

Central Administrative tribunal

Lucknow Bench

Cause Title TA 141/92 T.L. 1993

the Parties R. P. Tewari, applicant.

vs. M.R.S.U.S.

C. T. & others Respondents

Part A.B.C.

Sl. No.	Description of Documents	Page
	Check List	A 1 to A 4
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B- File

Petition/Annexure/M.P. B 52 to B 61
c. 4) Power

C- File

B 62 to

7/11/88

Reduction in grade

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 1224 of 1988

APPLICANT (s) Ram Pratap T. Wani

RESPONDENT(s) Union of India through Sr. Subdt

.... Post offices Faizabad and another

Particulars to be examined

Endorsement as to result of Examination

- | | |
|---|---------------------------|
| 1. Is the appeal competent ? | yes |
| 2. (a) Is the application in the prescribed form ? | yes |
| (b) Is the application in paper-book form ? | yes |
| (c) Have six complete sets of the application been filed ? | Four sets have been filed |
| 3. (a) Is the appeal in time ? | yes |
| (b) If not, by how many days it is beyond time ? | — |
| (c) Has sufficient cause for not making the application in time, been filed ? | — |
| 4. Has the document of authorisation/Vakalat-nama been filed ? | yes |
| 5. Is the application accompanied by B.D./Postal-Order for Rs. 50/- | yes |
| 6. Has the certified copy/copies of the order (s) against which the application is made been filed ? | yes |
| 7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? | yes |
| (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? | Attested by Advocate |

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ?

~~yes~~ Photo stat copies have been filed.

yes

yes

8. Has the index of documents been filed and paging done properly ?

no

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ?

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ?

11. Are the application/duplicate copy/spare copies signed ?

yes

12. Are extra copies of the application with Annexures filed ?

(a) Identical with the original ?

yes

(b) Defective ?

no

(c) Wanting in Annexures

no

Nos...../Pages Nos.....?

13. Have file size envelopes bearing full addresses, of the respondents been filed ?

no

14. Are the given addresses, the registered addresses ?

yes

15. Do the names of the parties stated in the copies tally with those indicated in the application ?

yes

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?

NA

17. Are the facts of the case mentioned in item No. 6 of the application ?

no

(a) Concise ?

no

(b) Under distinct heads ?

yes

(c) Numbered consecutively ?

yes

(d) Typed in double space on one side of the paper ?

yes

18. Have the particulars for interim order prayed for indicated with reasons ?

no

19. Whether all the remedies have been exhausted.

yes
may be listed on 7/11/88
Mahomed Aslam

26/10/88

Registrar
31/X/88

(A)

ONE SHOT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

..... Reg. No. 1224..... of 1988

..... R.P. Tiwari vs. C.O.T. & Ors.

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
①	15-11-88	<p><u>C.R.</u></p> <p>Notices issued to all the respondents for filing reply fixing 7-12-88.</p> <p><u>Ras</u> 15-11-88</p>	
②	10-1-89	<p><u>C.R.</u></p> <p>Adjourned to 17-1-89 10-1-89</p>	
③	11-1-89	<p><u>C.R.</u></p> <p>Adjourned to 16-1-89 & Int. T.M. 2nd & 3rd stage 11-1-89</p>	
④	16-1-89	<p>No sitting adj. to 27/2 29/2 & 3rd stage</p> <p>Hon. D.S. Mishra A.M.</p>	B
⑤	27.2.89	<p>Hon. G.S. Sharma - J.M.</p> <p>On the request of applicants' - counsel Sri R.K. Tiwari the case is adjourned to 17.4.89 for orders.</p> <p>J.M. A.M.</p>	B

(3) (4)

Am

13990 DR

Despite of sufficient opportunity
and several time granted, rejoinder
not filed. List the case before court
for orders on 29-10-90.

DR(T)

29/10/90

Hon. A.A. Bhattacharyya, J.M
Hon. K. Chatterjee, A.M

OR
Q.A. not
filed till
date. However
as per orders
it is listed
before the
Hon'ble Court
for 29.10.90

Q.E.
26/10/90

OR
As per orders
of the Court,
the case is
put up before
the Court for
4.2.91 for orders

Q.E.
17.

As neither party nor any
counsel is present due to the
resolution of strike banked by
C.A.T. Bar Association the case is adjm
to 4/12/91 for orders.

Mr. Malleru
J.M. 24-10-90

Hon'ble Mr. D.K. Agrawal, J.M.
Hon'ble Mr. A.B. Gorthi, A.M.

4.2.1991

This is a petition filed in the year 1988.
Rejoinder Affidavit has not been filed. Keep
it in sine die list for listing it for hearing
according to its serial number.

De

The case relates to territorial jurisdiction of
Sarkar Bench since it is being transferred to Sub
Bench via (s) V.C. order dttd. 18/12/91 ^{as per order} 23/12/91

T.A. 114/92 T.L
A.S

29-7-92
D.R.

This case has been received
after transfer to this
Bench from C.A.T. Add.
Register the case at T.A.

Issue notice to d.l.d. counsel
for both the parties
for filing Rejoinder

On 29/7/92

✓

29-7-92

D.R.

Both the parties are absent.
Applicant is directed to file
rejoinder by 28-9-92 &
place the file
before the hearing
Bench for P.H.

✓

28-9-92

No sitting of D.R. Adj'd to

23-11-92

✓

23-11-92

Case not ready
to 14-1-93

✓

14-1-93

No hearing of D.R. adj'd
to 10-1-93

✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH) ALLAHABAD.

T.A.No.114/92(TL)

D.A.No.1224/88
OF 199

T.A.No.

Date of decision: 2/2/93

R.P.Tiwari Petitioner

R.K.Tiwari Advocate for the petitioner.

Versus

U.O.I. & Others Respondents.

N.B. Singh Advocates for the Respondent(s).

CORAM :-

The Hon'ble Mr. Justice U.C.Srivastava, V.C.

The Hon'ble Mr. K.Obayya, A.M

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?

NAQVI/

Signature

(A6)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

T.A.No.114/92(TL)

D.A.No.1224/88

R.P. Tiwari : : : : : Applicant

vs.

Union of India & : : : : : Respondents.
Others

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, A.M.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was working as Postal Overseer, Bikapur, District Faizabad, was served with a memo. dated 7/8/86. The charges against the applicant was that he did not give prescribed receipts to the depositors and did not take receipts while making delivery of the Pass Book and did not tally the balance and he failed to make any report regarding the difference in the balance and did not submit Pass Book for passing entry of interest.

The applicant denied the charges. Enquiry Officer was appointed and he submitted his report. The disciplinary authorities disagreed with the finding of the enquiry officer and exonerated the applicant and awarded compulsory

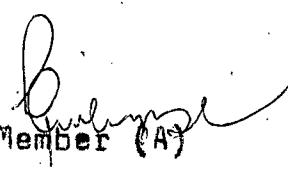
retirement wide order dated 24/9/87. The applicant filed an appeal to the Director of Postal Services.

The appeal was partly allowed and reduced the punishment by reducing his pay by 3 stages from Rs.284/- to Rs.266/- in the pre-revised time scale of Rs.250-350/- for a period of 6 months. The applicant has now challenged the punishment order by which his pay has been reduced as mentioned above.

2. The punishment order was passed after holding enquiry and the disciplinary authorities came to the conclusion that the charges against the applicant were proved. Though the disciplinary authorities awarded punishment of compulsory retirement, the appellate

authorities took a lenient view and reduced the pay of the applicant as mentioned above.

3. According to the applicant, there was some conspiracy against him and the amount was mis-appropriated by some one i.e. one Shri Remeshanker Pandey, who has once been prosecuted in criminal case. It may be so, but the applicant has not been charged with any mis-appropriation, but due to his failure to perform his duties this punishment was given to him. The appellate authorities took a lenient view and have reduced the punishment. We have no power to reduce the punishment any further. This is not a case in which no guilt has been proved against the applicant. Accordingly the application deserves to be dismissed and it is dismissed without any order as to the costs.


Member (A)


Vice-Chairman

Dated: 2nd February, 1993, Lucknow.

(tgk)

(A6)

Application U/S 19 of Administrative Tribunal Act, 1985

Filed on 24-10-1988

Regn. No. 1224 / of 1988

Signature Of Registrar

In The Central Administrative Tribunal, Allahabad-1

Between

Ram Pratap Tewari Applicant

A N D

(1) Sr. Supdt. Posts Faizabad I

I Respondents

(2) D.P.S. Lucknow I

(3) Union of India through the Secretary M.O.C.
L.W.D. New Delhi As per Court's order 19/1/90

Sl. No.	Annexure Marked	Date of Documents	Particulars of Documents	Page No.
1	-	24-10-88	Application	2 to 8
2	A-1	07-8-86	Memo of Charges	9 to 11
3	A-2	28-8-87	Enquiry Report	12 to 21
4	A-3	24-9-87	Punishment Order	22 to 28
5	A-4	3-10-87	Appeal	29 & 30
6	A-5	3-5-88	Appellate Order	31 to 33

R. K. Tewari

R. K. TEWARI

Advocate

154, Purushottam Nagar

(Khanpur)

Allahabad-16

21/1/90

(A)
Case No. 34 of 1982
Administrative Tribunal
Address: Bench A, Lucknow
Date: 24/9/87
Dated: 24/9/87
By Post - 2 - By Registrar
Details of Application

Filed to
Date of
Notified

Rishawar
24/9/88

1- Particulars of the Applicant :-

- (i) Name of the Applicant RAM PRATAP TEWARI
(ii) Father's Name Shri S.P. Tewari
(iii) Designation & Postal Overseer Bikapur, Faizabad
Office in which employed
(iv) Office Address - ditto-
(v) Address for service Fatehganj, Faizabad
of all notices

2- Particulars of the Respondents :-

- (i) Name &/Or Designation (1) Sr. Supdt. Posts Faizabad
(ii) Official Address (2) D.P.S. Lucknow
(3) Union of India through Secretary
Ministry of Communications,
New Delhi - As per Govt
Order of 19/1/88

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

- (i) Order No. F 1/1/82-83 RDL/APP-37/83/13
(ii) Date 24-9-87 At Pp 22-28 } 3-5-88 } at Regus
(iii) Passed by Sr. Supdt. Posts D.P.S. Lucknow } 31 to 33
Faizabad
(iv) Subject in brief Punishment of compulsory Retirement was modified
to Reduction in the Grade by three steps by the
Appellate Authority.

4- Jurisdiction of the Tribunal

The applicant declares that the subject matter of the order against which he wants redressal is within the Jurisdiction of the Tribunal.

5- Limitation

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

6- Facts of the case

The facts of the case are given below :-

Rishawar

24/9/88

(i) The applicant was served with a Memo. of charges on 7.8.86 by the learned Senior Superintendent Post Offices, Faizabad (Respondent No.1) vide his Memo No.F1/1/82-83 dated 7.8.86 at Annexure A-1 on

R₁ pages 9 to 11. He denied the charges as such an enquiry officer was deputed to hold the enquiry and his enquiry report dated 28.8.87 is appended here-

R₂ with as Annexure A-2 on pages 12 to 21. Disagruing with the findings of the enquiry officer the respondent No.1 awarded the applicant the punishment of compulsory retirement vide his memo No.F1/1/82-83 dated

R₂ 24.9.87 at Annexure A-3 on pages 22 to 28. The applicant preferred an appeal to D.P.S. Lucknow (Respondent No.2) on 3.10.87 vide copy at Annexure A-4 on

R₂ pages 29 to 30. The learned respondent No.2 partially allowed the appeal vide his Memo. No.R.D.L/App-37/88/

R₂ 13 dated 3.5.88 vide Annexure A-5 on pages 31 to 33. As the learned appellate authority (respondent No.2) has not done full justice to the applicant, he is submitting this application before the Hon'ble Tribunal.

(ii) The short history of the case is that the applicant was promoted from the post of a postman to that of an overseer in 1978 and was posted as the overseer Bilkapur. One Branch Post Office named Sarai Bhanauli lay in his jurisdiction. Shri Ram Shanker Pandey was its Branch ~~Postmaster~~ Postmaster, who was having cordial relations with the concerned Sub-

R. J. Tewari

TM 4/11/10

4

Divisional Inspector (Posts) Bikapur Shri Ram Deo Ram and as such he was habitual of retaining cash much more than his liabilities. These facts were brought to the notice of the S.D.I.(P) Bikapur by the applicant but unfortunately the former took no notice of the same rather he felt some what annoyed with the applicant. This gave much encouragement to the Branch Postmaster Sarai Bhanauli to go on acting against the rule. One day the Assistant Superintendent Post Offices Faizabad visited and checked the accounts of Sarai Bhanauli and found serious lapses and embezzlements. Accordingly Shri Rama Shanker Pandey the Branch Postmaster was put off duty from 29.4.82 and the applicant was ordered to take over charge of Sarai Bhanauli B.O. The learned S.D.I. (Posts) felt it very seriously and openly told the applicant that that was all done by him and that the S.D.I.(P) would teach him (applicant) a lesson. Soon thereafter Shri Munni Lal Kureel took over as Senior Superintendent Posts Faizabad in 1983 and through him Shri Ram Deo Ram S.D.I. (Posts) Bikapur could manage to get the applicant placed under suspension without any rhyme or reason. The applicant continued to be under suspension without any charge sheet served to him..Until at last at the intervention of the learned D.P.S. Lucknow the charge sheet dated 7.8.86 was issued and the enquiry too was somehow or the other completed within 12 months & 20 days

(iii) Suppose for argument sake all the three

R. Sh. Deo Ram

2114

charges are accepted as fully established, even then the charges being of the nature of clerical omission involving absolutely no moral turpitude or no ulterior motive, the award of punishment of compulsory retirement is not at all warranted. This is what the Hon'ble High Court of Allahabad have held (in A.I.R. 1960 Allahabad page 543) as reproduced below.

"Para 5- There is another vital defect in the proceeding taken against the respondent. The charge against him was not that he ~~attempted~~ the entry (he admitted this) but that he had done it with ulterior motive, He should be told what precisely is the motive attributed to him otherwise he would not be in a position to ~~refute~~ the accusation. Thus the charge in this case is vitiated by ~~xx~~ a vagueness and this defect too renders the punishment imposed on him illegal".

(iv) The learned appellate authority has fully appreciated the arguments in para 4(1) of the appellate order which reads thus.

(i) That the memo of charges does not contain any allegation which may in fact render the integrity of the appellant doubtful. His failure to follow the provisions of rule 141(1)(2) of Book of B.O. rules even if proved beyond doubt may at the most be treated as his failure to maintain devotion to duty but cannot be said to be a sufficient reason

R. S. Sehgal

21st Jan 1960

to doubt his integrity unless it is proved that the

~~R~~ ~~xxx~~ appellant had some ulterior motive behind such

~~R~~ ~~xx~~ action and unless he has been given an opportunity to explain his conduct".

Not with standing these facts the respondent No 12 has reduced the punishment of compulsory retirement into that of reduction by 3 stages in the time-scale.

Here again the award of a major punishment for an admitted clerical omission is still unwarrented.

~~R~~ (v) ~~will~~ A minute perusal of the appellate order ~~will~~ show that the learned appellate authority was in the mood of awarding the punishment of 'censure' alone which he has done in a number of similar cases but here he could not help ordering that , because of the fact that had the applicant been let off with the award of a minor punishment, under the existing rules he would have automatically become entitled to get the whole of his suspension period of about 3½ years treated as duty and thereby a considerable amount of arrear pay would have become payable to him. But the honourable tribunal while administering justice has no secondary considerations before it. After all the suspension was illegal and it deserves to ~~be~~ treated as duty.

7. Reliefs sought for:

The applicant prays for the grant of

214410

7. Reliefs sought for:

The applicant prays for the grant of the following reliefs:

- (i) That the punishment order dated 24.9.87 at pages 22 to 28 may kindly altogether be set aside.
- (ii) Para No.5 of the appellate order dated 3.5.88 at Annexure A-5 on pages 31 to 33 may very kindly be amended as the Hon'ble Tribunal feels it proper to do. The applicant, however, prays that the punishment of reduction in the time scale by 3 stages may be amended to 'Censure' with the grant of all consequential benefits arising thereto.
- (iii) He may be allowed the cost of this suit.

R. K. Devaraj

21/9/1988

A13

8- Interim order, if prayed for— NIL

9- Details of the remedies exhausted

The applicant declares that he has availed of all the remedies available to him under relevant service rules— He preferred an appeal on 31/10/83 to the DPS

Lucknow who allowed the same partially with orders dated 3-5-88 at pages 31 to 33.

As the DPS Lucknow has not done full justice to the applicant he is submitting this application

10- Matter not pending with any other court etc. :-

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

11- Particulars of the Postal Order in respect of the application see :-

(i) No. of I. P. O. DD 630152

(ii) Name of Issuing P. O. Allahabad H.P.O.

(iii) Date 12-10-1988

(iv) P. O. at which payable Allahabad H. P. O.

12- Index— An Index of the documents to be relied upon is enclosed with each copy of this application

13- List of enclosures :-

(i) Vakalatnama

(ii) one I. P. O. for Rs. 50/-

(iii) Five documents to be relied upon

In Verification

I, Ram Pratap Tewari S/O Shri S.P. Tewari

aged 50

years R/O Fatehganj, Faizabad

and working as Overseer Bikafor do hereby

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

Place— Allahabad

Date 24/10/1988

To

The Registrar, Central Administrative Tribunal,

Allahabad—211001

Ram Pratap Tewari

Signature of applicant

R. K. Tewari
R. K. TEWARI
Advocate

154, Purshottam Nagar
(Kbulabab)
Allahabad-16

- 9 - (A14)

Annexure A-1
S/Sports Faizabad Memo No F/1/182-83du 7/8/86

ANNEXURE - I

Statement of articles of charge framed against Shri Ram Pratap Tewari, Line O/S Bikapur (U/S).

Article I

That the said Shri Ram Pratap Tewari Line O/S Bikapur (U/S) while functioning as BPK Sarai Bhanauli (Bikapur) on 10.5.82 has taken the pass book S.B.

A/C no. 327857 from the depositor for posing of interest but the said Shri Ram Pratap Tewari alleged:-

(A) Did not grant prescribed receipt (SB 28) to the depositor violated rules 141(1)(2) of B.O. rules 1964 and rule 3(1)(i) of CCS conduct rules 1964.

(b) Did not take back the receipt granted in manuscript while making delivery of the pass book to the depositor violated rules 141(5) of BO rules 1964 and 3(1)(ii) of CCS Conduct rules 1964.

(c) Did not tally balance with B.O.S.B. journal and failed to make any report regarding difference in balance of the pass book violated rule 3(1)(i) of CCS conduct rules 1964.

(D) Did not submit the pass book to A.O. for posting interest violated rule 141 of BO rules 1964 and rules 3(1)(i) of CCS conduct rules 1964.

15/10/1986
Sr. Super. of Post Offices
Faizabad Division
Faizabad-224001

Post
15/10/1986

RECORDED
RW/

21/10/1986

ANNEXURE - II

Statement of imputation of misconduct or misbehaviour
in support of article of charge found against Shri
Ram Pratap Tewari O/S Bikapur.

.....

ARTICLE - I

- (A) That the said Shri Ram Pratap Tewari line O/S
Bikapur (U/S) while working as ~~ED BPM~~ Sarai Bhanauli
on 10.5.82 has taken pass book SB a/c no. 327857 from
the depositor and granted a receipt dated 10.5.82
showing balance Rs. 16052- 25 (Sixteen thousand fifty
two paisa twenty five only) on the plain paper but he
failed to grant prescribed receipt on SB-28 as required
under rules 141(1)(2) of BO rules 1964 and failed to
maintain devotion to his duty as required under rule
3(1)(1) of CCS Conduct Rules 1964 (1)
- (B) That the said Shri Ram Pratap Tewari line O/S
Bikapur (U/S) while working as ~~ED BPM~~ Sarai Bhanauli
on 10.5.82 has taken the pass book SB A/C no. 327857
from the depositor on 10.5.82 and arranged delivery of
said pass book to depositor after 10 or 12 days but he
failed to take back the receipt granted in manuscript
on 10.5.82 from the depositor as required under rules
141(5) of BO rules 1964 and failed to maintain absolute
devotion to his duty as required under rule 3(1)(1) of
CCS Conduct Rules 1964.
- (C) That the said Shri Ram Pratap Tewari Line O/S
Bikapur (U/S) while working as ~~ED BPM~~ Sarai Bhanauli on
10.5.82 granted a receipt dated 10.5.82 in favour of
SB A/C no. 327857 showing balance Rs. 16052- 25 (sixteen
thousand fifty two paisa only) but the B.O. S.B. journal
shows the balance Rs. 12052- 25 of said account. Shri
Tewari failed to tally balance with B.O. S.B. journal
and also failed to make any report regarding difference
in balance of the pass book. Thus Shri Tewari has failed
to maintain absolute devotion to his duty as required
under rule 3(1)(1) of CCS Conduct Rules 1964 (2)

concd. on 2

21/4/1980

ANNEXURE - III

List of documents by which the articles of charge framed against Shri Ram Pratap Tewari Line O/S Bikapur (U/S) are proposed to be sustained.

- 1) Pass book of SB a/c no. 327857 ,
 - 2) Receipt granted on plain paper showing balance Rs. 16052-25 dated 10.5.82 (10.5.82).
 - 3) Statement of Shri Chiru Gupta dated 25.8.82 .
 - 4) B.O. SB journal of B.O. Sarai Bhanauli dated 10.5.82.
 - 5) Statement of Shri Ram Pratap Tewari dated 7.8.82.
- (D) That the said Shri Ram Pratap Tewari Line O/S Bikapur (U/S) while working as EDRPM Sarai Bhanauli on 10.5.82 received the pass book of Sarai Bhanauli SB a/c no. 327857 on 10.5.82 for posting of interest but he failed to submit the pass book to account office violated rules 141 of BO rules 1964 and rules 3(1)(i) (iii). of Ccs Conduct Rules 1964.

Sr. Supdt. of Post Offices
Faizabad Division
Faizabad-224001, U.P.

A.M. Kundi - IV

List of witness by whom the articles of charge framed against Shri Ram Pratap Tewari Line O/S Bikapur (U/S) are proposed to be sustained.

- 1) Shri Chiru Gupta S/O Brij Bhanwadin, M.L. and Post Subdivision Distt. Faizabad Depositor of Sarai Bhanauli SB a/c no. 327857 .
- 2) Shri Ram Deo the then A.P.O. (South) Faizabad .
- 3) Shri Murari Lal the then A.S.P.Os Faizabad Division.

TRUE/COPY

Ram Tewari
(R. M. Tewari)

Sr. Supdt. of Post Offices
Faizabad Division
Faizabad-224001, U.P.

21140416

Annexure A-2

प्रियकल व्यापार निवेदन दाखल
पालक पुस्तकालय
दाखल (पालक) 224122

सेकामे

ਪ੍ਰਵਰ ਅਧੀਸ਼ਕ ਤਾਕ ਘਰ
ਫੰਜਾਵਾਫ਼ ਸੰਡਲ ਫੰਜਾਵਾਫ਼

संदर्भ — मंडलीय नारीसेवा पत्रावली रुप्त- 1/1/82-83

मंडलीय कार्यालय के उपर्युक्त पत्र दिनांक १९.७.८६
 द्वारा अधीक्षण सरकारी की जांच अधिकारी नियुक्त किया गया था
 तथा विभाग की तरफ से मार्गील की प्रस्ताव परिवर्त की तिथि अप्रैल
 सुभाष चन्द्र अधिकारी पर विकास अधिकारी की प्रस्तुत कर्ता
 अधिकारी नियुक्त किया गया था।

करने वाले स्वयं दिया ।
 श्री राम प्राप्ति तिवारी के विठ्ठु निम्नलिखित अंश
 (3) ये- (1) श्री राम प्राप्ति तिवारी लाइन ऑफर स्प्रिंगर वीका और के घट पर कार्य
 कार्यत दुख दिनों का 10.5.82 की वर्तमान दैरेक रपोर्ट सं 327857 के जमा
 करता श्री विर्ज ऊरुपता से उसकी पास मुक्त प्राप्ति 92 के लूप सीट
 कागज पर हस्त लिखित रसीट दिया जिस पर वैलीस 16052/25 लिखा
 उन्हें ग्राम्य डाक पर तिथमाली के नियम 141(1)(2) के प्रावधान के
 अनुसार निष्पत्ति रसीट नहीं दिया ।

(ii) उत्तर अमेरिका प्रताप तिवारी वे दिनों का 10.5-82 की विवरणम् पासबुल सं 327857 को प्राप्त करके 10 पा 12 दिवांग रॉयल्टी वापस दे दिया परन्तु जो रसीद उत्तरीने दिया था, उसे शास्त्रात्मक निपटायली 1964 के नियम 148 (5) के प्राप्तधात के उत्तरांशोंत-दार से वापस नहीं लिया।

(III) उक्त अभि राम प्रताप तिवारी ने दिनों का 10.5.82 को वर्णन करता है कि 327857 रुपये का वार्षिक आय वह उस पर वास्तुका के अनुसार वकाया हुआ 16052/75 लिखा जाता कि आखिर वास्तुका पर वपत दीके जनिये की अनुसार शेष व्यवहार के लिए 12052/75 भा अहोंके वास्तुका के वैलेस की जनिये से नहीं भिलाया जाता वकाया में अन्तर होने की कोई विपरीत नहीं किया। अभि राम प्रताप तिवारी उक्त अन्तर के आखिर का पाल्य सराय भवनों के कार्य भार यहां किये हैं।

उपराहन कृष्ण से श्री राम प्राप्त तिलारी पर
पह आरोप चा कि उक्त नागरिक सेवा (परिषद) निष्पावली १९६४ के लिया है।

(4) उपरोक्त आरोपी के अपने अधिकारों को लैप्पा के विषय 3 (1) (1) का उल्लंघन किया।

निम्नलिखित घारोंमें पर विवेचना की जानी आवश्यक हैः
(के) क्षा दिनोंक 10-5-812 का शास्त्रात्मक पर सराय भवनोंमें

मैं जानौरती रखी द० १७२४) की निर्धारित रखी दूल्हे उपलब्ध भी, किन परिस्थिति लिया मैं अभी राम प्रताप तिवारी के स्वीकार द्वारा इस पास दूल्हे स० ३२७४५७ की हस्तालिखित रखी दूल्हे पापस नहीं लिया तथा वेचते हैं जनरल ईस वकाया सत्यापित न करना दूर ध्याज हेतु अध्यान हाकर पर ते भेज कर १०-१२ दिन तक अपने पास रखा ।

(5) दिनांक 27.11.87 के पश्चात् दिनांक 23.2.87

4.3.87, 18.4.87, 28.4.87, 17.6.87, 18.6.87, 29.6.87, 9.7.87
20.7.87, 27.7.87, 31.7.87 स्वयं 7.8.87 की कार्यवाही संवादी
विठ्ठके की गई। माह मई 1987 में जांच की कोड लिपि नहीं स्थिर
जा सकी क्योंकि प्रस्तुता अधिकारी श्री सुभाष वर्मा श्री काल्पनिका के
पुनर्जन्मयोग्यता स्थापित हुतु ढाक तर प्रशिक्षण के लिए सहायता द्वारा जाना
पड़ा तत्पश्चात मुँह भी 18.5.87 से उपरोक्त प्रशिक्षण में उत्ता
पड़ा था। दिनोंके 22.2.87, 23.2.87 के व्यावस्थाएँ के उपरिक्त
न होने के कारण कोड कार्यवाही न हो सकी। इसी प्रकार 4.3.87
के प्रस्तुता अधिकारी के उपस्थित न होने के कारण कार्यवाही
न हो सकी तथा दिनोंके 18.4.87 के मेडलीव लायिल्य से सुधीरी
वह अभिलेख न प्राप्त होने के कारण जांच कार्यवाही स्थगित
करनी चाही। दिनोंके 23.4.87 के दाखिलापत्र कार्यवाही के
अभिलेखों का उपलेकन कराये जाने की लिपि निकल की गई। प्रकाश
भी परन्तु इस दिन भी अभिलेख उपलेख न हो सके। प्रकाश
के बाद अभिलेखों का उपलेकन दिनोंके 17.6.87 के कराया जासक
तथा 18.6.87 को गवाहों की गतियाँ दाखिलापत्र
कर्मचारी की उपलेक्ष्य कराई गई। व्यावस्थाएँ भी अनिस्ति
अभिलेखों की स्थिरी प्रस्तुत किया। इस पर मियार कर्मकाल के
बाद यह पाया गया कि मांग लिये गए कागजातों का आरोप
कोड संवाद नहीं है अतः व्यावस्थाएँ को लिपित दिया
गया कि वांछित कागजातों का उपलेक्ष्य कराया जाना असंभव
है। श्री सुरारीलाल सिंह निवृत डाक अधीक्षक शुभंदशहर तथा
तल्लालीन डाक निवृत्ति की रागदीव का व्यावस्थित लिपित दिया गया
आरोप कार्यवाही आंग चाला हुई।

(6) श्री मुरारालाल^० से उपर्युक्त व्यापार में व्यापारिक
दिनांक २५.८.८१% की सहायक भूमीका भाक द्वारा छीजापाठ के
पद पर काम कर रहे थे। उन्होंने बताया कि दिनांक २५.८.८२
की उन्होंने सराप भूमी की डाकवार में स्थित घटा सं ३२८५
की जमाकरी श्री विर्जी ऊ पुम अम भाजन दास सुदूर चामड़ी
गुरुप्पीर का बयान (प्रदर्शन की-१) लिया था। श्री विर्जी ऊ गुरु
की बयान दिनांक २५.८.८२ की उन्होंने मुक्ति किया। श्री नवदेव
तत्कालीन भाक निरीक्षाकर्त्ता अपने व्यापार में बताया कि वे उपर्युक्तीय
निरीक्षक भाक द्वारा वीका भुर के पद पर दिनांक १०.७.८१ से १०.१.८२
तक काम किया। दिनांक ७.८.८२ की तत्कालीन भाक स्वीकृत
श्री राम प्रताप गिरारी की पास सं ० रु। सराप भूमी की दिनांक
२५.८.८२ की धाराओं भाक प्राप्त भूमी का कापि आर गहू
करेन का उद्देश दिया था। श्री राम प्रताप गिरारी की

(7) **ਸਿਆਈ** ਅੰ ਪਿਰੀਕੁ ਗੁਪਾਂਨ ਅੰਨ ਕਮਾਨ ਸੰ ਕਾਈ

कि उत्पक्षी ग्रासछुक रमाहा सं 327857 (प्रदर्शी क-4) प्राप्त
करने की रसीद (प्रदर्शी क-3) जिसे श्री राम प्रताप तिवारी
तत्कालीन कार्यपालक ग्राम पाल द्वारा डाक बैंक में
दिनांक 10.5.82 को दिया गया उस पर शेषमूल 160.52/25
दिया गया, इस मिसाम में उन्होंने अपना व्यापक दिनांक 85/25
को तत्कालीन सहायक डाक अधीक्षक श्री शुशरी लाल
को दिया गया । उन्होंने उत्तर व्यापक (प्रदर्शी-1) की पुष्टि--

四〇〇 (5)

इस रक्तमें तु 3500/- जमा करने के बाद बचा 6103/05
से रक्त शारीर उत्तराय नमोली में स्पानाम्तस्ति किया
गया था। परन्तु छुक प्रवी भी दिनांक 27-9-79 के डल
रक्तमें 1000/- जमा सराय नमोली में किया गया मालूम
पड़ता है। अतः पासकुन भी सभी उत्तराय की समीक्षा
आवश्यक है जो निम्न विवरणों अनुसार है:-

दिनांक	जमा	निकासी	वकाश	छहर जमियरण
9-11-78	4500	-	4500	बीजापुर 9-11-78
23-11-78	4000	-	8500	बीजापुर 23-11-78
5-3-79	6000	-	14500	बीजापुर 5-3-79
22-3-79	-	4000	10500	बीजापुर 22-3-79
4-5-79	-	2500	8000	,, 4-5-79
23-5-79	-	3000	5000	,, 23-5-79 (2)
5-6-79	-	3500	1500	,, 5-6-79 (3)
4-8-79	9000	-	10500	,, 4-8-79
27-9-79	1000	-	11500	EXPTL UP.... 27-9-79
21-2-80	-	2000	9500	बीजापुर 21-2-80
26-3-80	-	4000	5500	,, 26-3-80 (4)
19-4-80	-	4500	1000	,, 19-4-80 (5)
30-6-80	900	-	1900	EXPTL UP.... 30-6-80
30-7-80	-	1000	900-	बीजापुर 30-7-80
	900 70-79	152-10		
	79-80	451-75		
			1503-85	बीजापुर 2-8-80 (6)
10-9-80	-	600	903-85	बीजापुर 10-9-80 (7)
29-9-80	800	-	1703-85	EXPTL UP.... 29-9-80 (5317)
29-9-80	900	-	2603-85	,, "
6-10-80	3500	-	6103-85	,, 640-80

Transfer to Sarai Bhambhani

on 8-10-80

10-10-80	10,000	-	16103-85	EXPTL 5317 10-10-80
11-10-80	1500	-	17603-85	,, 11-10-80
17-11-80	-	1000	16603-85	बीजापुर 17-11-80
8-5-81	-	2000	14603-85	,, 8-5-81
26-5-81	-	3000	11603-85	EXPTL 5317 26-5-81
7-11-81	-	4000	7603-85	बीजापुर 7-11-81
	900 80-81	44040		पंगावाट 12-11-81
			8052-25	
13-3-82	4000	-	12052-25	बीजापुर 13-3-82
19-3-82	4000	-	16052-25	अस्पष्ट भूमि

उपरोक्त विवरण में गठ साक्ष मालूम पड़ता है कि

इस रक्तमें दिनांक 27-9-79, 30-6-80, 29-9-80, 6-10-80, 10-10-80,
स्थ 26-5-81 का जीवन शारीर उत्तराय सराय नमोली में किया

--- ४८८ ७ एस

किया गया जब कि रवाना शास्त्रांक प्लाट रसायन अनौली का स्थानान्तरण का रिपोर्ट दिनांक ४-१०-४० की पासपुक के छठे पर लिखा है। जब कभी शास्त्रांक प्लाट के लिए नियमित रूप से लिखा गया तो शास्त्रांक प्लाट रसायन अनौली की तारीख सुहर EXPTL UP-५३१ के समय संदर्भ तारीख सुहर में तारीख तो पाठ नहीं की जाती। यद्यपि दिनांक १९-३-४२ की ५०००० रुपये के लिए डाकप्लाट की दो सुहर लजी हैं उसमें की तारीख आह रखने वाले रखनी से लिखा दियाँ जाते हैं लिखित सुहर शास्त्रांक प्लाट रसायन अनौली की लजी नहीं लाभम प्राप्ती हैं एवं कि अंतिम सुहर EXPTL UP-५३१ के बाकी छोटी मालूम पड़ती हैं अतः दिनांक १९-३-४२ की ५०००० रुपये के प्रतिष्ठित संदिग्ध सालूम पड़ती है। यह संबोध है कि यह जब अविकृत उस समय उपलब्ध रही ही जब श्री राम प्रताप तिवारी की पासपुक प्राप्त हुई तो नी ही।

(७) श्री राम प्रताप तिवारी के अर्थात् शास्त्रांक लिखित वयान के बताया कि वह वर्ष १९७७ में डाक संवर्क भव के पद पर श्रीनान्त होकर डाक संवर्क भव की काकुर के पद पर विषुक्त हुए। उस समय श्री रामदेव श्री भूखलीप निरीसक के ओं कि फैजालाल (दू) के नाम से चा। उसीके रसायनान्तरण के बाद श्री रामदेव १९४५ में लालियार चूला किया कोर्ट डाक निरीसक के फैजालाल (दू) का पद डाक निरीसक की काकुर के नाम से होकर सुरवाती की काकुर प्राप्त हो गया। ३५ डाकपाल की काकुर तो उन्होंने कोर्टवार शास्त्रांक पाल रसायन अनौली श्री रामदेव को असंतोष-जानक कोर्ट के बारे में स्पीष्ट किया चा। पश्चात् कोर्टकार्प-प्राप्ती नहीं हुई। श्री रामदेव प्राप्त की तत्कालीन स्थान अक अधीसक श्री हरिमंगल चिंतु की रिपोर्ट पर सुन आफ किया जया ना कोर्ट उड़े हाथ शास्त्रांक पाल रसायन अनौली का जाय भार दिया गया। रसायन अनौली में नगदी तो प्राप्त महत्वपूर्ण लागजात रखना असुरक्षित भा अतः उन्होंने डाकप्लाट जा कायि की काकुर से ही करना शुरू किया। वे डाक विरीभव की डाक उनके पास फैजालाल दू जा रहे थे कि शहर में श्री पिरी अगुपा न्यायालय ३२७८५७ के जमा कर्ता चिंतु वे उन्होंने अपने खादा में प्राप्त लगवान के लिये लाह तथा उन्होंने डाकप्लाट पर आन की काह परन्तु उसके आग्ने कर्म पर उन्होंने पासपुक प्राप्त किया कोर्ट सही काम दर हस्त लिखित रखीद किया। उन्होंने कोर्ट काह कि जांच के द्वारा खोलदारी के पास हुक्म प्राप्त कर हस्त लिखित रखीद पदवार की सुहर लगा कर दी जाती थी। उन्होंने तुला धर-

षुष्ठ (४)

पासमुक रखाता सं० ३२७८५७ (प्रदर्शि क. ५) श्री विरीऊं शुप्ता
से प्राप्त कर सादे वागजा पर रसीट फिरा था और उक पास
मुक्त की अपेन चैल में स्वर लिया। पासमुक उनके चैल ने ही कही
रही। लगभग १०-१५ दिन बाद खाँदार बीकापुर आया और
अपनी पासमुक माँग उन्होंने काले से बिकल कर पासमुक के
दिया परन्तु वास नहीं लिया। श्री राम प्रताप तिवारी ने आज
कहा कि पासमुक वापस करने समय आश्वाइक वर संराम भनवाल
के वयत वेळे जनिल (प्रदर्शि क. ७) उपलब्ध नहीं था जिसके बारे
पासमुक का वकास का गिलान नहीं किया जा सका। श्री राम
प्रताप तिवारी ने पासमुक अपने काले में १०-१५ दिन रखा
उनका कहना कि पासमुक वापस करने समय वयत वेळे जनिल
उपलब्ध नहीं जा ती वा १०-१५ दिनों के अन्दर उपलब्ध
उक्त जनिल के कामों में नहीं देखा किर भी कहने हैं कि
खाँदार पासमुक वापस माँगेने के लिये बीकापुर ने मिला
और पासमुक बीकापुर ने वापस नहीं गई। आश्वाइक भी
ले बीकापुर ने रही थल रहाया तो सा कि उपर श्री राम भनवाल
तिवारी ने खीकार किया है तो उन्होंने पासमुक प्राप्त २२ वी
तिविदि दिनों के १०-१५-१२ ताजा वापस करने की तिपि के बीच
१०-१५ दिनों में उन्होंने वयत से जनिल से नहीं मिला जैकि
उसके अतिरिक्त व्याज के लिये प्रधान आक वर को भी नहीं
मिला। वे खाँदार श्री कैजियाद और जैन रहे परन्तु व्यक्तिगत
क्षय से भी उन्होंने इस खाँदार की पासमुक का वैलेस प्रधान
आक दोर से सल्लापित कर लाऊ नहीं लगाया जैकि
श्री राम प्रताप तिवारी का यह कहना जलते हैं कि श्री
रामदेव तलालीव आक विशेषज्ञ अपेक्षा की वर्षीय
उन्होंने साना चाहूँ रखा। श्री रामदेव के विरुद्ध शिकायत
भी व्यापक परन्तु तलालीव श्रव अपीसक आक वर के
साथ उनके व्यवहार अद्युत हीन के कारण श्री रामदेव ने
इस माझे को डियर्थी वस बनाकर उन्होंने कहा कि
सं० ३२७८५७ (प्रदर्शि क. ५) जामा करने श्री विरीऊं शुप्ता की
वापस ले रही समय उसमें दिनों के १०-३-१२ वी ५०००/- की
जामा प्रविलिंगीरी नहीं गई वी, इस श्री रामदेव के बारे में
श्री रामदेव जमा की भी दिनों के १०-१५ के निलंबित किया
जाया था और उन्हें बहाल भी कर दिया जाया परन्तु श्री राम
प्रताप ने जलते कि उन्हें बहाल नहीं किया जाया। जबकि उन्हें
माजाल १२ वी निलंबित हुये रहे। पर व्यापक लकड़ी भी
आराध्य पाप नहीं फिरा जाया। श्री राम प्रताप तिवारी ने आज भगा
कि आराध्य पाप में यह उत्तराखित किया जाया है कि उन्होंने
पासमुक प्राप्त करें तत्त्वज्ञान-२८३८ दिया जिससे उन्होंने
जामा प्रताप

सार्व का गज पर दिया था । यरन्तु अभियोजन अथवा व्यवस्था पर सिल्ली की भी इस तरह की बुल्ली नहीं किया कि शास्त्रात् आवश्यक सराप भौतिकी में जामा कर्ता २८८ (४८-२४) की विधीनित २८८वाली उपलब्ध भी अरामा नहीं । अशेष रुप २ रुप ५ तक पासमुक व्याज ही तु अध्यान आकर्षण के न भिजना पासमुक का वकामा बर्तावाली न भिजाना तथा पासमुक वापस कर्ने समय जामा कर्ता रुप २८८ (उद्धर्व की ३) वापस व लेने की काम दोषाज्ञनित बर्तावाली के स्थायं स्थीकार किया है । उद्धर्व के बताया कि पासमुक आम तरह उस अपेक्षा कीजिए में स्वतंत्रता, व्याज ही नु फैज़ाट ब्रदार आकर्षण नहीं भेजा तथा वकामा का सत्यावत वाला बर्तावाली रुप नहीं किया । इस विधायी में नमीदारी द्वारा प्रदूषित की सत्यता स्थायं विद्यास इन दोनों मालूम पड़ता है कि; उत्तराधीन, सीधे स्थान दोनों भिन्न होते हैं । जहां तक पासमुक (उद्धर्व रुप) में दिनांक १९-३-८२ की ५०००% जामा ब्रविष्ट का उच्च है, उसके पास विकल्प संदिग्ध मालूम पड़ती है । इसकी विविधता विधायी रुप ६ स्थान ७ पर भी जारी हुई है ।

Photo
TRUE COPY
R. K. Tewari
(R. K. Tewari Advo.)

१. श्री राम पुस्तकालय
म. संहाली निवास बाजार
शहर पुस्तकालय
पंकजपुर (उत्तराधीन) २२१२२

Annexure A-3

(A2)

DEPARTMENT OF POSTS INDIA

Office of the Sr. Suptd. of Post Offices, Faizabad Dn. Fzd.

Memo no. P-1/1/82-83 Dated at Faizabad the 24.9.87

• • • • •

Shri Ram Pratap Tewari, Line Overseer Bikapur Faizabad (U/S) was served with a charge sheet under rule 14 of CCS(CCA) Rules 1965 vide this office memo no. even dated 7.8.86. The statement of imputation on account of misconduct and misbehaviour against him is reproduced below:-

Article - I

That the said Shri Ram Pratap Tewari, Line O/S Bikapur (U/S) while functioning as B.P.M. Sarai Bhanauli (Bikapur) on 10.5.82 has taken the pass book S.B. a/c No. 327857 from the depositor for posting of interest but the said Shri Ram Pratap Tewari alleged :-

- (A) Did not grant prescribed receipt (SB-28) to the depositor violated rule 14 1(1)(2) of B.O. rules 1964 and rule 3(1)(i) of CCS Conduct rules 1964.
- (B) Did not take back the receipt granted in manuscript while making delivery of the passbook to the depositor violated rule 141(5) of B.O. rules 1964 and 3(1)(i) of CCS Conduct rules 1964.
- (C) Did not tally balance with B.O. S.B. journal and failed to make any report regarding difference in balance of the pass book violated rule 3(1)(i) of CCS Conduct Rules 1964.
- (D) Did not submit the pass book to A/O for posting of interest violated rule 141 of B.O. rules 1964 and rules 3(1)(i) of CCS Conduct rules 1964.

Shri Ram Pratap Tewari was informed to submit his representation if any against the charges within ten days of the receipt of the aforesaid memo. Shri Ram Pratap Tewari had submitted his representation dated 18.8.86 which was received in this office on the same day, stated all the charges to be incorrect and denied the same. Thereafter action to initiate oral enquiry as per rule 14 of CCS (CCA) Rules 1965 was taken accordingly. Shri R.K. Mishra, S.D.I(E) Akbarpur and Shri S.C. Srivastava, S.B.D.O. Faizabad were appointed as E.O. and P.O. respectively. Shri R.K. Mishra expressed his inability to enquire into the charges vide his letter Enq/R.P.Tewari /86 dated 11.9.86 because there were eight enquiry cases

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with him and out of them in six cases he was acting as E.O. . Thereafter Shri Baij Nath , SDI(North) Albarpur was appointed as the enquiry officer vide memo no. even dated 19.9.86. The enquiries were completed by him on 7.8.87 and he submitted enquiry report EC-2/R.P.Tewari/86 dated 28.8.87 received on 4.9.87 under his letter no. even dated 31.8.87.

I have gone through the enquiry report submitted by E.O. and other connected documents w.r.t. to the charges levelled against the charged official, and have reached to the following conclusion:

The case in brief is that the charged officer had taken over charge of the E.D.B.P.M. Sarai Bhanauli on 29.4.82 because the then E.B.P.M. Shri Ram Shankar Pandey was placed under put off duty due to his involvement in misappropriation of S.B. deposits and forged S.B. withdrawals . The charged officer was thus performing the duties of the E.D.B.P.M. Sarai Bhanauli in addition to his own duties. He had received S.B. Pass book account no. 327857 from the depositor on 10.5.82 for entry of the interest . He had granted a receipt to the depositor on a plain paper instead of granting receipt in prescribed form i.e. S.B. 28. The balance on the said receipt of the said pass book was recorded to be Rs. 16052-25 .The charged official did not submit the said pass book to the account office /Head Post Office for entry of interest but returned the same to the depositor after about 10 to 15 days . He did not take back the aforesaid receipt from the depositor. The last entry in the pass book was the entry of deposit of Rs. 4,000/- dated 19.3.82 raising the balance of Rs. 16052-25 whereas this entry of deposit was not available in the E.O. S.B. journal and the aforesaid amount was not accounted for too. In the pass book, the entry of the last transaction including the date and balance have been incircled . The charged official was therefore served with a charge sheet referred to above.

The finding of the enquiry officer in respect of each article of charge and my observations are as below:-

Article of Charge No. (a) :-

The enquiry officer had reached to the conclusion that it could not be proved whether the prescribed receipt book in form S.B. 28 was available at the E.O. or not .

(3)

Obviously it is an important issue to prove the allegation. It would not be out of way to mention here that the charged official in his statement dt. 7.8.82 (Ex. Ka-2) had stated that he had said to the depositor Shri Ghirrau Gupta to come to P.O. because he had no receipt there. According to him Shri Ghirrau Gupta had met him in the way while he was going to Sarai Bhanauli P.O.. This indicates that the S.B. 28 was available at the E.D.B.O. This fact has not been brought out in the enquiry report by the E.O. This finding of the enquiry officer that the availability of the S.B. - 28 was not proved is not correct. It is proved that the provisions of Rule 141(1) and (2) of the B.O. Rules have been violated by the charged official.

Article of Charge No. (b) :-

The charged official had mentioned in his written brief that he had returned the pass book to the depositor after 10 to 15 days on his demand but the receipt was not returned by the depositor. According to Rule 141(5) of the B.O. Rules, the pass book should be delivered to the depositor on his giving up the receipt originally granted to him for the pass book and his signing the form of acknowledgement printed on the reverse of the receipt. In this case no printed receipt was issued as such the pass book should have been made over to the depositor only after the receipt was returned by him and he would have signed on the receipt in token of having received the pass book. This charge is stated to have been proved in the enquiry report by the enquiry officer and I agree with his findings. The plea of the charged official that the depositor did not return the receipt is a lame plea and may not be acceptable.

Article of Charge no.. (c) :-

The charged official has stated that the S.B. journal was not available at Bikapur as such the balance could not be verified by him. It has been observed by the E.O. that the charged official could have verified the balance of the P.B. at the account of H.P.O and get the interest posted as the P.B. remained in his custody for a long period and he had frequent visit to Account office and H.P.O. but he failed to do so. The charged official in his statement dt. 7.8.82 (Pradarsh Ka-2) had mentioned that he had to make verification of the past work of the B.P.M. who was put off duty. It is not understood why the

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charged official failed to verify the balance of the pass book with the B.O. (SB) journal, although the pass book remained in his custody for about 10 to 15 days and when he had to carry out the verification of the balances invariably. It appears that the charged official knowingly avoided to verify the balance of the pass book and having come to know that the amount of Rupees 4,000/- shown as deposit in the pass book was not accounted for, did not submit the pass book for adding the interest because the irregularity would have come to light immediately. Thus he might have given undue favour to the ex. EDBPM with some ill motive. Thus this charge is proved.

Article of Charge No. (d):

The charged official had himself admitted non submission of the pass book for posting of interest after receiving the same from the depositor. As per receipt granted by the charged official to the depositor the pass book was received for posting of interest. Thus the violation of rule 141 of B.O. Rule by the charged official is fully proved.

The charged official in his written brief has pleaded that the allegation regarding violation of Rule 3(1)(i) of CCS(Conduct) Rules 1964 is quite baseless because the said rules say that "each government servant should maintain absolute integrity". Integrity means honesty. It has to be seen whether the facts mentioned in (a) to (d) in article of charge amounts to dishonesty impeaching the integrity what will be the motive and what was motive has not been mentioned either in charge or statement of imputation. No reasonable person will say that non issue of receipt on S.B. 28 but in manuscript noting balance in pass book not taking of receipt while giving back the pass book and not tallying balance with S.B. journal and non submission of P.B. so received to H.O. amounts to act of dishonesty. He has further pleaded that no motive can also not be alleged. He further pleaded that encircling of deposit entry of Rs. 4,000/- in P.B. will not alter its position and will not disentitle the depositor to claim Rs. 4,000/- nor it could be proved that B.P.M. has not misappropriated the amount and it would save him from above defalcation.

The depositor had original receipt showing balance written by him. Had there been any ulterior motive he would have not returned the pass book without taking into possession the said receipt. It is to mention here that the charged official in his statement dated 7.8.82 (Pradarsh K-2) has said that omeday when he was going to B.O. Sarai Bhanauli, the depositor Shri Ghirrau Gupta accompanied Shri Ram Shankar Pandey met him in the way. Shri Ghirrau Gupta requested him to send his pass book a/c no. 327857 for entry of interest thereupon the charged official told him that he should come to Post Office because the charge official had no receipt there. This indicates that the prescribed receipt book SB-28 was available with him. However the depositor had asked the charge official to take the pass book and he (Depositor) will take the receipt afterward because he had to come Bikapur frequently. Thereafter the charged official granted him receipt on plain paper. The charged official has also stated that he kept the pass book in his bag and forgot to send the pass book to Account office /Head Office for entry of interest because of heavy rush of work. He also said that by that time he was keeping all the records with him and was residing at Sarai Bhanauli. According to him the record box was not transferred to him by the Ex. E.D.B.P.M. who was put off duty but contrary to this he said in his written brief that he was keeping the cash and records at Bikapur as it was not safe to keep the records at Sarai Bhanauli, and that when he was going to Faizabad to hand over mails addressed to the S.D.I, the depositor Shri Ghirrau Gupta had met him on the way and on his request he had taken the P.B. and granted receipt u/r. When Shri Ghirrau Gupta demanded his pass book the P.B. was found kept in his bag and he gave back the Pass book to the depositor without examining the pass book. He had said that he had no knowledge that the entry of Rs. 4,000/- was struck off. Shri Ghirrau Gupta the depositor has stated during the oral enquiries that the charged official had given back his pass book at his home. He did not return the receipt for the pass book because the entry of deposit of Rs. 4,000/- in the pass book was struck off. Shri Ram Deo the then SDI Bikapur during cross examination by the defence ass'tt has stated that during enquiry Shri Ghirrau Gupta had told him that when he had pointed out about rounding off

the deposit entry of Rs. 4,000/- dt. 19.3.82 in the Pass book the charged official had asked him that the same would cause no difference and he would get his money. As per his own deposition in (Pradarsh Ka-2) the charged official had received the pass book from the depositor while he was going to Sarai Bhanauli where the records of the P.O. were being kept by him. It is strange that he kept the pass book in his bag for about 10 to 15 days and did not compare the balance with the S.B. journal and did not send the pass book to Head Post Office.

The entry of deposit in the pass book regarding Rs. 4,000/- dated 19.3.82 was made by the ex. B.P.M. Shri Ram Shankar Pandey as stated by Shri Ghirrau Gupta, depositor. The entry in the pass book also appears in the hand writing of the said B.P.M. and his initial against this entry tallies with his hand writings and other initials available in the pass book (Pradarsh Ka-4). The said B.P.M. is stated to be available with the depositor while the charged official had taken the pass book and granted receipt showing balance Rs. 16052.25 as per (Ex. Ka-2). No doubt the said EDEPM would have insisted the charged official not to sent the pass book to account office and would have assured to pay back Rs. 4,000/- to the depositor. There appears no other reason for not sending the pass book to account office and to give assurance to the depositor that he would get back his money. Shri Ram Deo, the prosecution witness, has clearly stated that if the receipt would have taken back the depositor would have made complaint. Thus the charged official gave undue favour to the Ex. E.D.B.P.M. to save him from the liability of fraud committed by him. This is the charged official failed to maintain absolute integrity, Besides devotion to duty and also acted in a manner which is unbecoming of a Government servant.

The charged official had alleged that Shri Ram Deo the then S.D.I. wanted to implicate him in case to save his own skin as such a complaint was made against said Shri Ram Deo. Shri Ram Deo was in good books of the then S.S.P.Os Faizabad, Shri M.L.Kureel. This caused annoyance and he made out this case. According to him the entry of deposit of Rs. 4,000/- on 19.3.82 in Pass book was not incircled when the pass book was returned to Shri Ghirrau Gupta. The said entry was incircled when the Pass -

28
(7)

(A33)

by said Shri Ram Deo latter on who was also placed under suspension on 8.1.85. But he has been reinstated while the charged official was suspended in August 1982 but evenno charge sheet was given to him, for about four years. These allegations are not connected with the charges levelled against the charged official and have no weightage to disprove the allegation against the charged official. Is responsible for his own act and deeds. As mentioned above the charged official had stated (As per Ex. Ka-2) that while he had returned the pass book to the depositor he had not seen the entries and has no knowledge further the entry was incircled or not. This not understood on what ground he says that the entry was not incircled. He is not speaking the truth.

From the fact noted above, the charges levelled against the charged official are fully proved. He does not appear a fit person to be retained in the service and deserves severe punishment like removal from service. However keeping in view his long services in the department, his old age and his retirement in the near future, I am inclined to take a lenient view.

S.O.R.D.E.R.s

I, K.C.Mishra, I.P.S, Sr. Supdt.of Post Offices Faizabad Division, Faizabad order compulsory retirement of the said Shri Ram Pratap Tewari from Service with immediate effect.

Photo

TRUE/COPY

R.N.Tewari

(R. N. Tewari Adv.)

(K. C. Mishra)

I.P.S.

Sr. Supdt. of Post Offices
Faizabad Division

2, Faizabad-224001

Copy for information and necessary action to :

Rego AD

- 1) Shri Ram Pratap Tewari, Sorting Postman, Faizabad H.O. (U/S) C/O Sr.P.M.Faizabad.
- 2)-3) The Sr.P.M.Faizabad alongwith one spare copy meant for S/Books.
- 4) P/F. of the official.
- 5) 6) C.R. /M.S. of the official.
- 7) Vigilance statement.
- 8) Punishment Register (Staff Branch).
- 9-10) O/C and Spare.

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A 34

Annexure A-4

To

The D.P.S.,
LUCKNOW.

THROUGH PROPER CHANNEL:

Appeal against the order of compulsory retirement
of awarded by the learned Senior Superintendent
Posts Faizabad vide his Memo No.F1/1/82-83 dated
24-9-87 copy enclosed.

Sir,

The appellant most respectfully ~~ex~~ begs
to state the following few lines for your kind ~~ex~~
orders:-

(i) One Ghirrau Gupta holder of S.B. account
No.327857 at Sarai Bhauli P.O. handed over his pass
Book to the appellant for the entry of interest on
10.5.82 when he held the charge of that Branch Post
Office as B.P.M. in place ~~its~~ ^{of} its original B.P.M.
being put off duty. The appellant granted a receipt
for that Pass Book on a plain paper (duly signed
and stamped) because printed receipt form No.S.B.
28 was not available in the office. At the time of
returning the Pass Book the appellant could not ob-
tain back that manuscript receipt. He also noticed
that the Balance represented by the journal was short
~~by~~ ^{for} Rs.4000/- yet he did not pay much attention to.
it because he was certain (as ~~ex~~-overseer) that the
balance of the Pass Book was quite correct. The
appellant was therefore charged on 3 counts

(a) for failure to issue receipt in form S.B.28

(b) for failure to obtain back the manuscript rece -

QYM-401446

- (a) for failure to issue receipt in form S.B.28
(b) for failure to obtain back the manuscript receipt
(c) for failure to reconcile the balance of Pass Book
with that of the B.O. journal.

and therefore he failed to maintain absolute integrity

(2) The enquiry officer held charges no a & c as not established and charge No.b as admitted hence proved. nevertheless the learned D.A. awarded the punishment of compulsory retirement.

(3) The learned D.A. has not clearly specified how the appellant has failed to maintain absolute integrity by his failure to carry out certain clerical duties. Unless some ulterior motive behind the aforesaid action is specified and the appellant given an opportunity to ~~rebut~~ rebut the same, the charge of failure to maintain absolute integrity is baseless and the mere clerical omission does not warrant the award of punishment of compulsory retirement. It is, therefore, humbly prayed.

P R A Y E R

That the impugned order may kindly be set aside and the appellant be permitted to be put back to duty with the grant of arrear of pay and allowances.

Yours faithfully,

D.A. 1 Punishment order

Dated: 03.10.1987 /

True Copy

R. S. J. S. S. S.

[R. K. Tewari Adv.]

[R. K. Tewari Adv.]

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Annexure A-5

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS

OFFICE OF THE DIRECTOR POSTAL SERVICES
LUCKNOW REGION, LUCKNOW-226007

Memo No. RDL/APP-37/88/13 dated at Lucknow: May 3, 1988

This is the appeal dated 3.10.87 from Shri Ram Pratap Tewari Retd Mail O/S Faizabad preferred against the penalty of compulsory retirement from service imposed upon him under SSPOS Faizabad memo No. F-1/1/82-83 dated 24.9.87 as a result of disciplinary proceedings initiated against him (Sri Tewari) vide SSPOS Faizabad memo No. even dated 7.8.86. The appeal is not time-barred.

2. (i) The appellant was proceeded against for his failure not to grant SB-28 receipt to a depositor while working as EDEPM Sarai Bhanauli, to not to take back the manuscript receipt granted while delivering the pass book to the said depositor, not to tally the balance in Pass Book with BO SB Journal and to report the difference in balance and not to send the said pass book to Account Office for entry of interest and thereby his failure to observe the provisions of rules 141 (1), (2) & (5) of B.O. Rules and 3(1)(i) & (ii) of CCS(Conduct) Rules 1964. The appellant denied the charges vide his statement of defence dated 18.8.86.

(ii) An oral inquiry was, therefore, held in the case by Sri B.Nath, SDI(N) Akbarpur who was appointed as E.O. vide memo dated 19.9.86. The E.O. after conclusion of inquiry submitted his report to Disciplinary Authority on 28.8.87 with specific finding that the allegations regarding non-issue of SB-28 was not proved against the appellant, while other three charges were proved against him.

(iii) The SSPOS after consideration on the memo of charges, report of E.O. and other evidence on record expressed his disagreement with the findings of E.O. with regard to charge (A) regarding non-issue of SB-28 and held that all the charges against the appellant stood fully proved and consequently imposed the penalty appealed ~~against~~ against.

3. The appellant in his appeal has based his arguments mainly on the grounds that the charges levelled against him were vague and punishment imposed was illegal, that the findings of disciplinary authority regarding failure of appellant to maintain absolute integrity was perverse, that the appellant has been denied reasonable opportunity of defending himself, that the findings of disciplinary authority have been arrived at ignoring principles of natural justice and that the punishment is severe.

4. After a careful and thorough consideration of the appeal and the material evidence available in the disciplinary proceedings file, I have come to a conclusion as under:

(i) that the memo of charges does not contain an allegation which may in fact render the integrity of the appellant doubtful. His failure not to follow the ~~provisions of rule 141(1)&(2) of Book of BO rules~~

21 May 1988

- 30 -

provisions of rule 141(1)(2) of Book of BO rules even if proved beyond doubt may at the most be treated as his failure to maintain devotion to duty but cannot be said to be a sufficient reason to doubt his integrity unless it is proved that the appellant had some ulterior motive behind such an action and unless he has been given an opportunity to explain his conduct.

(ii) that the finding of disciplinary authority that the appellant gave undue favour to the Ex EDBPM to save him from the liability of fraud committed by him becomes an extraneous fact inasmuch as no such allegation was made in the memo of charges and no opportunity was given to the appellant to explain his conduct on this point. Likewise the findings of disciplinary authority that the appellant failed to maintain absolute integrity besides devotion to duty and also acted in a manner which was unbecoming of a Govt Servant was also based on some extraneous facts.

(iii) From the proceedings of the inquiry it is clear that on 7.8.87 the E.O. had directed the P.O. and the appellant to submit their respective written briefs within a period of 5 days and seven days respectively without giving any specific dates for the purpose and without waiting for the briefs of both the sides he submitted his report to disciplinary authority on 28.8.87. Since the brief of the P.O. was not supplied to the appellant while asking for his brief as per provisions of the rule, this has certainly resulted in denial of reasonable opportunity of defence to the appellant. Thus the arguments put forth by the appellant appear to be carrying weight and therefore appear to be tenable.

(iv) In view of the above discussions, I am also agreeable with the plea of the appellant that the quantum of punishment is not commensurate with the misconduct. In the light of foregoing discussions, I am inclined to interfere in the quantum of punishment awarded to the appellant while giving due weight to the departmental lapses already established on the part of the appellant.

5. I, therefore, hereby partially admit the appeal of the appellant and order as under:

(i) that the penalty of compulsory retirement from service awarded vide SSPOs Faizabad memo referred to above is modified to that of reduction in the time scale of pay by three stages for a period of six months.

(ii) that the pay of Shri R.P. Tewari be reduced by three stages from Rs 284/- to Rs 266.00 in the pre-revised time scale of pay of Rs 260-350/- for a period of six months with immediate effect. It is further ordered that Shri R.P. Tewari will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will not have effect of postponing his future increments of pay.

JMT/4/14/

(iii) that the period between compulsory retirement and re-instatement as a result of this order would not be treated as break in service and count for all purposes as duty.

(iv) that the period between the compulsory retirement and reinstatement as a result of this order would be deemed as suspension period.

(v) that during the period of deemed suspension, the appellant would be entitled 75% of the pay and allowances which he would have otherwise got.

(vi) that the appellant is hereby given notice to make representation, if any, about the proposal in sub para (v) above within a period of 60 days from the date of receipt of this order.

27/2/2008

(B. P. Singh)

Director Postal Services,
Lucknow Region Lucknow-7.

Copy to:-

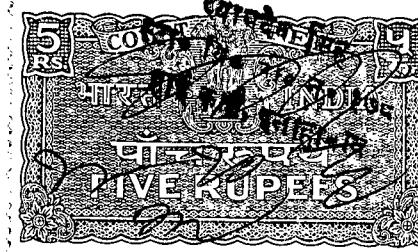
- 1. Official concerned.
- 2. 3. SSPOS Faizabad.
- 4. 5. Regional Office.

Photo

TRUE/COPY

R. K. Tewari
(R. K. Tewari Advo.)

TM/MT/Ady/Ad



A 39

वकालतनामा

बअदालत The Central Administrative
Tribunal, Allahabad
नम्बर मुकदमा सन् १९८८ ई०
नम्बर इजारा CA Ref. No. १९८८ सन् १९८८ ई०
मुद्रा

Ram Pratap Mishra बनाम DPS Lucknow अपीलान्ट
& Another मुद्दालैंह
मैं Ram Pratap Tewari ऐ ५० रेस्टरेंट
मैं/हम ८१० श्री श्री Tewari न० Fatehganj
निवासी Faizabad

श्री R.K. Tewari, Advocate
१५४, Purshottam Nagar, Ahd-16

को उपरोक्त मुकदमे की पैरवी के लिये मेहनताना अदा करने का वचन देकर
मैं / हम अपना वकील नियुक्त करता हूँ / करते हैं। उन वकील महोदय को मैं / हम
यह अधिकार देता हूँ / देते हैं कि वह मुकदमे में मेरी ओर से पैरवी करें
आवश्यक सवाल पूछें, जवाब दें और बहस करें दस्तावेज व कागजात अदालत
में दाखिल करें, व वापस लेवें पंचनामा उपस्थित करें, पच नियुक्त करें यदि
आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें, सुलहनामा दाखिल करें, दावा
स्वीकार करें, उठा लेवें और डिग्रा प्राप्त हो जाय तो उसे जारी करावे, डिग्री का रूपया
व खर्चा, हर्जना का रूपया या किसी दूसरे तरह का रूपया व खर्चा जो अदालत से
मुझे / हमें मिलने वाला हो वसूल करें मेरी / हमारी ओर से अदालत में दाखिल करें,
कोर्टफीस व स्टाम्प देवें या बापिस लेवें रसीद ले लेवें व प्रमाणित करें, नकल प्राप्त करें,
अदालत की अनुमति से मिसिल का मुआयना करें, आवश्यकता होने पर मुकदमा
स्थापित करावें व इस मुकदमे के सम्बन्ध में दूसरे काम जो जरूरी समझे पैरवी के लिए
अपनी ओर से कोई दूसरा वकील नियुक्त कर यदि आवश्यकता हो तो अपील या
निगरानी दायर करें और अपील निगरानी की अदालत में पैरवी करें और यह भी
वचन देता हूँ / देते हैं कि यदि मैं / हम पूरी कीस या खर्च न अदा करूँ / करें तो वकाल
साहेब व उनके कर्क बहस व पैरवी के लिये बाध्य न होंगे।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमे के सम्बन्ध में जो
कुछ काम करेंगे वह सब अदालत में स्वयं मेरा/हमारा किया हुआ समझा जायेगा और
वह मुझे हमें सदैव ही मेरे/हमारे किये के समान सबथा मान्य होगा।

तारीख १७ माह १०-१९८८ सन् १९८८ ई०

Accepted

R.K.Tewari

REMARKS

Advocate

१५४, Purshottam Nagar

(Khuldabad)

Allahabad-16

(A 40)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : ALLAHABAD.

CIVIL MISC. APPLICATION NO. 27 OF 1988

on behalf of

Union of India-- --Applicant.

IN

REGISTRATION NO. 1224 OF 1988

Ram Pratap Tiwari-- --Petitioner

versus

Union of India and others-- --Respondents.

To

The Hon'ble Vice Chairman and his
companion members of the Tribunal.

SD (T)

Keep it to me
The humble application of the applicant
most respectfully showeth :

He file

D

28/12

1. That full facts have been given in the accompanying counter-affidavit.

*for Debarry to
complain
4/12*

(2)

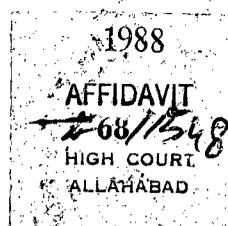
2. That on facts and circumstances stated in the accompanying counter-affidavit it is expedient in the interest of justice that the reliefs sought for are liable to be rejected outright and the petition deserves to be dismissed with costs.

P_R_A_Y_E_R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to reject the reliefs sought for and dismiss the petition with costs. Full facts and circumstances have been given in the accompanying counter-affidavit.

NBSIA
(N. B. SINGH)

SENIOR STANDING COUNSEL
CENTRAL GOVERNMENT.



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : ALLAHABAD.

COUNTER-AFFIDAVIT

I N

1224
REGISTRATION NO. 1224 OF 1988

Ram Pratap Tiwari-- --Petitioner

versus

Union of India and others-- --Respondents.

✓ AFFIDAVIT of Sri Ram Karam misra,
aged about 55 years son of
Sri Thakur Lal misra at
present posted as Sr. Subd. A.P.O.
Faizabad on Faizabad

31/3/88
Sr. Supdt. of Post Offices
DEPONENT
FAIZABAD DIVISION
FAIZABAD-224001

I, the deponent named above do hereby
solemnly affirm and state on oath as under :

(2)

- (A43)
1. That the deponent is posted as Sr. Supdt. of Post offices Faizabad Dist. Faizabad and is authorised to file this counter-affidavit on behalf of the department, being well acquainted with the facts deposed to below.
 2. That the deponent has read the petition alongwith annexures and is in a position to reply the same.
 3. That before giving parawise reply it is essential to give certain facts for just and proper adjudication of the case, as under :
 - 3-A That the petitioner, a postman, was promoted as Overseer in the year 1978 and posted as such at Bika pur. In the ~~meanwhile~~ meantime Branch Post Master Sarai Bhanauli was placed under put off duty on his committing fraud and the petitioner was entrusted the work of Branch

21/11/87
Sr. Supdt. of Post Offices
FAIZABAD DIVISION
FAIZABAD-224001

Annex

(3)

Post Master on 29.4.1982. The S.D.I. Bikapur was entrusted the work of inquiry and physical verification of the past work for the last one year.

3-B That the petitioner while working as Branch Post Master on 19.6.1982 made a forged payment of Rs.1900/- from S.B.Account no.329493 with the connivance of the previous Post Master Sri Ram Shanker Pandey and the amount has been mis-appropriated by him. The matter was reported with the police under Crime no.158 of 1984 under Sections 409/420 Indian Penal Code, which is still pending investigation. The Inspector reported for non-cooperation by the petitioner as the performance of petitioner was not fair being involved in the above case. Consequently the petitioner was placed under suspension on 1.10.1982.

3-C That the petitioner was found to have committed grave misconduct. He had received S.B.Pass Book Account no.327857 on 10.5.1982 and granted the receipt to the

Sr. Supdt. of Post Offices
FAIZABAD DIVISION
FAIZABAD-224001



AMS

(4)

depositor on plain paper instead of on the prescribed form. The petitioner did not submit the Pass Book to the Head Post Office for the entry of interest but returned the same to the depositor. The last entry available in the Pass Book was deposit of Rs.4000/- on 19.3.1982 raising balance of Rs.16052.25. This amount of Rs.4000/- was neither taken in the B.O. (S.B.) Journal nor was accounted for. The authorities found the work and conduct of petitioner as suspicious one. Therefore, he was charge-sheeted under Rule 14 of C.C.S.(CCA) Rules 1965 on 7.8.1986. On denying the charges by the petitioner departmental enquiry was started, by the S.D.I.(North) Akbarpur. On receipt of enquiry report, proving the guilt of the petitioner, he was awarded punishment of compulsory retirement from service on 24.9.1987.

3-D That the applicant(petitioner) preferred an appeal before Director Postal Services, Lucknow, who modified the punishment to the reduction of three stages in the time

51/21/12
Sr. Supdt. of Post Offices
FAIZABAD DIVISION
FAIZABAD 224001

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(5)

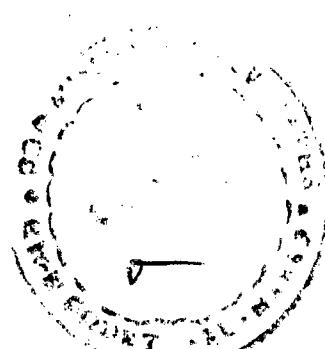
scale of pay for ~~the~~ six months, on 3.5.1988, taking into consideration the length of service as well as other aspects of the matter. Thus the Authorities have taken a very lenient view in this regard.

PARAWISE REPLY

4. That the contents of paragraphs 1 to 5 of the petition need no comments.

5. That the contents of paragraph 6(i) of the petition need no comments as being matters of record, except in respect of modification of punishment by Director Postal Services. It may be submitted that a very lenient view was taken by the authority and he did not commit any illegality or injustice in this regard. Rather his order was just and perfectly.

25 copies
Sr. Supdt. of P. S. Offices
FAIZABAD DIVISION
FAIZABAD-224001



AMT

(6)

6. That the contents of paragraph 6 (ii) of the petition are admitted to the extent that the applicant (petitioner) was posted as Line Overseer Bimapur in 1978 and thereafter Bimak Branch Post Master Sarai Bhanauli. It was also admitted that the petitioner was charge sheeted on 7.8.1986. Rest of the allegations made in the paragraph under reply are vague and without any basis being irrelevant. It is only presumption of the petitioner.

7. That in reply to the contents of paragraph 6 (iii) of the petition it is stated that the charges of forgery and mis-appropriation of Government money have been proved and after proper enquiry the petitioner was awarded punishment of compulsory retirement from service. Subsequently, on filing appeal by the petitioner the Director Postal Services modified the punishment, which was lenient one. The observation of Hon'ble High Court as mentioned in the paragraph under reply

Dr. C.
SANZALA DIVISION
FIRZABAD 224001

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(7)

does not apply in the present case. The facts of this case are of different nature to that of the case reported (as mentioned by the petitioner in paragraph under reply). The action of the petitioner was such that he should have been awarded severe punishment but keeping in view the long term service rendered by the petitioner he was awarded minor punishment of reduction of three stages in the time scale of pay for six months.

8. That the contents of paragraph 6(iv) of the petition are denied. It is submitted that the punishment awarded was fully justified and lenient ones keeping in view the gravity of the charges. Hence the authorities did not commit any illegality or irregularity in this respect. The guilt of the petitioner was not of the nature of clerical omission, but of criminal nature, which require severe punishment.

Sr. Supdt. of Post Offices
FAIZABAD DIVISION
FAIZABAD-224001



Aug

9. That the contents of paragraph 6(v) of the petition are denied. It is submitted that the punishment awarded is a lenient view keeping in view the seriousness of the charges being an employee of military service. All aspects were taken into consideration while awarding punishment. Only after preliminary enquiry the petitioner was kept under suspension. The suspension and thereafter award of punishment was fully justified and according to provisions of Act and Rules applicable in this case.

10. That the grounds taken in the petition have no force and the reliefs sought for are liable to be rejected outright. No interference by Hon'ble Tribunal is required in this case keeping in view the gravity of charges. The petition deserves to be dismissed with costs.

प्रवर अधीक्षक दाक खार
फैजाबाद: पखन्ड
फैजाबाद-2 (001)

I, the deponent, named above do hereby solemnly verify as under:

(9)

(ASO)

That the contents of paragraph nos. 1, 2, 3, of this counter-affidavit are true to the personal knowledge of the deponent ; those of paragraph nos. 3A, B, 3D, 4 to 10, are based on the informations received ; those of paragraph nos. 3C, are based on records and those of paragraph nos. are based on legal advice of the counsel, which all are true and no material has been concealed.

SO HELP ME GOD.

31/3/2002
Sr. Supdt. DEPARTMENT OF POST OFFICES
FAIZABAD DIVISION
FAIZABAD-224001

I, V.P.Tripathi, Clerk to Sri N.B.Singh Senior Standing Counsel, Central Government, High Court, Allahabad, do hereby declare that the person making this affidavit and alleging himself to be so is known to me from perusal of the documents, produced before me.

..V.P.Tripathi..

(Clerk)

ASL/

(10)

Solemnly affirmed before me on the 20th
day of Dec 19 88 — , 1988 by the deponent
at 12.20 A.M./P.M. who has been identified
by the person aforesaid.

I have satisfied myself by examining
the deponent who has understood the
contents of this affidavit after going through
the same.

Amfo
DAPHNE AMFO
OATH COMMISSIONER
No. 681548
Date 20/12/88

D 32

Application U/S 19 of Administrative Tribunal Act, 1985

Filed on 24-10-1988

Regn. No. of 1988

Signature of Registrar

In The Central Administrative Tribunal, Allahabad-1

Between

Ram Pratap Tewari Applicant

AND

(1) Sr. Supdt. Posts Faizabad I I Respondents

(2) D.P.S. Lucknow I

(3) Union of India Through the Secretary

Ministry of Communications, New Delhi

Sr. No.	Annexure Marked	Date Of Documents	Particulars of Documents	Page No.
1	-	24-10-88	Application	2 to 8
2	A-1	07-8-86	Memo of Charges	9 to 11
3	A-2	26-8-87	Enquiry Report	12 to 21
4	A-3	24-9-87	Punishment Order	22 to 28
5	A-4	5-10-87	Appeal	29 & 30
6	A-5	5-5-88	Appellate Order	31 to 33

Address for Court's Order 28/11/90

R. K. Tewari

R. K. TEWARI

Advocate

154, Puran Nagar

(Khanabad)

Allahabad-16

V. K. Tewari

Details of Application

1- Particulars of the Applicant :-

(i) Name of the Applicant

RAM PRATAP TEWARI

(ii) Father's Name

Shri S.P.Tewari

(iii) Designation &

Postal Overseer Dikapur, Faizabad

(iv) Office Address

(v) Address for service

- ditto -

of all notices

Fatahganj, Faizabad

2- Particulars of the Respondents :-

(i) Name &/Or Designation

(1) Sr. Supdt. Posts Faizabad

(ii) Official Address

(2) D.P.S. Lucknow

(iii) Address for service

(3) Union of India through Secretary
MOC, LOD, New Delhi

of all notices

As per Com's order

19/1/90

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

(i) Order No.

(ii) Date

F 1/1/82-83

24-9-87

app. 22-28

RDL/APP-37/83/13

3-5-88

(iii) Passed by

Sr. Supdt. Posts
Faizabad

D.P.S. Lucknow

4- Jurisdiction of the Tribunal

Appellate Authority.

The applicant declares that the subject matter of the order against which he wants redressal is within the Jurisdiction of the Tribunal.

5- Limitation

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

6- Facts of the case

The facts of the case are given below :-

R. P. Tewari

Atm. Gauri Tewari

(i) The applicant was served with a Memo. of charges on 7.8.86 by the learned Senior Superintendent Post Offices, Faizabad (Respondent No.1) vide his Memo No.F1/1/82-83 dated 7.8.86 at Annexure A-1 on

R₁ pages 9 to 11 . He denied the charges as such an enquiry officer was deputed to hold the enquiry and his enquiry report dated 28.8.87 is appended here-

R₂ with as Annexure A-2 on pages 12 to 21 . Disagruing with the findings of the enquiry officer the responder No.1 awarded the applicant the punishment of compulsory retirement vide his memo No.F1/1/82-83 dated

R₃ 24.9.87 at Annexure A-3 on pages 22 to 28 . The applicant preferred an appeal to D.P.S. Lucknow (Respondent No.2) on 3.10.87 vide copy at Annexure A-4 on

R₄ pages 29 to 30 . The learned respondent No.2 partially allowed the appeal vide his Memo. No.R.D.L/App-37/88/

R₅ 13 dated 3.5.88 vide Annexure A-5 on pages 31 to 33 . As the learned appellate authority (respondent No.2) has not done full justice to the applicant, he is submitting this application before the Hon'ble Tribunal.

(ii) The short history of the case is that the applicant was promoted from the post of a postman to that of an overseer in 1978 and was posted as the overseer Bikanpur. One Branch Post Office named Sarai Bhanauli lay in his jurisdiction. Shri Ram Shanker Pandey was its Branch ~~Postmaster~~ Postmaster, who was having cordial relations with the concerned Sub-

Rukhdevi

212407410

Divisional Inspector (Posts) Bikapur Shri Ram Deo Ram and as such he was habitual of retaining cash much more than his liabilities. These facts were brought to the notice of the S.D.I.(P) Bikapur by the applicant but unfortunately the former took no notice of the same rather he felt some what annoyed with the applicant. This gave much encouragement to the Branch Postmaster Sarai Bhanauli to go on acting against the rule. One day the Assistant Superintendent Post Offices Faizabad visited and checked the accounts of Sarai Bhanauli and found serious lapses and embezzlements. Accordingly Shri Rama Shanker Pandey the Branch Postmaster was put off duty from 29.4.82 and the applicant was ordered to take over charge of Sarai Bhanauli B.O. The learned S.D.I. (Posts) felt it very seriously and openly told the applicant that that was all done by him and that the S.D.I.(P) would teach him (applicant) a lesson. Soon thereafter Shri Munni Lal Kureel took over as Senior Superintendent Posts Faizabad in 1983 and through him Shri Ram Deo Ram S.D.I. (Posts) Bikapur could manage to get the applicant placed under suspension without any rhyme or reason. The applicant continued to be under suspension without any charge sheet served to him.. Until at last at the intervention of the learned D.P.S. Lucknow the charge sheet dated 7.8.86 was issued and the enquiry too was somehow or the other completed within 12 months & 20 days

(****) Suppose for argument sake all the three

R. Jaiswal

21 May 1994
P.C.

charges are accepted as fully established, even then the charges being of the nature of clerical omission involving absolutely no moral turpitude or no ulterior motive, the award of punishment of compulsory retirement is not at all warranted. This is what the Hon'ble High Court of Allahabad have held (in A.I.R. 1960 Allahabad page 543) as reproduced below.

"Para 5- There is another vital defect in the proceeding taken against the respondent. The charge against him was not that he ~~stated~~ the entry (he admitted this) but that he had done it with ulterior motive. He should be told what precisely is the motive attributed to him otherwise he would not be in a position to rebut the accusation. Thus the charge in this case is vitiated by ~~xx~~ a vagueness and this defect too renders the punishment imposed on him illegal".

(iv) The learned appellate authority has fully appreciated there ⁶ arguments in para 4(1) of the appellate order which reads thus

(i) That the memo of charges does not contain any allegation which may in fact render the integrity of the appellant doubtful. His failure to follow the provisions of rule 141(1)(2) of Book of B.O. rules even if proved beyond doubt may at the most be treated as his failure to maintain devotion to duty but cannot be said to be a sufficient reason

R. Tewari

21/4/1970

to doubt his integrity unless it is proved that the ~~xxx~~ appellant had some ulterior motive behind such ~~xxx~~ action and unless he has been given an opportunity to explain his conduct".

Not with standing these facts the respondent No 2 has reduced the punishment of compulsory retirement into that of reduction by 3 stages in the time-scale.

Here again the award of a major punishment for an admitted clerical omission is still unwarranted.

(v) ~~will~~ A minute perusal of the appellate order ~~will~~ show that the learned appellate authority was in the mood of awarding the punishment of censur alone which he has done in a number of similar cases but here he could not help ordering that , because of the fact that had the applicant been off with the award of a minor punishment, under existing rules he would have automatically become entitled to get the whole of his suspension period of about 3½ years treated as duty and thereby a considerable amount of arrear pay would have been payable to him. But the honourable tribunal while administering justice has no secondary considerations before it. After all the suspension was illegal and it deserves to be treated as duty.

7.

Reliefs sought for:

R K Tevari

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7. Reliefs sought for:

The applicant prays for the grant of the following reliefs:

(i) That the punishment order dated 24.9.87 at pages 22 to 28 may kindly altogether be set aside.

(ii) Para No. 5 of the appellate order dated 3.5.88 at Annexure A-5 on pages 31 to 33 may very kindly be amended as the Hon'ble Tribunal feels it proper to do. The applicant, however, prays that the punishment of reduction in the time scale by 3 stages may be amended to 'Censure' with the grant of all consequential benefits arising thereto.

(iii) He may be allowed the cost of this suit.

R. S. Tawar

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DSG

- 8 -

8- Interim order, if prayed for— N I L

9- Details of the remedies exhausted

The applicant declares that he has availed of all the remedies available to him under relevant service rules— He preferred an appeal on 3/10/83 to the DPS Lucknow who allowed the same partially vide order dated 3-5-88 at pages 31 to 33. As the DPS Lucknow has not done full justice to the applicant— he is submitting this application.

10- Matter not pending with any other court etc. :-

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

11- Particulars of the Postal Order in respect of the application fee :-

(i) No. of I. P. O. D3 630152
(ii) Name of Issuing P. O. Allahabad H.P.O.
(iii) Date 12-10-1988

(iv) P. O. at which payable Allahabad H. P. O.

12- Index- An Index of the documents to be relied upon is enclosed with each copy of this application

13- List of enclosures :-

- (i) Vakalatnama
- (ii) one I. P. O. for Rs. 50/-
- (iii) Five documents to be relied upon

In Verification

I, Ram Pratap Tewari S/O Shri SP. Tewari aged 50
years R/O Fatehganj, Faizabad and working as Overseer Bikafor do hereby

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

Place- Allahabad
Date 24/10/1988

Ram Pratap Tewari
Signature of applicant

To

The Registrar, Central Administrative Tribunal,
Allahabad—211001

R. K. Tewari
R. K. TEWARI
Advocate
154, Purshottam Nagar
(Khuldabad)
Allahabad-16

-9- (160)

Annexure A-1
SS Posts Faizabad Memo No F1/1/82-83dt 7/8/86

ANNEXURE - I

Statement of articles of charge framed against Shri Ram Pratap Tewari, Line O/S Bikapur (U/S).

.....

Article I

That the said Shri Ram Pratap Tewari Line O/S Bikapur (U/S) while functioning as B.M. Sarai Bhanauli (Bikapur) on 10.5.82 has taken the pass book S.B. A/C no. 327857 from the depositor for posting of interest but the said Shri Ram Pratap Tewari alleged:-

- (A) Did not grant prescribed receipt (SB 28) to the depositor violated rules 141(1)(2) of B.O. rules 1964 and rule 3(1)(i) of CCS conduct rules 1964.
- (b) Did not take back the receipt granted in manuscript while making delivery of the pass book to the depositor violated rules 141(5) of BO rules 1964 and 3(1)(ii) of CCS Conduct rules 1964.
- (c) Did not fully balance with B.O.S.B. journal and failed to make any report regarding difference in balance of the pass book violated rule 3(1)(i) of CCS conduct rules 1964.
- (D) Did not submit the pass book to A.O. for posting of interest violated rule 141 of BO rules 1964 and rules 3(1)(ii) of CCS conduct rules 1964.

Photo

TRUE/COPY

R. R. Tewari
(R. R. Tewari Advo.)

Sr. Super. of Post Offices
Faizabad Division
Faizabad-224001

21/4/1986

ANNEXURE - II

Statement of imputation of misconduct or misbehaviour in support of article of charge found against Shri Ram Pratap Tewari C/S Bikapur.

.....

ARTICLE - I

(A) That the said Shri Ram Pratap Tewari line 0/s Bikapur (U/S) while working as ED BPM Sarai Bhanauli on 10.5.82 has taken pass book SB a/c no. 327857 from the depositor and granted a receipt dated 10.5.82 showing balance Rs. 16052- 25 (Sixteen thousand fifty two paisa twenty five only) on the plain paper but he failed to grant prescribed receipt on SB-28 as required under rules 141(1)(2) of BO rules 1964 and failed to maintain devotion to his duty as required under rule 3(1)(1) of CCS Conduct Rules 1964 (4) A

(B) That the said Shri Ram Pratap Tewari line 0/s Bikapur (U/S) while working as ED BPM Sarai Bhanauli on 10.5.82 has taken the pass book SB A/C no. 327857 from the depositor on 10.5.82 and arranged delivery of said pass book to depositor after 10 or 12 days but he failed to take back the receipt granted in manuscript on 10.5.82 from the depositor as required under rules 141(5) of BO rules 1964 and failed to maintain absolute devotion to his duty as required under rule 3(1)(1) of CCS Conduct Rules 1964.

(C) That the said Shri Ram Pratap Tewari Line 0/s Bikapur (U/S) while working as ED BPM Sarai Bhanauli on 10.5.82 granted a receipt dated 10.5.82 in favour of SB A/C no. 327857 showing balance Rs. 16052- 25 (sixteen thousand fifty two paisa only) but the B.O. S.B. journal shows the balance Rs. 12052- 25 of said account. Shri Tewari failed to tally balance with B.O. S.B. journal and also failed to make any report regarding difference in balance of the pass book. Thus Shri Tewari has failed to maintain absolute devotion to his duty as required under rule 3(1)(1) of CCS Conduct Rules 1964 (4) A

contd. on 2

21/11/2014

ANNEXURE - III

List of documents by which the articles of charge framed against Shri Ram Pratap Tewari Line O/S Bikapur (U/S) are proposed to be sustained.

- 1) Pass book of SB a/c no. 327857 ,
- 2) Receipt granted on plain paper, showing balance Rs. 16052-25 dated 10.5.82 (10.5.82).
- 3) Statement of Shri Girju Gupta dated 25.8.82 .
- 4) B.O. SB journal of B.O. Sarai Bhanauli dated 10.5.82.
- 5) Statement of Shri Ram Pratap Tewari dated 7.8.82.

(D) That the said Shri Ram Pratap Tewari Line O/S Bikapur (U/S) while working as ED BPM Sarai Bhanauli on 10.5.82 received the pass book of Sarai Bhanauli SB a/c no. 327857 on 10.5.82 for posting of interest but he failed to submit the pass book to account office violated rules 141 of EO rules 1964 and rules 3(1)(1) (iii). of C.S. Conduct Rules 1964.

~~Sr. Supdt. of Post Offices
Faizabad Division
Faizabad-224001~~

ANNEXURE - IV

List of witness by whom the articles of charge framed against Shri Ram Pratap Tewari Line O/S Bikapur (U/S) are proposed to be sustained.

- 1) Shri Girju Gupta S/O Shri Bhagwan Singh and Mrs. Sumrahan Distt. Faizabad Depositor of Sarai Bhanauli SB A/c no. 327857 .
- 2) Shri Ram Deo the then S.I. (South) Faizabad .
- 3) Shri Murari Lal the then A.S.P.Os Faizabad Division.

Photo

TRUE COPY
R. Tewari
(R. N. Tewari Adv.)

~~Sr. Supdt. of Post Offices
Faizabad Division
Faizabad-224001~~

112441410

Annexure A-2

Pic 3

प्रियालक अ. राज राय विदेशी दार्शन
पुस्तकालय (गोपनी) 224122

संलग्न

प्रवर अपील्सक आक पर
फिजावाट मंडल, फिजावाट

ਪਾਬੰਦੀ ੩੦ ਅੰਗ ੦-੨/ਰਾਸ਼ਟਰੀ ਪ੍ਰਤਾਪ ਤਿਕਾਰੀ । ੧੮੬ ਦਿਨਾ�ਕ ੨੪-੪-੧੯੭੧
 ਵਿਥੁ — ਅੰਗ ਰਾਸ਼ਟਰੀ ਪ੍ਰਤਾਪ ਤਿਕਾਰੀ (ਜ਼ਿਲ੍ਹਾ ਵਿਤ) ਸਾਰਿਂਗ ਪੀਸ਼ੀਵੇਂ ਫੇਜ਼ ਸਾਡੇ
 ਕੰਕ ਵਿਰਾਸ਼ੁ ਕਲਾਸੀਫਿਕੇਸ਼ਨ ਕਨਵੀਲ ਲੁਧੀਆਂ ਅਪੀਸ ਨਿਧਾਰ । ੧੯੬੪
 ਕੰਕ ਨਿਧਾਰ । ੧੬ ਕੰਕ ਅਨਤਰੀਤ ਜਾਂ ਬਾਕੀ ਪਾਣੀ

संदर्भ — मंडुली य जारीत्य पत्रावली रुप- ११/८२-८३

मंडलीय कार्यपालक के उपर्युक्त प्रभा दिनांक 19-9-86

द्वारा अधिकारी द्वारा सरकारी को जांच अधिकारी नियुक्त किया गया था तथा किभाग की तरफ से मार्गिल को प्रस्ताव करने के लिये अधीक्षित अधिकारी को प्रस्तुत कर्ता सुभाष चन्द्र अधिकारी विकास अधिकारी को प्रस्तुत कर्ता अधिकारी नियुक्त किया गया था।

आधिकारी निष्टुल किया गया था।
(२) सितंबर ८६ से १५ नवंबर ८६ तक जारी की

(७) सप्तवर ४६४ १३ नवम्बर १९८०
 लंगित निरीक्षण की पूरा करने के लिये सक सम्पूर्ण कर्म का
 प्रवापा गया था उसलिये सूह पहले ही स्वयंत्र कर दिया गया था कि
 उस मास्ते में जो य नियमित तिथि ३१-१९८१ तक संभव न थी है।
 उस मास्ते में जो य हंडु प्रथम तिथि दिनों के २७-११-८६ की
 किर भी उस मास्ते में जो य हंडु प्रथम तिथि दिनों की रात
 फैजावाद प्रधारणाके बर में स्वर्णी गड़। दोषाश्रित लंगित श्रीराम
 प्रतारा तितारी ने अपना वचाव सहापत श्री रामनिहीर लाल को निपुण
 करने की स्वयं दिया।

(3) करने की स्थिति देखा। श्री राम प्राप्ति तिलारी के विकल्प निम्नलिखित असेध

(3) ये,- (1) श्री राम प्रभाप तिवारी लाल्हन अंगर स्थिर वीकाकुर के पछ पर कर्म करते हुस्त दिनों के 10-5-82 को वर्षा के बाला सं 327857 के जमा करता श्री विर्बा के गुप्ता से उसकी पास मुक्त प्राप्त कार के लूक सोट कागज पर हस्त लिखत रसीद दिया जिस पर वैलेस 16052/25 लिखा उन्होंने गार्हा डाक पर तिथमायली के नियम 14(1)(2) के प्रावधान के अनुसार नियमित रसीद नहीं दिया।

(ii) उक्त अमी राम प्रताप तिवारी ने १०.५.८२ को विचलन प्राप्ति प्राप्ति संख्या ३२७८५७ को प्राप्ति कर्ता १० पा १२ दिवांग रामिट्टर को वापस देने विधा परन्तु उसी उन्हें विधाया था, उस वास्तविकता निधनायल १९६४ के नियम १४४ (३) के प्राप्तिका के उत्तरांश दार से वापस नहीं लिया।

(111) उक्त अंग राम प्रताप तिवारी ने दिनांक 10.5.82 को वस्त्र स्वामी सं 327857 की पारंपुर ग्राम के उस पर पासपुर के अहुसार वकाया मुद्दे 16052/७५ लिखा जाता कि शारदा भास्कर वपत वैके जनित्र की अहुसार श्रीष्ट वन के पास 12052/७५ भा अहोन पासपुर के वैलेस की जनित्र से नहीं मिलाया तथा वकाया में अन्तर होने की कोई विप्रति नहीं किया। अंग राम प्रताप तिवारी उक्त अवधि ने शारदा डाक पाल सराय भौंडी का काफी भार घटाया किये हुए है।

उपरोक्त कृतियों से भी राम प्राप्ति लिखारी पर पह आंरोप था कि उन्हें लेन्ड्रिय नागरिक सेवा (परिषद) निपस्तावली 1964 के विषय 3 (ii) (ii) वाली

(4) उपरिकृत आरोपियों के आधार पर संस्कृत में निम्न लिखित घारोंओं पर विवेचना की जानी आवश्यक है।
 (5) क्षण दिनोंक 10-5-82 का शास्त्रात्मक पर सराय भवनोंमें

४४८ (२) निर्धारित रसीद ८८८८ छुक उपलब्ध
में जमीकर्ता रसीद (८८८८ २४) की निर्धारित रसीद छुक उपलब्ध
भी, किन परिस्थिति लिया में अमी राम प्रलाप तिकारी के रखते दर
से पासबुके में ३२७४५७ की हस्तालिशित रसीद वापस नहीं
लिया तो पावंचत बेक जनेत्वे से वकाशा भव्या पिता न करना
स्वयं ध्याज हेतु अप्यान हाक घर ते भेज कर १०-१२ दिव्य तक
अपने पास लिया रख्या ।

(5) દિનાંક 27.11.87 કી પદ્ધતાની દિનાંક 28.2.87

4.3.87, 18.4.87, 28.4.87, 17.6.87, 18.6.87, 29.6.87, 9.7.87
20.7.87, 27.7.87, 31.7.87 तथे 7.8.87 की कार्यवाही संवादी
वेठके जी गई। माह मई 1987 में जोच की कोड लिपि नहीं रखी
जा सकी क्कोडिक प्रस्तीता अधिकारी श्री मुमार्द-वर्मा श्री कास्त्र को
पुनर्जन्मित्याप्तिस्थापन हुतु ढाक तर प्रशिक्षण कार्य संस्करण द्वारा जाना
पड़ा तत्परतात छुट्टी गई 18.5.87 से उपरोक्त प्रशिक्षण में उन्ना
पड़ा था। दिनों के 22.2.87, 23.2.87 को व्याव सहायक के प्रयोग
न होने के कारण कोड कार्यवाही न हो सकी। इसी प्रकार 4.3.87
के प्रस्तीता अधिकारी के उपस्थित न होने के कारण कार्यवाही
न हो सकी तथा दिनों 18.4.87 के मेडलीर जनरियर से सुधी-
र हु अभिलेख न प्राप्त होने के कारण जोच कार्यवाही स्थगित
करनी गई। दिनों के 23.4.87 का दाखिलायित कार्यवाही को
अभिलेख का अवलोकन कराये जाने की लिपि निवार की गई
भी परन्तु इस दिन भी अभिलेख उपलब्ध न हो सके। इसमें
के बाद अभिलेख का अवलोकन दिनों के 17.6.87 के कारण अस्तर
तथा 18.6.87 के गवाहों के व्यावों की प्रतिक्रियायायित
कार्यवाही की उपलब्ध कराई गई। व्याव सहायक न अविस्तर
अभिलेखों की सूची प्रस्तुत किया। इस पर प्रियोरी कार्यक्रम के
बाद यह पाया गया कि मांग किए जाने कागजातों का आरोप
कोड संवाद नहीं है अतः व्याव सहायक को लिपिभूत दिया
गया कि वांछित कागजातों का उपलब्ध कराया जाना असंभव
है। श्री मुरारीलाल सिंह निकृत डाक अधीसक बुलंदशहर तथा
तलालीन डाक निरीक्षक श्री रामदेव का व्याव लिपिभूत किया गया
और कार्यवाही आंग दालू हुई।

(6) अमी शुरारलाल में अपने व्यावर में बताया कि
वे दिनोंके २५.८.८१ को सहायक उपर्युक्त शक डाकघर के जायाद के
पद पर कामी कर रहे थे। उन्होंने बताया कि दिनोंके २५.८.८१
को उन्होंने सराय अन्नोंली डाकघर में स्थित रखता है ३२८५७
की जमायती श्री विरोड़ उपर्युक्त अगवान दार्त्तन उन्होंने ग्रामीण
गुरुग्रोव का बयान (प्रदर्श का-१) दिया था। श्री विरोड़ उपर्युक्त
की बयान दिनोंके २५.८.८१ को उन्होंने सुन्दर किया। श्री नवदेव
तत्कालीन डाक नियंत्रकोन अपने व्यावर में बताया कि वे उपर्युक्तीय
तिरीक्त डाक घर बीका चुर के पद पर दिनोंके १०.७.८१ से १०.८.८१
तक कामी किया। दिनोंके ७.८.८१ को तत्कालीन डाक नियंत्रक
श्री राम प्रताप तिवारी को पग सं० २० सराय अन्नोंली का कामी भार गहर
करने का आदेश दिया था। श्री राम प्रताप तिवारी ने

शाश्वा डाकब्यर सराय भनीली की वचन रक्काता ₹ 32785/- की जमाकर्ता श्री विरी ऊ गुप्ता से उनकी पासबुक में 4000/- जमा दिनोंक 19-3-82 की वापरेष 16052/25 का प्राप्त करने दिनोंक 10-5-82 की 25/- देने लिए उन्हें 4000/- की जमाएवारी द्वितीय के संवन्ध में उनका विवाह (प्रदर्शी क-2) प्राप्त किया जा तथा पासबुक में रखीद (प्रदर्शी क-3) जिसे श्री राम शास्त्रापत्रियारी ने शाश्वा डाकब्यर श्री विरी के गुप्ता को दिनोंक 10-5-82 की विधा था उस रक्काता पर से दिनोंक 21-6-84 की जमा किया जा। वरद रक्काता से ₹ 32785/- की पासबुक (प्रदर्शी क-4) में दिनोंक 19-3-82 की 4000/- जमा करने की काई परिषिद्ध शाश्वा डाकब्यर जमा भनीली के वरदवाक जमिल (प्रदर्शी क-5) में नहीं पढ़ गई थी। भनीली के वरदवाक जमिल (प्रदर्शी क-5) में नहीं पढ़ गई थी। वरद इमहापक छाश परीक्षण करने पर श्री रामदेव ने वरद कि श्री विरी ऊ गुप्ता से पासबुक ₹ 32785/- की रखीद (प्रदर्शी क-3) की शाश्वा डाकब्यर के द्वारा किया जा। शाश्वा डाकब्यर इमराप भनीली श्री रामदेवकर पांडेय की रक्काता की अवशिष्ट में श्री रामदेव तथा तहकालीन इमहापक अदौशक उपर्युक्त जालाल के सुनुक्त आदेष के अन्वार वर कर्ति शृंखला की निरीक्षण दिनोंक 6-11-81 को तथा वीसठा 16-3-82 को का लिए जिसका दिनोंक 6-11-81 को तथा वीसठा 16-3-82 को कि किया गया था। परन्तु श्री रामदेव की स्पष्ट न भी सुक कि किया गया था। परन्तु श्री रामदेव की स्पष्ट न भी जमाकर्ता रखीद अर्थ सराय शाश्वा डाकब्यर से सराय भनीली की जमा भट्टी। (SB-28) की विवरिति रखीद बही उपकरण भी शाश्वा डाकब्यर सराय श्री रामदेव में आम करा कि जिस सराय शाश्वा डाकब्यर सराय भनीली का यारी श्री राम प्रताप तिवारी में प्राप्त किया गया उक्त उक्त लिस्ट की अभिवैज्ञन पक्ष अथवा वकाल पक्ष द्वारा पासबुक नहीं किया गया। प्रदर्शी क-5 प्राप्त करने के लिये उक्त उक्त लिस्ट की अधीक्षक महादेव हुएरे लिंदा किया जाया जा। उसी प्रधार अधीक्षक महादेव हुएरे लिंदा किया जाया जा। उसी अदौश के अदौशक उक्त लिस्ट की उक्त लिस्ट की अदौश पर श्री रामदेव ने तत्त्वापरापुरुष प्राप्त करने का करण प्रदेश पर श्री रामदेव ने तत्त्वापरापुरुष प्राप्त करने की दिनोंक 29-4-82 की कि शाश्वा डाकब्यर सराय भनीली की दिनोंक 29-4-82 की उक्त आक होने के बाद उनके प्रियेले कोई का सत्तापन के स्तर स्तरीय में श्री विरी के गुप्ता की पासबुक (प्रदर्शी क-4) प्राप्त किया जा। जिस दिन पासबुक प्राप्त भी जहाँ उस दिन विरी के गुप्ता के पास श्री राम प्रताप तिवारी द्वारा दी गई दस्तीद अप्पायुक्त रही। श्री रामदेव ने बताया कि श्री रामदेव (प्रदर्शी क-3) अप्पायुक्त रही। श्री रामदेव ने बताया कि श्री रामदेव (प्रदर्शी क-3) अप्पायुक्त रही। श्री विरी के गुप्ता से पासबुक उसके द्वारा की प्राप्त किया जा तथा उसपर स्पष्ट लिखा गया कि पासबुक याज हेतु धन्वान्डालवर श्रीउक के लिये प्राप्त भी गई भी परन्तु श्री राम प्रताप तिवारी ने उक्त पासबुक (प्रदर्शी क-4) की प्रधान डाकब्यर-मैजिस्ट्रेट याज लेने के लिये मही भेजा और उसका दीलीस नपतवेक उक्त उक्त (प्रदर्शी क-5) के सहपात्र भी नहीं किया। अग्रभाग 10-15 दिनों तक पासबुक अपने पास ही रखे रहे और शाश्वा डाकब्यर श्री विरी के गुप्ता द्वारा मांगने पर उन्होंने पासबुक वापस

पृष्ठा (4)

(७) श्री विरीक्त गुप्तानि अपने व्यापार में काश्य का उत्तम व्यापक व्यापार सं० ३२७४५७ (प्रदर्श क-४) प्राप्त किए गए व्यापक व्यापार सं० ३२७४५७ (प्रदर्श क-३) जिसे श्री राम प्रताप गिरावी की रक्षीद (प्रदर्श क-३) जिसे श्री राम प्रताप गिरावी तत्कालीन कार्यवाहक व्यापार डाक बाल इष्ट डाक संघीकरण ने दिनांक १०.५.४२ को दिया था उस पर शिक्षण १६०५२/२५ दिया गया इस विवरण में उन्होंने अपना व्यापार दिनांक १५/१२ दिया गया इस विवरण में उन्होंने अपना व्यापार दिनांक १५/१२ को तत्कालीन सहायक डाक अधीक्षक श्री शुश्री लाल को दिया गया । उन्होंने उत्तर ज्ञापन (प्रदर्श-१) भी दिया है जिसका उत्तर इष्ट डाक संघीकरण द्वारा दिया गया है ।

ପୁଣ୍ୟ (୫)

इस राहि में दु० ३५००/- जमा करने के बाद ०३.०३.८५ से खाला आखा आकाश रखाय गया ली में स्पानान्तस्ति किया गया था। परन्तु छापे पर्व भी दिनांक २७.९.७९ के डल द्याते हैं १०००/- जमा सराय गयोली में किया गया मालूम पड़ता है। अतः पासछुक भी सभी उपरिकृतों की समीक्षा आपश्वपक है जो निम्न विवरण में अद्वार है:-

दिनांक	जमा	क्रिया	वर्तमान	ठहर क्रमिकरण
११.७८	४५००	-	४५००	वीजापुर ११.७८
२३.११.७८	४०००	-	८५००	वीजापुर २३.११.७८
५.३.७९	६०००	-	१४५००	वीजापुर ५.३.७९
२२.३.७९	-	४०००	१०५००	वीजापुर २२.३.७९
४.५.७९	-	२५००	८०००	४.५.७९
२३.५.७९	-	३०००	५०००	२३.५.७९ (१)
५.६.७९	-	३५००	१५००	५.६.७९ (२)
४.८.७९	९०००	-	१०५००	४.८.७९ (३)
२७.९.७९	१०००	-	११५००	ExPTL UP. २७.९.७९
२१.२.८०	-	२०००	९५००	वीजापुर २१.२.८०
२६.३.८०	-	४०००	५५००	२६.३.८० (४)
१९.४.८०	-	५५००	१०००	१९.४.८० (५)
३०.६.८०	९००	-	१९००	ExPTL UP.... ३०६८०
३०.७.८०	-	१०००	९००-	वीजापुर ३०.७.८०
	क्रम ७०.७९		१५२.१०	
	७९.८०		४५१.७५	वीजापुर २.८.८०
			१५०३.८५	
१०.९.८०	-	६००	९०३.८५	वीजापुर १०.९.८०
२९.९.८०	८००	-	१७०३.८५	ExPTL UP.... २९.९.८०
२९.९.८०	९००	-	२६०३.८५	" "
६.१०.८०	३५००	-	६१०३.८५	" ६५०.८०

Transferred to Sarai Bhamani

on १०.१०.८०

१०.१०.८०	१०,०००	-	१६१०३.८५	ExPTL ५३१७ १०.१०.८०
११.१०.८०	१५००	-	१७६०३.८५	" ११.१०.८०
१७.११.८०	-	१०००	१६६०३.८५	वीजापुर १७.११.८०
८.५.८१	-	२०००	१४६०३.८५	" ८.५.८१
२६.५.८१	-	३०००	११६०३.८५	ExPTL ५३१७ २६.५.८१
७.११.८१	-	४०००	७६०३.८५	वीजापुर ७.११.८१
	क्रम ८०.८१	४४८५०	८०५२.२५	वीजापुर १२.११.८१
१३.३.८२	४०००	-	१२०५२.२५	वीजापुर १३.३.८२
१९.३.८२	४०००	-	१६०५२.२५	अस्पत्त मुद्रा

उपरोक्त विवरण से गहर साफ मालूम पड़ता है कि

इस राहि में दिनांक २७.९.७९, ३०.६.८०, २९.९.८०, ६.१०.८०, १०.१०.८०, २६.५.८१ को जीवने न शाकालाक्षण्यर सराय गयोली में किया

लिया गया जबकि रखाता शारण डाकपात्र सराय अनौली को स्थानान्तरण का रिकार्ड दिनांक ८-१०-८० को पासमुक्के के सूचि पर लिखा है। जबकि ज्ञान को शारण डाकपात्र के लिए नियमित रखा गया, दान को शारण डाकपात्र में लिखा पाया गया तथा शारण डाकपात्र सराय अनौली की तारीख सुहर EXPTL. UP-५३१ परियाज की गई। शारण डाकपात्र में लिए देव के समय संदेश तारीख सुहर में तारीख तथा गाठ समझी से बनाया गया। यद्यपि दिनांक १९-३-८२ की ४००८ जमा के लिए डाकपात्र की दो सुहर लजी हैं उसमें की तारीख शाह इयं परि रखाई से लिया दियाई लड़ता है लिखित सुहर शारण डाकपात्र सराय अनौली की लजी नाम सालग्रह पश्चीमी हैं फिरकि अंतिम सुहर EXPTL. UP-५३१ के लाली छाली सालग्रह पड़ती है अतः दिनांक १९-३-८२ की ४००८ जमा यांविष्ट संदिग्ध सालग्रह पड़ती है। यह संभव है कि यह जमा यांविष्ट उस समय उपलब्ध रही है जब श्री राम प्रताप तिवारी को पासमुक्के प्राप्त हुए तु दी गई है।

(७) श्री राम प्रताप तिवारी के अपेक्षित व्यापक कलिखित वयान में बताया कि वह वर्ष १९७७ में डाक सर्विसक के पद पर श्रीनिवास होकर डाक सर्विसक वीका पुर के पद पर नियुक्त हुए। उस समय श्री रामदेव श्री श्रीरामलीला विरीभास के जो कि श्रीजयामाला के नाम से चा। उनके स्थानान्तरण के बाद श्री रामदेव १९८५ में कोटियार छहण लिया कीर्ति डाक निरीसक श्रीरामायण (द१) के पद डाक निरीसक वीका पुर के नाम से होकर सुरवाती वीका पुर में हो गया। ३४ डाकपात्र वीका पुर तथा उन्होंने कई बार शारण डाकपात्र सराय अनौली श्री रामदेव पात्र के असंतुष्ट-जागक कोर्टों के बारे में लिखा है लिया चा। परन्तु कोई कार्य-प्रयोगी नहीं हुई। श्री रामदेव पात्र को तत्कालीन स्थान डाक अधीसक श्री हरिमंगल लिंद की रिपोर्ट पर सुह आफ लिया गया नामीर उन्हें शारण डाकपात्र सराय अनौली का जाय भारू दिया गया। भरपूर अनौली में नगदी तथा महतवपूर्ण लागजात रखना असुरक्षित था अतः उन्होंने डाकपात्र का कार्य वीका पुर से ही करना शुरू किया। १० डाक विरीक्षक की डाक उनके पास श्रीरामायण द१ जो इलेक्ट्रो कि रासेन के श्री पिरीअ गुप्ता स्थानांमें ३२७८५७ के जमा कर्ता लिखे थे हाल तक उन्होंने डाकपात्र पर अौन को कहा परन्तु उसके आशह करने पर उन्होंने पासमुक्के प्राप्त लिया कीर्ति डाकपात्र सहै कामगार हस्तालिखित रखीद दिया। उन्होंने कोई कहा कि जांच के द्वारा ज्ञात दरमाएँ जो पासमुक्के प्राप्त कर हस्तालिखित रखीद पदवाले की सुहर लगा कर की बाती थी। उन्होंने

पृष्ठ (४)

पासमुक रखता सं० ३२७८५७ (प्रदर्शि क.५) श्री द्विरीऊं गुप्ता से प्राप्त कर सांदे कागज पर रसीट दिया था और उस पास मुक्ति की अपेक्षा ऐलैंग में स्वर लिया। पासमुक उनके ऐलैंग ती पक्षी रही। लगभग १०-१५ दिन बाद खाँदार बीकापुर आया और अपनी पासमुक गांगा उंहाँसे काले से बिकल कर पासमुक के दिया परन्तु ^{रसीट द्विरीऊं} वास नहीं लिया। श्री राम प्रताप तिवारी ने आज कहा कि पासमुक वापस करते समय आख्यायक घर संगमनील के बच्चे जीवन (प्रदर्शि क.५) उपलब्ध नहीं था जिसके द्वारा पासमुक को बक्कास का गिराव नहीं लिया जा सका। श्री राम प्रताप तिवारी ने पासमुक अपेक्षा ऐलैंग में १०-१५ दिन स्वरा उनका बहुता कि पासमुक वापस करते समय उपलब्ध नहीं था तो १०-१५ दिनों के अन्दर उपलब्ध नहीं था तो १०-१५ दिनों के अन्दर उपलब्ध नहीं था तो उनके जीवन के दृश्य किर भी बहुत हैं कि खाँदार पासमुक वापस मार्जन के लिये बीकापुर द्वारा नियम और पासमुक बीकापुर द्वारा वापस की गई। आख्यायक घर भी तो बीकापुर द्वारा दी गई थी और रहना दी गई थी राम प्रताप तिवारी ने श्वीकार किया है तो उन्हें पासमुक प्राप्त करने की लिये दिनों के १०-१५-१२ तक वापस करने की तिपि की वीय १०-१५ दिनों में उन्होंने वैलेस जीवन से नहीं निला सका। इसके अतिरिक्त व्याड के लिये प्रधान आकर्षण की भी नहीं मिला। वे स्थान भी कैजायाद अंत जीते हैं परन्तु व्यक्तिगत रूप से भी उन्होंने इस स्थान की पासमुक को वैलेस प्रधान आकर्षण से सलगाप्ति करा कर व्याड नहीं लिया सका। श्री राम प्रताप तिवारी का यह कहना गलत है कि श्री रामदेव ने इस भागील के उपर्योग वस बनाकर उन्हें कैसायं। पासमुक सं० ३२७८५७ (प्रदर्शि क.५) जागा करता श्री द्विरीऊं गुप्ता की वापस लौटने समय उसमें द्वितीय ११-३-१२ जी ४००० बी जामा प्रतिविहीनी नहीं गई थी। इस श्री रामदेव के व्यवहार अंतर्देव उन्हें बहाल भी कर दिया जाया परन्तु श्री राम इसापि ने जाता कि उन्हें बहाल नहीं किया जाया। जबकि उन्हें भागील १२ बी निलंबित हुये थे। पर वहाँ तक जान्दे भी आरोप पत्र नहीं दिया जाया। श्री राम प्रताप तिवारी ने अंत जाया कि आरोप पत्र अं वहु आरोपित किया जाया है कि उन्होंने पासमुक प्राप्त करें तृसुल विद्युत-२स्मीद दिया जिससे उन्होंने रामपुत्रापाति

(9) उपरोक्त विवेचना के आधार पर आरोप
में १ के विषय में यह स्वीकृत भाष्य है कि श्री राम प्रताप
तिकारी ने पाञ्चकुल रणनीति सं० 327857 (प्रदर्शी क्र. ४) के स्वर्णिम
श्री पर्वी अंगुष्ठा के प्राप्त कर स्वीकृत (प्रदर्शी क्र. ३) हस्तालिङ्ग
--- घण्ट १० रु

पृष्ठ (५०)

सार्द का गजा पर किया था । परन्तु अधिकारीजन अपना वचाव पर स्थिती में भी इस तरह की पुष्टि नहीं किया कि शासन अधिकार अपार भागीरथी में जागा कर्ता रखी द (१३-२८) की विर्द्धित रखी वही उपलब्ध भी जागा नहीं । आरोप में २ से ५ तक पासषुक व्याज है तु अध्यान अक्षय पर कोने न भिजना पासषुक का वकाया जाकर लेने से न मिलाना तथा पासषुक वापस करना समय जागा कर्ता से दर्शक (प्रदर्शी का ३) वापस के लिए की जाता दीक्षित वर्गीयारी के स्थान स्वीकार किया है । उत्तीर्ण जताया कि पासषुक ग्राह कर उसे अपने किए रख लिया, व्याज है तु कैजामाट प्रधान अक्षय पर १००% जिता तथा वकाया का सहायता वस्त्र वैश्वर्यम् देने जाते हैं किया । इस विधि में कर्ता द्वारा प्रदर्शक तक सत्यता स्थान विद्युतास देने पर मालूम फ़ज़ा है कि उत्तीर्ण भी, सीधे स्थान ले सिद्ध होते हैं । जहां तक पासषुक (प्रदर्शी का) में फ़िल्म का १९-३८२ की ५०००% जागा प्रविष्टि का उपलब्ध है, उसकी पासतविकला संचित्या मालूम फ़ज़ा है । उसकी विविधता विद्युतास है ८ स्थान ७ पर भी जातुकी है ।

Photo
TRUE COPY
R. K. Tewari
(R. K. Tewari Adv.)

प्रदर्शक
जीवन अधिकारी
म. संदर्भ निवास बाबर
वाराणसी
उत्तर प्रदेश (उत्तर) 221122
अक्तूबर २०१३

२०१३ प्रता १५ दिसं

Annexure A-3

DEPARTMENT OF POSTS INDIA

Office of the Sr. Suptd. of Post Offices, Faizabad Dn. Fzd.

Memo no. E-1/1/82-83 Dated at Faizabad the 24.9.87

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Shri Ram Pratap Tewari, line Overseer Bikapur Faizabad (U/S) was served with a charge sheet under rule 14 of CCS(CCA) Rules 1965 vide this office memo no. even dated 7.8.86. The statement of imputation on account of misconduct and misbehaviour against him is reproduced below:-

Article - I:

That the said Shri Ram Pratap Tewari, Line O/S Bikapur (U/S) while functioning as B.P.M. Sarai Bhanauli (Bikapur) on 10.5.82 has taken the pass book S.B. a/c No. 327857 from the depositor for posting of interest but the said Shri Ram Pratap Tewari alleged :-

- (A) Did not grant prescribed receipt (SB-28) to the depositor violated rule 14 1(1)(2) of B.O. rules 1964 and rule 3(1)(i) of CCS Conduct rules 1964.
- (B) Did not take back the receipt granted in manuscript while making delivery of the passbook to the depositor violated rule 141(5) of B.O. rules 1964 and 3(1)(i) of CCS Conduct rules 1964.
- (C) Did not tally balance with B.O. S.B. journal and failed to make any report regarding difference in balance of the pass book violated rule 3(1)(i) of CCS Conduct Rules 1964.
- (D) Did not submit the pass book to A/O for posting of interest violated rule 141 of B.O. rules 1964 and rules 3(1)(i) of CCS Conduct rules 1964.

Shri Ram Pratap Tewari was informed to submit his representation if any against the charges within ten days of the receipt of the aforesaid memo. Shri Ram Pratap Tewari had submitted his representation dated 18.8.86 which was received in this office on the same day, stated all the charges to be incorrect and denied the same. Thereafter action to initiate oral enquiry as per rule 14 of CCS (CCA) Rules 1965 was taken accordingly. Shri R.K. Mishra, SDI(E) Akbarpur and Shri S.C. Srivastava, S.B.D.O. Faizabad were appointed as E.O. and P.O. respectively. Shri R.K. Mishra expressed his inavailability to enquire into the charges vide his letter Enq/R.P.Tewari /86 dated 11.9.86 because there were eight enquiry cases

with him and out of them in six cases he was acting as E.O. . Thereafter Shri Baij Nath ,SDI(North) Akbarpur was appointed as the enquiry officer vide memo no. even dated 19.9.86. The enquiries were completed by him on 7.8.87 and he submitted enquiry report EC-2/R.P.Tewari/86 dated 28.8.87 received on 4.9.87 under his letter no. even dated 31.8.87.

I have gone through the enquiry report submitted by E.O. and other connected documents w.r.t. to the charges levelled against the charged official, and have reached to the following conclusions:

The case in brief is that the charged officer had taken over charge of the E.D.B.P.M. Sarai Bhanauli on 29.4.82 because the then E.B.P.M. Shri Ram Shankar Pandey was placed under put off duty due to his involvement in misappropriation of S.B. deposits and forged S.B. withdrawals . The charged officer was thus performing the duties of the E.D.B.P.M. Sarai Bhanauli in addition to his own duties. He had received S.B. Pass book account no. 327857 from the depositor on 10.5.82 for entry of the interest . He had granted a receipt to the depositor on a plain paper instead of granting receipt in prescribed form i.e. S.B. 28. The balance on the said receipt of the said pass book was recorded to be Rs. 16052-25 .The charged official did not submit the said pass book to the account office /Head Post Office for entry of interest but returned the same to the depositor after about 10 to 15 days . He did not take back the aforesaid receipt from the depositor. The last entry in the pass book was the entry of deposit of Rs. 4,000/- dated 19.3.82 raising the balance of Rs. 16052-25 whereas this entry of deposit was not available in the P.O. S.B. journal and the aforesaid amount was not accounted for too. In the pass book , the entry of the last transaction including the date and balance have been incircled . The charged official was therefore served with a charge sheet referred to above.

The finding of the enquiry officer in respect of each article of charge and my observations are as below:-

Article of Charge No. (a) :-

The enquiry officer had reached to the conclusion that it could not be proved whether the prescribed receipt book in form S.B. 28 was available at the B.O. or not .

(3)

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Obviously it is an important issue to prove the allegation. It would not be out of way to mention here that the charged official in his statement dt. 7.8.82 (Ex. Ka-2) had stated that he had said to the depositor Shri Ghirrau Gupta to come to P.O. because he had no receipt there. According to him Shri Ghirrau Gupta had met him in the way while he was going to Sarai Bhanauli P.O.. This indicates that the S.B. 28 was available at the S.D.B.O. This fact has not been brought out in the enquiry report by the E.O. thus finding of the enquiry officer that the availability of the S.B. - 28 was not proved is not correct. It is proved that the provisions of Rule 141(1) and (2) of the B.O. Rules have been violated by the charged official.

Article of Charge No. (b) :-

The charged official had mentioned in his written brief that he had returned the pass book to the depositor after 10 to 15 days on his demand but the receipt was not returned by the depositor. According to Rule 141(5) of the B.O. Rules, the pass book should be delivered to the depositor on his giving up the receipt originally granted to him for the pass book and his signing the form of acknowledgement printed on the reverse of the receipt. In this case no printed receipt was issued as such the pass book should have been made over to the depositor only after the receipt was returned by him and he would have signed on the receipt in token of having received the pass book. This charge is stated to have been proved in the enquiry report by the enquiry officer and I agree with his findings. The plea of the charged official that the depositor did not return the receipt is a lame plea and may not be acceptable.

Article of Charge no.. (c) :-

The charged official has stated that the S.B. journal was not available at Bikapur as such the balance could not be verified by him. It has been observed by the E.O. that the charged official could have verified the balance of the P.B. at the account of H.P.O and get the interest posted as the P.B. remained in his custody for a long period and he had frequent visit to the H.P.O. but he failed to do so in his statement dt. 7.8.82 (Pr. 33) that he had to make verification to an B.P.M. who was put

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charged official failed to verify the balance of the pass book with the B.O. (SB) journal, although the pass book remained in his custody for about 10 to 15 days and when he had to carry out the verification of the balances invariably. It appears that the charged official knowingly avoided to verify the balance of the pass book and having come to know that the amount of Rupees 4,000/- shown as deposit in the pass book was not accounted for, did not submit the pass book for adding the interest because the irregularity would have come to light immediately. Thus he might have given undue favour to the ex. EDBPM with some ill motive. Thus this charge is proved.

Article of Charge No. (d):

The charged official had himself admitted non submission of the pass book for posting of interest after receiving the same from the depositor. As per receipt granted by the charged official to the depositor the pass book was received for posting of interest. Thus the violation of rule 141 of B.O. Rule by the charged official is fully proved.

The charged official in his written brief has pleaded that the allegation regarding violation of Rule 3(1)(i) of CCS(Conduct) Rules 1964 is quite baseless because the said rules say that "each government servant should maintain absolute integrity". Integrity means honesty. It has to be seen whether the facts mentioned in (a) to (d) in article of charge amounts to dishonesty impeaching the integrity what will be the motive and what was motive has not been mentioned either in charge or statement of imputation. No reasonable person will say that non issue of receipt on S.B. 28 but in manuscript noting balance in pass book not taking of receipt while giving back the pass book and not tallying balance with S.B. journal and non submission of P.B. so received to H.O. amounts to act of dishonesty. He has further pleaded that no motive can also not be alleged. He further pleaded that encircling of deposit entry of Rs. 4,000/- in P.B. will not alter in position and will not disentitle the depositor to claim Rs. 4,000/- nor it could be proved that B.P.M. has not misappropriated the amount and it would save him from above defalcation.

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The depositor had original receipt showing balance written by him. Had there been any ulterior motive he would have not returned the pass book without taking into possession the said receipt. It is to mention here that the charged official in his statement dated 7.8.82 (Pradarsh K-2) has said that oneday when he was going to B.O. Sarai Bhanauli, the depositor Shri Ghirrau Gupta accompanied Shri Ram Shankar Pandey met him in the way. Shri Ghirrau Gupta requested him to send his pass book a/o no. 327857 for entry of interest thereupon the charged official told him that he should come to Post Office because the charge official had no receipt there. This indicates that the prescribed receipt book SB-28 was available with him. However the depositor had asked the charge official to take the pass book and he (Depositor) will take the receipt afterward because he had to come Bikapur frequently. Thereafter the charged official granted him receipt on plain paper. The charged official has also stated that he kept the pass book in his bag and forgot to send the pass book to Account office /Head Office for entry of interest because of heavy rush of work. He also said that by the time he was keeping all the records with him and was residing at Sarai Bhanauli. According to him the record box was not transferred to him by the Ex. E.D. B.P.M. who was put off duty but contrary to this he said in his written brief that he was keeping the cash and records at Bikapur as it was not safe to keep the records at Sarai Bhanauli, and that when he was going to Faizabad to hand over mails addressed to the S.D.I, the depositor Shri Ghirrau Gupta had met him on the way and on his request he had taken the P.B. and granted receipt u/r. When Shri Ghirrau Gupta demanded his pass book the P.B. was found kept in his bag and he gave back the Pass book to the depositor without examining the pass book. He had said that he had no knowledge that the entry of Rs. 4,000/- was struck off. Shri Ghirrau Gupta the depositor has stated during the oral enquiries that the charged official had given back his pass book at his home. He did not return the receipt for the pass book because the entry of deposit of Rs. 4,000/- in the pass book was struck off. Shri Ram Deo the then SDI Bikapur during cross examination by the defence asstt. has stated that during enquiry Shri Ghirrau Gupta had told him that when he had pointed out about rounding off

the deposit entry of Rs. 4,000/- dt. 19.3.82 in the Pass book the charged official had asked him that the same would cause no difference and he would get his money. As per his own deposition in (Pradarsh Ka-2) the charged official had received the pass book from the depositor while he was going to Sarai Bhanauli where the records of the P.O. were being kept by him. It is strange that he kept the pass book in his bag for about 10 to 15 days and did not compare the balance with the S.B. journal and did not send the pass book to Head Post Office.

The entry of deposit in the pass book regarding Rs. 4,000/- dated 19.3.82 was made by the ex.B.P.M. Shri Ram Shankar Pandey as stated by Shri Ghirrau Gupta, depositor. The entry in the pass book also appears in the hand writing of the said B.P.M. and his initial against this entry tallies with his hand writings and other initials available in the pass book (Pradarsh Ka-4). The said B.P.M. is stated to be available with the depositor while the charged official had taken the pass book and granted receipt showing balance Rs. 16052.25 as per (Ex. Ka-2). No doubt the said B.P.M. would have insisted the charged official not to sent the pass book to account office and would have assured to pay back Rs. 4,000/- to the depositor. There appears no other reason for not sending the pass book to account office and to give assurance to the depositor that he would get back his money. Shri Ram Deo, the prosecution witness, has clearly stated that if the receipt would have taken back the depositor would have made complaint. Thus the charged official gave undue favour to the Ex. B.P.M. to save him from the liability of fraud committed by him. This is the charged official failed to maintain absolute integrity, Besides devotion to duty and also acted in a manner which is unbecoming of a Government servant.

The charged official had alleged that Shri Ram Deo the then S.D.I. wanted to implicate him in case to save his own skin as such a complaint was made against said Shri Ram Deo. Shri Ram Deo was in good books of the then S.S.P.Os Paizabad, Shri M.L.Kureel. This caused annoyance and he made out this case. According to him the entry of deposit of Rs. 4,000/- on 19.3.82 in Pass book was not incircled when the pass book was returned to Shri Ghirrau Gupta. The said entry was incircled when the Pass -

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B7th

by said Shri Ram Deo latter on who was also placed under suspension on 8.1.85. But he has been reinstated while the charged official was suspended in August 1982 but evenno charge sheet was given to him, for about four years. These allegations are not connected with the charges levelled against the charged official and have no weightage to disprove the allegation against the charged official. Is responsible for his own act and deeds. As mentioned above the charged official had stated (As per Ex. Ka-2) that while he had returned the pass book to the depositor he had not seen the entries and has no knowledge further the entry was incircled or not. This not understood on what ground he says that the entry was not incircled. He is not speaking the truth.

From the fact noted above, the charges levelled against the charged official are fully proved. He does not appear a fit person to be retained in the service and deserves severe punishment like removal from service. However keeping in view his long services in the department, his old age and his retirement in the near future, I am inclined to take a lenient view.

S O R D E R s

I, K.C.Mishra, I.P.S., Sr.Suptd.of Post Offices Faizabad Division, Faizabad order compulsory retirement of the said Shri Ram Pratap Tewari from Service with immediate effect.

Photo

TRUE COPY

R. N. Tewari
(R. N. Tewari Advo.)

(K. C. Mishra)

I.P.S.

Sr. Supdt.of Post Offices
Faizabad Division
Faizabad 224001

Copy for information and necessary action to :

- 1) Shri Ram Pratap Tewari, Sorting Postman, Faizabad H.O. (U/S) C/O Sr.P.M.Faizabad.
- 2)-3) The Sr.P.M.Faizabad alongwith one spare copy meant for S/Book.
- 4) P/F. of the official.
- 5) 6) C.R. /M.S. of the official.
- 7) Vigilance statement.
- 8) Punishment Register (Staff Branch).
- 9-10) O/C and Spare.

Refd AD

RTM YATI Ado

-29-

(B85)

Annexure A-H.

To

The D.P.S.,
LUCKNOW.

THROUGH PROPER CHANNEL:

Appeal against the order of compulsory retirement
of awarded by the learned Senior Superintendent
Posts Faizabad vide his Memo No.F1/1/82-83 dated
24-9-87 copy enclosed.

Sir,

The appellant most respectfully ~~ex~~ begs
to state the following few lines for your kind ~~ex~~
orders:-

(i) One Ghirrau Gupta holder of S.B. account
No. 327857 at Sarai Bhauali P.O. handed over his pass
Book to the appellant for the entry of interest on
10.5.82 when he held the charge of that Branch Post
Office as B.P.M. in place ~~of~~ its original B.P.M.
being put off duty. The appellant granted a receipt
for that Pass Book on a plain paper (duly signed
and stamped) because printed receipt form No.S.B.
28 was not available in the office. At the time of
returning the Pass Book the appellant could not ob-
tain back that manuscript receipt. He also noticed
that the Balance represented by the journal was short
~~for~~ Rs.4000/- yet he did not pay much attention to
it because he was certain (as ex-overseer) that the
balance of the Pass Book was quite correct. The
appellant was therefore charged on 3 counts

~~1. Non-payment to issue receipt in form S.B.~~

21/1/4/14/7/80

- (a) for failure to issue receipt in form S.B.28
(b) for failure to obtain back the manuscript receipt
(c) for failure to reconcile the balance of Pass Book
with that of the B.O. journal.

and therefore he failed to maintain absolute integrity

(2) The enquiry officer held charges no a & c as not established and charge No.b as admitted hence proved. nevertheless the learned D.A. awarded the punishment of compulsory retirement.

(3) The learned D.A. has not clearly specified how the appellant has failed to maintain absolute integrity by his failure to carry out certain clerical duties. Unless some ulterior motive behind the aforesaid action is specified and the appellant given an opportunity to ~~xxx~~ rebut the same, the charge of failure to maintain absolute integrity is baseless and the mere clerical omission does not warrant the award of punishment of compulsory retirement. It is, therefore, humbly prayed.

P R A Y E R

That the impugned order may kindly be set aside and the appellant be permitted to be put back to duty with the grant of arrear of pay and allowances.

Yours faithfully,

D.A. 1. Punishment order

Dated: 03.10.1987 /

True Copy

R. K. Tewari

[R. K. Tewari Advo]

2121-5114/1987

- 31 -
Annexure A-5

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS

OFFICE OF THE DIRECTOR POSTAL SERVICES
LUCKNOW REGION, LUCKNOW-226007

Memo No. RDL/APP-37/88/13 dated at Lucknow: May 3, 1988

This is the appeal dated 3.10.87 from Shri Ram Pratap Tewari Retd Mail O/S Faizabad preferred against the penalty of compulsory retirement from service imposed upon him under SSPOs Faizabad memo No. F-1/1/82-83 dated 24.9.87 as a result of disciplinary proceedings initiated against him (Sri Tewari) vide SSPOs Faizabad memo No. even dated 7.8.86. The appeal is not time-barred.

2. (i) The appellant was proceeded against for his failure not to grant SB-28 receipt to a depositor while working as EDEPM Sarai Bhanauli, to not to take back the manuscript receipt granted while delivering the pass book to the said depositor, not to tally the balance in Pass Book with BO SB Journal and to report the difference in balance and not to send the said pass book to Account Office for entry of interest and thereby his failure to observe the provisions of rules 141 (1), (2) & (5) of B.O. Rules and 3(1)(ii) & (ii) of CCS(Conduct) Rules 1964. The appellant denied the charges vide his statement of defence dated 18.8.86.

(ii) An oral inquiry was, therefore, held in the case by Sri B.Nath, SDI(N) Akbarpur who was appointed as E.O. vide memo dated 19.9.86. The E.O. after conclusion of inquiry submitted his report to Disciplinary Authority on 28.8.87 with specific finding that the allegations regarding non-issue of SB-28 was not proved against the appellant, while other three charges were proved against him.

(iii) The SSPOs after consideration on the memo of charges, report of E.O. and other evidence on record expressed his disagreement with the findings of E.O. with regard to charge (A) regarding non-issue of SB-28 and held that all the charges against the appellant stood fully proved and consequently imposed the penalty appealed ~~against~~ against.

3. The appellant in his appeal has based his arguments mainly on the grounds that the charges levelled against him were vague and punishment imposed was illegal, that the findings of disciplinary authority regarding failure of appellant to maintain absolute integrity was perverse, that the appellant has been denied reasonable opportunity of defending himself, that the findings of disciplinary authority have been arrived at ignoring principles of natural justice and that the punishment is severe.

4. After a careful and thorough consideration of the appeal and the material evidence available in the disciplinary proceedings file, I have come to a conclusion as under:

(i) that the memo of charges does not contain an allegation which may in fact render the integrity of the appellant doubtful. His failure not to follow the provisions of rule 141(1)&(2) of Book of BO Rules.

RTT/UGT/UT/

provisions of rule 141(1)(2) of Book of BO rules even if proved beyond doubt may at the most be treated as his failure to maintain devotion to duty but cannot be said to be a sufficient reason to doubt his integrity unless it is proved that the appellant had some ulterior motive behind such an action and unless he has been given an opportunity to explain his conduct.

(ii) that the finding of disciplinary authority that the appellant gave undue favour to the Ex EDBPM to save him from the liability of fraud committed by him becomes an extraneous fact inasmuch as no such allegation was made in the memo of charges and no opportunity was given to the appellant to explain his conduct on this point. Likewise the findings of disciplinary authority that the appellant failed to maintain absolute integrity besides devotion to duty and also acted in a manner which was unbecoming of a Govt Servant was also based on some extraneous facts.

(iii) From the proceedings of the inquiry it is clear that on 7.8.87 the E.O. had directed the P.O. and the appellant to submit their respective written briefs within a period of 5 days and seven days respectively without giving any specific dates for the purpose and without waiting for the briefs of both the sides he submitted his report to disciplinary authority on 28.8.87. Since the brief of the P.O. was not supplied to the appellant while asking for his brief as per provisions of the rule, this has certainly resulted in denial of reasonable opportunity of defence to the appellant. Thus the arguments put forth by the appellant appear to be carrying weight and therefore appear to be tenable.

(iv) In view of the above discussions, I am also agreeable with the plea of the appellant that the quantum of punishment is not commensurate with the misconduct. In the light of foregoing discussions, I am inclined to interfere in the quantum of punishment awarded to the appellant while giving due weight to the departmental lapses already established on the part of the appellant.

5. I, therefore, hereby partially admit the appeal of the appellant and order as under:

(i) that the penalty of compulsory retirement from service awarded vide SSPOs Faizabad memo referred to above is modified to that of reduction in the time scale of pay by three stages for a period of six months.

(ii) that the pay of Shri R.P. Tewari be reduced by three stages from Rs 284/- to Rs 266.00 in the pre-revised time scale of pay of Rs 260-350/- for a period of six months with immediate effect. It is further ordered that Shri R.P. Tewari will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will not have effect of postponing his future increments of pay.

27/1/1988
27/1/1988

(iii) that the period between compulsory retirement and re-instatement as a result of this order would not be treated as break in service and count for all purposes as duty.

(iv) that the period between the compulsory retirement and reinstatement as a result of this order would be deemed as suspension period.

(v) that during the period of deemed suspension, the appellant would be entitled 75% of the pay and allowances which he would have otherwise got.

(vi) that the appellant is hereby given notice to make representation, if any, about the proposal in sub para (v) above within a period of 60 days from the date of receipt of this order.

Photo

TRUE COPY

R. N. Tewari

(R. N. Tewari Advo.)

B. P. Singh

(B. P. Singh)

Director Postal Services,
Lucknow Region Lucknow-7.

Copy to:-

- 1. Official concerned.
- 2. 3. SSPOs Faizabad.
- 4. 5. Regional Office.

212456789

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : ALLAHABAD.

CIVIL MISC. APPLICATION NO. 27 OF 1988

on behalf of

Union of India-- --Applicant.

J N

REGISTRATION NO. 1224 OF 1988

Ram Pratap Tiwari-- --Petitioner

versus

Union of India and others-- --Respondents.

To

The Hon'ble Vice Chairman and his
conspicuous members of the Tribunal.

The humble application of the applicant
most respectfully showeth :

1. That full facts have been given in
the accompanying counter-affidavit.

(386)

(2)

2. That on facts and circumstances stated in the accompanying counter-affidavit it is expedient in the interest of justice that the reliefs sought for are liable to be rejected outright and the petition deserves to be dismissed with costs.

P_R_A_Y_E_R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to reject the reliefs sought for and dismiss the petition with costs. Full facts and circumstances have been given in the accompanying counter-affidavit.

NBS/1
(N. B. SINGH)
SENIOR STANDING COUNSEL
CENTRAL GOVERNMENT.

(B87)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : ALLAHABAD.

COUNTER-AFFIDAVIT

I N

REGISTRATION NO. 224 OF 1988

Ram Pratap Tiwari--

--Petitioner

VERSUS

Union of India and others--

--Respondents.

AFFIDAVIT of sri Ram Karam misra
aged about 55 years son of
sri Thakur Pd misra at
present posted as Sr. Suptd/Pos
Tajzabey Dn. Faizabady

21/5/2001
Sr. Supdt. of Post Offices
FAIZABAD DISTT.
FAIZABAD 224001

I, the deponent named above do hereby
solemnly affirm and state on oath a.s. under :

(2)

1. That the deponent is posted as and is authorised to file this counter-affidavit on behalf of the department, being well acquainted with the facts deposed to below.
2. That the deponent has read the petition alongwith annexures and is in a position to reply the same.
3. That before giving paravise reply it is essential to give certain facts for just and proper adjudication of the case, as under :-
 - 3-A That the petitioner, a postman, was promoted as overseer in the year 1978 and posted as such at Bika pur. In the meantime Branch Post Master Sarai Bhanuji was placed under put off duty on his committing fraud and the petitioner was entrusted the work of Branch

21/3/2022
Sr. Supdt. of Post Offices
FAIZABAD DIVISION
FAIZABAD-224001

(3)

Post Master on 29.4.1982. The S.D.I. Bikapur was entrusted the work of inquiry and physical verification of the past work for the last one year.

3-B That the petitioner while working as Branch Post Master on 19.6.1982 made a forged payment of Rs.1900/- from S.B. Account no.329493 with the connivance of the previous Post Master sri Ram Chacker Pandey and the amount has been mis-appropriated by him. The matter was reported with the police under Crime no.138 of 1984 under Sections 409/420 Indian Penal Code, which is still pending investigation. The Inspector reported for non-cooperation by the petitioner as the performance of petitioner was not fair being involved in the above case. Consequently the petitioner was placed under suspension on 1.10.1982.

3-C That the petitioner was found to have committed grave misconduct. He had received S.B. Pass Book Account no.327857 on 10.5.1982 and granted the receipt to the

21/2/82
Sr. Supdt. of Post Offices
FAIZABAD DIVISION
FAIZABAD-224001

(4)

B99

depositor on plain paper instead of on the prescribed form. The petitioner did not submit the Pass Book to the Head Post Office for the entry of interest but returned the same to the depositor. The last entry available in the Pass Book was deposit of Rs.4000/- on 19.3.1982 raising balance of Rs.16052.25. This amount of Rs.4000/- was neither taken in the B.O. (S.B.) Journal nor was accounted for. The authorities found the work and conduct of petitioner as suspicious one. Therefore, he was charge-sheeted under Rule 14 of C.C.S. (C.G.) Rules 1965 on 7.8.1986. On denying the charges by the petitioner departmental enquiry was started, by the S.D.I. (North) Akbarpur. On receipt of enquiry report, proving the guilt of the petitioner, he was awarded punishment of compulsory retirement from service on 24.8.1987.

2-D That the applicant (petitioner) preferred an appeal before Director Postal Services, Lucknow, who modified the punishment to the reduction of three stages in the time

21/2/2001
Sr. Supdt. of P.S. Officers
FAIZABAD DIVISION
FAIZABAD 22 2001

891

(15)

scale of pay for six months, on 3.5.1988, taking into consideration the length of service as well as other aspects of the matter. Thus the Authorities have taken a very lenient view in this regard.

PARAWISE REPLY

4. That the contents of paragraphs 1 to 5 of the petition need no comments.
 5. That the contents of paragraph 6(i) of the petition need no comments as being matters of record, except in respect of modification of punishment by Director Postal Services. It may be submitted that a very lenient view was taken by the authority and he did not commit any illegality or injustice in this regard. Rather his order was just and perfectly.

FAIZABAD DIVISION
FAIZABAD-224001

(6)

(B92)

6. That the contents of paragraph 6 (ii) of the petition are admitted to the extent that the applicant (petitioner) was posted as Line Overseer Bikapur in 1978 and thereafter Bawali Branch Post Master Sarai Bhanouli. It was also admitted that the petitioner was charge sheeted on 7.8.1986. Rest of the allegations made in the paragraph under reply are vague and without any basis being irrelevant. It is only presumption of the petitioner.

7. That in reply to the contents of paragraph 6 (iii) of the petition it is stated that the charges of forgery and misappropriation of Government money have been proved and after proper enquiry the petitioner was awarded punishment of compulsory retirement from service. Subsequently, on filing appeal by the petitioner the Director Postal Services modified the punishment, which was lenient one. The observation of Hon'ble High Court as mentioned in the paragraph under reply

Sr. Subdi. Officer
FAIZABAD DIVISION
FAIZABAD-224001

(7)

does not apply in the present case. The facts of this case are of different nature to that of the case reported (as mentioned by the petitioner in paragraph under reply). The action of the petitioner was such that he should have been awarded severe punishment but keeping in view the long term service rendered by the petitioner he was awarded minor punishment of reduction of three stages in the time scale of pay for six months.

5. That the contents of paragraph 6(iv) of the petition are denied. It is submitted that the punishment awarded was fully justified and lenient ones keeping in view the gravity of the charges. Hence the authorities did not commit any illegality or irregularity in this respect. The guilt of the petitioner was not of the nature of clerical omission, but of criminal nature, which require severe punishment.

21/2/1982
Sr. Supdt. of P. st. & Jaces.
FAIZABAD DIVISION
FAIZABAD-224001

(8)

(B94)

9. That the contents of paragraph 6(v) of the petition are denied. It is submitted that the punishment awarded is a lenient view keeping in view the seriousness of the charges being an employee of military service. All aspects were taken into consideration while awarding punishment. Only after preliminary enquiry the petitioner was kept under suspension. The suspension and thereafter award of punishment was fully justified and according to provisions of Act and Rules applicable in this case.

10. That the grounds taken in the petition have no force and the reliefs sought for are liable to be rejected outright. No interference by Hon'ble Tribunal is required in this case keeping in view the gravity of charges. The petition deserves to be dismissed with costs.

31/3/2014
Sr. Supdt. of Jails
FAIZABAD LIV. S.I.C.
FAIZABAD-224001

I, the deponent, named above do hereby solemnly verify as under :

(3)

395

That the contents of paragraph nos. 1, 2, 3, of this counter-affidavit are true to the personal knowledge of the deponent ; those of paragraph nos. 3A, B, 4 to 10, are based on the informations received ; those of paragraph nos. 11 to 14, are based on records and those of paragraph nos. 26, are based on legal advice of the counsel, which all are true and no material has been concealed.

SO HELP ME GOD.

21/3/2003
Sr. Supdt. J. J. J. 203
FAIZABAD DEPARTMENT
FAZABAD-224001

I, V.P.Tripathi, Clerk to Sri N.B.Singh,
Senior Standing Counsel, Central Government,
High Court, Allahabad, do hereby declare that
the person making this affidavit and alleging
himself to be sc is known to me from perusal
of the documents, produced before me.

(Clerk)

(B6)

(10)

Solemnly affirmed before me on the th
day of , 1988 by the deponent
at A.M./P.M. who has been identified
by the person aforesaid.

I have satisfied myself by examining
the deponent who has understood the
contents of this affidavit after going through
the same.

STATE COMMISSIONER

Before The Central Administrative Tribunal, Allahabad-1
O.A. Regd. No. 1224 of 1988

Ram Pratap. v/s Union Of India & Others
Tewari
Amendment to the Plaintiff
miss 28 of 89

* * *

The applicant inadvertently omitted to implead
"Union Of India" as a Respondent. He, therefore, prays

P R A Y E R

That he may kindly be permitted to do the same
now as also to amend his plaint thus :-

To add on Pages 1 & 2 of the Paper-Book Application
just after item no. 2 of the list of Respondents
appearing on each page :-

" 3. Union Of India, through the Secretary,
Ministry Of Communications, G.O.I., New Delhi-1

I. E. V E R I F I C A T I O N

I, R.K. Tewari, applicant in this case do hereby
verify that the contents of this amendment application
are true to the best of my knowledge and belief & that
nothing material has been concealed.

dated : 28-12-88

211514/1989
Applicant/Deponent

*Given on 28-12-88
R.K. Tewari*

R.K. Tewari
(R.K. Tewari)
Advocate for the Applicant
154, Purshottamnagar,
Allahabad-16

28-12-88

(1398)

Central Administrative Tribunal

अभिभाषक पत्र (वकालतनामा)

हीर कोर्ट आफ गूडीकेपर एच इलाहाबाद

R. No. 1224 सन् १९६८

R. P. Jiwani

वादी/प्रतिवादी
अपीलान्ट

Union of India

वनाम

वादी/प्रतिवादी
रेसपान्डम्ट

मैं
हम कि

उपरोक्त प्रकरण (मुकदमा) में मैं हम अपना पक्ष समर्थन हेतु

N.B. Singh

Senior Standing Counsel

को कानूनी निश्चित शुल्क (मेहनताना) नियत करके अपना/हमारा अभिभाषक (वकील) नियुक्त करता है और यह स्वीकार करता है कि उक्त सज्जन हमारी ओर से वाद-पत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार पत्र, विवाद-पत्र, पुनरवलोकन एवं पुनर्निर्णय प्रार्थना-पत्र (दरखास्त), शापिधिक कथन (हल्कनामा), प्रवर्तन-पत्र (दरखास्त इजराय), मुजबात अपील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि एवं लेखादि की प्रतिलिपियाँ अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापिधिक पुष्टीकरण करें, और आवश्यक सवाल जबाब करें और लेखादि की प्रतिलिपियाँ एवं हमारे प्राप्य धन को अपने हस्ताक्षरी पावती देकर प्राप्त करें, हमारी ओर से किसी को मर्द्यस्थ तथा साक्षी (गवाह) माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें, वाद-पत्र उठावें छोड़ें अथवा समझौता करें तथा सुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना-पत्र दाखिल करके उनका समर्थन करें अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री के भर पाई होने के समय तक स्वतः या संयुक्त करें। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करें।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भाँति हमको मुझको सर्वथा स्वीकार होगी। अगर हम निश्चित शुल्क तथा विशेष शुल्क आविरी वहस के बक्त उक्त सज्जन को न हूँ/दें तो उनको अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी न करें। उपरोक्त दशा में उक्त सज्जन का कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

तिथि

माह

सं०

N.B.S.I.

FOR Deputy Registrar (Jdu.)

If, no, appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal.

15th day of December 1988.

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 7th day of Dec 1988. For R&A

① 8-8-1968
Fussebold

① Some suppose it to be of 9 pages

VERSUS U. S. S. R. RESPONDENT(S)

APPLICANT (S)

Dated :

VERSUS

No. CAT/ALD/Jud/

23-A, Thoranhiil Road
Allahabad. 211 001
of 1988.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

B6g is tereed/

16/11/89
G. A. J. Lawyer for
Lalji Lalji Patel
Subject Matter of the Motion
Annexure to the plaint
Enclosed one Application
dated : 28-12-1989
Advocate for the Applicant
(R.K. Tewari)
R.K. Tewari
J. O. W.

The subject matter of the same is briefly narrated be-

consider and pass orders on the enclosed application.

at 10-30 A.M. or soon thereafter to
behalf of Applicant proposes to move the Court on

kindly take notice that the under stated (on

MOTION NOTICE

Ram Ratna Tiwari v/s Union of India & Others

O.A. Regn. No. 1224 of 1988

IN

MIS. Petition No. 28 of 1989

Before The Central Administrative Tribunal, Allahabad-1

Amrit

16. Application for the appointment of a manager.

Applicant/Defendant

88-ET86 : D948D

1. R. J. Turner. application to this case of hereby revealing the contents of this memorandum and better to serve the public to the best of my knowledge and belief a copy of this letter is enclosed.

NOISY VOICELESSNESS AND

21-2854 1968 NO. 2144666

ପାଦପାଦିକାରୀ ପାଦପାଦିକାରୀ ପାଦପାଦିକାରୀ

1998-08-28 08:45:00

3000 VOTES

the application of the student, and the need to be informed of the progress of the student.

MISS 28489
RECORDED IN THE PUBLIC RECORDS
JULY 10, 1914
TEN YEARS
JOURNAL OF INVESTIGATIONS

50.000 The central administration, Allshandar
1987 No. 1098

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[१८८] १८८

માનુષીય

(~~Freeze out oil~~)

ପାତ୍ରିତ୍ୟ

26 1-81

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81/הנִּזְבְּנָה אֲלָמָּה, תְּאַלְמָנָה, תְּאַלְמָנָה, תְּאַלְמָנָה

የሚከተሉት የሚከተሉት የሚከተሉት የሚከተሉት የሚከተሉት የሚከተሉት የሚከተሉት የሚከተሉት

卷之三

የኢትዮ/ኢትዮጵያ

center of field

卷之三

Van Pelt T. T. ~~See~~

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C. 4-7. 1960