

Central Administrative Tribunal
Lucknow Bench

Cause Title TA 114/92 T.L. 1993

Parties R. P. Tewari Applicant.

U. P. S. U. S.

C. O. I. & others Respondents

Part A.B.C.

No.	Description of Documents	Page
	Check List	A1 to A11
	Order Sheet	A3 to A5
	Final Judgement	A6 to A7
	Petition Copy	A8 to A13
	Annexure	A14 to A38
	Power	A39
	Counter Affidavit <u>M.P.</u>	A40 to A41
	Rejoinder Affidavit	A42 to A51

B- File

Petition/Annexure/M.P./ B52 to B1
C.A./ Power

C- File

15.6.93

7/11/88

Reduction in grade

(A1)

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 1224 of 1988

APPLICANT (s) Ram Pratap Tiwari

RESPONDENT(s) Union of India through Sr. Supt

..... 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 case 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 Photostat copies have been filed.*
8. Has the index of documents been filed and paging done properly ? *yes*
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *yes*
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? *No*
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 ?
- (a) Concise ? *No*
- (b) Under distinct heads ? *No*
- (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.

Registrar
31/1/88

yes
may be listed on 7/11/88
maharudra gh
26/10/88

OFFICE SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

..... Reg. - C.A. No. 1224 of 1988

..... R.P. Tiwari Vs. U.O. J. & Co. Ys.

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
①	15-11-88	C/R. Notices issued to all the respondents for filing reply fixing 7-12-88. Res. 15-11-88	
②	10-1-89	C/R. 8/12 8/11/88 at 10-1-89 10-1-89	
③	11-1-89	C/R. 8/11/88 at 11-1-89 8/11/88 at 11-1-89	11-1-89
④	16-1-89	No sitting order to 27/2/89 for orders.	B
⑤	27-2-89	Hon. D.S. Mishra A.M. Hon. G.S. Sharma - J.M. On the request of applicant's counsel Sri R.K. Tiwari, the case is adjourned to 17-4-89 for orders. J.M. A.M.	

(3) (4)

(Am)

13990 DR

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

DR(J)

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

29.10.90

Hon. A.A. Bhattacharyya, Jm
Hon. K. Chakravarty, Am

@
26/10/90

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

OR
As per orders of the Court, the case is put up before the Court for 4.2.91 for orders.
@
1/2

A.M.

V. K. Chatterjee
Jm 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.

The case relates [A.M.] to territorial jurisdiction of Bench Bench Bench. It is being transferred to Bench Bench Bench. (Following) V.C. order dated 18/12/91. @ 23/12/91 (J)

T.A. 114/92 T.L.

(A)

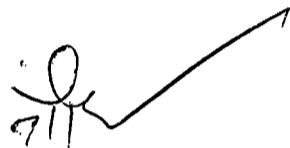
29.11.92

D.R.

11

This case has been received
after transfer to this
Bench from CAT. Adld.
Register the case as T.A.

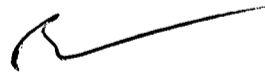
Issue notice to ld. counsel
for both the parties
for filing rejoinder
on 29/11/92



29-11-92

D.R.

Both the parties are absent.
Applicant is directed to file
rejoinder by 28-12-92 &
place the file
before the Honble
Bench for F.H.



28-12-92

No sitting of D.B. Adj'do.

23-11-92



23-11-92

Case adj'do
on 14.1.93



14.1.93

No sitting of D.B. adj'do
on 18.1.93



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL(ALLAHABAD BENCH)ALLAHABAD.

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

O.A.No.1224/88

OF 199

J.A.NO.

T.A.NO.

Date of decision: 2/2/93

.....R.F.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 ? *N*
2. To be referred to the Reporter or not ? *N*
3. Whether their Lordships wish to see the fair copy of the judgment ? *N*
4. Whether to be circulated to all other Benches ? *N*

NAQVI/

W
Signature

(Al)

Vs.

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

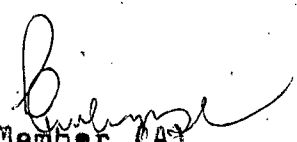
(By Hon. Mr. Justice U.C. Srivastava, V.C.)


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

(A7)

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 Ramashanker 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
I

Respondents

(2) D.P.S. Lucknow

UB) Union of India through the Secretary MOC
LWD New Delhi - X As per Court's order 19/11/90

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, Purshottam Nagar

(Khandua)

Allahabad-16

217/2014/16

(17)
Can. of Adm. Tribunal
Add: 108, Lanch At: Lucknow
Date: 18/11/87
By: 2 - 18/11/87
By Registrar.

Filed to
Date of
Notified

R. Tewari
24/11/88

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 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**
(2) D.P.S. Lucknow
(3) Union of India through Secretary Ministry of Communications, New Delhi - As per Govt. Order of 19/1/80
- (ii) Official Address
- (iii) Address for service
of all notices

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 22-28** **3-5-88** **at 31-33**
- (iii) Passed by **Sr. Supdt. Posts Faizabad** **D.P.S. Lucknow**
- (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 :-

R. Tewari

राम प्रताप तिवारी

(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 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 herewith as Annexure A-2 on pages 12 to 21. Disagreeing 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 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 pages 29 to 30. The learned respondent No.2 partially allowed the appeal vide his Memo. No.R.D.L/App-37/88/13 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. S. Jaiswal

21/11/88

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. W. Kureel

21/4/84

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 ^raltered 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 ^Rrebut 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 ⁶these arguments in para 4(1) of the appellate order which reads thus. .

^R or (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

Rustan

2m Yanu 1960

AIL

: 6 :

to doubt his integrity unless it is proved that the
R₂ ~~xxx~~ appellant had some ulterior motive behind such
R₂ ~~an~~ 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)
R₂ ~~will~~ ^{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} ~~be~~ treated as duty.

7.

Reliefs sought for:

The applicant prays for the grant of

21/4/12

A12

: 7 :

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. Tewari

राम प्रताप

(A13)

- 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 orders dated 3-5-88 at Pages 31 to 33. As the DPS Lko. 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 bench of the Tribunal.

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

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

DD 3

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 Bikaner do hereby

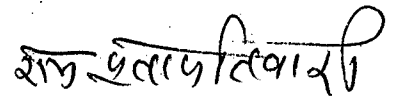
verify that the contents from 1 to 13 are true to my personal knowledge & belief and that I have not suppressed any material facts.

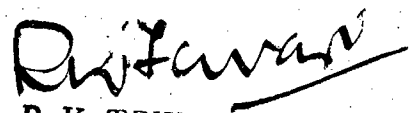
Place- Allahabad

Date 24/10/1988.

To

The Registrar, Central Administrative Tribunal,
Allahabad-211001


Signature of applicant


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

- 9 - (A14)

Annexure A-1

SS Post Faizabad Memo No F11/82-83 dt 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 BPH 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)(1) 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 . ~~in book~~ and 3(1)(1) 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)(1) 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)(1) of CCS conduct rules 1964.

[Signature]
Sr. Supdt. of Post Offices
Faizabad Division
Faizabad-224001

Photo
RECEIVED
Rivdang

राम प्रताप तिवारी

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 ~~EDPM~~ 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 paise 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 (B)

(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 ~~EDPM~~ 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 paise 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 (B)

concd. on 2

A16

- 11 -

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 Chirau 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 EDBPM 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)(1) (iii). Cf Ccs Conduct Rules 1964 (10)

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 Chirau Gupta S/O Shri Bhagwandin, Village and Post Gurdhaur Distt. Faizabad, Depositor of Sarai Bhanauli SB a/c no. 327857 .
- 2) Shri Ram Deo the then S.D.I. (South) Faizabad .
- 3) Shri Murari Lal the then A.S.P.Os Faizabad Division.

TRUE COPY

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

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

21/11/82

Annexure A-2

प्रिधक **श्री राम प्रताप तिवारी**
 बकप. 3 (नं. 11/82) 224122

सेवानि.

प्रवर अधीनस्थ डाकघर
 फैजाबाद मंडल, फैजाबाद

पत्रसं० डी०ओ० - 2/राम प्रताप तिवारी 186 दिनांक 28-8-87
 विषय — श्री राम प्रताप तिवारी (निलंबित) सार्वजनिक पोस्टमैन फैजाबाद
 के विरुद्ध कलसीफिकेशन कन्ट्रोल एवं अपील नियम 1964
 के नियम 14 के अन्तर्गत जांच कार्यवाही

संदर्भ — मंडलीय कार्यालय पत्रावली एक-1/1/82-83

मंडलीय कार्यालय के उपरिक्त पत्र दिनांक 19-9-86
 द्वारा अधीनस्थ स्तर की जांच अधिकारी नियुक्त किया गया था
 तथा विभाग की तरफ से मामले के प्रस्तुत करने के लिये श्री
 सुभाष चन्द श्रीवास्तव वचनविकास अधिकारी के प्रस्तुत कले
 अधिकारी नियुक्त किया गया था।

(2) सितंबर 86 से 15 नवंबर 86 तक जांच के
 अंतर्गत निरीक्षण के पूरा करने के लिये एक समग्र कार्य क्रम
 बनाया गया था इसलिये यह पहल ही सूचित कर दिया गया था कि
 इस मामले में जांच निर्धारित तिथि 31-1-87 तक संभव नहीं है।
 फिर भी इस मामले में जांच हेतु प्रथम तिथि दिनांक 27-11-86 को
 फैजाबाद प्रधान डाकघर में रखी गई। निर्धारित कर्मचारी श्री राम
 प्रताप तिवारी ने अपना वचाव सहायक श्री रामनिहोर लाल के नियुक्त
 करने की सूचना दिया।

(3) श्री राम प्रताप तिवारी के विरुद्ध निम्नलिखित आरोप
 थे:- (1) श्री राम प्रताप तिवारी लाइन ऑवर सिमर पीकापुर के पद पर कार्य
 करते हुए दिनांक 10-5-82 को वचन देकर खाला सं० 327857 के जमा
 कर्ता श्री विरी ऊ गुप्ता से उसकी पासबुक प्राप्त कर के एक सौद
 कागज पर हस्त लिखित रसीद दिया जिसपर बैलेंस 16052/25 लिखा
 उन्होंने शाखा डाकघर नियमावली के नियम 14(1)(2) के प्रावधान के
 अनुसार निर्धारित रसीद नहीं दिया।

(ii) उक्त श्री राम प्रताप तिवारी ने दिनांक 10-5-82 को वचन देकर
 पासबुक सं० 327857 को प्राप्त करके 10 या 12 दिवस बाद खाला रसीद
 वापस दे दिया परन्तु जो रसीद उन्होंने दिया था, उस शाखा डाकघर
 नियमावली 1964 के नियम 14(5) के प्रावधान के अनुसार खाला-
 दार से वापस नहीं लिया।

(iii) उक्त श्री राम प्रताप तिवारी ने दिनांक 10-5-82 को वचन
 देकर सं० 327857 की पासबुक प्राप्त कर उस पर पासबुक के
 अनुसार वकाया रु० 16052/25 लिखा जात कि शाखा डाकघर
 वचन देकर जनित के अनुसार शेष धन केवल 12052/25 था
 उन्होंने पासबुक के बैलेंस की जनित से नहीं मिलाया तथा
 वकाया में अंतर होने की कोई रिपोर्ट नहीं किया। श्री
 राम प्रताप तिवारी उक्त अवधि में शाखा डाकघर सराफभनौली
 का कार्यभार ग्रहण किये हुए थे।

उपरिक्त कृत्यों से श्री राम प्रताप तिवारी पर
 यह आरोप था कि उन्होंने केंद्रीय नागरिक सेवा (परिषद)
 नियमावली 1964 के नियम 3 (1) (1) का उल्लंघन किया।

(4) उपरिक्त आरोपों के आधार पर संज्ञाप में
 निम्न लिखित धारों पर विवेचना की जानी आवश्यक है:-
 (क) क्या दिनांक 10-5-82 को शाखा डाकघर सराफभनौली

श्री राम प्रताप तिवारी

में जमाकर्ता रसीद (S/O 28) की निर्धारित रसीद तक उपलब्ध थी, किन्तु परिस्थिति में श्री राम प्रताप तिवारी ने रसीददार से पासबुक सं० 327857 की हस्त लिखित रसीद वापस नहीं ली तथा वचन देकर जर्मन से वकाया सत्यापित न करना एवं व्याज हेतु प्रधान डाकघर न भेज कर 10-12 दिनों 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 एवं 7.8.87 को कार्यवाही संबंधी बैठकें की गईं। माह मई 1987 में जांच की कोई तिथि नहीं रखी जा सकी क्योंकि प्रसूता अधिकारी श्री सुभाष चंद्र श्री वास्तव को पुनश्चा प्रशिक्षण हेतु डाकघर प्रशिक्षण केंद्र सहारनपुर जाना पड़ा तत्पश्चात् मुझे भी 18.5.87 से उपरोक्त प्रशिक्षण में जाना पड़ा था। दिनांक 23.2.87 को वचाव सहायक के उपस्थित न होने के कारण कोई कार्यवाही न हो सकी। इसी प्रकार 4.3.87 को प्रसूता अधिकारी के उपस्थित न होने के कारण कार्यवाही न हो सकी तथा दिनांक 18.4.87 को मेडलीय कार्यलय से सूची-बद्ध अभिलेख न प्राप्त होने के कारण जांच कार्यवाही स्थगित करनी पड़ी। दिनांक 23.4.87 को दोषारोपित कर्मचारी को अभिलेखों का अवलोकन कराया जाने की तिथि निश्चित की गई थी परन्तु इस दिन भी अभिलेख उपलब्ध नहीं रहे। प्रवास के बाद अभिलेखों का अवलोकन दिनांक 17.6.87 को कराया जा सका तथा 18.6.87 को गवाहों के बयानों की प्रतियां दोषारोपित कर्मचारी को उपलब्ध कराई गईं। वचाव सहायक में अतिरिक्त अभिलेखों की सूची प्रस्तुत किया। इस पर विचार करने के बाद यह पाया गया कि मांग किया गया कागजाती का आरोप से कोई संबंध नहीं है अतः वचाव सहायक को लिखित दिया गया कि वांछित कागजाती का उपलब्ध कराया जाना असंभव है। श्री मुरारीलाल सेवा निवृत्त डाक अधीक्षक पुणेद-शहर तथा तत्कालीन डाक निरीक्षक श्री रामदेव का बयान लिखित किया गया और कार्यवाही आगे चालू हुई।

(6) श्री मुरारीलाल ने अपने बयान में बताया कि वे दिनांक 25.8.82 के सहायक अधीक्षक डाकघर कैलाश के पद पर कार्य कर रहे थे। उन्होंने बताया कि दिनांक 25.8.82 को उन्होंने सराय भनौली डाकघर में स्थित खाता सं० 327857 के जमाकर्ता श्री बिरीऊ पुम श्री भगवान दत्त सुन्त गाम के मुखिया का बयान (प्रदर्शन क्र-1) लिया था। श्री बिरीऊ पुम के बयान दिनांक 25.8.82 को उन्होंने सुनिश्चित किया। श्री रामदेव तत्कालीन डाक निरीक्षक ने अपने बयान में बताया कि वे उपमेडलीय निरीक्षक डाकघर बीकापुर के पद पर दिनांक 10.7.81 से 10.1.85 तक कार्य किया। दिनांक 7.8.82 को तत्कालीन डाक अधीक्षक श्री राम प्रताप तिवारी को पत्र सं० 20/सराय भनौली दिनांक 29.4.82 को शारदादास सराय भनौली का कार्यभार ग्रहण करने का आदेश दिया था। श्री राम प्रताप तिवारी ने

शाखा डाकघर सराय भनौली के वचन खाता सं० 327857 के जमाकर्ता श्री चिरी उ गुप्ता से उनकी पासबुक में 4000/- जमा दिनांक 19.3.82 के बाद शेष 16052/25 का प्राप्त करने दिनांक 10.5.82 को रसीद देने एवं उक्त 4000/- की जमा पर चिरी के संपन्ध में उनका बयान (प्रदर्श क-2) प्राप्त किया गया तथा पासबुक की रसीद (प्रदर्श क-3) जिस में राम प्रताप तिवारी ने खनिदर श्री चिरी उ गुप्ता को दिनांक 10.5.82 को दिया था उस खात पर से दिनांक 21.6.84 को प्राप्त किया था। वचन खाता सं० 327857 की पासबुक (प्रदर्श क-4) में दिनांक 14.3.82 को 80 4000/- जमा करने की कोई प्रविष्टि शाखा डाकघर सराय भनौली के वचन खाते जर्नल (प्रदर्श क-5) में नहीं पाई गई थी। वचन खाते पर धारा परीक्षण करने पर श्री रामदेव ने बताया कि श्री चिरी उ गुप्ता से पासबुक सं० 327857 की रसीद (प्रदर्श क-3) को खनिदर के घर से प्राप्त किया था। शाखा डाकघर सराय भनौली श्री रामशंकर पण्डित के एक गजन के अक्षिप में श्री रामदेव तथा तत्कालीन सहायक अधीक्षक डाकघर केजावाड के संयुक्त आस्था के आधार पर कपि प्रथक किया गया था। इन्होंने शाखा डाकघर सराय भनौली का लेखा निरीक्षण दिनांक 6.11.81 को तथा वीक्षण 16.8.82 को किया था। परन्तु श्री रामदेव यह स्पष्ट न बता सके कि उस समय शाखा डाकघर सराय भनौली में जमाकर्ता रसीद (SB-28) की गिरीष्टि रसीद वही उपलब्ध थी जहाँ भली। श्री रामदेव ने आगे कहा कि जिस समय शाखा डाकघर सराय भनौली का पाँउ श्री राम प्रताप तिवारी ने प्राप्त किया उस समय की पाँउ लिस्ट में SB-28 का उल्लेख होगा परन्तु उक्त लिस्ट की अभिलेखन पत्र अथवा वचन पत्र द्वारा पसुन नहीं किया गया। प्रदर्श क-3 प्राप्त करने के लिये उन्हें प्रथम अधीक्षक महादय द्वारा निर्देश दिया गया था। उसी आदेश के अनुपालन में उन्होंने जाँच करके कारण भिजाया। पासबुक प्राप्त करने का कारण पूछने पर श्री रामदेव ने बताया कि शाखा डाकघर सराय भनौली के दिनांक 29.4.82 को भुट आफ होने के बाद उनके पिछले कार्य का सत्यापन के स्थिति में श्री चिरी उ गुप्ता की पासबुक (प्रदर्श क-4) प्राप्त किया था। जिस दिन पासबुक प्राप्त की गई उस दिन चिरी उ गुप्ता के पास श्री राम प्रताप तिवारी द्वारा दी गई रसीद (प्रदर्श क-3) उपलब्ध थी। श्री रामदेव ने बताया कि श्री राम प्रताप तिवारी ने श्री चिरी उ गुप्ता से पासबुक उसके घर से प्राप्त किया था तथा उसपर स्पष्ट लिखा था कि पासबुक ग्राहक हेतु प्रधान डाकघर मैजिस्ट्रेट के लिए प्राप्त की गई थी परन्तु श्री राम प्रताप तिवारी ने उक्त पासबुक (प्रदर्श क-4) को प्रधान डाकघर केजावाड ग्राहक भण्डार के लिये नहीं भेजा और उसका मैजिस्ट्रेट नचतवेक जर्नल (प्रदर्श क-5) से सत्यापित भी नहीं किया। लगभग 10-15 दिनों तक पासबुक अपने पास ही रख रहे और खनिदर श्री चिरी उ गुप्ता द्वारा मांगते पर उन्होंने पासबुक वापस

पृष्ठ (4)

कर दिया परन्तु पासबुक वापस करने समर्थ उन्होंने जमाकर्ता को दी गई रसीद (प्रदर्शक-3) वापस नहीं लिया। इसका कारण यह बताया कि रसीद पर श्री विरीक गुप्ता ने जब अपनी पासबुक वापस पाकर उसका वकाया देखा कि उसमें ग्याऊ अर्गेन के बाद लिखना ही गमना यह देखा कि दिनांक 14.3.82 को 4000/- जमा के बाद बैलेंस 16052/25 की प्रविष्टि देर दी गई है तथा ग्याऊ भी नहीं लगाया, अभी उसने रसीद (प्रदर्शक-3) को वापस नहीं दिया। श्री राम प्रताप तिवारी के निवेदन के विषय में श्री राभदेव ने यह बताया कि अजकपाल नीकापुर में शाखा डाकपाल सराय भनौली के विरुद्ध मनीआर्डर भुगतान न करने तथा नगदी शेक के बारे में कई रिपोर्ट लिखा था जिसकी जांच करने के लिए पत्र सं० 01/जनरल के माध्यम से श्री राम प्रताप तिवारी को भेजा गया था परन्तु बाद में निर्देशों के बाद भी कोई रिपोर्ट नहीं मिली तो उन्होंने 16.3.82 को शाखा डाकपाल सराय भनौली के विरुद्ध तथा श्री राम प्रताप तिवारी के विरुद्ध रिपोर्ट भेजा। 38.28 की निर्धारित रसीद के विषय में उन्होंने बताया कि उस समय शाखा डाकपाल सराय भनौली का रेकॉर्ड सुरक्षित कर लिया गया था, इस लिए इस पर जांच नहीं की गई थी। प्रस्तावित अधिकारी द्वारा पुनः परीक्षा के दौरान खाता संख्या 327857 की पासबुक (प्रदर्शक-4) में दिनांक 14.3.82 को जमा 4000/- जमा प्रविष्टि तथा वकाया 16052/25 बैलेंस का आशय पढ़ा जा कि शाखा डाकपाल में उक्त धन के सरकारी हिसाब में नहीं लिया था और पासबुक में इन्द्रज होने के कारण शाखा डाकपाल 4000/- के गबन के दोषी होते हैं इससे वर्चन के लिए ही करने का प्रयास किया गया था। चूंकि रसीद पर वकाया 16052/25 साफ साफ लिखा था उसमें काटपीट नहीं थी किन्तु पासबुक में 4000/- जमा तथा वकाया देश हुआ था हो सकता है कि जमा करी का वकाया सिद्ध न हो इस उद्देश्य से भी पासबुक की रसीद (प्रदर्शक-3) वापस नहीं ली गई। इस प्रकार श्री राम प्रताप तिवारी ने रसीद (प्रदर्शक-3) वापस न लेकर भूल किया है।

(7) श्री विरीक गुप्ता ने अपने बयान में कहा कि उसकी पासबुक खाता सं० 327857 (प्रदर्शक-4) प्राप्त करने की रसीद (प्रदर्शक-3) जिसे श्री राम प्रताप तिवारी तत्कालीन कार्यवाहक शाखा डाकपाल एवं डाक सर्विस में दिनांक 10.5.82 को दिया था उस पर शेषधन 16052/25 लिखा था इस विषय में उन्होंने अपना बयान दिनांक 25 को तत्कालीन सहायक डाक अधीक्षक श्री सुशरी लाल को दिया था। उन्होंने उक्त बयान (प्रदर्शक-1) भी प्रविष्टि --

... पृष्ठ 5 पर

राम प्रताप तिवारी

पृष्ठ (5)

पुष्टि किया है। अर्थात् सहायक द्वारा परीक्षण करने पर श्री
 चिरीऊ गुप्ता ने बताया कि शाखा डाकघर सराय भनौली
 8-9 कि० मी० दूर है और वीकापुर लगभग 7 कि० मी०
 दूर है। वह गुन्धौर का निवासी है और अपना खाता
 गुन्धौर में इस लिये स्थानान्तरित कराया कि सराय भनौली
 बाजार से उसे दुकाबदारी का सामान लेना पड़ता था।
 उन्होंने बताया कि उन्होंने अपने अचल खाता सं० 327857
 में अंतिम बार दिनांक 19.3.82 को 4000/- जमा करने
 के लिए श्री रामाशंकर पान्डेय शाखा डाकघर सराय
 भनौली को दिया था जिससे श्री रामाशंकर पान्डेय ने
 उसकी पासबुक में लिख कर पासबुक उसे वापस दे
 दिया। उसे यह भी मालूम कि उस जमा प्रविष्टि को
 शाखा डाकघर में किसी कर्मचारी रजिस्टर में दर्ज
 अप्रवा नहीं। शाखा डाकघर ने पासबुक में जमा के बाद
 उसपर छुट्टी उसके सामने ही लगा कर दिया था।
 श्री चिरीऊ गुप्ता ने कर्ग कहा कि उसकी पासबुक
 श्री राम प्रताप तिवारी ने वीकापुर में लिया था तथा
 रसीद (प्रदर्शन क-3) पर डाकघर की छुट्टी नहीं लगायी।
 जब उसने अपनी पासबुक 10-12 दिन बाद वापस मांगा
 तब उस निष्ठाव को श्री राम प्रताप तिवारी उसको
 वापस दे गये और रसीद (प्रदर्शन क-3) इस लिये नहीं
 दिया कि पासबुक 327857 में दिनांक 19.3.82 को
 रु० 4000/- की जमा प्रविष्टि तथा अर्जा सं० 16153/25
 को देर दिया गया था जब कि श्री राम प्रताप तिवारी की
 जमा पासबुक 10.5.82 को दिया था उस समय उक्त
 प्रविष्टि चिरी नहीं गई थी। अर्ग प्रश्न करने पर श्री
 चिरीऊ गुप्ता ने बताया कि उन्होंने दिनांक 10-10-80 को
 अपनी पासबुक में 10000/- शाखा डाकघर सराय भनौली में
 जमा किया था वीकापुर में यह नहीं है। यहाँ यह
 उल्लेखनीय बात है कि दि० 10-10-80 को जो 10000/-
 रु० 1500/- की जमा प्रविष्टि पासबुक के पृष्ठ 8 पर
 कॉलम 3 रु० 4 पर उपलब्ध है उस जमा के लिए डाकघर
 की जो छुट्टी लगी है वह EXPTL UP 5317 की माध्यम
 पड़ती है जब कि इसी पासबुक के पृष्ठ 10 पर कॉलम 4
 में दिनांक 19.3.82 वाली स्थाही में लिखकर उपरि-
 लेखन करके रु० 4000/- जमा दिखाया गया है उसे केवल
 भनौली में ही लिखा गया है तथा डाकघर की छुट्टी पर
 EXPTL UP 5317 होने का प्रमाण नहीं मिलता। पास-
 बुक के प्रत्येक जमा निष्ठाव को रवाना से देखने
 पर यह पता चलता है कि दिनांक 6-10-80 को इस

-- पृष्ठ 6 पर

राम प्रताप तिवारी

उस खाते में रु० 3500/- जमा करने के बाद प्रकाश 6103/85 में खाता शाखा डाकघर सराय मनौली में स्थानान्तरित किया गया था। परन्तु इसके पूर्व भी दिनांक 27-9-79 को उस खाते में 1000/- जमा सराय मनौली में किया गया मासूम पड़ता है। अतः पासबुक की सभी प्रविष्टियों की समीक्षा आवश्यक है जो निम्न विवरण के अनुसार है:-

दिनांक	जमा	निकासी	प्रकाश	विवरण	
9-11-78	4500	-	4500	छहरा विवरण	
23-11-78	4000	-	8500	वीकापुर 9-11-78	
5-3-79	6000	-	14500	वीकापुर 23-11-78	
22-3-79	-	4000	10500	वीकापुर 5-3-79	
4-5-79	-	2500	8000	वीकापुर 22-3-79	
23-5-79	-	3000	5000	" 4-5-79	(2)
5-6-79	-	3500	1500	" 23-5-79	(2)
4-8-79	9000	-	10500	" 5-6-79	(3)
27-9-79	1000	-	11500	" 4-8-79	
21-2-80	-	2000	9500	ExPTL UP 27-9-79	
26-3-80	-	4000	5500	वीकापुर 21-2-80	(4)
19-4-80	-	4500	1000	" 26-3-80	(4)
30-6-80	900	-	1900	" 19-4-80	(5)
30-7-80	-	1000	900	ExPTL UP 30-6-80	
	जमा 78-79		152-10	वीकापुर 30-7-80	
	79-80		451-75	जैजवाट 2-8-80	
10-9-80	-	600	1503-85	वीकापुर 10-9-80	(6)
29-9-80	800	-	903-85	वीकापुर 29-9-80	(7)
29-9-80	900	-	1703-85	ExPTL UP 29-9-80	
6-10-80	3500	-	2603-85	" "	
			6103-85	" 6-10-80	
Transferred to Sabai Branch					
			07-10-80		
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	वीकापुर 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	वीकापुर 7-11-81	
	जमा 80-81		44840	जैजवाट 12-11-81	
			8052-25		
13-3-82	4000	-	12052-25	वीकापुर 13-3-82	
19-3-82	4000	-	16052-25	अरुण मुरार	

उपरोक्त विवरण में गलत साफ मासूम पड़ता है कि

उस खाते में दिनांक 27-9-79, 30-6-80, 29-9-80, 6-10-80, 10-10-80 एवं 26-5-81 को जैजवाट शाखा डाकघर सराय मनौली में किया

--- पृष्ठ 7 पर

राम पताय 11/10

क्रिया गया जब कि खाता शाखा डाकघर सराय मनौली के स्थानान्तरण का रिमांक दिनांक ८-१०-८० के पासबुक के पृष्ठ ८ पर लिखा है। जब कभी शाखा डाकघर में लेन देन किया गया, धन के प्रविष्टि एवं बकायों में लिखा गया तथा शाखा डाकघर सराय मनौली की तारीख मुहर EXPTL ५१-५३१७ प्रयोग की गई। शाखा डाकघर में लेन देन के समय संदेश तारीख मुहर में तारीख तथा माह रखाई से वनछा गया। यद्यपि दिनांक १९-३-८२ के ४०००० जमा के लिए डाकघर की तारीख मुहर लगी है उसमें भी तारीख माह रखाई रखी है लिखा दिखाने पड़ता है लेकिन मुहर शाखा डाकघर सराय मनौली की लगी नहीं माह रखाई पड़ी है क्योंकि अंतिम मुहर EXPTL ५१-५३१७ के काफी लिखी माह रखाई है। अतः दिनांक १९-३-८२ की ४०००० की जमा प्रविष्टि संदिग्ध माह रखाई पड़ी है। यह संभव है कि यह जमा प्रविष्टि उस समय उपलब्ध रही हो जब श्री राम प्रताप तिवारी के पासबुक ग्राज ठेक दी गई थी।

(८) श्री राम प्रताप तिवारी ने अपने बकाय के लिखित प्रमाण में बताया कि वह वर्ष १९७१ में डाक सर्विस के पद पर प्रोन्नत होकर डाक सर्विस कीकापुर के पद पर नियुक्त हुए। उस समय श्री शमदीन अहमद की निरीक्षण के आ कि फैजाबाद (द) के नाम से था। उसके स्थानान्तरण के बाद श्री शमदीन १९८१ में कार्यभार ग्रहण किया और डाक निरीक्षण के बाद (द) का पद डाक निरीक्षण कीकापुर के नाम से लेकर मुख्यतः कीकापुर में ही गया। उप. डाकपाल कीकापुर तथा उन्होंने कई बार शाखा डाकपाल सराय मनौली श्री राम शंकर पांडेय के असंबंध-जानक कार्य के बारे में रिपोर्ट किया था। परन्तु कोई कार्य-काही नहीं हुई। श्री राम शंकर पांडेय के तत्कालीन सहायक डाक अधीक्षक श्री हरिमंगल सिंह की रिपोर्ट पर पूरा आंक किया गया था और उन्हें शाखा डाकपाल सराय मनौली का कार्य भार दिया गया। सराय मनौली में नगदी तथा महत्वपूर्ण आगजात रखना असुरक्षित था अतः उन्होंने डाकघर का कार्य कीकापुर से ही करना शुरू किया। वे डाक निरीक्षण की डाक उनके घर फैजाबाद देन जा रहे थे कि रास्ते में श्री धीरीअ गुप्ता खाता सं० ३२७८५७ के जमा कार्य मिले थे उन्होंने अपने खाता में ग्राज लगवाने के लिये कहा तथा उन्होंने डाकघर पर आने को कहा परन्तु उसके आग्रह करने पर उन्होंने पासबुक प्राप्त किया और सही कागजात पर हस्ताक्षरित रसीद दिया। उन्होंने कभी कहा कि जांच के दौरान खाताधारों से पासबुक प्राप्त कर हस्ताक्षरित रसीद पदनाम की मुहर लगा कर दी जाती थी। उन्होंने

पृष्ठ (8)

पासबुक रखाता सं० 327857 (प्रदर्शक-4) श्री विरीऊ गुप्ता से प्राप्त कर सादे कागज पर रसीद दिया था और उस पासबुक को अपने घरे में रख लिया। पासबुक उनके घरे में ही पड़ी रही। लगभग 10-15 दिन बाद खोददार वीकापुर आया और अपनी पासबुक मांगी, उन्होंने मौल से निकाल कर पासबुक दे दिया परन्तु ^{रसीद (प्रदर्शक-4)} वापस नहीं लिया। श्री राम प्रताप तिवारी ने आज कहा कि पासबुक वापस करते समय शाखा डाकघर संग्रह मनेर के वचन देकर जनरल (प्रदर्शक-5) उपलब्ध नहीं था जिसके कारण पासबुक का वकाफ का गिलान नहीं किया जा सका। श्री राम प्रताप तिवारी ने पासबुक अपने मौल में 10-15 दिन रख उनका कहना कि पासबुक वापस करते समय वचन देकर जनरल उपलब्ध नहीं था तो क्या 10-15 दिनों के अन्दर ~~उत्त~~ उत्त जनरल को क्यों नहीं देखा फिर भी कहते हैं कि खोददार पासबुक वापस मांगने के लिए वीकापुर में मिला और पासबुक वीकापुर में वापस की गई। शाखा डाकघर भी तो वीकापुर में ही चल रहा था जैसा कि ऊपर श्री राम प्रताप तिवारी ने स्वीकार किया है तो उन्हें पासबुक प्राप्त करने की तिथि दिनांक 10-3-82 तथा वापस करने की तिथि के बीच 10-15 दिनों में उन्होंने वॉलेस जनरल से नहीं मिला सके। इसके अतिरिक्त व्याज के लिए प्रधान डाकघर को भी नहीं भेजा। वे स्वयं भी कैजवाड आते जाते रहे परन्तु व्यक्तिगत रूप से भी उन्होंने इस खाते की पासबुक का वॉलेस प्रधान डाकघर से सत्यापित करवा कर व्याज नहीं भेजा सके। श्री राम प्रताप तिवारी का यह कहना गलत है कि श्री रामदेव तत्कालीन डाक विरीसक अपने को क्यों के लिए उन्हें फँसाना चाहते थे। श्री रामदेव के विरुद्ध शिकायत भी की गई परन्तु तत्कालीन प्रवर अधीक्षक डाकघर के साथ उनके व्यवहार अर्थात् होने के कारण श्री रामदेव ने इस मामले के ईलाखी बस बनाकर उन्हें फँसाये। पासबुक सं० 327857 (प्रदर्शक-4) जमा करी श्री विरीऊ गुप्ता के वापस करते समय उसमें दिनांक 19-3-82 की 4000/- की जमा प्रविष्टि दर्ज नहीं गई थी, इस श्री रामदेव के दोष था। श्री रामदेव जम को भी दिनांक 01-05 को निलंबित किया गया था और उन्हें बहाल भी कर दिया गया परन्तु श्री राम प्रताप ने कहा कि उन्हें बहाल नहीं किया गया। जबकि वह अगस्त 82 में निलंबित हुये थे। चार वर्षों तक कोई भी आदेश पत्र नहीं दिया गया। श्री राम प्रताप तिवारी ने आज कहा कि आदेश पत्र में यह उल्लिखित किया गया है कि उन्होंने पासबुक प्राप्त करके हस्तलिखित रसीद दिया जिससे उन्होंने

श्री राम प्रताप

पृष्ठ (9)

सी सी एस (कॉन्स्टेबल) नियम 1964 के नियम 3 (1) (1) के प्रावधानों का उल्लंघन किया। ~~इसके अलावा~~ उक्त नियम के अनुसार प्रत्येक सरकारी कर्मचारी को पूर्ण ईमानदारी एवं कर्तव्य निष्ठा रखनी चाहिए। तथा आशेष पत्र की बात से भी तब तक कि कोई वैदमानी का संकेत है तथा उससे किसी प्रकार की वैदमानी की जा सकती है उस और संकेत नहीं किया गया है। कर्तव्य के प्रति उदासीनता का कोई आशेष नहीं है बल्कि आशेष पत्र गलत है। यह कोई नहीं संतुष्ट करता कि निर्धारित रसीद 5B-28 न दे कर हस्तलिखित रसीद देना, पासबुक वापस देना समय रसीद वापस न लेना, पर्याप्त अभिलेखों का मिलान न करना तथा गया उते नु पासबुक प्रधान शाखा के भेजना वैदमानी है बल्कि आशेष ही गलत है। उन्होंने यह भी कहा कि इस बात की पुष्टि जांच में नहीं हुई कि उस समय सराय भौली में निर्धारित रसीद 5B-28 उपलब्ध थी या नहीं। तो यह कैसे कहा जा सकता है कि उन्होंने कभी रसीद नहीं दिया जब रसीद पर 4000/- छाया जमा के बाद वॉलेंस 16/53/55 पैसे की प्रविष्टि करके खाताद्वारा को दे दी गई तो पासबुक में उक्त जमा प्रविष्टि को धरेन से खाताद्वारा को दर्ज तो समाप्त नहीं होता तो इस धरेन से क्या गलत उद्देश्य हो सकता है। एक तरफ तो श्री राम प्रताप तिवारी यह कहते हैं कि पासबुक में 143-82 की 4000/- जमा प्रविष्टि उठावे नहीं देना था दूसरी तरफ उसका धरेन से खाताद्वारा को क्या कहित हो सकता है उसकी कालान्तर करने हैं इससे तो पही जनपदना है कि इस जमा प्रविष्टि को श्री राम प्रताप तिवारी ने ही देना था। श्री राम प्रताप तिवारी ने कहा कि जब उन्होंने खाताद्वारा को रसीद दे दिया उतने काया नहीं लही लिखा तो इस में कोई गलत उद्देश्य नहीं था। यदि कोई गलत भवना होती तो बिना रसीद वापस लिए पासबुक वापस न करते। यह उनकी ईमानदारी एवं कर्तव्य निष्ठा का पर्याप्त है। आशेष पत्र गलत होता है। पूरी जांच प्रक्रिया तथा निवेदन गलत उद्देश्य एवं ईर्ष्या वश किए जा रहे हैं। उन्होंने अपने पक्ष में जमा की लिख तत्कालीन अपडाकवास वीकापुर को भेज करना चाहा कि कि दिनांक 7-10-87 को जांच के दौरान उक्त गवाह को प्रस्तुत न करने की इच्छा व्यक्त किया। इस बिना उक्त गवाह का पता नहीं लिया गया।

(9) उपरोक्त विवेचन के आधार पर आशेष में 9 के विषय में यह स्वीकृत सत्य है कि श्री राम प्रताप तिवारी ने पासबुक खाता सं० 327857 (प्रदर्शक-4) के खाता दिनांक 7-10-87 को जांच के दौरान उक्त गवाह को प्रस्तुत न करने की इच्छा व्यक्त किया। इस बिना उक्त गवाह का पता नहीं लिया गया।

१०००००
 जॉय उद्योगकारी
 नमः सपत्नीय निरीषक दायक
 अहमदपुर उत्तरी
 अहमदपुर (अहमद) 224122

श्रीम पूनपदीवारी

Annexure A-3

A27

DEPARTMENT OF POSTS INDIA

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

Memo no. F-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:-

1-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, SBI(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

✓ निर्यात

-23-

(A28)

(2)

with him and out of them in six cases he was acting as E.O. . Thereafter Shri Baij Nath , SBI(North) Aligarh 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 v.r. 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 B.O. or not .

-24

(A 29)

(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. 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. (a) :-

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 ^{office} 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 under stood why the-

[Signature]

-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. BOPM 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 incircling 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.

-26-
(5)

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 (Predarsh 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/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 forget 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 asstt. has stated that during enquiry Shri Ghirrau Gupta had told him that when he had pointed out about rounding off

✓ 17-6-84/10

(6)

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 Ghirrai 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 send 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. R.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 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 Ghirrai Gupta. The said entry was incircled when the Pass -

राम देवता
on-7

-28-

(A33)

(7)

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. He 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.

ORDER

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. K. Tewari

(R. K. Tewari Advo.)

(K.C. Mishra)

I.P.S.

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

Copy for information and necessary action to :

- Regd 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/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.

-29- A34

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 ~~xx~~ begs
to state the following few lines for your kind ~~xx~~
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 ~~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
~~for~~ ^{by} 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-~~

21/11/87

- (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 ~~re~~ rebut the same, the charge of failure to maintain absolute integrity ~~is~~ 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 Adv.]

21/10/1987

- 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)(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 DO Rules.~~

21/11/1988

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.

JITLYATI

(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.

B. P. Singh
(B. P. Singh)

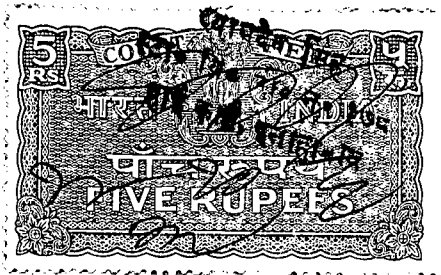
Director Postal Services,
Lucknow Region Lucknow-7.

Copy to:-

1. Official concerned.
- 2.3. SSPOs Faizabad.
- 4.5. Regional Office.

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

18/11/2010



A39

वकालतनामा

बअदालत The Central Administrative Tribunal, Allahabad

नम्बर मुकदमा

नम्बर इजारा

CA Ref. No.

Of 1988

सन १९

सन १९

ई०

ई०

मुद्दै

Ram Pratap Mishra

बनाम

DPS Lucknow & another

अपीलान्त

मुद्दालेह

मैं Ram Pratap Tewari एगो 50 रकम के

मैं/हम S/o Smt. S.P. Tewari of Fatehgarh

निवासी Faizabad

श्री R.K. Tewari, Advocate
154, Purshottamnagar, Allahabad

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, पंच 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 रुपया व खर्चा, हर्जाना का रुपया या किसी दूसरे तरह का रुपया 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 वापिस 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 समझें 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 फीस या खर्च न अदा कलें / करें तो वकाल साहेब व उनके क्लर्क 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 सवंधा मान्य होगा।

तारीख

17 माह -10-1988

सन १९

ई०

Accepted

R. Tewari

स्वीकार है

R. K. Tewari

Advocate

154, Purshottam Nagar

(Khuldaabad)

Allahabad-16

हस्ताक्षर

गवाह

गवाह

सन १९

बनाम

अदालत
मुकदमा नं०

(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.

I N

REGISTRATION NO. 224 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.

The humble application of the applicant
most respectfully sheweth :

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

Received by
R. P. Tiwari
23/11/88

So (J)

Keep it on
the file
[Signature]

28/11/88
In De Dardy for
compliance
27/11/88

(Am)

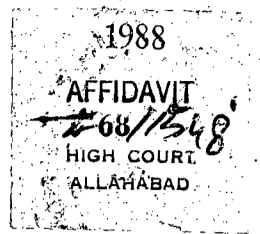
(2)

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.

NBSM
(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

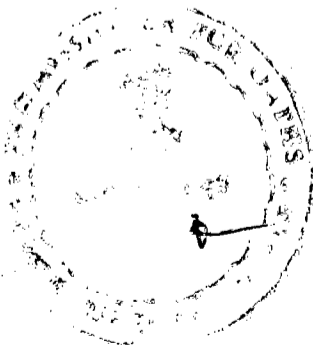
versus

Union of India and others--

--Respondents.

✓ AFFIDAVIT of sri Ram Karan misra
aged about 55 years son of
sri Thakur Lal misra at
present posted as Sr. Subd. appos
Faizabad Dn Faizabad

31/5/88
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)

1. That the deponent is posted as
Sr. Supdt. of Post Offices Faizabad Div. 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 Bikapur. In the ~~working~~ 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

21/11/77
Sr. Supdt. of Post Offices
FAIZABAD DIVISION
FAIZABAD-224001

A 2441

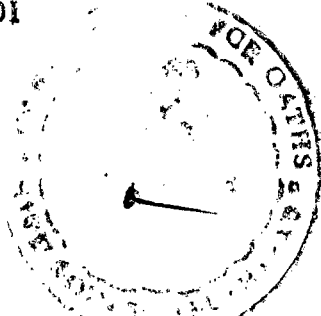
(3)

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

21/11/82
Sr. Supdt. of Post Offices
FAIZABAD DIVISION
FAIZABAD-224001



(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) Akharpur. 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

51/2/87
Sr. Supdt. of Post Offices
FAIZABAD DIVISION
FAIZABAD 224001

A-46

(5)

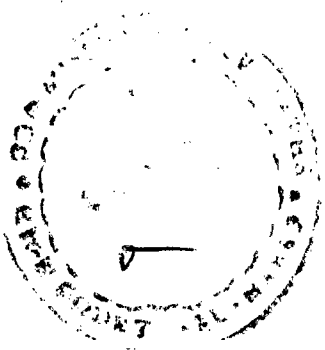
scale of pay for ~~the~~ six months , on 3.5.1988, taking into consideration the length of service as well as other aspects of the matter. Thus the Authorities have taken a very lenient view in this regard.

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 .

Sr. Supdt. of P. & S. Officers
FAIZABAD DIVISION
FAIZABAD-224001



(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 Bikanpur in 1978 and thereafter ~~Bikanpur~~ 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

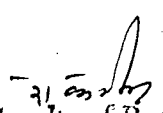
31/11/87
JANZARA DIVISION
RAIZADAD 224041

A-48

(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



149

(8)

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 लाकूर

फैजाबाद: प्रखण्ड

फैजाबाद-2 (001)

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

(9)

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, 44010, 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.

at m/s
Sr. Supdt 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.

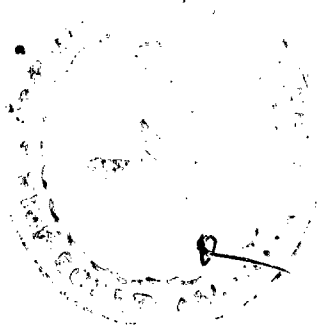
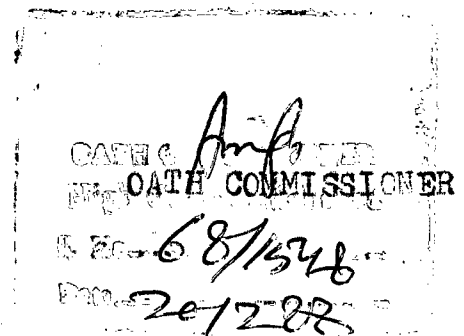
V. P. Tripathi
... V. P. Tripathi ...
(Clerk)

AS-1/

(10)

Solemnly affirmed before me on the 20th
day of Dec 19 88 —, 1988 by the deponent
at 2.20 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.



052

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

A N D

(1) Sr. Suptt. Posts Faizabad I

I Respondents

(2) D.P.S. Lucknow

I

(3) Union of India Through the Secretary
Ministry of Communications, New Delhi

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	5-10-87	Appeal	29 & 30
6	A-5	5-5-88	Appellate Order	31 to 33

added as per Court's order 28/11/90

R. K. Tewari

R. K. TEWARI

Advocate

154, Purani Bazar, Allahabad

(Allahabad)

Allahabad-16

✓ 1/12/1990

Details of Application

1- Particulars of the Applicant :-

(i) Name of the Applicant

(ii) Father's Name

RAM PRATAP TEWARI

(iii) Designation &

Shri S.P. Tewari

Office in which employed

Postal Overseer Bikapur, Faizabad

(iv) Office Address

(v) Address for service

- ditto -

of all notices

Patchgumaj, Faizabad

2- Particulars of the Respondents :-

(i) Name &/Or Designation

(1) Sr. Supdt. Posts Faizabad

(ii) Official Address

(2) D.P.S. Incknow

(iii) Address for service

of all notices

Union of India through Secretary
MOC, Govt, New Delhi

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

(i) Order No.

(ii) Date

1/1/82-83

(iii) Passed by

24-9-87

(iv) Subject in brief

Sr. Supdt. Posts
Faizabad

RDL/APP-37/83/13

3-5-88

D.P.S. Incknow

Punishment of compulsory Retirement was modified
to Reduction in the Grade by three steps by the

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. Tewari

राम प्रताप तिवारी

1354

: 3 :

(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

R₂ 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. Disagreeing 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

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 Bikanpur. One Branch Post Office named Sarai Bhanauli lay in his jurisdiction. Shri Ram Shanker Pandey was its Branch ~~xxxxxxx~~ Postmaster, who was having cordial relations with the concerned Sub-

Rudhwan

21/11/1988

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 Muni 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

(334)

Suppose for argument sake all the three

R. J. J.

21/4/84
100

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.

R₂ "Para 5- There is another vital defect in the proceeding taken against the respondent. The charge against him was not that he ^yaltered 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".

R₂ (iv) The learned appellate authority has fully appreciated there arguments in para 4(1) of the appellate order which reads thus

R₂ (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

R₂ Sanjivan

to doubt his integrity unless it is proved that the
~~six~~ appellant had some ulterior motive behind such
~~an~~ 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
 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 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~~ ^{be} treated as duty.

Reliefs sought for:

Ru. Tewari

17/1/50

1058

7

7. Reliefs sought for:

The applicant prays for the grant of the following reliefs:

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

Ry (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. H. Wani

राम प्रताप सिंह

BS9

- 8 -

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 3/10/83 to the DPS Lucknow who allowed the same partially vide orders dated 3-5-88 at Pages 31 to 33. As the DPS Lko. 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 bench of the Tribunal.

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

- (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 Pilibhar 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 24/10/88

To

The Registrar, Central Administrative Tribunal,
Allahabad-211001

Signature of applicant

R. K. TEWARI

R. K. TEWARI
Advocate

154, Purshottam Nagar
(Khuldaabad)
Allahabad-16

-9- (160)

Annexure A-1
SS Post Faizabad Memo No F1/1/82-83 dt 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 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)(1) 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~~ and 3(1)(1) 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)(1) 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)(1) of CCS conduct rules 1964.

Photo

TRUE/COPY

R. K. Tewari

(R. K. Tewari Advo.)

[Signature]
Sr. Supdt. of Post Offices
Faizabad Division
Faizabad-224001

21/11/86

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 EDBPM Sarai Ehanauli
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 paise 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 (B)

(B) That the said Shri Ram Pratap Tewari line O/S
Bikapur (U/S) while working as ED BPM Sarai Ehanauli
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 EDBPM Sarai Ehanauli 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 paise 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 (B)

contd. on 2

(862)

- 11 -

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 Chiranj Gupta dated 25.8.82 .
- 4) B.O. SB journal of B.O. Sarai Ehanauli 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 EDBPM Sarai Ehanauli on 10.5.82 received the pass book of Sarai Ehanauli 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.C. 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 Chiranj Gupta S/O Shri Ehanauli, village and post, Sunnaur Distt. Faizabad, Depositor of Sarai Ehanauli SB A/c no. 327857 .
- 2) Shri Ram Deo the then S.D.I. (South) Faizabad .
- 3) Shri Murari Lal the then A.S.P.Os Faizabad Division.

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

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

राम प्रताप तिवारी

Annexure A-2

103

प्रधान ~~का~~ ~~रा~~ ~~नी~~ ~~मि~~ ~~री~~ ~~च~~ ~~ड~~ ~~का~~ ~~र~~ ~~का~~ ~~र~~
नगर
कमिशनर (नगर) 224122

सेवा में,

प्रवर अधीनस्थ डाकघर
फैजाबाद मंडल, फैजाबाद

पत्रसं० डी०ओ०-2/राम प्रताप तिवारी।86 दिनांक 28-8-87
विषय — श्री राम प्रताप तिवारी (निलंबित) सहित गे पोस्टमैन फैजाबाद
के विरुद्ध क्लासीफिकेशन कन्ट्रोल एवं अपील नियम 1964
के नियम 14 के अन्तर्गत जांच कार्यवाही
संदर्भ — मंडलीय कार्यलय पत्रावली संक-1/1/82-83

मंडलीय कार्यलय के उपरिक्त पत्र दिनांक 19-9-86
द्वारा अधीनस्थ सरकारी के जांच अधिकारी नियुक्त किया गया था
तथा विभाग की तरफ से मामले के प्रस्तुत करने के लिये श्री
सुभाष चन्द्र श्रीवास्तव वचत विकास अधिकारी के प्रस्तुत कती
अधिकारी नियुक्त किया गया था।

(2) सितंबर 86 से 15 नवंबर 86 तक जांच के
लंबित निरीक्षण के पूरा करने के लिये एक समुचित कार्यक्रम
वनाया गया था उस लिये यह पहल ही सूचित कर दिया गया था कि
उस मामले में जांच निर्धारित तिथि 31-1-87 तक संभव नहीं है।
फिर भी उस मामले में जांच हेतु प्रथम तिथि दिनांक 27-11-86 को
फैजाबाद प्रवाह डाकघर में रखी गई। निर्धारित कर्मचारी श्री राम
प्रताप तिवारी ने अपना वचाव सहायक श्री रामनिहोर लाल के नियुक्त
करने की सूचना दिया।

(3) श्री राम प्रताप तिवारी के विरुद्ध निम्नलिखित आरोप
के- (1) श्री राम प्रताप तिवारी लाइन ऑवर सिगर वीकापुर के पद पर कार्य
करते हुए दिनांक 10-5-82 को वचत बैंक खाता सं० 327857 के जमा
कर्ता श्री विरी ऊ गुप्ता से उसकी पासबुक प्राप्त कर के एक सौद
कागज पर हस्त लिखित रसीद दिया जिस पर बैलेस 16052/25 लिखा
उन्होंने शाखा डाकघर नियमावली के नियम 14(1)(2) के प्रावधान के
अनुसार निर्धारित रसीद नहीं दिया।

(II) उक्त श्री राम प्रताप तिवारी ने दिनांक 10-5-82 को वचत खाते
पासबुक सं० 327857 को प्राप्त करके 10 या 12 दिन बाद शनिवार को
वापस दे दिया परन्तु जो रसीद उन्होंने दिया था, उस शाखा डाकघर
नियमावली 1964 के नियम 14(5) के प्रावधान के अनुसार रसीद-
दार से वापस नहीं लिया।

(III) उक्त श्री राम प्रताप तिवारी ने दिनांक 10-5-82 को वचत
खाता सं० 327857 की पासबुक प्राप्त कर उस पर पासबुक के
अनुसार वकाया रु० 16052/25 लिखा जात कि शाखा डाकघर
वचत बैंक जनित की अनुसार शेष धन केवल 12052/25 था
उन्होंने पासबुक के बैलेस को जनित से नहीं मिलाया तथा
वकाया में अंतर होने की कोई विधि नहीं किया। श्री
राम प्रताप तिवारी उक्त अवधि में शाखा डाकघर सरायभनौली
का कार्य भार ग्रहण किये हुए थे।

उपरोक्त कृत्यों से श्री राम प्रताप तिवारी पर
यह आरोप था कि उन्होंने केन्द्रीय नागरिक सेवा (चरित्र)
नियमावली 1964 के नियम 3(1)(1) का उल्लंघन किया।

(4) उपरिक्त आरोपों के आधार पर संज्ञे में
निम्न लिखित कार्यों पर विवेचना की जानी आवश्यक है:-
(क) क्या दिनांक 10-5-82 को शाखा डाकघर सरायभनौली

राम प्रताप तिवारी

पृष्ठ (2)

मै जमाकर्ता रसीद (S/O 28) की निर्धारित रसीद तक उपलब्ध थी, किन्तु परिस्थिति में श्री राम प्रताप तिवारी ने रसीद के पास तक सं० 327857 की हस्त लिखित रसीद वापस नहीं लिया तथा वचन देकर जनेल से वकाया सत्यापित न करना एवं व्याज हेतु प्रधान डाकघर न भेज कर 10-12 दिनों 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 एवं 7.8.87 को कार्यवाही संबंधी बैठकें की गई। माह मई 1987 में जांच की कोई लिपि नहीं रखी जा सकी क्योंकि प्रसूता अधिकारी श्री सुभाष चंद्र श्रीवास्तव को पुनश्चाप प्रशिक्षण हेतु डाकघर प्रशिक्षण केंद्र सहरनपुर जाना पड़ा तत्पश्चात् हुकूम भी 18.5.87 से उपरोक्त प्रशिक्षण में जाना पड़ा था। दिनांक 23.2.87 को वचाव सहायक के उपस्थित न होने के कारण कोई कार्यवाही न हो सकी। इसी प्रकार 4.3.87 को प्रसूता अधिकारी के उपस्थित न होने के कारण कार्यवाही न हो सकी तथा दिनांक 18.4.87 को मेडलीफ कार्यालय से सूची-बद्ध अभिलेख न प्राप्त होने के कारण जांच कार्यवाही स्थगित करनी पड़ी। दिनांक 23.4.87 को दोषारोपित कर्मचारी को अभिलेखों का अवलोकन करायें जाने की लिपि निम्न की गई थी परन्तु इस दिन भी अभिलेख उपलब्ध नहीं रहे। प्रकाश के बाद अभिलेखों का अवलोकन दिनांक 17.6.87 को कराया गया तथा 18.6.87 को गवाहों के बयानों की प्रतिमां दोषारोपित कर्मचारी को उपलब्ध कराई गई। वचाव सहायक में अतिरिक्त अभिलेखों की सूची प्रस्तुत किया। इस पर निर्धार करने के बाद यह पाया गया कि मांग किये गए कागजातों का आरोप से कोई संबंध नहीं है अतः वचाव सहायक को लिखित दिया गया कि वांछित कागजातों का उपलब्ध कराया जाना असंभव है। श्री मुरारीलाल सेवा निवृत्त डाक अधीक्षक बुलंदशहर तथा तत्कालीन डाक निरीक्षक श्री रामदेव का प्रधान लिपिवद्ध किया गया और कार्यवाही आगे चालू हुई।

(6) श्री मुरारीलाल ने अपने वचन में बताया कि वे दिनांक 25.8.82 को सहायक अधीक्षक डाकघर फैजाबाद के पद पर कार्य कर रहे थे। उन्होंने बताया कि दिनांक 25.8.82 को उन्होंने सराय भनौली डाकघर में स्थित खाता सं० 327857 के जमाकर्ता श्री धिरी उ पुम श्री भगवान दास बुद्धा गामकी गुणधौर का बयान (प्रदर्शन क्र-1) लिया था। श्री धिरी उ गुप्ता के बयान दिनांक 25.8.82 को उन्होंने सुनिश्चित किया। श्री रामदेव तत्काली डाक निरीक्षक ने अपने वचन में बताया कि वे उपमंडलीय निरीक्षक डाकघर बीकापुर के पद पर दिनांक 10.7.81 से 10.1.85 तक कार्य किया। दिनांक 7.8.82 को तत्कालीन डाक अधीक्षक श्री राम प्रताप तिवारी को पत्र सं० 20/सराय भनौली दिनांक 24.4.82 को शाखा डाकघर सराय भनौली का कार्यभार ग्रहण करने का आदेश दिया था। श्री राम प्रताप तिवारी ने

शाखा डाकघर सराय भनौली के वचन खाता सं० 327857 के जमाकर्ता श्री चिरीऊ गुप्ता से उनकी पासबुक में 4000/- जमा दिनांक 19-3-82 के वाच शेष 16052/25 का प्राप्त करने दिनांक 10-5-82 को रसीद देने एवं उक्त 4000/- की जमा प्रविष्टि चिरीऊ के संबन्ध में उनका बयान (प्रदर्श क-2) प्राप्त किया था तथा पासबुक की रसीद (प्रदर्श क-3) जिसे श्री राम प्रताप तिवारी ने खींचकर श्री चिरीऊ गुप्ता को दिनांक 10-5-82 को दिया था उस बात पर से दिनांक 21-6-84 को प्राप्त किया था। वचन खाता सं० 327857 की पासबुक (प्रदर्श क-4) में दिनांक 19-3-82 के 80 4000/- जमा करने की कोई प्रविष्टि शाखा डाकघर सराय भनौली के वचन खाते जर्नल (प्रदर्श क-5) में नहीं पाई गई थी। वचन खाते के द्वारा परीक्षण करने पर श्री रामदेव ने बताया कि श्री चिरीऊ गुप्ता से पासबुक सं० 327857 की रसीद (प्रदर्श क-3) को खींचकर के घर से प्राप्त किया था। शाखा डाकघर सराय भनौली श्री रामशंकर पण्डेय के एक गपन के अक्षिप में श्री रामदेव तथा तत्कालीन सहायक अधीक्षक डाकघर केजावाड के संयुक्त आस्था के आधार पर कार्य प्रथम किया गया था। उन्होंने शाखा डाकघर सराय भनौली का भी निरीक्षण दिनांक 6-11-81 को तथा वीक्षण 16-8-82 को किया था। परन्तु श्री रामदेव यह स्पष्ट न बता सके कि उस समय शाखा डाकघर सराय भनौली में जमाकर्ता रसीद (SB-28) की निवीहित रसीद वही उपलब्ध थी अथवा नहीं। श्री रामदेव ने ऊर्ध्व कक्ष कि जिस समय शाखा डाकघर सराय भनौली का पाई श्री राम प्रताप तिवारी ने प्राप्त किया उस समय भी पाई लिस्ट में SB-28 का उल्लेख किया जाना उक्त लिस्ट की अभिलेखन पक्ष अपना वचन पक्ष द्वारा परामर्श नहीं किया गया। प्रदर्श क-3 प्राप्त करने के लिये उन्हें प्रथम अधीक्षक महादय द्वारा निर्देश दिया गया था। उसी आदेश के अनुपालन में उन्होंने ऊर्ध्व कक्ष को 20वां भिजाया। पासबुक प्राप्त करने का कारण पूछने पर श्री रामदेव ने बताया कि शाखा डाकघर सराय भनौली के दिनांक 29-4-82 को पुट आक होने के बाद उनके निचले कर्म का सम्पादन के स्थल स्थल में श्री चिरीऊ गुप्ता की पासबुक (प्रदर्श क-4) प्राप्त किया था। जिस दिन पासबुक प्राप्त की गई उस दिन चिरीऊ गुप्ता के पास श्री राम प्रताप तिवारी द्वारा दी गई रसीद (प्रदर्श क-3) उपलब्ध थी। श्री रामदेव ने बताया कि श्री राम प्रताप तिवारी ने श्री चिरीऊ गुप्ता से पासबुक उसके घर से प्राप्त किया था तथा उसपर स्पष्ट लिखा था कि पासबुक गमाज हेतु प्रधान डाकघर प्रिजेंट के लिए प्राप्त की गई थी परन्तु श्री राम प्रताप तिवारी ने उक्त पासबुक (प्रदर्श क-4) को प्रधान डाकघर केजावाड गमाज भेजने के लिये नहीं भेजा और उसका पैकेज वचन खाते जर्नल (प्रदर्श क-5) में सहायित भी नहीं किया। लगभग 10-15 दिनों तक पासबुक अपने पास ही रख रहे और खींचकर श्री चिरीऊ गुप्ता द्वारा मांगने पर उन्होंने पासबुक वापस

पृष्ठ (4)

कर दिया परन्तु पासबुक वापस करने समय उन्होंने जमाकर्ता को दी गई रसीद (प्रदर्श क-3) वापस नहीं ली। इसका कारण यह बताया कि रसीददार श्री चिरीऊ गुप्ता ने जब अपनी पासबुक वापस पाकर उसका वकाया देखा कि उसमें ग्राउन्डिंग के बाद कितना ही जमा तो यह देखा कि दिनांक 14.3.82 को 4000/- जमा के बाद बैलेंस 16052/25 की प्रविष्टि देर दी गई है तथा ग्राउन्ड भी नहीं लगाया, तभी उसने रसीद (प्रदर्श क-3) को वापस नहीं दिया। श्री राम प्रताप तिवारी के निवेदन के विषय में श्री रामदेव ने यह बताया कि अग्रकपाल नीकापुर में शाखा डाकपाल सराय भनौली के विरुद्ध मनीआर्डर जुमानन करने तथा नगदी शेक के बारे में कई रिपोर्ट मिली थी जिसकी जांच करने के लिए पत्र सं० 01/जनरल के माध्यम से श्री राम प्रताप तिवारी को भेजा गया था परन्तु बाद में निर्देशों के बाद भी कोई रिपोर्ट नहीं मिली तो उन्होंने 16.3.82 को शाखा डाकघर सराय भनौली के विरुद्ध तथा श्री राम प्रताप तिवारी के विरुद्ध रिपोर्ट भेजा। 38.28 की निर्धारित रसीद के विषय में उन्होंने बताया कि उस समय शाखा डाकघर सराय भनौली का रेकर्ड सुरक्षित कर लिया गया था, इस लिये इस पर जांच नहीं की गई थी। प्रस्तावत अधिकारी द्वारा पुनः परीक्षा के दौरान खाता संख्या 327857 की पासबुक (प्रदर्श क-4) में दिनांक 14.3.82 को जमा 4000/- जमा प्रविष्टि तथा वकाया 16052/25 बैलेंस का आशय यही था कि शाखा डाकपाल ने उक्त भव के सरकारी हिसाब में नहीं लिया था और पासबुक में इन्ड्रॉफ होने के कारण शाखा डाकपाल 4000/- के जमाने के दोषी होते हैं इससे वर्चुन के लिए ही करने का प्रयास किया गया था। चूंकि रसीद पर वकाया 16052/25 साफ साफ लिखा था उसमें कलपीत नहीं थी किन्तु पासबुक में 4000/- जमा तथा वकाया विश्रुत हुआ था हो सकता है कि जमा करी का वकाया सिद्ध न हो इस उद्देश्य से भी पासबुक की रसीद (प्रदर्श क-3) वापस नहीं ली गई। इस प्रकार श्री राम प्रताप तिवारी ने रसीद (प्रदर्श क-3) वापस न लेकर भ्रम किया है।

(7) श्री चिरीऊ गुप्ता ने अपने बयान में कहा कि उसकी पासबुक खाता सं० 327857 (प्रदर्श क-4) प्राप्त करने की रसीद (प्रदर्श क-3) जिसे श्री राम प्रताप तिवारी तत्कालीन कार्यवाहक शाखा डाकपाल एवं डाक संचालक ने दिनांक 10.5.82 को दिया था उस पर शेषधन 16052/25 लिखा था इस विषय में उन्होंने अपना बयान दिनांक 25/8 को तत्कालीन सहायक डाक अधीक्षक श्री धुशरी लाल को दिया था। उन्होंने उक्त बयान (प्रदर्श-1) की पुष्टि --

श्री राम प्रताप तिवारी पृष्ठ 5 पर

सुविष्ट किया है। अन्वय सहायक द्वारा परीक्षण करने पर श्री
 चिरीक गुप्ता ने बताया कि शाखा डाकघर सराय भनौली
 8-9 कि० मी० दूर है और वीकापुर लगभग 7 कि० मी०
 दूर है। वह गुन्वोश का निवासी है और अपना खाता
 गुन्वोश में इस लिखे स्थानांतरित कराया कि सराय भनौली
 बाजार से उसे दुकाबदारी का सामान लेना पड़ता था।
 उन्होंने बताया कि उन्होंने अपने अचल खाता सं० 327857
 में अंतिम बार दिनांक 19.3.82 को 4000/- जमा करने
 के लिए श्री रामशंकर पालेय शाखा डाकघर सराय
 भनौली को दिया था जिससे श्री रामशंकर पालेय ने
 उसकी पासबुक में लिख कर पासबुक उसे वापस दे
 दिया। उसे यह नहीं मालूम कि उस जमा प्रविष्टि को
 शाखा डाकघर में किसी अन्य रजिस्टर में सजाया
 गया नहीं। शाखा डाकघर ने पासबुक में जमा के बाद
 उसपर छुट्टी उसके साबित हो लगा कर दिया था।
 श्री चिरीक गुप्ता ने आगे कहा कि उसकी पासबुक
 श्री राम प्रताप तिवारी ने वीकापुर में लिया था तथा
 रसीद (प्रदर्शक-3) पर डाकघर की छुट्टी नहीं लगाया।
 जब उसने अपनी पासबुक 10-12 दिन बाद वापस मांगा
 तब उस निष्ठाव को श्री राम प्रताप तिवारी उसको
 वापस दे गए और रसीद (प्रदर्शक-3) इस लिखे लगी
 दिया कि पासबुक 327857 में दिनांक 19.3.82 को
 रु० 4000/- की जमा प्रविष्टि लगा बताया हुआ 16.5.82
 को देर दिया गया था जब कि श्री राम प्रताप तिवारी को
 जब पासबुक 10.5.82 को दिया था उस समय उस
 प्रविष्टि चिरी नहीं गई थी। आगे प्रश्न करने पर श्री
 चिरीक गुप्ता ने बताया कि उन्होंने दिनांक 10-10-80 को
 अपनी पासबुक में 10000/- शाखा डाकघर सराय भनौली में
 जमा किया था वीकापुर में यह नहीं है। यहाँ यह
 उल्लेखनीय बात है कि दि० 10-10-80 को जो 10000/-
 रु० 1500/- की जमा प्रविष्टि पासबुक के पृष्ठ 8 पर
 कालम 3 रु० 4 पर उपलब्ध है उस जमा के लिए डाकघर
 की जो छुट्टी लगी है वह EXPTL UP 5317 की माध्यम
 पड़ती है जब कि इसी पासबुक के पृष्ठ 10 पर कालम 4
 में दिनांक 19.3.82 वाली रकम ही से लिखकर उपरि-
 लेखन करके रु० 4000/- जमा दिखाया गया है उसे केवल
 रकम में ही लिखा गया है तथा डाकघर की छुट्टी पर
 EXPTL UP 5317 होने का प्रमाण नहीं मिलता। पास-
 बुक के प्रत्येक जमा निष्ठाव को रवाना से देखने
 पर यह पता चलता है कि दिनांक 6-10-80 को इस

राम प्रताप तिवारी - 6 नर

इस खाते में रु० 3500/- जमा करने के बाद अकाउंट 6103/85 से खाता शाखा डाकघर सराय मनौली में स्थानान्तरित किया गया था। परन्तु इसके पूर्व भी दिनांक 27-9-79 को इस खाते में 1000/- जमा सराय मनौली में किया गया मासूम पड़ता है। अतः पासबुक भी सभी प्रविष्टियों की समीक्षा आवश्यक है जो निम्न विवरण के अनुसार है:-

दिनांक	जमा	निकासी	अकाउंट	बुद्धर का विवरण	
9-11-78	4500	-	4500	वीजापुर 9-11-78	
23-11-78	4000	-	8500	वीजापुर 23-11-78	
5-3-79	6000	-	14500	वीजापुर 5-3-79	
22-3-79	-	4000	10500	वीजापुर 22-3-79	
4-5-79	-	2500	8000	" 4-5-79	(2)
23-5-79	-	3000	5000	" 23-5-79	(3)
5-6-79	-	3500	1500	" 5-6-79	
4-8-79	9000	-	10500	" 4-8-79	
27-9-79	1000	-	11500	ExPTL UP.... 27-9-79	
21-2-80	-	2000	9500	वीजापुर 21-2-80	(4)
26-3-80	-	4000	5500	" 26-3-80	(5)
19-4-80	-	4500	1000	" 19-4-80	
30-6-80	900	-	1900	ExPTL UP.... 30-6-80	
30-7-80	-	1000	900	वीजापुर 30-7-80	
	अंश 78-79		152-10		
	79-80		451-75	जैजावाट 2-8-80	
			1503-85		
10-9-80	-	600	903-85	वीजापुर 10-9-80	(6)
29-9-80	800	-	1703-85	ExPTL UP.... 29-9-80	(7)
29-9-80	900	-	2603-85	" "	
6-10-80	3500	-	6103-85	" 6-10-80	
Transferred to Sarai Bhanauli					
			07-10-80		
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	वीजापुर 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	वीजापुर 7-11-81	
	अंश 80-81		44840	जैजावाट 12-11-81	
			8052-25		
13-3-82	4000	-	12052-25	वीजापुर 13-3-82	
19-3-82	4000	-	16052-25	अस्पष्ट मुद्रा	

उपरोक्त विवरण से यह साफ मासूम पड़ता है कि

इस खाते में दिनांक 27-9-79, 30-6-80, 29-9-80, 6-10-80, 10-10-80, 26-5-81 को जैजावाट शाखा डाकघर सराय मनौली में किया

--- पृष्ठ 7 पर
राम प्रताप सिंह

क्रिया गया जब कि खाता शाखा डाकघर सराय मनौली के स्थानान्तरण का रिमांक दिनांक 8-10-80 के पासबुक के पृष्ठ 10 पर लिखा है। जब कभी शाखा डाकघर में लेन देन क्रिया गया, धन के शेषों एवं बकायों में लिखा गया तथा शाखा डाकघर सराय मनौली की तारीख मुहर EXPTL. 48-5317 प्रयोग की गई। शाखा डाकघर में लेन देन के समय सदैव तारीख मुहर में तारीख तथा माह स्पष्टी से बमलया गया। यद्यपि दिनांक 19-3-82 के 4000/- जमा के लिए डाकघर की तारीख मुहर लगी है उसमें भी तारीख माह स्पष्टी से लिखा दिखाई पड़ता है लेकिन मुहर शाखा डाकघर सराय मनौली की लगी नहीं माखम पड़ी है क्योंकि अंतिम मुहर EXPTL. 48-5317 से काफी छोटी माखम पड़ी है। अतः दिनांक 19-3-82 की 4000/- की जमा प्रविष्टि संदिग्ध माखम पड़ी है। यह संभव है कि यह जमा प्रविष्टि उस समय उपलब्ध रही हो जब श्री राम प्रताप तिवारी के पासबुक ग्राज हो चुकी थी।

(10) श्री राम प्रताप तिवारी ने अपने अग्रज कैलिस्त्रियन अग्रज में बताया कि वह वर्ष 1977 में डाक सर्वेक्षक के पद पर प्रोन्नत होकर डाक सर्वेक्षक वीकापुर के पद पर नियुक्त हुए। उस समय श्री रामदेव ^{शिवपुरी} निरीक्षक थे जो कि कैलासाबाद (दर) के नाम से था। उनके स्थानान्तरण के बाद श्री रामदेव 1983 में कार्यभार ग्रहण किया और डाक निरीक्षक कैलासाबाद (दर) का पद डाक निरीक्षक वीकापुर के नाम से लेकर मुख्यालय वीकापुर में हो गया। उप-डाकपाल वीकापुर तथा उन्होंने कई बार शाखा डाकपाल सराय मनौली श्री रामशंकर पाठेय के असंतोष-जनक कार्यों के बारे में रिपोर्ट किया था। परन्तु कोई कार्य-पढी नहीं हुई। श्री रामशंकर पाठेय के तत्कालीन सहायक डाक अधीक्षक श्री हरिमंगल सिंह की रिपोर्ट पर पुट आफ क्रिया गया था और उन्हें शाखा डाकपाल सराय मनौली का कार्य भार दिया गया। सराय मनौली में नगदी तथा महत्वपूर्ण कागजात रखना असुरक्षित था अतः उन्होंने डाकघर का कार्य वीकापुर से ही करना शुरू किया। वे डाक निरीक्षक की डाक उनके घर कैलासाबाद दे जा रहे थे कि रास्ते में श्री चिरीअ गुप्ता खाता सं० 327857 के जमा करीब मिले थे उन्होंने अपने खाता में ग्राज लगवाने के लिये कहा तब उन्होंने डाकघर पर आने को कहा परन्तु उसके आग्रह करने पर उन्होंने पासबुक प्राप्त किया और सारे कागजात हस्तलिखित रखी दिये। उन्होंने कहा कि जांच के दौरान खाताधारक से पासबुक प्राप्त कर हस्तलिखित रखी दिये पदनाम की मुहर लगा कर दी जाती थी। उन्होंने

पृष्ठ (8)

पासबुक खता सं० 327857 (प्रदर्शक-4) श्री चिरी उं गुप्ता से प्राप्त कर सादे कागज पर रसीद दिया था और उक्त पासबुक को अपने कैलें में रख लिया। पासबुक उनके कैलें में ही पड़ी रही। लगभग 10-15 दिन बाद खानदर वीकापुर आया और अपनी पासबुक मांगी, उन्होंने कैलें से निकाल कर पासबुक दे दिया परन्तु ^{रसीद (प्रदर्शक-3)} वापस नहीं लिया। श्री राम प्रताप तिवारी ने अंग्रेजी कहा कि पासबुक वापस करते समय शास्त्राडकदार संगमरमरों का वचन देकर जर्नेल (प्रदर्शक-5) उपलब्ध नहीं था जिसके कारण पासबुक का क्रमांक का गिलान नहीं किया जा सका। श्री राम प्रताप तिवारी ने पासबुक अपने कैलें में 10-15 दिन रखा उनका कहना कि पासबुक वापस करते समय वचन देकर जर्नेल उपलब्ध नहीं था तो क्या 10-15 दिनों के अन्दर ~~किसी~~ उक्त जर्नेल को क्यों नहीं देखा फिर भी कहते हैं कि खानदर पासबुक वापस मांगने के लिए वीकापुर में गया और पासबुक वीकापुर में वापस की गई। शास्त्राडकदार भी तो वीकापुर में ही चल रहा था ऐसा कि ऊपर श्री राम प्रताप तिवारी ने स्वीकार किया है तो उन्हें पासबुक प्राप्त करने की तिथि दिनांक 10-5-82 तथा वापस करने की तिथि के बीच 10-15 दिनों में उन्होंने कैलेंस जर्नेल से नहीं मिला सके। इसके अतिरिक्त व्याज के लिये प्रधान डाकदार को भी नहीं भेजा। वे स्वयं भी कैजबाद आते जहाँ यह परन्तु व्यक्तिगत रूप से भी उन्होंने इस खाते की पासबुक का कैलेंस प्रधान डाकदार से सत्यापित कर कर व्याज नहीं भगवा सके। श्री राम प्रताप तिवारी का यह कहना गलत है कि श्री रामदेव तत्कालीन डाक निरीक्षक अपने कैलें वचन के लिये उन्हें कैसाना चाहते थे। श्री रामदेव के लिखे शिकायत भी की गई परन्तु तत्कालीन प्रकर अधीक्षक डाकदार के साथ उनके व्यवहार अच्छे होने के कारण श्री रामदेव ने इस मामले के ईश्वरी बस बनाकर उन्हें कैसाये। पासबुक सं० 327857 (प्रदर्शक-4) जमा करती श्री चिरी उं गुप्ता की वापस करते समय उसमें दिनांक 19-3-82 की 4000/- की जमा प्रविष्टि दर्ज नहीं गई थी, इस श्री रामदेव के दोष था। श्री रामदेव राम को भी दिनांक 8-1-85 को मिले विवरणियाँ जमा पर और उन्हें बहाल भी कर दिया गया परन्तु श्री राम प्रताप ने कहा कि उन्हें बहाल नहीं किया गया। जबकि 82 में मिले विवरण हैं कि चार वरों तक कोई भी और पत्र नहीं दिया गया। श्री राम प्रताप तिवारी ने अंग्रेजी कि और पत्र में यह और भी लिखा गया है कि उन्होंने पासबुक प्राप्त करके हस्तलिखित रसीद दिया जिससे उक्त

राम प्रताप तिवारी

सी सी एस (कॉन्ट्रोल) निषेध 1964 के निषेध 3 (1) (1) के प्रावधानों का अमलान किया। ~~इससे पूर्व~~ उक्त निषेध के अनुसार प्रत्येक सरकारी कर्मचारी को पूर्ण ईमानदारी रखें करीब निष्ठा रखनी चाहिए। क्या आरोप पत्र की वजह से जो भी तक में कोई बंडमानी का संकेत है तथा इसलिए जिस प्रकार की बंडमानी की जा सकती है उस और संकेत नहीं किया गया है। करीब के प्रति उदासीनता का कोई आरोप नहीं है बल्कि आरोप पत्र गलत है। यह कोई नहीं बंडमानी कि निर्धारित रसीद 58-28 न दे कर हस्तलिखित रसीद देना, पासबुक वापस देना समय रसीद वापस न लेना, पर्याप्त ठीक से वकाय का मिलान न करना तथा गया तो नु पासबुक प्रधान डाकघर को भेजना बंडमानी है बल्कि आरोप ही गलत है। उन्होंने यतनी कहा कि इस बात की पुष्टि जांच में नहीं हुई कि उस समय ससय मंजेली में निर्धारित रसीद 58-28 उपलब्ध थी या नहीं। तो यह कैसे कहा जा सकता है कि उन्होंने कभी रसीद नहीं दिया। जब रसीद पर 4000/- हाया जाय के बाद वॉलेंस 16/59/85 पैसे की ~~रसीद~~ करके खाताद्वारा को दे दी गई तो पासबुक में उक्त जमा प्रविष्टि को धरने से खाताद्वारा का दस्तावेज समाप्त नहीं होता तो इस धरने से क्या गलत उद्देश्य हो सकता है। एक तरफ तो श्री राम प्रताप तिवारी यह कहते हैं कि पासबुक में 14-3-82 को 4000/- जमा प्रविष्टि उन्होंने नहीं देना था दूसरी तरफ उसका धरने से खाताद्वारा का क्या कहित हो सकता है उसकी कालन करते हैं इससे तो यही जान पड़ता है कि इस जमा प्रविष्टि को श्री राम प्रताप तिवारी ने ही देना था। श्री राम प्रताप तिवारी ने कहा कि जब उन्होंने खाताद्वारा को रसीद दे दिया उसमें वकाया नहीं लगी लिखा तो इस में कोई गलत उद्देश्य नहीं था। यदि कोई गलत भ्रमना होती तो बिना रसीद वापस दिए पासबुक वापस न करते। यह उनकी ईमानदारी रखें करीब निष्ठा का पर्याप्त है। आरोप सिद्ध नहीं होता। पूरी जांच प्रक्रिया तथा निबंधन गलत उद्देश्य रखें उचित वजह मिले जा है। उन्होंने अपने पक्ष में गवाहों के लिख तत्कालीन उपडाकघर बीकानेर को भेज करना चाहें कि दिनांक 7-8-87 को जांच के दौरान उक्त गवाहों के प्रस्तुत न करने की इच्छा व्यक्त किया। इस लिख उक्त गवाह का जवाब नहीं लिया गया।

(१) उपरोक्त विवेचन के आधार पर आरोप में १ के विषय में यह स्वीकृत सत्य है कि श्री राम प्रताप तिवारी ने पासबुक खाता सं० 327857 (प्रदर्शक-4) को खाता श्री विरि अं गुला से प्राप्त कर रसीद (प्रदर्शक-3) हस्तलिखित

पृष्ठ (10)

सादे कागज पर दिया था। परन्तु अभियोजन अधिकांश वकालत पक्ष किसी ने भी इस तथ्य की छुट्टि नहीं कि कि शास्त्र डाकघर सहाय भौती में जमा कर्ता रसीद (SB-28) की निर्धारित रसीद वही उपलब्ध थी अथवा नहीं। आरोप सं० 2 से 4 तक पासबुक ग्राहक हेतु प्रधान डाकघर के न मिलना, पासबुक का वकाला जर्नल से न मिलना तथा पासबुक वापस करने समय जमा कर्ता से रसीद (प्रदर्शक-3) वापस न लेने की बात दस्तावेजित कर्मचारी के स्पष्ट स्वीकार किया है। उन्होंने बताया कि पासबुक प्राप्त कर उसे अपने फाइल में रख लिया, ग्राहक हेतु कैलकुलट प्रधान डाकघर नहीं भेजा तथा वकाला का सहायन वकालत पक्ष के जर्नल से नहीं किया। इस विषय में कर्मचारी द्वारा प्रस्तुत की सत्यता स्पष्ट विश्वास से परे मायूम पड़ता है कि; आरोप भी, सीधे स्पष्ट ही सिद्ध होते हैं। जहां तक पासबुक (प्रदर्शक-4) में दिनांक 19-3-82 की 4000/- जमा प्रविष्टि का प्रश्न है, उसकी वास्तविकता संदिग्ध मायूम पड़ती है। उसकी प्रिंटिंग पिछले पृष्ठ 6 एवं 7 पर की जा चुकी है।

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

Rekha
जाँच उपस्थित
न सहायक निरीक्षक डाकघर
आदेश पुरानी
सकल (अ.सं.) 224122

राम प्रताप सिंह

Annexure A-3

DEPARTMENT OF POSTS INDIA

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

Memo no. F-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:-

1-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

-23-

(2)

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 DC-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. 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 B.O. or not .

-24

(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 Ghirrai Gupta to come to P.O. because he had no receipt there. According to him Shri Ghirrai 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. 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 the H.P.O. but he failed to do so. The enquiry officer in his statement dt. 7.8.82 (Ex. Ka-2) has stated that he had to make verification of the P.B. who was put

- 28 -

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 incircling 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.

-26-

(5)

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 forget 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 asstt. has stated that during enquiry Shri Ghirrau Gupta had told him that when he had pointed out about rounding off

(6)

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 Bhanguli 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 Ghirrai 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 send 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. R.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 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 Ghirrai Gupta. The said entry was incircled when the Pass

21/11/80 on-7

-28-

(B72)

(7)

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.

ORDER

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 Advo.)

(K.C. Mishra)

I.P.S.

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

Copy for information and necessary action to :

- Regd 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/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.
- राम प्रताप तिवारी

-29-

Annexure A-4.

380

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 ~~xx~~ begs
to state the following few lines for your kind ~~xx~~
orders:-

(1) 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 sho-
~~for~~ ^{by} 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) Failure to issue receipt in form S.B.~~

21/11/87

- (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~~ rebutt the same, the charge of failure to maintain absolute integrity ~~is~~ is baseless and the mere clerical omission does not warrent 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]

21/10/87

- 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)(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.~~

राम प्रताप तिवारी

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.

27/11/87

(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.

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

CIVIL MISU. APPLICATION NO. 27 OF 1986

on behalf of

Union of India--

--Applicant.

I 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
company members of the Tribunal.

The humble application of the applicant
most respectfully sheweth :

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.

1387

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 Karan Misra
aged about 55 years son of
Sri Thakur Lal Misra at
present posted as Sr. Supt. of Post
Faizabad Dist. Faizabad

21/5/88
Sr. Supt. of Post Offices
FAIZABAD DIVISION
FAIZABAD 22001

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

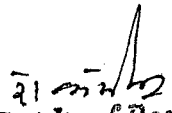
(2)

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 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 Bikapur. In the ~~meantime~~ meantime
Branch Post Master Sarai Bhanuli was placed
under put off duty on his committing fraud and
the petitioner was entrusted the work of Branch


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

(3)

Post Master on 29.4.1982. The S.D.I. Bikanpur 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 Chander Pandey and the amount has been mis-appropriated by him. The matter was reported with the police under Crime no.168 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.

21/11/82
Sr. Supdt. of Post Offices
FAIZABAD DIVISION
FAIZABAD-224001

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

B90

(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) Akharpur. On receipt of enquiry report, proving the guilt of the petitioner, he was awarded punishment of compulsory retirement from service on 24.9.1987.

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

Sr. Supdt. of P.S. Offices
FAIZABAD DIVISION
FAIZABAD 22 001

(B91)

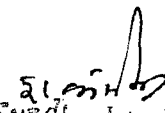
(5)

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(1) 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 .


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

B92

(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 Bikapur in 1978 and thereafter ~~Bikapur~~ 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

Sr. Supdt. *[Signature]*
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.

8. That the contents of paragraph 6(iv) of the petition are denied. It is submitted that the punishment awarded was fully justified and least 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.

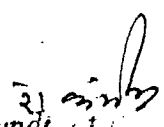
āīāīāī
Sr. Supdt. of Post Offices
FAIZABAD DIVISION
FAIZABAD-224001

1394

(8)

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.


Sr. Supdt. of Police
FAIZABAD DIVISION
FAIZABAD 224601

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

1395

(3)

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 11C, are based on the informations received ; those of paragraph nos. are based on records and those of paragraph nos. 3C, are based on legal advice of the counsel, which all are true and no material has been concealed.

SO HELP ME GOD.

Sr. Supdt. J. ...
FAIZABAD DEPARTMENT
FAIZABAD-224001

I, V.P.Tripathi, Clerk to Sri H.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.

.....

(Clerk)

(B96)

(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.

CATE COMMISSIONER

(097)

Before The Central Administrative Tribunal, Allahabad-1

O.A.

Regn. No. 1224 of 1988

Ram Pralap v/s Union Of India & Others
Tewari

Amendment to the Plaint

miss 20/8/89

* * * *

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 N 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

राम प्रलप तिवारी
Applicant/Deponent

Incorporated
in
R

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

23/1

1398

Central Administrative Tribunal

अभिभाषक पत्र (वकालतनामा)

हिई कोर्ट आफ नूडीकेर एड इलाहाबाद

R.No. नं० 1224 सन् १९८८

R.P. Tiwari

वादी/प्रतिवादी

अपीलान्ट

Union of India

वादी/प्रतिवादी

रेस्पान्डेंट

मैं
हम कि

उपरोक्त प्रकरण (मुकदमा) में मैं अपना पक्ष समर्थन हेतु

N.B. Singh

Senior standing Counsel

को कानूनी शुल्क (मेहनताना) नियत करके अपना/हमारा अभिभाषक (वकील) नियुक्त करता हूँ और यह स्वीकार करता हूँ कि उक्त सज्जन हमारी ओर से वाद-पत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार पत्र, विवाद-पत्र, पुनरवलोकन एवं पुनर्निर्णय प्रार्थना-पत्र (दरखवास्त), शापथ्यिक कथन (हलफनामा), प्रवर्तन-पत्र (दरखवास्त 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 शापथ्यिक 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 मध्यस्थ तथा साक्षी (गवाह) मानें और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें, वाद-पत्र उठावें छोड़ें अथवा समझौता करें तथा मुलहनामा 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 भांति हमको सर्वथा स्वीकार होगी। अगर मैं कानूनी शुल्क तथा विशेष शुल्क आखिरी वहस के वक्त उक्त सज्जन को न दूँ/दे 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. Singh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Registered/

23-A, Thornhill Road
Allahabad, 211 001
Registration No. 1224 of 1988.

No. CAT/Alid/Jud/

Dated :

APPLICANT(S)

VERSUS

RESPONDENT(S)

① Senior Superintendent posts

Fazfabad.

② A.P.S. MLC.

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 Reply.

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:
this 18th day of Nov. 1988.

FOR Deputy Registrar (Jud.)

As.

Before The Central Administrative Tribunal, Allahabad-1

Misc. Petition No. 28 of 1989

IN

O.A. Regn. No. 1224 of 1988

Ram Pratap Tewari V/S Union of India & others

M O T I O N

Kindly take notice that the undersigned (on

behalf of Applicant) proposes to move the Court on

16/11/89 at 10-30 A.M. or soon thereafter to

consider and pass orders on the enclosed application.

The subject matter of the same is briefly narrated be-

Low.

R. K. Tewari

(R.K. Tewari)

Advocate for the Applicant

Enclosed One Application

Subject Matter Of The Motion

Amendment to the plaint

Filed with
order 16/11/89
m/s

Just this application
before Hon. Bench for
16.11.89

5. Ac. Bench for
controversy
11/11/89

Received by
Hon. Bench
16.11.89
16.11.89
16.11.89
16.11.89
16.11.89

Before The Central Administrative Tribunal, Allahabad

Regn. No. 1284 of 1988

Union of India & others

Respondent to the plaint

Miss. 20789

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-11

I N A P P L I C A T I O N

I, R. J. 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

Applicant/Deponent

(Signature)

(R. J. Tewari)

Advocate for the Applicant
124, Purshottamgarh,
Allahabad-16

1360

अभिलेख अधिकारी

बादी (मुद्दे)

मुद्दे (मुद्दे)

का

वकालतनामा

महोदय

Baron Parulap T...

बनाम

Commission of...

बादी/अपीलकर्ता

प्रतिवादी/रिप्लाइंट

नं० मुकदमा 10/12/24 सन १९८८

ऊपर लिखे मुकदमें में अपनी ओर से श्री बी० के० चौधरी, एडवोकेट, हाईकोर्ट १४/६२६ बरफखाना, नई बरली, उदयगंज, लखनऊ

टेलीफोन नं० २३४६२६,

बै० नं० ५, हाई कोर्ट-टेलीफोन २४०६०७

को अपना वकील नियुक्त करके [इकरार] करना है और लिखे देना

है इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो

कुछ प्रती व जवाबदेही व प्रयत्न करे या अन्य कोई कामकाज

दाखिल करे या लौटावे या हमारी ओर से किसी जारी करावे और

रकबा बसूल करे या मुलहनाया या इकबाल दावा नया अपील व

निगरानी हमारी ओर से हमारे या अपने इस्तेमाल से दाखिल करे

और तत्संबंध करे या मुकदमा उठावे या कोई रकबा जमा करे या

हमारी या विपक्ष [फरीकसाजी] का दाखिल किया रकबा अपने या

हमारे इस्तेमाल - युक्त (दस्तावेजी) रसीद से लेवे या पंच नियुक्त करे

वकील महोदय द्वारा की गई वहे कायदाही हमको सव्या रसीद है

और होगी। मैं यह भी रसीद करता हूँ कि मैं हरे पेशी पर स्वयं

या किसी अपने प्रोकार को भजना रहूंगा। अगर मुकदमा अबस

प्रती में एकतरफा मेरे खिलाफ फैसला हो जाना है उसकी जिम्मेदारी

मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि

प्रमाण रहे और समय पर काम आवे।

रखिल

(बी० के० चौधरी)

एडवोकेट

Magistrate Division, Faizabad, 224002

Senior Supdt. Post Office

(I. M. SINGH)

महोदय

सन १९८८

अं०

विवाक

साक्षी [गवाह]

साक्षी [गवाह]