Stamp ;
- (C) It is neither attested by one nor Name of the office issuing the same is printed ;
- (ii) The Applicant has given applications to Respondent No. 1 & 2 . To reply the facts but no reply in matters found.

(iii) On oral interance by ADDITIONAL POST MASTER General he delevered me a copy of order of REVOKATION OF Suspension dully attested by DEPUTY SUPERITENDENT of RMS dated 13-6-1989. On Dated 13th June, 1989 hand-

(iv) No Respondent is ready to give any thing in writing.

(D) The Applicant is transferred on (1) dt. 24-2-1987 (2) June 1988 and this is the third order with in Eightee Months.

"Applicant is a patient of Mental depression because of Hemeraige in accident, and Certificate for advising "LIGHT DUTY and not to work in NIGHT DUTY" is already with Respondent No.1. Applicant is ~~w~~ WITH IN the Land of HONOURABLE CHAIRMAN and MEMBERS of TRIBUNAL to decide the Matter of man kind".

(7) Relief sought :-

(i) To quash the matter order of subject

(ii) Release the pay and allowance not drawn till today.

(8) ... Interim Order :-

To stay the order No. B.9/1 (a) dated at Ahmedabad the 28th September 1988. ...4

(9) Detail of remedies Executed.

(1) Applications to the Respondent No.1

(2) Applications to the Respondent No.2

No reply till today.

(10) The applicant further declares that the matter regarding which this application is made is not pending before any court of law.

(11) Particular of application fees :-

(1) No. of Postal Order : 747945

(2) Issued by : G. H. C. P. O. Ahmed. 9

(3) Date : 15-6-89.

(4) Payable to : C. A. T. Ahmedabad.

(12) Index The details are laid upon is enclosed

(13) List of enclosures :

- 1) 3erox copy -- order to subject
- 2) - - - order. for Revocation
- 3) Application. Add. to. P.M.C. Ahmed. 9.
- 4)
- 5)

I VINODKUMAR NAREMADASHANKER RAVAT


Age: 42 Working as Sorting Asst. Residence:

Ranip. Ahmedabad

do hereby verify that the contents from 1 to 13
are true to my personnel knowledge and belief
and that I have not suppressed any material facts.

Place : AHMEDABAD :

Date : 15-6-89.


Signature of Applicant.


(V. N. Raval)

To,

The Registrar,
Central Administrative Tribunal
Gujarat Bench,
AHMEDABAD.

Filed by Mr. V. N. Raval
Learned Advocate for Petitioners in person
with second set of copies
certified copy submitted to
other side

Dt. 15/6/89


By Registrar C.A.T. (G)
Ahmedabad Bench

(B) 57

M

DEPARTMENT OF POSTS - INDIA
OFFICE OF THE SR.SUPDT. OF RMS, AM DN., AHMEDABAD-380 004.

Memo No.B.9/1(a) dated at Ahmedabad-4 the 28th September, 1988

The Senior Superintendent of RMS 'AM' Division Ahmedabad-380004 is pleased to issue the following transfer/posting orders in Sorting Assistant cadre with immediate effect.

1. Shri S.J. Damor, Sorting Assistant, SRO Viramgam to be Sorting Assistant HRO(R) Ahmedabad-380 002.
2. ✓ Shri V.N. Raval, Sorting Assistant HRO(R) Ahmedabad-2 and on suspension at present to be Sorting Assistant SRO Viramgam.

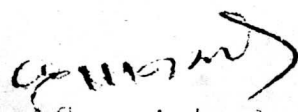
RELIEF ARRANGEMENTS.

On joining of Shri V.N. Raval, SRO Viramgam will please relieve Shri Damor to take his new assignments.

The transfer of Shri S.J. Damor is at his own cost and request and hence without TA/TP.

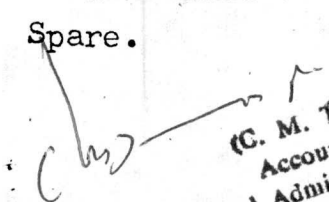
No leave should be granted to the above officials till they join their new assignments.


Necessary charge reports should be forwarded to all concerned.


Senior Superintendent of RMS
AM Division, Ahmedabad-380 004

Copy to:-

1. The Supdt.(Sorting) Ahmedabad RMS, Ahmedabad-380002.
- 2-4. The HRO(Ac)RMS AM Division, Ahmedabad-380002.
- 5-6. The HRO(R) RMS AM Division, Ahmedabad-380 004.
7. The SRC RMS AM Division, Viramgam, 382150.
- 8.21 All ASRMs/IRMs in AM Division.
- 22- The official concerned.
23. ✓ Shri V.N. Raval, 0-2 Mrudul Appartment, Opp.Ramji Mandir, Ranip, Ahmedabad-382480. He is hereby directed to take his new assignment directly at SRO Viramgam immediately.
- 24-25. PF of the official.
- 26-31. Est.II, Enq.II, Leave, Accountant, Bldg. and Steno to SSRM.
- 32-34 OC and Guard file.
- 35-40 Spare.

True copy.

(C. M. TRIPATHI)
Accounts Officer
Central Administrative Tribunal,
Ahmedabad Bench


16-6-89

(8) (6)
P2

DEPARTMENT OF POSTS - INDIA
OFFICE OF THE SENIOR SUPERINTENDENT OF RMS
AM DIVISION, AHMEDABAD - 380 004

Memo No.B.4/Susp/VNR/88-89 dated at Ahmedabad the 28-9-88
....

Whereas an order placing Shri V.N. Raval,
Sorting Assistant, HRU(n) RMS, AM Division, Ahmedabad-
380002 under suspension was made by the Superintendent
(Sorting) Ahmedabad RMS, Ahmedabad-380002 on 9-7-88.

Now, therefore the undersigned in exercise of
the powers conferred by clause (c) of Sub Rule (5) of
Rule 10 of the Central Civil Services (Classification,
Control and Appeal) Rules, 1965, hereby revokes the said
order of suspension with immediate effect.

acq. 10/10/88
Senior Superintendent of RMS
AM Division, Ahmedabad-380 004

Copy to:-

- Regd. AD 1. Shri V.N. Raval, C-2 Murali Apartment, Opp. Ramji
Mandir, Ramip, Ahmedabad-382480-
2. The Superintendent (Sorting) Ahmedabad RMS,
Ahmedabad-380 002.
3. The HRU(n) RMS AM Division, Ahmedabad-380 002.
4. The HRU(A/c) RMS AM Division, Ahmedabad-380 004. (With one
Bypass Spare copy in
AP (n)
nos. 100)
5. Office copy
6. Spare.

The reasons for revoking the order of suspension
are as under:-

Since no cases of misbehaviour on the part of
Suspended official Shri V.N. Raval, Sorting Assistant, HRU
Ahmedabad-380002 has been noticed during the period of
suspension. Also there appears improvement in his attitude
therefore his continuance under suspension is not felt
necessary.

Attested by

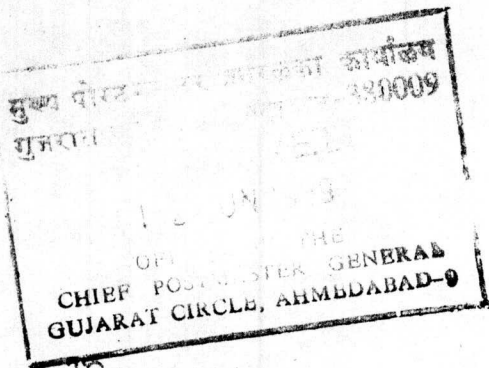
[Signature]
13/10/88

Deputy Superintendent
R.M.S. AM Div Ahmedabad-380 004

Attested by
[Signature]
(G. M. TRIPATHI)
Accounts Officer
Central Administrative Tribunal
Ahmedabad Bench

True copy

[Signature]
V.N. Raval
28-10-88



From:- V.N. RAVAL.

(O.A. under Suspension)
F-12 Suviral Flat,
RANIP.

Date : 12-6-85

To,
The Post Master General,
Ahmedabad.

Sub:- A staff Member's complaint against Railway
Main service AM Dn.

Ref:- 1) Supdt of Stg. AM RMS No. SS-4/VNR/9/88-89
Dt 9-7-88.
2) S.S. RM AM Dn. No. B.9/1 (a) Dt. 28-10-88
3) S.S. RM AM Dn. No. B-4/Susp/VNR/88-89
4) My application Addressed to P.M.G. Ahd.
Dt. 19-12-88, 20-12-88, 19-12-88 & 20-2-89
handed over to your office.

Respected Sir,

I, V.N. Raval beg to put following few lines
once more for your kind consideration in interest of postal
services and like of Govt servant.

- 1) I have been working as sorting Asst. RMS AM Dn.
having service of 22 years.
- 2) I was transfer on my own request on Dt 25-2-87 at
Ahmedabad on Tenure post as O.A. 12 H.R.O. Ahmedabad.
while getting transfered I have assured to my ^{then} town
S.S. R.M. " Smt Shobha Koshey" That" I will not ask
for operative duties upto completion of Tenure.
- 3) H.R.O. Shri S.J. Bhavsar given me over burden work in
excess of my work distributed by the S.S.R.M.. But I
have completed without any complaint and error.
Even though I was transfered to work operative duties
without charge reports before completion of Tenure.
- 4) I keep mum, I was under medical treatment at Kalol in
June '88. My certificate etc were send by Post and
I resumed on 23rd June '88. But my pay and allowances
were not drawn and marked in the pay roll as "Absent"
On such a way H.R.O. A/c. encashed my pay for
nine days on 2nd July on my plea to the S.S.R.M.
The amount was kept by Shri S.J. Bhavsar for his -
personal use. He has shown as disbursed on 6th in
cash Abstract and actually paid to me on 7th July, '88
i.e. next day.

(19) (8)

11/2/11

Burning Problem :

- 5) I was ordered to be suspended by Supdt of Stg. A'hd RMS on Dated 9th July '88. I have worked on 9th and my weekly off was ordered on 10th July, '88.
- I reach for charge report on 11th to H.R.O. ~~xxx~~ (R) Ahmedabad. But not excepted by H.R.O. himself.
- 6) Respected Sir, I have not known the reasons for my suspension after one year also eventhough requested to 1) Supdt of Stg and (2) The S.S.R.M. AM Dn.
- 7) No one has reviewed my case till to day after so many application given by me.
- 8) I got a letter posted in service cover on 29th Sept, '88 Showing my name transfered at Virangam. It seems like a drama".
- a) Letter itself is not bearing any office seal or rubber stamp even neither it was attested by any one nor name of the officer is printed. Only a Cyclostyle paper is it so when I needed copy for appeal no Officer has excepted to attest the copy of the same.
- b) I have given a certificate from Doctor in June, '88 advising" not to work druing night". When I was posted in operative duties.
- No day duty at Virangam and also I was transfered twice within 18 months, please see who has played such a roll dramatically?
- 9) I meet to the S.S.R.M. AM Dn Ahmedabad and sent my applications in this regard also requested to deliver attested copies if it is a fact? But till today not replied so that I can appeal against the same.
- 10) I have not asked for any type of (1) Reinstanment 2) Pay advance (3) T.A. Advance for fofresaid transfer and also it is granted and encashed. I am in need of bread and tuition fees for my children. So I have received the same.
- It is within your hand to find out why shch a drama incurring monitary loss to Govt of India is being played by officers on the chair and missused the powers of the chair deligated by Union of India.
- 11) Respected Sir, I have also given my representation refered above to your office but till today

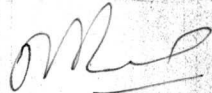
// 3 //

waiting for the reply.

Sir, please spare a few time in interest of Republic of India, and obliged a Govt servant.

I beg to Annex some ruling for your ready reference given by Govt of India.

Yours faithfully,


(V.N. RAVAL.)

Copy to :

- 1) The S.S.R.M. AM. DN. Ahmedabad.4.
- 2) A.P.M.G. (Staff) Ahmedabad-9
- 3) The Chairman Central Admn. Tribunal. Ahmedabad-9
- 4) Member (A) postal Board New Delhi.
- 5) Chief Justice, High Court of Gujarat.

12 (10)

Annexure P-1

- (1) O.M. NO. 372/5/72 -AVD III Dt. 6-10-75.
Constitution of India 77 (2) Where as "
Competent Authority under Authentic order should use
his powers delegated to him; under Official seal, Name
and designation.
- (2) G.I. C. S. (Dept of Personnel) O.M. No. 7/4/74 Est.(A)
Dt 9-8-74
" Only Supervisory officers in office located away from
Head Quarter need be specially empowered to suspend a
sub-ordinate officers in case involving gross dereliction
of duties. In order to prevent the abuse of this power
the suspending authority should be required to report the
facts of each case immediately to next higher authority and
all such orders of suspension should become- ab initio -
void unless confirmed by the reviewing authority within
period of one month from the date of orders".
- (3) G.I. M.H.A. O.M. NO. 39/5/56- Ests. (A) dated 8th Sept, 1956.
An officer under suspension is regarded as subject to all
other conditions of service applicable generally to Govt,
servants and can not leave the station without prior -
permission.

As such the Head Quarter of the Govt. Servant should
normally be assumed to be his last place of duty.

However, where an individual unless suspension -
requests for change of Head quarter. There is no objections
to competent authority changing the Head Quarter " If it is
satisfied that such a course will not put Govt, to an
extra expenditure like grant of travelling allowance etc
or other complications.
- (4) (G.I. M.H.A. (Deptt. of Personnel & A.R.) O.M. N. 16012/1/
dated 18th Feb, 1979.)
- (5) (G.I. M.H.A. (Deptt. of Personnel and A.R.) O.M. NO.
42014/7/83 Est.(A) dated 18-2-84.
- (6) (G.I. M.H. O.M. NO. F.19 (4) - E IV/55, dated 17th June, 1958.
- (7) (G.I.M.H.A. Dept. of Personnel & A.R. O.M. NO. 35014/1/81
Estt dated 9th Nov, 1982.

Wherein it is already given instructions regarding
opportunity to suspended Govt. servants to appeal against
the order of suspension. And Instructions to officers to
get known the Govt servant reason for the case atleast.

(11)

Before the Central Administrative Tribunal,
Ahmedabad Bench, Ahmedabad.

249

O. A. No. ~~24~~ of 1989

13/7

V.N. Raval ... Applicant

- Vs. .

Union of India ... Opponents

Reply on behalf of Opponents

Copy sent to
Applicant by
Post
KSD
11.7.89.

I, T. B. B. CHARLU, i/c. SSRM. "AM" do

hereby verify and state on solemn affirmation as under, :
in reply to the application filed by the applicant :

1. I have read the application and the relevant record and am conversant with the facts of the case. I am competent to file this reply. I do not admit such of the averments and contentions made by the applicant in the application, except those which are specifically admitted by me herein and I hereby deny the same.

2. At the outset, it is submitted that the application is mis-conceived and not accepted. No condition of the service of the applicant is violated. Therefore, the Hon. Tribunal has no jurisdiction to entertain this application. The applicant has been transferred from

Ahmedabad to Viramgam. Transfer is an incidence of service and the applicant is liable to be transferred to any place in the division. Viramgam is situated in the division. It is submitted that, therefore, the Hon. Tribunal has no jurisdiction to interfere with the transfer which is made in public interest. Therefore, the application deserves to be rejected. It is submitted that the transfer order has already been implemented.

3. It is submitted that as per the provisions of the ^{SCA} (C.C.S.) Rules, no reasons are required to be given in the suspension order. It is submitted that the suspension order was passed, looking to the circumstances of the case. The contention of the applicant that the order of ^{transfer} ~~suspension~~ was given in cyclostyled form and, therefore, it is not legal is mis-conceived and not accepted. The said order was passed by the competent authority after application of mind and the said order is signed by the Senior Superintendent of R.M.S. 'AM'. It is submitted that the applicant had availed of the Transfer Advance as well as the T. A. Advance on the basis of the order of his transfer from H.R.O. (R), Ahmedabad to Viramgam. It is submitted that the applicant is liable to be transferred to any of the places in the division.

4. It is submitted that in the representation of the applicant for posting him in light day duty instead of night duty in the office of R.M.S., Ahmedabad. Despite the representation, he was working as Office Assistant in the Branch Office of H.R.O. (R), Ahmedabad, which is considered to be light day duty, just prior to the issuance of the suspension order. The suspension order was passed due to his mis-behaviour while working as the Office Assistant, in H.R.O. (R), Ahmedabad.

5. It is submitted that the Subsistence Allowance for the period of suspension was already paid to the applicant. After issuance of the order of suspension dated ~~22-9-1988~~ ²²⁻⁹⁻⁸⁸ ^{deputation of} The applicant was transferred to S.R.O., Viramgam, from H.R.O. (R), Ahmedabad, as Sorting Assistant and he has not joined duty thereafter. The applicant has already been relieved from the Ahmedabad office. It is submitted that as the applicant has not complied with the order of transfer from Ahmedabad to Viramgam, the Tribunal may use discretionary powers in such cases and the application may be rejected. Though the applicant has been sent reminders to report for duty he has not so far done so. Since the applicant has not performed any duty from the date of ^{deputation of} suspension, the question of payment of the remuneration to the applicant does not arise.

6. It is submitted that the transfer of the applicant is legal and valid.

7. The applicant was working at Ahmedabad office as Office Assistant with effect from 2-2-1987 and has been transferred to Viramgam as Sorting Assistant with effect from 28-9-1988.

8. In view of the above-referred facts and circumstances of the case, there is no merit in the application and the same deserves to be rejected.

9. The applicant is also not entitled to any interim relief as prayed for.

T. B. B. charlu.
સાત મહિના
સાત મહિના 'સે. સેન' વિભાગ
અમદાવાદ-380004

10.7.89

Verification

I, T. B. B. charlu. do hereby
verify and state that what is stated above
is true to my knowledge and belief.

10.7.89

T. B. B. charlu.
સાત મહિના
સાત મહિના 'સે. સેન' વિભાગ
અમદાવાદ-380004

Reply/Response/Written submissions
filed by Mr. J. D. 4/11/89
learned officer for petitioner/
Respondent
Copy sent to Mr. J. D. 4/11/89

11/5/89 Dy. Registrar C.A.T. JD
A'Lab Bench

Stamp/ 59/89.

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

MA 485/89

RA/M.A/O.A./T.A./ 484 1989 &N OA/249/89

V. N. Raval Applicant (s).

P. on P. Adv. for the
Petitioner (s).

Versus

Union of India Respondent (s).

(Post) Mr. J. D. Aggarwal Adv. for the
P. M. Raval Respondent (s).

SR. NO.	DATE.	ORDERS.
		Amendment. (Copy is served.) Two M.A.s. - one is for amendment. - Another is for direction to produce documents. Two M.A.s. <u>23/10/90</u> - MA/464/89 is for Amendment - MA/485/89 is for direction to respondent to produce documents. 19/10/89 A/o (MA/464/89) matter is not placed on board of 19/10/89 as per oral instructions from Hon'ble may be placed in D.L. 30/8/90 Flo 23/10/90 Flo

Stamp 159/89
24/8
Before

The central Administrative Tribunal

Ahmedabad Bench

Ahmedabad.

M.A. No. 249 of 1989

V.N. Raval

- Applicant

V/S

Union of India - Opponents.

Amendments of Applicant

on reply of Respondant No-1.

Honourable chairman and member of The Tribunal,

I, (V.N. Raval) am only a group "C" Govt. servant, leaving this life on the path of truths, bearing in mind Responsibilities & liabilities towards Indian nation as well as my family also.

I am stood first time in life before The lordship of justice,

A True - man May have hardships But " TRUTH ALWAYS WIN "

I solemnly affirm as under :-

- VMP
- (1) Some elements of postal Dept are Bias to me, They have tried much, many how with help of persons on the chair to ~~harrasse~~ ^{harrasse} me. I have complained many time But no action taken as No officer is ready to ask another one, ^{about} ~~short~~ mistakes & mischief played on behalf of union of India.

They tries to save their official position against the life of govt. worker who is citizen of India. One of the application served to The Head of Dept i.e. post master general is with my application on page 8 to 11.

- (2) Statement made on behalf of opponants stood lie and facts are as under.

- (a) Transfer should not be resulted as undue punishment.

No public relations are with R.M.S. wing and there are regulations made. "Over and all I have been transfered ^{thrice} ~~trise~~ with in " 18 Months.

- (a) (i) Memo No. B.9/1 (a) Dt. 19 feb.-87 the copy is requested

to produce by-Res- / , I was ordered at St.No.-1 to work as O.A. on Tenure post directly under control of the Resp. No.-1 from Himatnagar to Ahmedabad.

(a) (ii) Memo No. B-9/2(a) Dt. 23 May 88 the copy is requested to produce by Resp. 1.

I was ordered mid-between my tenure to an operative post to work as S.A. under control of supdt of Stg. Ahmedabad RMS.

(a) (iii) The order of subject B-9/1(a) Dt. 28 Sept '88

The same is also void as per G.I.M.H.A. OM No. 39-5-56 Dated 8th Sept. 1956 copied out from "Swamy's compilation. of C.C.S C.C.A. Rules 1988 addition page No. 184 "In my application on page No. 11 para No. 3. It is very clear that " The govt. servant under suspension should normally be assumed his last place of duty."

I was ordered suspension and no order of revocation was served to me up to 13th June 89.

I am not ordered till to day to be assumed & relieve for Transferred place and a direction made only dramatically as such The original copy of the order served to me is a cyclostyled copy only " Neither signed originally nor stamped - no Name of officer is even written by whom it issued." And not attested by anyone. No class I officer is ready to give attestation as the original seems to be void.

(3) It is well tried to hide the truth that mischief is played by same one by issuing order of subject by giving Lie statement that order is implimented

(a) Only Two persons effected. The official at SL No.-1 has never assumed till to day as per order. But he has been transferred vide SL No.-2 of memo No. B-9/1(a) Dated 12 th April 89 issued by respondent No-1 to the post another than read in order of subject a copy of same is requested to be produce by respondent No-1

(b) I am placed at SL No.2 of order of subject is within the hands of your honour and lordship of justice.

As being a CITIZEN of India and a worker appointed by union of India, I have tried and resumed on the same day at Virangam on which statement is made before "The chair of Justice" I bear in mind that "hardship may occur" But "TRUTH ALWAYS WINS".

(4) A proved Lie stated on behalf of union of India by opponant in para (4) of page 3 of the statement. Actually facts are as under. :-

(a) I was transfered from Tenure Post (Light duty-Day duty) of O.A.H.R.O Ahd. Vide memo No.B-9/2(a) Dt. 23rd May to an operative post mid between the tenure without any error against me But Shri S.J. Bhavsar. Only the H.S.E(VI) graded officer In Division and missusing his powers to make money. He is Bias minded to me with influence He tried and succed to throw away the stone aside By the said order in this para because I have opposed his money making scheme by giving false certificates to employees needing loan from more than one society myself is also one of them and I have denied to pay anything vice bogus certificate.

(b) I was under medical treatment during 30th May 88 to 23rd June 88 I have given my documents for to dept along with medical certificates on 30th May and 6th June 88 for my posting in day duty Light duty as well as section of leave for same period.

My leave was granted afterwards, But even though I was present from 23rd June my pay was not at all drawn and it was shown Absent for complete month in the pay Roll of June-88 which is the responsibility of shri S.J. Bhavsar & played mischief ^{to} ~~me~~ harrasment me.

(c) My pay of June 88 given on supplementary pay Roll has been used for personnel use By shri S.J. Bhavsar which may have been shown paid in ^{disbursed} ~~disbursed~~ Register with cashier H.R.O. (R) because when I was actually paid, he asked signature with previous date. I have given actual date, not to involve my self in wrong procedures.

On this shri S.J. Bhavsar has reported something false and I was suspended after two days During my suspension I was asked statment by Shri N.K. Thakkar Assistant Superident of R.M.S. on dt. 5th sept. 88 I have stated to give me the copy of relevent reports etc. But till the day (i.e. 28-9-88) of revokation order I have neither been delivered the same nor the memo of charges served.

(d) Memo No. B-4/^{SMsp}/VNR 88-89 Dt. 28-9-88 a copy of which is served to me on 13-6-89 attested by Deputy suprintedent of R.M.S on ^{behalf} ~~behalf~~ of respondant No-1 on 13-6-89, (I have given the same in my application on page no-7- Reads the last para of ^{Reasons} ~~asens~~ for Revoking as follow "Since No- case of Misbehaviour on The part of suspended official Shri V.N.Raval sorting assistant H.R.O. Ahd. has been noticed during the period of suspension. Also there apears improvement In his attitude, There for his continuance in suspension is not felt naccessary."

It is only sufficiant to disprove allegation done in statement regarding misbehaviour.

(5) The order of Revoketion of my suspension is ^{of the} ~~is~~ Dt. 28-9-88 But not actually served ~~to me~~ It was served to me on Dt. 13th June 89 that is after I have filed My application No-OA 224 of 89 on Dt. 10-5-89 and copy is ~~me~~

served to Respondants.

The order of Revoketion of suspension If self is the proof of the facts copy is with my application on page no.7 which shows the original copy is attested by Deputy suprintendent to work vise respoondant No-1 on Dt. 13-6-89.

(6) My lord , I have filed my application on transfer with in a day by selling utencils of kitchen towards the fees and typing charges etc.

I can not pay tation fees for education of my children.

I have twice applied for advance from my ^{W.P.F} ~~W.P.F~~ account to maintain my family But not granted. upto 12th July 89.

I cried before Resp. No-1 as It was matter of Bread for my family on 10th & 11th and given a false application according to advice of Resp. -1 for grant of temp ~~W.P.F~~ advance then It was granted on 12th July 89.

The statements of Resp No-1 is also to hide the proofs of errors made by them against life of a worker . The Lordship of justice will ever be honourable to workers. There are so many mischief done on behalfs of Resp-1 But I do not wish to spoil the time of my lord.

I pray to decide my case earlier so I may be able to maintain the disturbances occured during the period for which I have not been paid any thing.

I V.N. Raval states that what is stated about is true and best of my knowledge.

Date 22-7-89

Place Ahmedabad

Signature of Applicant

filed by Mr... V.N. Raval
 Learned Advocate for Petitioners
 with second set & ^{in persn} ~~copies~~ copies copy served/not served to
 other side

(V.N.RAVAL)

Dt. 24/7/89 Dy.Registrar C.A.T.(J)
 A'bad Bench

Verification

J. Vinod Kumar Raval Son of
 Marmada Shamsher Raval Age - 42 working
 as senior Ass't do hereby verify that
 The content of This Amendment page
1 to Page 5 are true to my
 personal knowledge and all the
 para's believed to be true on legal advice
 and that I have not suppressed any
 material fact

Date - 24-7-85

Place Ahmedabad

M. S.
 (V. R. Raval)
 Signature of
 Applicant

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT
AHMEDABAD.

M. A. No. 484 of 89
in

O.A. No. 249 of 1989.

V.N. Raval .. Applicant
Versus
Union of India U Ors. .. Respondents.

REPLY on behalf of the opponents:

I, Arunaahaty Zatta working
as Senior Supdt in the office of
RMS 'Am' DN Ahmedabad, do state as under.

I have read the copy of the application
for amendment and am conversion with the facts
and circumstances of the case and being competent
to file this reply on behalf of the opponents in
this matter.

1. At the out set, I deny all averments made
by the applicant in this application except which
are specifically admitted by me hereinafter. I
further say that the contents of this application
are misconceived by the applicant and as the
application introduces some new facts which change
the nature of the original application, cannot be

19-10-89
Copy sent to
Anshu
V.N. Raval

JOA

allowed at this stage.

2. With regard to para 1, I deny the contents thereof, I deny that some element of the postal department are biased. I further deny that the any of the opponent official is prejudiced of the behaviour of the applicant and I say that the applicant has tried to mislead the Hon'ble Tribunal for getting its favourite situation. I further deny that the action of the opponents while dealing with the services of the applicant is motivated by nepotism and it appears that the applicant is under a wrong impression regarding behaviour of the opponents and therefore, he ~~xx kxx~~ is having prejudice for the opponents in question.

3. With regard to para 2, I deny the contents thereof, I further deny that the opponents have transferred the applicant as a measure of punishment and therefore the action of the opponents requires ~~any~~ ^{any} change etc.

4. With~~xx~~ regard to para 2:~~A~~, I say that the official was transferred from Himatnagar to H.R.O. (R) Ahmedabad as O.A. at his own cost and request with effect from 22.2.1987 on first occasion. On second occasion, the official was transferred from H.R.O.(R) Ahmedabad to ~~Sorting~~ Sorting Assistant

H.R.O.(R) Ahmedabad with effect from 23.6.1988.

This transfer was in the same office and premises. The official was transferred on third occasion to S.R.O. Viramgam on account of his gross misbehaviour. It is submitted that none of these transfers was a real transfer of the official amongst so called transfers and therefore the contention of the applicant that he is being harrassed by the opponents by transferring him frequently to one place to other is not tenable and misleading.

5. With regard to para 2(a)(i), I say that the request application of the applicant was considered by S.S.R.M. and so he was transferred to H.R.O.(R) Ahmedabad.

6. With regard to para 2(a)(ii), I say that the applicant was transferred in mid-term of tenure because of his gross mis-behaviour with the head of the office and it is submitted that the transfer of the applicant at the relevant point of time was warranted by the circumstances.

7. With regard to para 2(a)(iii), I say that the suspension of the applicant was revoked by memo No. B4 dt. 28.9.1988 and only after that he

he was transferred to S.R.O. (XXXX) Viramgam.

Therefore, the memo No. GIMHA O.M. No. 39/5 as referred by the applicant is irrelevant. It is submitted that the orders of revocation of suspension memo above referred, and transfer order dt. 28.9.1988 were despatched in one registered A.D. cover No. 4929 dt. 29.9.1988 booked at Shahpur Post Office, Ahmedabad and same was delivered under clear signature. It is submitted that when the orders or memo are to be issued under bulk, it is the usual practice of the office that they are issued in cyclostyle copies duly signed by the competent authority. The applicant was granted T.A. advance and pay advance in pursuante of the said transfer order by a competent authority.

8. With regard to para 3, I deny the contents thereof, I deny that the applicant has not been ordered to be relieved and to resume duties at a new place where he is transferred and also that the applicant was directed to join his new assignment directing by transfer order No. B/9(A) dt. 28.9.1988 with a /viewed as he was under suspension and the same transfer orders have already been served to the applicant vide registered A.D. Post as referred above.

9. With regard to para 3(a), I deny the contents thereof, I deny that the official ~~had~~ at serial No. 1 in the said transfer order has not resumed his new assignment and I say that the transfer of this official was subject to his relief ~~from~~^{by} from S.R.O. Viramgam on joining of the applicant and therefore, the transfer which is viz-a-viz the applicant has been disturbed on account of the applicant. It is submitted that the applicant did not join at Viramgam, and, therefore, to entertain the request of the official at serial No. 1, another transfer order in favour of this official was issued on 12.4.1989 and thus the contention of the applicant in this paragraph is not tenable at all.

10. With regard to para 3(b), I do not comment upon it.

11. With regard to para 4, 4(a) and 4(b), I deny the contents thereof and I say that despite of the representation of the applicant for light day duty, he was posted in H.R.O.(R) Ahmedabad as Office Assistant for some period and on account of his gross mis-behaviour with the head of the office, he was transferred to the operative day duty and he was suspended with effect from 9.7.88. The transfer of the applicant to operative day

duty and suspension were pursuant to the misconduct committed by the applicant. I deny that the opponents are indulged in money making scheme by giving false certificate to the employees needed loan etc. and I say that the averments made by the applicant regarding this sort of illegal activities, are not tenable and are made to pursue the case in a favourite situation.

I further say that the charge sheet was also issued to the applicant on 1.2.1989 and the applicant was also provided with an opportunity of hearing under the rules and the said inquiry proceedings are yet pending.

I further say that the applicant had applied for Medical Leave for seven days with effect from 30.5.1988, the medical certificate produced by him was without signature of the Medical Officer and as such it was returned to the applicant for completion. I further say that the applicant had joined on 23.6.1988 and on that time he returned the above stated medical certificate duly signed by the Medical Officer, Thus due to non-availability of a proper medical certificate his leaves were not granted. However, his leave period from

(20)

- 7 -

30.5.1988 to 22.6.1988 was granted on 30.7.1988 and his pay and allowances for the month of June, 1988 was drawn and disbursed to the applicant on 6.7.1988. Therefore, in view of this, the contention of the applicant that he is being harrassed by the opponents is not tenable.

12. With regard to para 4(c), I deny the contents thereof, I deny that the applicant was sought to be involved in some illegal procedures or was forced to do any improper activities and I say that the allegations made by the applicant on Shri S.J. Bhavsar is false and denied hereby. I say that Shri Bhavsar has no concerned with the disbursement of the amount, because the amount is to be directly paid by the cashier of the office an independent of any influence. On scrutiny of the documents, it is ~~known~~ transpired that the disbursement register, date's stamps of the office showed that the date of the payment as 6.7.1988, but in col. No of the date of payment date was 6.7.1988 and it is found to have been over-written as 7.7.1988. It is submitted that the inquiry is pending against the applicant regarding the charge sheet issued to him.

13. With regard to para 4(d), I deny the contents

thereof, and I say that the applicant has made some irrelevant statement in this paragraph and I say that the contention of the applicant that he was getting some improvement in the behaviour has no relevance with this case matter.

14. With regard to para 5, I deny the contents thereof, I deny that the order of revocation of suspension was not served **on** the applicant and I say that it was already delivered to the applicant vide Registered A.D. Post No. 4929 dt. 28.9.1988 but on oral request of the applicant an attested copy of the said memo was given to the applicant by Deputy Superintendent, R.M.S. AM. Div., who was in charge of the office on 13.6.1989. It is submitted that the applicant remained silent on the notices issued by this office on 24.10.1988, 25.11.1988, 22.12.1988, 14.2.1989 and 8.4.1989.

15. With regard to para 6, I do not comment upon it.

But the reasons mentioned by the applicant in his application for G.P.F. Advance (temporary) withdrawal from G.P.F. are not covered under relevant rules of G.P.F. for sanctioning the advances. But on 11.7.1989, the applicant had

submitted a fresh application for G.P.F. Advance for the purpose of "Ceremony of Badha" and the said reason is covered by the G.P.F. Rules, hence it was sanctioned. The applicant himself admits in his application as "Wrong Statement(reasons)" and therefore he is liable for disciplinary action under the relevant rules.

In view of the foregoing paragraphs, it is submitted that the applicant has been transferred in the public interest and for fair and smooth running of the administration and therefore, this Hon'ble Tribunal may not interfere in the transfer orders as held by the several judgments of the Supreme Court of India and therefore, the application being devoid of any merits, deserves to be dismissed.

Place : Ahmedabad

Date : 17-10-1989

Chubb

Sr. Supdt of R.M.S.
'AM' Dn. Ahmedabad-380004

Verification

I, Arunadharji Zatta ^{Daughter} ~~son~~ of

aged about working as Senior Suptt.
in the office of RMS 'AM' Division Ahmedabad.
do state on solemn affirmation that what has been
stated hereinabove by me is true to my knowledge
and belief and I believe the same to be true.

Place : Ahmedabad

Date : 17-10-1989

Chubb

Sr. Supdt of R.M.S.
'AM' Dn. Ahmedabad-380004
(Deponent)

Stamp / 60/89
24/17

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

RA/M.A/O.A./T.A./ 485 1989 ON 04/249/89.

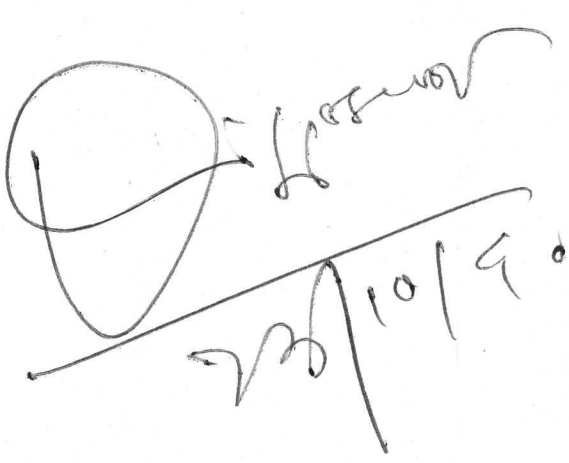
V. N. Raval Applicant (s).

P. in P. Adv. for the
Petitioner (s).

Versus

Union of India Respondent (s).

Mr. J. D. Aiyer Adv. for the
Respondent (s).
Mr P. M. Raval.

SR. NO.	DATE.	ORDERS,
		Direct to produce (Copy is served) documents
	19.10.89 Plb	21/10/89 (with)
	30/8/90 Plb	
	23/10/90 Flo	
		

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.

Submitted;

C.A.T./Judicial Section.

Original Petition No.: _____ of _____

Miscellaneous Petition No.: 4885 of 1989.

Shri V. N. Raval Petitioner(s).

Versus.

Union of India Respondent(s).

This application has been submitted to the Tribunal by
Shri V. N. Raval under Section 19 of
The Administrative Tribunal Act, 1985. It has been scrutinised
with reference to the points mentioned in the check list in the
light of the provisions contained in the Administrative Tribunals
Act, 1985 and Central Administrative Tribunals (Procedure) Rules,
1985.

The application has been found in order and may be given to
concerned for fixation of date.

The application is not been found in order for the same
reasons indicated in the check list. The applicant may be
advised to rectify the same within 21 days. Draft letter is
placed below for signature.

M.A. is not in prescribed form
~~Verification is not executed.~~

~~We may~~ we may issue order letter
Submission

As per MAI 484/89 ~~this may~~

~~we may~~ we may place this order
for orders along with the MAI 484/89

any
28/7

Agst

S.O.

26/7/

GAC/-

1-BSAHL
26/02/88

26/7/

Before

The central Administrative Tribunal,

Ahmedabad Bench - Ahmedabad.

O.A. No. 249 - of 1989

V.N. Raval - Applicant

VS

Union of India - Respondants

(1) The senior supdt of R.M.S.

A.M. On Ahmedabad-4.

(2) P.M.G. gaj-circle.

Ahmedabad-9

An application for production of documents by Respondants.

I, V.N.Raval beg to request the Honourable chairman to order the respondanant No-1 to produce following documents of proofs.

(1) (a) Memo No. B-9/1(a) Dt. 19-2-87

(b) Memo No. B-9/2(a) Dt. 23-5-88

(c) Memo No. B-9/1(a) Dt. 12-4-89

(2) Copy of disturb-ment register maintained by H.R.O. (R) Ahmedabad showing with recoveries made by H.R.O On account of "R.M.S. Employees co-op. Societies (1) (2) (3) for month of March-April 1988.

(3) Medical certificate & charge report of shri V.N.Raval for leave granted from 30th May 88, to 6th June to 23rd June '88.

(4) (a) Pay Roll showing name of V.N.Raval for pay & allowance. June '88

(b) Supplimentary pay roll for disturbment pay of June. '88.

(c) disturbment registrar of cashior for June-'88- July-88.

(5) Application made by V.N.Raval for grant of Temp. G.P.F. ~~with~~ advance and orders rejecting the same.

(6) Charge report if any - showing "V.N.Rawal releived from Ahmedabad after date of Revcketon of suspension.

The documents mentioned above are with Respondants and as being a worker I request to produe the same in favour of jastice so the time of Honourable- chair may not be wasted.

Dt. 22- July 89

Place Ahmedabad.

Signature of Applicant
(V.N.Raval)

copy served to
other side

Verification

J. V. R. Raval son of Ramadashanker
age-42 working as sorting-asst. do

hereby verify that the contents of this
Ammedment - Appli. for production of documents

page one is true to my personnel

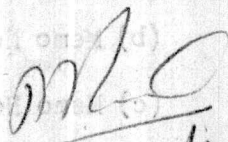
knowledge and all the papers believed

to be true on legal Advice and

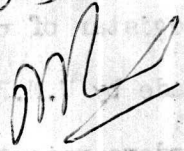
that I have not suppressed any material
fact.

Dt. 24-7-89

place: Ahmedabad


signature of
Applicant

copy served to
Respondants on 22-7-89



R-1 24

Ministry of Home Affairs
Government of India
New Delhi-110004.

Memo No. D.4/V.R/14/84-85 dated at Ahmedabad the 8-11-90

Read the following:

1. Charge sheet issued vide this office memo No. D.4/V.R/14/84-85 dated 10-8-84 with corrigendum issued on 30-8-85 and 23-1-87.
2. Inquiry report from Shri L.T. Lekhani, Inquiry Officer and -upat. Circle -stamp report, Ahmedabad vide No. 41-5/88-89 dated 28-1-89.
3. Shri A.P. Nattu, adhoc disciplinary authority and Dy. S.P.O. Vadodara Region, Vadodara-390002 letter No. 425/V.R/Disc./89 dated 14-12-89.
4. Inquiry report from Shri J.C. Bhatt, Inquiry Officer and retired ARMC vide No. Inq/1/90/V.R dated 17-1-90.
5. Defence statement dated 3-10-90.

It was proposed to hold an inquiry against Shri V.N. Naval, then Sorting Assistant, SHO Ahmedabad and presently working as Sorting Assistant, SHO Viramgam, under rule-14 of CCS(Cad) Rules, 1965. The substance of imputations of misconduct or misbehaviour in respect of which the inquiry was proposed to be held was delineated by way of Annexure-I and enclosed to the official alongwith a statement of imputations of misconduct or misbehaviour in support of each article of charge (Annexure-II), a list of documents by which and a list of witnesses by whom the articles of charge were proposed to be sustained (Annexure-III and IV).

In the article of charge, it is alleged that Shri V.N. Naval while functioning as Sorting Assistant, SHO Ahmedabad during the period from 1981 to 1983 (upto 5-7-83) had abstracted B.P.Os from inward foreign registered articles received by him in course of his duties as detailed below and thereby failed to maintain absolute integrity and acted in a manner unbecoming of a Government servant violating the provisions contained in Rule-3(1)(i) and (iii) of CCS(Conduct) Rules, 1964.

Said Shri V.N. Naval while working as Sorting Assistant No. 28-2 in registration branch of Ahmedabad RPS/1 dated 10-2-81 is alleged to have abstracted from AL No. 403530 Peedington, 10 B.P.Os each of Rs. 10 bearing No. 0187-912332 to 912340 and 0189-344481. The said B.P.Os were got encashed at Mehrangpur Post Office, Ahmedabad and money thereof was obtained.

Said Shri V.N. Naval while working as Sorting Assistant No. 3 in registration branch of Ahmedabad RPS/1 dated 14-7-81 is alleged to have abstracted from AL No. 459 Pedest Town, 50 B.P.Os of Rs. 2.2 each bearing No. 2296-063657 to 666, 2296-063670 to 681, 2296-074913 to 922, 2296-133487 to 488, 2296-183490 to 495, 2296-133494 to 498, 2296-187181 to 182, 2296-187185, 2296-187193, 2296-187199, 2296-832706. The said B.P.Os were got encashed at Mehrangpur Post Office (Ahmedabad) and money thereof obtained.

Said Shri V.N. Naval while working as Sorting Assistant

File today
by Mr. Akit
Kishore, in
duplicate
in Court-II
H.P. Gohshi
16/6/93

Sorting Assistant No.3 in registration branch of Ahmedabad RPS/1 dated 6-3-82 is alleged to have abstracted from RL No. DAB.279234 Leicester, 6 BPOs of £.10 each bearing No.0216-412348 to 412353. The said BPOs were got encashed at Behrampura Post Office (Ahmedabad) and money thereof obtained.

As regards to the other charge, the said Shri V.N. Raval while functioning as Sorting Assistant, SRO Ahmedabad during the period from 1981 to 1983 (up to 3-5-83), it was alleged that he had abstracted BPOs from insured foreign registered article as detailed below which were received by Ahmedabad RPS and were required to be despatched by said Shri V.N. Raval and thereby the official failed to maintain absolute integrity and acted in a manner unbecoming of a Government servant violating the provisions contained in Rule-3(1)(i) and (iii) of CCs(Conduct) Rules, 1964.

That said Shri V.N. Raval while working as Registration Sorting Assistant No.4 in Ahmedabad RPS/1 dated 14-3-82 is alleged to have abstracted from RL No.183144 Alparton (U.K) 10 BPOs of £.10 each bearing No. 80-0213-833553 to 833560 and 0215-883611 to 883612 worth in value of Rs.1667/-. The RL under reference was destined to Dadvu Mandel, via Lunidhar, Dist. Arel and required to be despatched by Shri Raval to WJ-6 IN. The amount of said BPOs was got encashed at Behrampura Post Office and money thereof obtained.

That said Shri V.N. Raval while working as Registration Sorting Assistant No.7 in Ahmedabad RPS/1 dated 9-4-82 had prepared RL-28 for Forbandar entering therein Freston RL No.325828 and this RL contained BPOs No.0220-794914 and 794915 each of £.10 and No. 8028-432152 of £.8 and Shri V.N. Raval is alleged to have opened the RL under reference with ulterior motive and abstracted BPOs therefrom which were got encashed at Behrampura Post Office and money thereof obtained.

The substance of statement of imputation of misconduct in support of the article of charge set out in the Annexure-II of the Memo of charges reads as follows:-

That on receipt of complaint dated 13-2-81 from Shri Kasmali Ninjibhai, Pedra, Ahmedabad Dist. regarding non-receipt of BPOs contained in RL No.405630 Peddington, enquiries were made and it was revealed that Shri V.N. Raval while working as Sorting Assistant No.83,2 in Ahmedabad RPS/1 dated 10-2-81 had received the said RL duly entered in registered list prepared by A.P. Bombay Inward (Registered) dated 7-2-81 at serial No.41/52. The said RL contained 10 BPOs each of £.10 and the sender of the said BPOs had written the name of payee as Kasmali Ninjibhai on each BPO without office of payment. All the BPOs contained in the RL under reference were encashed at Behrampura Post Office through Shri A.D. Parmar and Shri S.H. Khattani and money was obtained by said Shri V.N. Raval.

That on receipt of complaint dated 3-11-81 from Shri Dattatraya K. Bhavani Patel, addressee of RL No.459 Wadest Town regarding non-receipt of BPOs contained in the RL under reference, enquiries were made and it was revealed that Shri V.N. Raval while working as Sorting Assistant No.83.3 in Ahmedabad RPS/1 dated 14-7-81 had received the said RL from the registered bag closed by Calcutta Air Sorting (Foreign)-2 dated 13-7-81 and the bag was opened by said Shri V.N. Raval and the RL under reference was found entered at serial 3/6 in

the registered list. The RL contained 50 BPOs of £.2, as reported by the complainant and all the BPOs were encashed at Behrampur Post Office under the witness of Shri A.M. Khetani and money was obtained by said Shri V.N. Naval.

That on receipt of complaint dated 24-3-82 from Shri Mahatmal N. Valand, addressee of RL No. 279234 of Leicester regarding non-receipt of BPOs contained in RL under reference, enquiries were made and it was revealed that Shri V.N. Naval was working as Sorting Assistant No. 5 in registration branch of Ahmedabad No. 1 dated 6-3-82. RL under reference was received by said Shri Naval from registered bag closed by A.P. Bombay Foreign (Inward) dated 5-3-82 duly entered at Serial No. 32/42. The said RL contained 6 BPOs which were encashed at Behrampur Post Office under the witness of Shri A.M. Khetani and money thereof was obtained by Shri Naval.

That said Shri V.N. Naval while working as RL No. 4 in Ahmedabad No. 1 dated 14-3-82 had received RL No. 133144 Alpertion (U.K.) containing 10 BPOs of £ 10. The RL under reference was destined to Padva Mandel, via Lunicher, Dist. Kareli and required to be despatched to RL-6 L. This RL was detained by Shri V.N. Naval with ulterior motive without despatching it to its destination. The BPOs contained in the said RL were encashed under the witness of Shri A.M. Khetani at Behrampur Post Office and money amounting to Rs. 100/- was obtained by Shri V.N. Naval.

That said Shri V.N. Naval while working as RL No. 7 in Ahmedabad No. 1 dated 9-4-82 had received RL No. 325028 Preston containing BPOs No. 0220-794914 and 794915 each of £ 10 and No. 8028-432152 of £.8. The RL under reference was destined to Porbandar and said Shri Naval had included the said RL in RL-23 for Porbandar. The RL was received in damaged condition at Porbandar Head Office and the contents were found missing, as reported by Postmaster Porbandar vide his telegram No. 1520/10. Shri V.N. Naval is alleged to have opened the RL and abstracted the BPOs and got them encashed under the witness of Shri A.M. Khetani at Behrampur Post Office and money thereof obtained by Shri V.N. Naval.

Shri A.M. Khetani has stated in his statement dated 30-4-83 that whatever BPOs were encashed at Behrampur Post Office under his witness were received by him either through Shri A.D. Parmar, Sorting Assistant, Ahmedabad No. 5 or Shri A.M. Parmar, Postman, Behrampur Post Office.

Shri A.D. Parmar, Sorting Assistant, Ahmedabad No. 5 has stated in his statement dated 1-1-83 and 27-4-83 that he had received all the BPOs only from Shri V.N. Naval, Sorting Assistant Ahmedabad No. 5 for encashment and he had transferred these BPOs to Shri A.M. Khetani direct or through Shri A.M. Parmar, Postman, Behrampur Post Office for encashment.

Shri A.M. Parmar, Postman, Behrampur Post Office has stated in his statement dated 18-1-83 that he was receiving BPOs from Shri A.D. Parmar for encashment through A.M. Khetani.

Shri G.C. Desai BPO paid clerk Behrampur Post Office has stated in his statement dated 6-11-82 that the payment of the BPO was effected by him at Behrampur Post Office and money of BPO was being paid to Shri A.M. Khetani or his representative on the day of payment of each BPO.

The said Shri V.N. Raval has confirmed in his statement dated 17-1-83 that due to some unavoidable circumstances he was tempted to abstract BPOs from foreign registered articles received from foreign countries and this was started by him about two years back. He had also stated that he was giving the BPOs to Shri A.B. Parmar for encashment at approximate rate of Rs.87/- per pound. Thus it is alleged that the charged official has failed to show absolute integrity and acted in a manner unbecoming of a Government servant.

While forwarding the memo under reference, the official was asked to specifically accept or deny the charges levelled against him. Since the charged official neither denied any charge nor accepted the same it was necessary to inquire into the charges so as to establish the truth.

Shri L.T. Lakhani, ASP Gandhinagar and designate Postmaster Surendranagar was appointed the Inquiry Officer to inquire into the charges on 19-10-84 and he had as many as 25 sittings between 5-2-85 to 26-10-88 whereby several witnesses were examined. The documents listed in Annexure-I to the charge sheet were also produced during the inquiry. The examination of the charged official which was fixed on 29-10-88 could not be carried out since the charged official exhibited gross misbehaviour during the inquiry on 28-10-88 which hindered the progress of the inquiry. The Inquiry Officer submitted his report on 28-1-89.

In his findings, Inquiry Officer sets out four main points as under which are to be considered for arriving at fair and true conclusion:

- (1) Whether it is reasonably established that the five foreign inward registered articles did contain the BPOs and these BPOs were reported to be missing.
- (2) Whether there is prima-facie documentary evidence indicating that the said Registered letters were handled by Shri V.N. Raval in Ahmedabad RM/1 on the five dates.
- (3) Whether there is direct evidence proving abstraction if not what is the base of allegation that BPOs were abstracted and that it can be reasonably concluded as such.
- (4) Whether Government Servant has adduced any evidence to the contrary whereby proving his innocence.

It is sufficiently proved from the documents such as complaints about the Registered letters under reference, written statement of the addressees and the fact of encashment of BPOs at Behrapura Post Office, that the five foreign inward registered articles did contain the BPOs which were encashed before the delivery of the registered letters to their addressees. (The registered letters were reported to be missing). It is also clearly established from the attendance register and relevant registered list that Shri V.N. Raval had handled the said registered letters while working as Registration Sorting Assistant in Ahmedabad RM/1 on five different dates. Though there is no direct evidence proving the abstraction, it can be safely concluded from the circumstantial and corroborative evidence from the deposition of Shri A.B. Parmar, Postman, Behrapura, C., Shri A.B. Parmar Sorting Assistant, RM(R) Ahmedabad-2 and also from the written statement dated 17-1-83 of Shri V.N. Raval wherein he has narrated the fact of his abstraction of BPOs from the registered letters and thereafter their encashment through

Shri A.C. Parmar, Porting Assistant, that Shri V.N. Naval had abstracted the DPOs from registered letters received in Ahmedabad RAS/1. The comparison of Shri V.N. Naval's signature made in the registered list with that of the attendance register also show that the registered letters under reference were handled by the charged official. The fact that the charged official had not produced any evidence to prove his innocence is a definite pointer which proves the charges levelled against the official. Thus the inquiry was concluded by the Inquiry Officer after taking into consideration all the available documents and examination of witnesses, and thereby proving the charges.

Shri A.C. Patu, Dy. S.D.O. Vadodra and adhoc disciplinary authority in the case resisted back the case for Denovo inquiry from the stage of examination of complaints and examination of DPOs which was fixed on 25-10-88 by the Inquiry Officer but was cancelled due to gross misbehaviour of Shri V.N. Naval during the inquiry on 20-10-88.

Since Shri L.T. Lakhani, Inquiry Officer in the case had expired, it was authorized to appoint new inquiry officer and accordingly Shri S.C. Chait (retired 1980) was appointed to inquire into the charges on 19-2-90 and he had as many as four sittings between 30-5-90 to 20-7-90, whereby the witnesses and the charged official were examined. The witnesses except for Shri Bhimpragat Vismampragat Bahant of Ladva - Handel, were dropped since none of them attended the inquiry inspite of several notices issued. Shri S.V. Bahant of Ladva who was examined on 30-5-90 confirmed with the correctness of all documents including his complaint dated 5-6-82.

Shri Bhimpragat V. Bahant has further confirmed the original letter dated 1-9-84 received from sender of illfated Registered Letter. Smt. Lilavati B. Shah of Middlesex, England giving details of the DPOs sent in the R.L. No. 103144 from Alipston P.O. received in Ahmedabad RAS/1 dated 14-2-82.

The charged official was examined on 20-7-90 showing him his own statement dated 17-1-83 recorded by Shri S.V. Naval I.C. Circle Office whereby he had confessed that he had abstracted DPOs from Registered articles received from foreign countries and that he gave the DPOs to Shri A.C. Parmar working in Ahmedabad RAS/3 for encashment. But Shri V.N. Naval denied to accept the correctness of the contents of his own statement because, according to him, he had written what was dictated to him by the Investigating Inspector and nothing was of his own. Further he tried to misdirect the inquiry saying that he had given some DPOs received from his friends, relatives and Xajmans residing in foreign countries, to Shri A.C. Parmar for encashment. But the Inquiry Officer has not accepted the above said opinion of Shri V.N. Naval reasoning that, if at all it was a fact that he had received the DPOs from friends and relatives, then he should have given these details at the time of preliminary investigation and not at this stage of inquiry. Thus the Inquiry Officer has taken the charges as sufficiently proved against Shri V.N. Naval and at the same time has agreed with the enquiry report of Shri L.T. Lakhani which forms part of his report.

The Inquiry Officer had given a chance to the charged official to submit any defence brief before the finalization of the Inquiry report but no such brief was submitted by the charged official. The Inquiry report was submitted on 17-9-90.

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The copy of Inquiry report was forwarded to the official on 19-5-90. The charged official was asked to submit his defence representation, if any to the undersigned over the Inquiry report within 15 days. The official submitted his defence statement dated 3-10-90.

In his defence representation, the charged official has raised certain points which are abjectly foreign to and totally unconnected with this particular case, the charges therein and the findings of the Inquiry Officer. In addition to this, he has also included that since his father who is a religious pilgrim, resides at Chicago - U.S.A. and he himself also attends to the religious programme, the 'Yajmanas' help him in many ways and one of such way is sending him Bros so that it will be helpful in his social duty and such Bros were given to Shri V.N. Raval for encashment since he was not able to attend post office due to his duty. Further he has submitted nothing which can be construed as his defence against the charges and the Inquiry report.

I have gone through the facts and circumstances of the case carefully and hold the charge against the official as proved. The story narrated by the official in his defence statement is clearly an after thought since it has been sufficiently proved by the Inquiry Officer that the Bros contained in the five registered letters were abstracted by Shri V.N. Raval and he had got them encashed fraudulently. The charges are held to be proved on the basis of available documents and corroborative and circumstantial evidences of the witnesses and also because of the non production of documents/witnesses by the charged official to disprove the charges. Thus in the light of the afore mentioned facts, I hereby hold the charges as proved fully and conclusively and am in total agreement with the findings of the Inquiry Officer. The action of Shri V.N. Raval calls for the most stringent retribution. The faith and trust reposed by the Government on its employee is belied. The postal articles dealt with by our Department should be treated as sacrosanct. Such type of action on the part of Shri Raval only help in spoiling the good image of our Department in the eyes of public. Shri Raval continued abstraction of Bros from various registered articles for a long period of over one year showing absolute failure towards devotion to duty and integrity which are basic expectations from a Government servant. Retention of such official is not only a burden to the Department but it is also a hinderance in providing effective and satisfactory service to the public and accordingly, I hereby pass the following orders.

ORDER

Shri V.N. Raval, Sorting Assistant, LHO Viramgan is removed from Government service with immediate effect.

Sr. Superintendent Of RMS
'AM' Dn. Ahmedabad-380004

(S. K. Tripathy)
Senior Superintendent of RMS, Ahmedabad-380004

Regd. AD

- Copy to:-
1. Shri V.N. Raval, Sorting Assistant, LHO Viramgan.
 - 2-3. The MCO(A/C) and As Division, Ahmedabad-380004.
 4. The S.A.(P) Nagpur through MCO(A/C) Ahmedabad-380004.
 5. PF of the official
 6. CH of the official.
 7. Punishment memo file
 8. ~~CC and copies~~

8-EST-I Br. D.O Andhra Pradesh