

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA 110/03

.....~~TUESDAY~~ THIS THE 14th DAY OF FEBRUARY, 2006

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HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

M.L.Mathew, S/o Sri Lukose MP,
aged 48 years, EDDA (under put off duty)
Po. Thayyeni, Via. Cherupuzha,
residing at Mukkuzhiyil House, Thayyeni PO
Via. Cherupuzha, Kannur District. 670511.Applicant

(By Advocate Mr. OV Radhakrishnan (Sr)
with Mr. Antony Mukkath

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- 1 Assistant Superintendent of Post Offices,
Kannur Division, Kannur.1.
- 2 Sub Divisional Inspector (Postal)
Payyannur-670 307.
- 3 Superintendent of Post Offices
Kannur Division, Kannur.1.
- 4 KU Kurian, Inquiry Authority and IPO(PG)
Customer Care Centre,
Kannur Division.
- 5 Union of India, represented by its
Secretary, Ministry of Communications,
New Delhi.Respondents

(By Advocate Mr. TPM Ibrahim Khan, SCGSC(R1,3&5)

The application having been heard on 4.1.2006, the Tribunal on 14.2.2006 delivered the following:



ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

In this OA, the Applicant has prayed for the following main reliefs:

"(i) To call for the records leading to Annexures. A1, A3, A5, A27, A29 and A31 and set aside the same;

(ii) To declare that the entire disciplinary proceedings initiated and commenced by issuing Annexure.A5 Memo of charges are without any reasonable basis and are totally misconceived and the order of removal as confirmed in appeal is illegal, unreasonable, arbitrary and violative of Articles 14, 16(1), 21 and 311(2) of the Constitution of India.

(iii) To issue appropriate direction or doer directing the respondents to reinstate the applicant in service forthwith;

(iv) To issue appropriate direction or order directing the respondents to treat the applicant as continuing in service without regard to Annexure.A29 order of removal from service as confirmed in Annxure.A31 appellate order and to grant the applicant all service benefits including arrears of pay and allowances which he would have earned but for his unlawful removal from service ordered as per Annexure.A29;

(v)To issue appropriate direction or order directing the respondents to treat the period during which the applicant was put off duty as duty for all purposes and to grant him full allowances admissible deducting the amount paid to him as ex-gratia payment under Rule 9(3) of the Rules, 1964;

2 The Applicant Shri M.L.Mathai was working as Extra Departmental Delivery Agent, Thayyani Branch Post Office, and he was placed under put- off duty with effect from 1.12.98 vide Annexure.A1 letter dated 1.12.98.. While he was under put off duty, he was arrested by the Chittarikkal police on 10.10.99 and remanded to the judicial custody for 15 days. On 15.10.99, the competent

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authority reviewed the aforesaid order of placing him under put off duty. In view of the arrest and the subsequent remand of the applicant to judicial custody, it was decided vide the Annexure.A3 Memo dated 15.10.99 to continue to keep him under put off duty till the outcome of the criminal case. Vide Annexure A5 Memo dated 17.1.2000 the respondents have proposed to take action against him under Rule 8 of P&T ED Agents (Conduct & Service) Rules, 1964. The charges against him were the following:

Article I: That Shri M.L.Mathew while functioning as EDDA, Thayyeni did not return the unclaimed MO No.3576/257 dated 9.3.98 for Rs. 600/- of Cherupuzha PO payable to Kavery D/o Chankranthi, Eledath, Kundaram, PO.Thayyeni entrusted to him for payment on 13.3.98 duly entered in the BO journal, but rendered the returns showing the said MO as paid on 13.3.98 without making entry of payment in the Postman Book and utilized the money for his personal use. By his above act it is alleged that Shri M.L.Mathew, EDDA, Thayyeni violated Rules 10,73, and 114 of "Rules of Branch Offices"(7th Edition, reprint) corrected up to 31st March, 1986) and thereby failed to maintain absolute integrity and devotion to duty as required of him under Rule 17 of the P&T Agents (Conduct and Service) Rules, 1964.

Article II: That Shri M.L.Mathew while functioning as EDDA, Thayyeni did not return the unclaimed MO No.42445/53 dated 28.8.98 for Rs. 300/- of Chittarikkal PO payable to Kavery D/o Chankranthi, Eledath, Kundaram PO,Thayyeni entrusted to him for payment on 3.9.98 duly entered in the BO journal but rendered the returns showing the said MO as paid on 3.9.98 without making entry of payment in the Postman Book and utilized the money for his personal use. By his above act it is alleged that Shri M.L Mathew, EDDA, Thayyeni violated Rules 10,73 and 115 of "Rules for Branch Offices" (7th edition, reprint corrected up to 31st March, 1986) and thereby failed to maintain absolute integrity and devotion to duty as required of his under

Rule 17 of the P&T ED Agents (Conduct & Service)
Rules, 1964.

3 The Applicant submitted the Annexure.A7 letter dated 21.2.2000 denying the charge levelled against him. Not having satisfied by the reply submitted by the applicant, the disciplinary authority has proceeded with the appointment of the inquiry officer and the Presenting Officer. The defence of the Applicant was as under:

"I deny the charges contained in Articles I and II of the charge-sheet framed against me. Both the Mos P2 and P3 were correctly paid by me to the person to whom they were actually intended for. The above agricultural pension MO s were payable to Kaveri Elayedath House S/o Chankranthi, Kundaram, Thayyeni PO. The prosecution evidence has clearly established that there is no female person by name "Kaveri" residing at Kudnaram or in any other area under the delivery jurisdiction of Thayyeni BO. The confusion arose on account of the clerical mistake which occurred while furnishing the paternal address of the payee on the M.Os where D/o Chankranthi) was written instead of "S/o" (Chankranthi). The payee belongs to an Adivasi community and "Kaveri" is a male name among them. It is my misfortune that I have effected payment of the MO s overlooking the clerical mistake in the address I submit that my action was guided with the best of intentions and it was done in good faith. Seldom did I then realize that this action of mind would land me into trouble and would invite hardship and ignoring to me"

4 The inquiry officer submitted his Annexure A27 report dated 31.5.04 holding that the charges levelled against the applicant have been proved.

5 The applicant submitted a detailed Annexure.A28 representation dated 10.7.01 before the 1st Respondent stating

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that the findings of the inquiry officer that the articles of charges have been proved are not based on any legal evidence and further pointing out that those findings arrived at by the Inquiry Officer as total per verse. After due consideration of the Inquiry Report and representation made by the applicant the disciplinary authority passed Annexure.A29 punishment order dated 31.7.02 removing the applicant from service with immediate effect.

6 The applicant made a statutory appeal against the aforesaid orders of the disciplinary authority removing him from service and applicant has submitted that the third respondent without considering the valid grounds and reasons stated in the appeal properly, rejected it vide the Anenxur.A31 appellate order dated 15.2.05.

7 The challenge in this OA is against the aforesaid Annexure.A1, Annexure.A3, Annexure.A5, Annexure.A27, Annexure.A9 and Annexure A 31 orders on the grounds that the order of removal passed by the disciplinary authority was without any reasonable basis and on misconception of facts; the charges levelled against him do not constitute misconduct and the alleged violation of Rule 17 of the P&T ED Agents (Conduct and Service) Rules, 1964 and Rules, 10, 73 and 115 of the "Rules for Branch Offices" has no factual or legal basis; the inquiry proceedings were vitiated by non-observance of the principles of natural justice and failure to afford reasonable opportunity as contemplated by Article 311(2) of the

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Constitution of India; the inquiry officer has declined supply of copies of the documents sought for by him in Annexure A.9 and A.19 on the ground of public interest; the inquiry was not conducted in a fair and just manner and the Applicant was denied reasonable opportunity to establish his innocence and the inquiry officer has entered the findings that the applicant was guilty of the charges on the basis of the written brief submitted by the Presenting Officer before considering the written brief submitted by the applicant and without considering the evidence adduced on behalf of the applicant during the inquiry. He claimed that PW1, the Branch Post Master, Thayyeni Branch Post Office had admitted during the inquiry that the Money Orders payable to Kaveri D/o Chankranthi, Eledath, Kundaram, PO Thayyeni were paid to Kaveri S/o Chankranthi Eledath, Kundaram, PO Thayyeni and on being satisfied that the Money Orders were intended to be paid to Kaveri S/o Chankranthi and in view of the above admission, the applicant ought not have been found guilty of the charges. He has also submitted that the Ext.P14 letter was taken from him under duress and coercion. The Inquiry Officer has brushed aside the evidence given by DW2 and DW3 who signed the Money Order forms as witnesses for payment made by the Applicant. The Inquiry Officer has also not appreciated the evidence adduced by PW3 who was quite consistent that the Money Orders in question were received by him. The misconduct alleged against the applicant was that of technical character and he made payment of the Money

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Orders in question to the right person and those money orders were in fact intended to be paid to him.


8 The Applicant has also relied upon the judgment of the Hon'ble Supreme Court in **Colour Chem Ltd. Vs. A.L. Alas Purkar and others reported in (1998) 3 SCC 192** in support of his submission that the extreme penalty of removal from service has been imposed on the applicant which is grossly disproportionate in the light of the nature of the misconduct alleged against him. He has submitted that the disciplinary authority did not properly consider the evidence in the inquiry and wrongly agreed with the findings of the inquiry officer and the appellate authority did not consider whether the inquiry was held in accordance with the rules and according to the rules of principles of natural justice.

9 The Respondents have filed their reply. They have denied the allegation of the Applicant that the inquiry proceedings held in the matter were without any reasonable basis or on the basis of misapprehension of facts. The entire proceedings were conducted strictly in conformity of the provisions contained in P&T ED Agents (Conduct & Service) Rules, 1964. The oral and documentary evidences produced before the Inquiring Authority proved that the applicant had violated the Rules cited in the two Articles of Charges levelled against him. The applicant by his proved misconduct and irresponsible action has tarnished the good image of the Department. Since the charge levelled against the applicant have been proved

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and they are of very serious nature, the 1st respondent did not find any reason to take a lenient view and accordingly awarded the stringent punishment of Removal from service with immediate effect. The Appellate Authority, after careful consideration of the entire case, rejected the appeal as it was devoid of any merit.

10 The Respondents have further submitted that if the name of the payee ie., Kaveri, D/o Chankranti was not available, the EDDA was bound to return the Money Orders as not payable ones. The Respondents have also denied the contention of the Applicant that both the Money Orders were correctly paid by him to the person whom they were intended, ie., Kaveri S/o Chankranti. They have also submitted that the Applicant has credited Rs. 900/-, the value of the two money orders which were not paid by him to the really intended payee which shows that the Money Orders were not paid to intended person as he claimed. They have contended that the entire proceedings were held strictly in conformity with the provisions contained in the relevant rules. Before the Annexure.A.29 order of removal was imposed on the applicant, it was preceded by a validly held inquiry observing the principles of natural justice and affording reasonable opportunity to him as contemplated in Article 311 of the Constitution of India. The Inquiry Authority has entered the finding that the Applicant was guilty of the charges on the basis of oral and documentary evidence adduced during the inquiry. There was no complaint of bias against the Inquiry Authority at any stage. They



have submitted that the orders of the Disciplinary Authority and the Appellate Authority were issued after following the provisions contained in P&T E.D. Agents (Conduct & Service) Rules, 1964 and considering the gravity of the offence committed by the Applicant.

12 We have heard Shri Antony Mukkath, Counsel for the applicant and Shri TPM Ibrahim Khan, SCGSC appearing for Respondents 1,3&5. We have also perused the documents made available in the case file. The charge in nutshell against the applicant was that he has misappropriated two Money Orders worth Rs. 900/- payable to one Kavery D/o Chankranthi. The Applicant's contention was that there was no person with the description as Kavery D/o Chankranthi. The Respondents say that PW2, Sri K. Krishnan Nair, Mail Overseer II Payyannur Sub Division had made enquiry regarding payment of Money Orders to Kavery. His inquiry revealed that there was no person with the name of Kaveri D/o Chankranthi but there was one Kaveri S/o Chankranthi. He had applied for agricultural labourer's pension but the same was not received by him so far. When PW4 Shri K. Krishnan Nair asked the Applicant about this during the preliminary inquiry, he told him that he had paid the Money Order to Kaveri, S/o one Manikkan and not to Kaveri S/o Chankranthi. When he was asked to show Kaveri S/o Manikkan, the applicant promised to do so but he never did so in spite of repeated asking. Shri K. Krishnan Nair, therefore, made independent enquiries from the local people and found that there was no such person, namely,

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Kaveri S/o Manikkan.

11 We have perused the inquiry report with particular care to find out the veracity of the submissions of the Applicant and the Respondents. It is seen that the findings of the Inquiry Officer was based on the evidence adduced during the inquiry proceedings. The PW1 has deposed that there was no person named Kaveri D/o Chankranthi. Shri Kaveri S/o Chankranthi has appeared and deposed that he had not received the Pension Money Order. The Applicant himself has credited Rs. 900/- being the value of the two Money Orders with the Department. The Inquiry Officer has come to the conclusion that the charges are proved after evaluating all the evidences before him. It is worth extracting the relevant concluding part of the said report which is as under:

"The very essence of the first charge is that the charged ED Agent Shri M.L.Mathew while functioning as EDDA Thayyeni BO failed to return the unclaimed MO No.3576/257 dated 9.3.98 for Rs. 600/- of Cherupuzha PO, payable to Kavery D/o Chankranthi, Eledath, Kundaram PO, Thayyeni entrusted to him for payment on 13.3.98 duly entered in the BO journal, but rendered the returns showing the said MO as paid on 1 3.3.98 without making entry of payment in the postman book and utilized the money for his personal use. As per the second article the charge levelled against the CEDA is that he (CEDA) failed to return the unclaimed MO No.4245/53 dated 28.8.98 for Rs. 300/- of Chittarikkal PO payable to Kavery D.o Chankranthi, Eledath Kundaram, PO Thayyeni entrusted to him for payment on 3.9.98 duly entered in the BO journal but rendered the returns showing the said MO as paid on 3.9.98 without making entry of payment in the postman book and utilized the money for his personal use. Receipt of the said M.Os at Thayyeni BO and their entrustment with cash with the CEDA have been evidently established by



the depositions of PW.1 dated 26.7.2000 before me and by the documents Exbt.P2,P4,P3 and P6. PW1 in his depositions dated 26.7.2000 before me admitted the authenticity of the versions contained in Exbt.P1 and has identified Exts.P1 to P9. Signature of the CEDA appearing on Exbts.P2 and P3 in the space provided for "Signature of the Paying Official" were also identified by PW1. PW1 deposed before me that Exbt.P2 was entrusted to the CEDA on 13.3.98 making entries on Exbt.P4 and Exbt.P2 was returned as paid on 13.3.98 duly entered in ExtP8 in his own hand. PW1 further added that Ext.P3 was entrusted to the CEDA on 3.9.98 duly entered in P6 and was returned by the CEDA treating as paid on 3.9.98 without making any entry in P9. PW1 also deposed before me that there is no addressee in the name of Kaveri D/o Chankranthi, Eledath Kundaram residing within the delivery area of Thayyeni BO. PW2 has identified Exbt.P10 and P11 and has deposed before me on 27.7.2000 that he has issued Exbt.P11 in response to the entrustment of Rs. 900/- along with Exbt. P10 to him by the CEDA. PW3 was examined on 23.8.2000 and has identified Ext.P12 and admitted it as correct. PW4 has identified Ext.P12 and admitted before me as recorded from PW3 and deposed that during his inquiries he came to understand that there was nobody in the name Kaveri D/o Chankranthi Eledath Kundaram PO, Thayyeni. He further added that Sri Kaveri S/o Chankranthi, Eledath, Kundaram stated before him (PW4) that pension money orders were not received by him.

During the examination of PW5 on 11.10.2000 he deposed before me that he had questioned PW3 by showing Ext.P2 and P3 and those were said to be not paid to PW3 who had also disowned the LTM appearing in Exbts.P2 and P3. Ext.P13 and P.14 were also identified by PW5 before me. He further deposed that his inquiries revealed that there is no person in the name Kaveri D/o Chankranthi, Eledath Kundaram within the delivery area of Thayyeni BO and hence he had contacted the Village Officer, Palavayal who issued P.15. PW6 has identified ExtP15 and has admitted its authenticity before me.

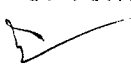
DW1 deposed before me that he came to know about the misappropriation of cash by the CEDA to the payable to different payees of money orders including

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PW3. He further added that the amount of Rs.900/- being the value of Ext.P2 and P3 was subsequently credited by the CEDA at Cherupuzha SO account voluntarily. DW2 deposed before me that there is variation in his signature appearing in Ext.P2 and that in the RL acknowledgment sent by me calling his presence before the Inquiry. DW3, when cross examined by PO, has deposed before me that his current name appearing in his Ration Card,SSLC Book etc. is Joseph Thomas and not Angels C Thomas but he has appeared before me as "Angels C Thomas". He also admitted before me that there is variation in his signatures appearing in Ext.P3 and that in the RL acknowledgment sent by me in connection with his examination as DW. The CEDA, as per his request, was examined as a defence witness and has identified Ext.P2 and P3 and admitted their entrustment to him by BPM Thayyeni for payment. He deposed before me, when cross examined by PO,that Ext.P2 and P3 were not paid by him to the correct payee and admitted that Exts.P10, P13 and P14 were written in his own hand.

Evaluating all those evidence before me in a realistic and rational manner, I feel that the documentary as well as oral evidences adduced before me during the course of the Inquiry by Exts.P1 to P15 and by PW1 to PW6 & DW 1 to dW3 are sufficient and substantial enough to prove the charges framed under Articles I and II. Accordingly I hold the charges contained as Articles I and Article II in Annexure.I of the charge sheet issued to Shri M.L.Mathew,EDDA, Thayyeni BO (under put-off duty) vide Memo No.P17/98-99 dated 17.1.2000 of ASP Kannur Dn (Ad hoc appointing authority) as PROVED."

12 We do not find any merit in the argument of the Applicant's counsel that the impugned orders Annexure.A1,A3,A5,A.27, A.29 and A31 orders are illegal, arbitrary, discriminatory and the disciplinary proceedings initiated which culminated in the imposition of the major penalty of removal from service are without any reasonable basis and



on misconstruction of facts. We also do not find any merit in the contention of the Applicant that the Disciplinary authority has not properly consider the evidence before the penalty was imposed upon him. Similar allegation against the Appellate Authority that he did not consider the appeal as required under the rule is also to be rejected. The final argument of the Applicant's counsel that the order of removal from service is excessive and is disproportionate to gravity of offence committed also cannot found favour in the facts and circumstances of the case and also in view of settled law as laid down by the Apex Court in its various judgments.

13 The Applicant's contention that the charges levelled against him do not constitute 'misconduct' has no merit. It is not his case that his action was mere error of judgment, conclusions or negligence in the performance of duty. In **State of Punjab Vs. Ram Singh, Ex Constable (1992) 4 SCC 64: AIR 1992 SC 2188**, the Apex Court held as under:

"Thus it could be seen that the word 'misconduct' though not capable of precise definition, its reflection receive its connotation from the context, the delinquency in its performance and its effect on the discipline and the nature of the duty. It may involve moral turpitude, it must be improper or wrong behaviour; unlawful behaviour, wilful in character; forbidden act, a transgression of established and definite rule of action or code of conduct but not mere error of judgment, carelessness or negligence in performance of the duty; the act complained of bears forbidden quality or character. Its ambit has to be construed with reference to the subject matter and the context wherein the term occurs, regard being had to the scope of the statute and the public purpose it seeks to serve. The

police service is a disciplined service and it requires to maintain strict discipline. Laxity in this behalf erodes discipline in the service causing serious effect in the maintenance of law and order."

14 Similar is the case in hand. The Postman is one official of the Government of India who is available in every nook and corner of the country. His arrival is keenly awaited by every household. He is so important to all people, particularly in the rural areas as he is one who actually delivers the money which one has been waiting for. If the Postman misappropriate the Money Orders, the public will lose confidence in the postal delivery system itself.

15 Again in **Beldev Singh Gandhi Vs. State of Punjab and others, 2002(3) SCC 667**, the Apex Court has held as follows:

"Misconduct" has not been defined in the Act. The word 'misconduct' is antithesis of the word 'conduct'. Thus, ordinarily the expression 'misconduct' means wrong or improper conduct, unlawful behaviour, misfeasance, wrong conduct, misdemeanor etc. There being different meanings of the expression 'misconduct', we, therefore, have to construe the expression 'misconduct' with reference to the subject and the context wherein the said expression occurs, regard being had to the aims and objects of the statute. The appellant herein is an elected Municipal Councillor to a democratic institution i.e., local body. The aim and object of the Act is to make better provisions for administration of municipalities. The municipality is a democratic institution of self-governance consisting of local people, for the local people and by the local people. The prime object of the local body is to serve the local people and to provide amenities and service to the people residing within the municipality."

16 It is well settled principle of law that strict rules of evidence are not applicable in departmental inquiry proceedings. Only

requirement is that the allegations should be established during the inquiry. The contention of the Applicant that the principles of natural justice has not been observed by the Inquiry Officer, Disciplinary Authority and Appellate Authority are baseless and it is rejected. There is enough evidence to support the findings of the Inquiry Officer. In **Bank of India and another Vs. Degala Suryanarayana (JT 1999(4) SC 489)** the Apex court has held as under:

"11 Strict rules of evidence are not applicable to departmental inquiry proceedings. The only requirement of law is that the allegation against the delinquent officer must be established by such evidences acting upon which a reasonable person acting reasonably and with objectivity may arrive at a finding upholding the gravamen of the charge against the delinquent officer,. Mere conjecture or surmises cannot sustain the finding of guilt even in departmental inquiry proceedings. The court exercising the jurisdiction of judicial review would not interfere with the findings of fact arrived at in the departmental inquiry proceedings excepting in a case of malafides or perversity ie., where there is no evidence to support a finding or where a finding is such that no man acting reasonably and with objectivity could have arrived at that finding. The court cannot embark upon re-appreciating the evidence or weighing the same like an appellate authority. So long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained. In *Union of India V. HC Goel 1964(4) SCR 718* the Constitution Bench has held:-

"The High Court can and must inquire whether there is any evidence at all in support of the impugned conclusion,. In other words, if the whole of the evidence led in the inquiry is accepted as true, does the conclusion follow that the charge in

question is proved against the respondent? This approach will avoid weighing the evidence. It will take the evidence as it stands and only examine whether on that evidence legally the impugned conclusion follows or not."

17 As regards the question of quantum of punishment and the proportionality of punishment the Apex Court has held in a catena of cases that the courts and tribunals may not interfere in disciplinary proceedings unless the punishment is wholly disproportionate to the proved misconduct. The judgment rendered by the Apex Court in *State of Orissa Vs. Bidya Bhushan Mohapatra*, AIR 1963 SC 779, *Union of India Vs. Sunder Bahadur*, 1972(2) SCR 218, *Shri Bhagat Ram Vs. State of H.P.*, 1983(1) SLR 626, *B.C. Chaturvedi Vs. Union of India and others*, JT 1995(8) SC 65, *Union of India and another Vs. G. Ganayutham*, JT 1997(7) SC 572, *Indian Oil corporation Ltd. Vs. Ashok Kumar Arora*, JT 1997 (2) SC 367, *Om Kumar and others Vs. Union of India*, 2001(2) SCC 386, *Regional Manager, UPSRTC, Etawah and others Vs. Hoti Lal and another*. JT 2003(2) SC 27 etc., are only some of them which can be cited.

18 The allegation against the Applicant in the charge was misappropriation of money meant for a poor Adivasi farmer which has been proved in the inquiry. In such cases there is no scope for any sympathy or for reducing the punishment. The

Apex Court in **Regional Manager, UPSRTC , Etawah and others Vs. Hoti Lal and another**, JT 2003(2) SC 27 held as under:

"It is not only the amount involved but the mental set up, the type of duty performed and similar relevant circumstances which go into the decision-making process while considering whether the punishment is proportionate or disproportionate. If the charged employee holds a position of trust where honesty and integrity are inbuilt requirements of functioning, it would not be proper to deal with the matter leniently. Misconduct in such cases has to be dealt with iron hands. Where the person deals with public money or is engaged in financial transactions or acts in a fiduciary capacity, highest degree of integrity and trustworthiness is must and unexceptionable."

19 Resultantly the OA is dismissed. There is no order as to costs.

Dated this the 14th day of February, 2006


GEORGE PARACKEN
JUDICIAL MEMBER
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SATHI NAIR
VICE CHAIRMAN