

FORM NO. 21
(See Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

ON 12.7.1. of 1997
..... I. Satyanarayana Applicant(s)

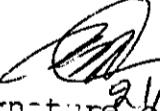
Versus

..... Mr. Sub-Divisional Inspector (Postal) Respondent(s)
Loyahmedly

INDEX SHEET

Serial No.	Description of Documents	Page's
Docket Orders		
Interim Orders		
Orders in MA (s)		
Orders in (Final Orders)	22-9-97	62667

Certified that the file is complete
in all respects.


Signature of
De-ling Hand
(In Record Section)
27/10/97

Signature of S.O.

Central Administrative Tribunal Hyderabad Bench, Hyderabad.

C.A. No. 1271 of 1997.

I. Satyana dayana. Applicant(s).

V E R S U S.

The Sub Div. Inspector (Posta), (Rajahmundry).

(Respondents).

Date	Office Note.	ORDER
22.9.97		M.A. 802/97 is allowed. C.A. is disposed of in the directions No costs. Kindly separate Judgment R HPSJP a(J) S.S.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. (271) OF 1997.

I. Satyanarayana

(Applicant(s))

VERSUS.

~~Union of India, Repd. by.~~

Sub Dir. Inspector (Post)

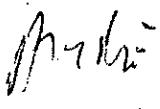
West Sub Divn, Rajahmundry

(Respondent(s)).

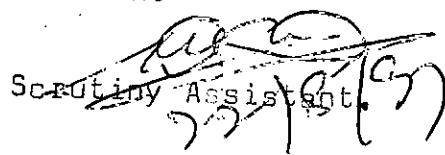
The application has been submitted to the Tribunal by
Shri V. Ragagopal Reddy Advocate/party in
person Under Section 19 of the Administrative Tribunal
Act. 1985 and the same has been scrutinised with reference
to the points mentioned in the check list in the light of
the provisions in the administrative Tribunal (procedure)
Rules 1987.

The application is in order and may be listed for
Admission on -----

Scrutiny Asstt (J)


DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested
12. Has the applicant exhausted all available remedies.
13. Has the Index of documents been filed and pagination done properly.
14. Has the declaration as required by item No. 7 of the form. I been made.
15. Have required number of envelops (file size) bearing full addresses of the respondents been filed.
16. (a) Whether the relief sought for, arise out of a single cause of action.
- (b) Whether any interim relief is prayed for,
17. (c) In case an MA for coronation of delay is filed, is it supported by an affidavit of the applicant.
18. Whether this cause be heard by single Bench. No
19. Any other points.
20. Result of the Scrutiny with initial of the scrutiny clerk.


Scrutiny Assistant.

Day 4
numbered

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD.

Dairy No. 169

Report in the Scrutiny of Application.

Presented by

V.R.G. Radley

Date of Presentation.

Applicant(s)

D. Narayana

186/87

Respondent(s)

S.P.Z. (U) R.S.Y.

Nature of Grievance

Dismissed

No. of Applicants

1

No. of Respondents

CLASSIFICATION.

Subject

Dismissed

No. 10

Department

Per (A)

(No. 10)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). *87*
2. Whether name, description and address of all the parties been furnished in the cause title. *87*
3. (a) Has the application been fully signed and verified. *87*
(b) Has the copies been duly signed. *87*
(c) Have sufficient number of copies of the application been filed. *87*
4. Whether all the necessary parties are impleaded. *87*
5. Whether English translation of documents in a language other than English or Hindi been filed. *87*
6. Is the application on time, (See Section 21). *87*
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. *87*
8. Is the application maintainability. *87*
(U/S 2, 14, 18, or U/R. 8 Etc.,)
9. Is the application accompanied IPO/DD, For Rs.50/- *87*
10. Has the impugned order's original, duly attested legible copy been filed. *87*

P.T.C.,

CENTRAL ADMINISTRATIVE TRIBUNAL (YARDAD BENCH): HYDERABAD

I N D E X S

Order No. 1271 of 1997.

CAUSE TITLE I. Satyanarayana

V A R S U S

Mr. S.D.I, (P) Rajkumary.

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3.	Vakalat	1
4.	Objection Sheet	1
5.	Spore Copies 1 only	
6.	Covers 1 A	

Ref:- To Quash the order dt. 29.6.92 issued by Respo and direct the Respondent to
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :::::AT HYDERABAD
reinstate the applicant back into
service.

O.A.No.

(127) of 1997

Between:

Bench

Imandi Satyanarayana

(10) Dismissal

Applicant

And

Sub.Divisional Inspector (Postal)
Rajahmundry West Sub.Division.
Rajahmundry-533101.
East Godavari Dist.

..

Postal (11)

Respondent

पोस्टल/POSTAL

(D)

CHRONOLOGICAL EVENTS

S.No.	Date	Description	Page.Nos.
1.	28-09-90	Memo of the respondent to the Applicant proposing to take action against him under Rule.8 of P&T ED Agents (Conduct & Service) Rules 1964.	
2.	23-10-90	Letter of defence submitted by the applicant to the respondent.	
3.	25-10-90	Memo by the respondent appointing enquiry officer.	
4.	6-05-92	Enquiry Officer's Report	
5.	7-05-92	Proceedings of the respondent to the petitioner	
6.	29-06-92	Proceedings of the respondent dismissing the applicant from service.	
7.	9-10-96	The judgment of the JFCM Rajahmundry Acquitting the Applicant, from the Criminal case.	



HYDERABAD,

Dt. 18-5-97


COUNSEL FOR APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::AT HYDERABAD

O.A.No.

(23)

of 1997

Between:

Imandi Satyanarayana

Applicant

And

Sub.Divisional Inspector (Postal)
Rajahmundry West Sub.Division,
Rajahmundry - 533 101.
East Godavari District:

...

Respondent

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S1. No:	Description of the documents and date.	Page. Nos.
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2.	Letter from the Sub.Divn.Inspector (Postal) Rajahmundry West Sub.Division Rajahmundry-533 101 to Sri I. Satyanarayana	8 to 9 I
3.	Enquiry Report dt. 28-9-90.	10 to 34 II
4.	Proceedings of the Sub.Divisional Inspector (Postal), Rajahmundry West Sub.Division. Dt. 29-6-92.	35 to 47 III
5.	Other copy. c.c. no. 462/94 dated 9/10/96	48 to 56 IV

HYDERABAD,

[Signature]
COUNSEL FOR APPLICANT

Dt. 12-6-97

Received copy
by
18/6/97
P. A. R. Darsh
A.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD

O.A.No. (27) of 1997

Between:

Imandi Satyanarayana
S/o.Appa Rao, Hindu, aged 32
years, Ex. E.D.Telegraph
Messenger;Raghudevapuram
East Godavari District.

... Applicant

And

Sub-Divisional Inspector(Postal)
Rajahmundry,West Sub-Division
Rajahmundry - 533 101
East Godavari District.

... Respondent

APPLICATION FILED UNDER SECTION 19 OF ADMINISTRATIVE
TRIBUNALS ACT

I. PARTICULARS OF THE APPLICANT:- The particulars of the Applicant is same as shown in the above cause title.

The address for service of all summons, notices and processss is that of his counsel Sri V.Rajagopal Reddy, Mr.K.Someswara Kumar,Mrs.P.Preeti Reddy, Advocates, 3-5-942,Himayatnagar, Hyderabad-29.

II. PARTICULARS OF THE RESPONDENT:- The particulars of the respondent for the purpose of service of notices, is same as mentioned in the above cause title.

III. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS FILED:-

The Respondent passed the impugned order in Memo No.PP/ED Mgr/Stnm dt. at Rajahmundry 29-6-1992 in which the applicant was dismissed from service.

IV. JURISDICTION:- The Applicant submits that the subject matter of the order against which the application is filed lies within the jurisdiction of this Hon'ble Tribunal. *u/s 14(1)
CAT Act 1985*

V. LIMITATION:- The impugned order was passed on 29-6-92 by then on the report given by the Respondent I-town police of Rajahmundry registered a criminal case against *u/s 21 (1) of c A T ACT 1985*

J. Satyanarayana

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the applicant along with 2 others in Cr.No.352/1991. The case ended in acquittal only on 9-10-1996. As the Applicant was engaged in that criminal case, due to his tension he could not pay any proper attention to pursue this matter. He was advised by his departmental colleagues that the applicant can file this application after the closure of the criminal case. The applicant is not well versed with legal affairs. Believing their words the applicant kept quiet before one week back. When the applicant took legal opinion at Hyderabad from his advocate, he was advised to file this application. Thus the delay is caused in filing this application. The delay caused in filing this application is not intentional. Hence the application is filed with a prayer to the Hon'ble Tribunal to condone the delay of.....days in filing this application. ~~415 21(2) of Administrative Tribunal Act~~

VI. FACTS OF THE CASE:

1. The applicant is appointed as ~~ED~~ ^{ED} Telegraph Messenger at Seethanagaram since a departmental enquiry was initiated against him by the Sub.Divisional Inspector (Postal) of Rajahmundry, West Sub.Division, Rajahmundry, the respondent herein who is the appointing authority by his memo dt.28-9-90 on the following three charges:-

(a) The applicant while working as ED Messenger at Seethanagaram used his official influence on 30-3-90 and took away the tappal bag of Seethanagaram destined to Rajahmundry HO from the conductor of RTC Bus at a point not authorised to handover the Tappal Bag by the conductor and transferred the Tappal Bag through an unauthorised person to the departmental official in RTC complex at Rajahmundry on 30-3-90.

J. Saljanorgan

(b) The applicant while working as EDMC upto 29-6-89 at Seethanagaram and as ED Messenger at Seethanagaram from 30-6-89 absented himself to duty without applying for leave on certain dates and applied for leave for the period of absence from duty at later dates in contravention of ED agents (Conduct and service) Rules 1964.

(c) The applicant while working as EDMC upto 29-6-89, at Seethanagaram and as ED Messenger at Seethanagaram from 30-6-89 did not reside at the place of his duty at Seethanagaram, but resided at Raghudevapuram not in the delivery jurisdiction of Seethanagaram Sub. office and violated the principal condition regarding his residence at the place of his duty i.e. Seethanagaram.

Sri B.V.Rao, A.S.P.Os Superintendent of Post Offices, Rajahmundry division, Rajahmundry was appointed as Enquiry officer on 25-10-90. The applicant was kept under suspension technically called as 'Put Off'.

(2) The Enquiry Officer framed 3 charges against the applicant and conducted enquiry. The applicant denied all the three charges levelled against him. The Enquiry Officer after taking the evidence came to the conclusion that all the three charges against the Applicant are proved and submitted his report to the Respondent on 6-5-92. There upon the respondent issued show cause notice to the applicant on 7-5-92 seeking his explanation. During that time on the report of the postal authorities a criminal case was filed against the applicant and 2 others before the learned IIInd Addl. Judicial First class Magistrate, Rajahmundry for the offences U/S.379, 427, 489 R/W.S.34 CPC and 120-B IPC and U/S.52 of Indian Post Offices Act. As the

J. Saljanorgar

applicant was looking after his defence he could not offer his application. Hence the respondent passed the impugned order on 29-6-92 in which he accepted the report of the Enquiry officer and dismissed the applicant from the service as he felt that the charges are grave in nature. Aggrieved by the impugned order of the respondent dt. 29-6-92, the applicant approaches this Hon'ble Tribunal for redressal of his grievance.

(3) The applicant submits that the enquiry conducted by the Enquiry Officer is not properly conducted and vitiated with ~~max~~ many material irregularities. The applicant was not provided with sufficient opportunity to cross examine the witnesses and all the time he was hustled by the Enquiry Officer and were as presenting officer. The applicant was denied opportunity to put forth his defence properly. Consequently the enquiry is vitiated by the Violation of the principles of natural justice.

(4) With regard to charge No.1, the applicant that the findings of the enquiry officer are not tenable. The tappal bag(TB) was handed over to the bus conductor at Seethanagaram to be delivered at Rajahmundry. It is absurd to state that the applicant influenced the bus conductor. It is the responsibility of the bus conductor to deliver the tappal bag at the designated destination. He is not expected to handover the bag to the applicant at an unscheduled point. While so action is taken against the bus conductor, the applicant is alone victimised. When it is improbable that the bus conductor handing over the tapal bag to the applicant, the question of the applicant handing over the same to an authorised person does not arise. Hence the findings of this charge do not stand to reason.

J. Saljanorgaram

(6) With regard to charge No.3, the applicant submits Raghudevapuram where he stayed is 1 KM away from Seethanagaram and both villages are abutting each other. The respondent or the Sub.Post Master of Seethanagaram at no time instructed the applicant staying at Raghudevapuram. Hence the applicant innocently believed that he can stay at Raghudevapuram. He has been told that he has to ~~xxx~~ stay at Seethanagaram, he might have stayed at Seethanagaram, ~~xxx~~ only. By staying at Raghudevapuram the applicant did not ~~cause~~ any obstruction to his duties or did not cause any inconvenience to his superiors. Further there is no rule in ED Agents (Conduct and Service) Rules prescribing that the applicant has to stay at Seethanagaram only. These aspects are not taken into consideration by the Enquiry Officer though urged by the applicant.

(7) The applicant submits that the impugned order of the respondent suffers from non application of mind. The

J. Saljanorjan

Respondent did not examine the case separately and did not give any reasons how he came to such conclusions. He simply reproduced the findings of the Enquiry Officer. Thus the impugned order is not valid under law as it violated Rule 8(2)(v) of ED agents (Conduct & Service) Rules 1964.

(8) The applicant further submit that though he is governed by the ED agents (Conduct & Service) Rules 1964, by implication he is governed by the Disciplinary rules framed under post & Telegraphs Manual Part. II. Since the rules governing the enquiries against ED agents are framed following the rule 14 of CCS(CCA) rules in spirit. According to rule 12-B of post & Telegraphs manual Part-II (NOTE) the rules does not apply to the cases of employees excluded from the operation of CCS(CCA) Rules. The show cause notice issued by the Respondent before passing the impugned orders is not in accordance with the procedure prescribed under rule 12-c(c) of Post & Telegraphs Manual Part-II and the impugned order is not valid under law. The applicant could not have been dismissed from service.

(9) The punishment awarded by the respondent is harsh and is not in commensurate with the nature of charge. By doing that the petitioner who is a poor man is thrown into the streets.

(10) As the applicant could not get any reliefs from the authorities, he is approaching this Hon'ble Tribunal.

VII. MATTERS NOT PENDING ANY COURT:

The applicant has not filed any writ, suit or appeal before any court or authority nor pending in this regard.

VIII. EXHAUSTING ALTERNATE REMEDIES:

The applicant exhausted all the other alternative remedies available to him. *Submits that he has no other alternative remedy except to approach the Hon'ble Tribunal*

IX. MAIN RELIEF:

For the facts and circumstances stated above, the applicant prays that the Hon'ble Tribunal be pleased to:

contd.....

J. Satyanarayana

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(a) to quash the impugned orders passed by the Respondent in Memo No. PF/ED Mgr/Stnm dt. at Rajahmundry the 29-6-1992 as violative of Rule 8 of ED agents (Conduct and Service) Rules 1964 R/W. Rule.12-c(c) of Disciplinary Rules framed in Post & Telegraphs Manual Part-II.

(b) To direct the Respondent who is the appointing authority to reinstate the applicant back into service with full back wages and

(c) to pass such other order or orders as this Hon'ble ~~the~~ Tribunal deems just and necessary in the circumstances of the case.

INTERIM RELIEF:-

For the facts and circumstances stated above, the Applicant prays that the Hon'ble Tribunal be pleased to ~~post the case to a nearer date for hearing, in the interests of justice.~~

COURT FEES:- (a) I.P.O. No. 69232 & Date : 19-6-97

ENCLOSURES:

(a) I.P.O. No. 69232

(b) Material papers 8 to 47, (by 50) - A

W.P. B. 10. D. Removed

COUNSEL FOR APPLICANT

J. Satyanarayana

APPLICANT

VERIFICATION

I, Imandi Satyanarayana, S/o. Appa Rao, Hindu, aged 32 years, Ex. E.D. Telegraph Messenger, Raghudevapuram, East Godavari District, do hereby declare that the above stated facts are true and correct to the best of my knowledge, information and belief. Hence verified on this the day of May, 1997 at Hyderabad.

HYDERABAD,

Dt. 18-5-97

J. Satyanarayana
APPLICANT

DECLARATIONS

(1) The Applicant hereby declares that he is not a party to O.A./RP/WP.....pending before this Tribunal or disposed of by this Tribunal/Exst Erstwhile Tribunal/High Court of Andhra Pradesh, in which the same issue or similar controversy has been raised.

The Applicant is not aware that he is a party to any O.A./R.P. / pending before this Tribunal or they any O.A./RP/WP, has been disposed of by this Tribunal/Erstwhile Tribunal/High Court of Andhra Pradesh, in which the same issue or similar controversy has been raised.

The Applicant hereby further declares that persons likely to be effected are impleaded as Respondents in this application/not impleaded as respondents in this application for the following reasons.


COUNSEL FOR THE APPLICANT


J. Sathyanarayana
APPLICANT

NOTE: Any one Applicant authorised by the other applicants may sign the declaration.

DEPARTMENT OF POSTS-INDIA

BY REGD. POST ACK DUE

To

Sri I.Satyanarayana
ED Messenger(Put Off)
Seetanagaram
at Raghudevapuram
No.PF/ED Messenger/STN dated at RMY the 7-5-92

Sub:-Rule 8 Inquiry against Sri I.Satyanarayana
ED Messenger (Put Off) Seetanagaram.

The report of the Inquiry Officer is enclosed. The Disciplinary Authority will take suitable decision after considering the report. If you wish to make any representation or submission, You may do so in writing to the Disciplinary Authority within 15 days of receipt of this letter.

B.A.I.O.Report

Sub Divisional Inspector
(Postal)
Rajahmundry West Sub-Division
Rajahmundry - 833 101

TC

(LS)

ARTICUE.II

Sri Imandi Satyanarayana while working as EDMC upto 29-6-89 at Sitanagaram SO and as ED Messenger since 30-6-89 at Sitanagaram SO absented himself from duty without applying for leave on certain dates and applied for leave, for the period of absence from duty, at later dates. It is therefore imputed that Sri Imandi Satyanarayana acted in contravention of Rule 5 of ED agents(Conduct and Services) Rules 1964 and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 17 if ED Agents(C&S) Rules 1964.

ARTICLE.III

Sri Imandi Satyanarayana, while working as EDMC upto 29-6-89 and as ED Messenger since 30-6-89 at Sitanagaram SO did not reside at the place of his duty i.e. at Sitanagaram but reside at Raghudevapuram, a village, not in the delivery jurisdiction of Sitanagaram combined Sub Office. Sri Imandi Satyanarayana therefore violated the principle condition regarding his residence at the place of his duty, Sitanagaram. It is therefore imputed that Sri I. Satyanarayana acted in Contravention of Rule 17 of ED Agents(C&S) Rules 1964.

ANNEXURE - II

STATEMENT OF IMPUTATIONS OF MISCONDUCT/MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI IMANDI SATYANARAYANA ED MESSENGER(PUT OFF) SITENAGARAM. SO

ARTICLE. 1

Sri Imandi Satyanarayana while working as ED Messenger at Sitanagaram SO was on leave without allowances from 30-3-90 to 8-4-90. Postmaster Rajahmundry and ASPOs Rajahmundry East Sub-Dvn. stating that Gr-'D' official of Rajahmundry

HO reported to him that a scavenger of RTC Depot Rajahmundry handed over TB of Sitanagaram in suspicious condition and that the TB was handed over to the Controller of RTC Depot. Rajahmundry with a letter of complaint. Enquiries made into the case revealed that the TB in tempered condition was opened in the presence of RTC Authorities as well as the Departmental Officials. The TB contains 4 bags inside including one parcel bag addressed to Rajahmundry RMS by Sitanagaram SO. The Parcel Bag appeared to have been opened and reclosed with a smudged seal on tag label. On opening of the Parcel bag in the presence of witnesses, it was found that 4 seals out of 10 seals on Sitanagaram RP 5266 dt. 30-3-90 are smudged and 3 seals out of 6 seals on Sitanagaram RP 5267 dt. 30-3-90 are smudged an inventory was prepared on the spot. Further enquiries with the RTC Bus Conductor AAZ 6842 which conveyed Sitanagaram mails on 30-3-90 to Rajahmundry revealed that by the time the bus AAZ 6842 reached Gokavaram Bus stand in Rajahmundry. Sri Imandi Satyanarayana hearded the same bus and took tickets along with his accomplices to RTC bus complex and as the Driver and Conductor are wellknown to Sri I. Satyanarayana, Sri I. Satyanarayana began chit chat with the driver of the bus and when the bus reaches 3 Cinema Hall Centre, Sri I. Satyanarayana got down and asked the Conductor of the bus for the bags of Sitanagaram and Torredu and took only the TB of Sitanagaram on the plea that the PO is very nearer to that place and called a Rickshaw and loaded it with the TB of Sitanagaram, leaving the Torredu bag behind as the bus moved already. The Conductor stated that Sri I. Satyanarayana is working at Sitanagaram SO. The Group 'D' Official of Rajahmundry HO stated that the TB of Sitanagaram was handed over to him at RTC Complex

AM/AD 10/14

INQUIRY REPORT UNDER RULE-8 OF P&T EDAs (CONDUCT AND SERVICE)
RULES 1964 - CASE OF SRI I. SATYANARAYANA ED MESSENGER (PUT OFF)
SITHANAGARAM ON THE ALLEGATIONS LEVELLED AGAINST HIM IN THE
ASPOS RAJAHMUNDY SUB-DVN? RAJAHMUNDY MEMO NO. PF/ED MGR. STN
DATED 28-9-90.

I.T.V.Rao, ASPOs, HQrs. & Supdt. of Post Offices, Rajahmundry Division, Rajahmundry was appointed as Inquiry Officer to inquire into the charges framed against Sri I. Satyanarayana ED Tele Messenger (Put Off) Sitanagaram SO vide APSOs, RMY - Sub-Dvn., Rajahmundry in his Memo No. PF/ED MGR/Stn. dt. 25-10-90.

Sri P. Narasimha Murthy, the ~~xx~~ then SDI (P), Korukonda Sub-Dvn. Korukonda and new ASPOs, Jangareddigudem was appointed by the ASPOS RMY Sub-Dvn. Rajahmundry in his memo No. PF/ED Mgr/Stn dt. 25-10-90, as presenting officer.

The charges that were framed against Sri I. Satyanarayana ED Mgr. (Put Off) Sitanagaram are:

ANNEXURE - I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI I. SARYANARAYAN ED MESSENGER (PUT OFF) SITHANAGARAM SO.

ARTICLE - I

~~STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI I. SARYANARAYAN ED MESSENGER (PUT OFF) SITHANAGARAM SO.~~

Sri Imandi Satyanarayana, while working as ED Messenger at Sitanagaram so used his official influence on 30-3-90 and took away the TB of Sitanagaram destinated to Rajahmundry HO. from the conductor of RTC bus at a point not authorised to hand over the TB by the Bus conductor and transferred the TB through an unauthorised person to the Departmental Official in RTC ~~xx~~ complex Rajahmundry on 30-3-90. It is therefore imputed that Sri Imandi ~~xx~~ Satyanarayana acted in controvension of Rule 22 of ED Agents (Conduct and Services) Rules 1964 and thus failed to maintain absolute interity and devotion to duty as required by Rule 170 ED agents (Conduct and Services) Rules 1964.

Rajahmundry by a scavenger of RTC Complex on 30-3-90 stating that the Postman of Sitanagaram had asked him to hand over the tapal bag to the postal official waiting in RTC Complex for tappals. The scavenger, on further enquiries with him identified Sri I. Satyanarayana as one who is working in Sitanagaram.

ARTICLE - II

(A) Sri Imandi Satyanarayana while working as EDMC of Sitanagaram SO applied for leave on the first occasion but did not join duty after expiry of leave applied for in the first instance, and absconded duty and applied for leave at later dates for periods of his absence in the following instances:-

(i) Sri Imandi Satyanarayana applied for leave on 28-2-89 for a period of 10 days from 1-3-89 to 10-3-89 but did not join duty on 11-3-89. He applied leave on 14-3-89 for the period from ~~11-3-89~~ to 13-3-89.

ARTICLE.II

(A) (ii) Sri I. Satyanarayana applied for leave for one day on 5-5-89 but did not join duty on 6-5-89 and was absent from duty from 6-5-89, to 9-5-89. He gave leave application dt. 9-5-89 to SPM Sitanagaram for leave from 6-5-89 to 9-5-89.

(iii) Sri Imandi Satyanarayana applied for leave from 20-6-89 to 23-6-89 but did not join duty on 24-6-89 and absented himself from duty. He handed a letter dt. 28-6-89 to SPM Sitanagaram on 29-6-89 requesting for leave from 24-6-89 to 28-6-89.

(B) Sri Imandi Satyanarayana while working as ED Messenger Sitanagaram stated away from duty without leave after availing the first spell of leave applied for in the following instances:-

(i) Sri Imandi Satyanarayana ED Messenger Sitanagaram SO applied for leave from 3-10-89 to 6-10-89 and availed. He did not return to duty on 7-10-89 and

absented from duty upto 30-10-89. He gave a letter dt. 30-10-89 to the SPM Sitanagaram admitting that he did not apply for leave from 7-10-89 to 17-10-89 and from 18-10-89 to 28-10-89.

(ii) Sri Imandi Satyanarayana ED Messenger Sitanagaram SO absented from duty from 23-11-89 to 30-11-89 as per report of SPM sitanagaram SO in his letter 855 dt. 30-11-89 to Postmaster Rajahmundry HO SDI (P) Rajahmundry West Sub-Dvn called for the explanation of Sri I. Satyanarayana in his letter No. PF/ED Megr/STN dt. 27-11-89. Sri I. Satyanarayana furnished a letter dt. 3-12-89 addressed to SPM Sitanagaram from Sri K. Simhachalam LSG PA Rajahmundry HO requesting him to admit Sri I. Satyanarayana to duty and reported to duty on 5-12-89. Sri I. Satyanarayana furnished his explanation to the calling letter dt. 27-11-89 of SDI (P) Rmy West Sub-Dvn. The explanation is unbelievable because, he would have furnished MC as he had done in a previous case, had he really sick to the seriousness mentioned in his explanation.

(iii) Sri Imandi Satyanarayana ED Messenger Sitanagaram applied for leave from 26-12-89 to 27-12-89 and did not join duty from 28-12-89 to 30-12-89 nor he applied for leave. He applied for leave from 28-12-89 to 29-12-89 only on 30-12-89 by giving an explanation dt. 30-12-89 to the SPM Sitanagaram SO.

(iv) Sri I. Satyanarayana ED Messenger Sitanagaram absented from duty from 18-1-90 to 27-1-90. He stated that he applied for leave from 17-1-90 to 23-1-90 as he was suffering from Heart pain and blood motions and that he posted a letter to that effect. He produced a fitness certificate dt. 24-1-90 from Dr. SP Rangarao of Raghudevapuram stating that Sri I. Satyanarayana was under his treatment for chest pain from 17-1-90 to 24-1-90 and that Sri I. Satyanarayana applied for extension of leave for 2 days from 24-1-90 to 25-1-90 and he posted his application from Raghudevapuram EDSO. SDI (p) Rmy West Sub-Dvn. called for explanation of Sri I. Satyanarayana in his letter PF/ED Pgr./STN dt. 19-1-90 and the official furnished Medical Certificate and stated in his explanation dt. 1-2-90 he rejoined to duty on 27-1-90 at 1300 hrs. as per the wishes of his doctor.

(v) Sri Imandi Satyanarayana ED Messenger Sitanagaram did not attend to duty on the following dates and the work of the ED Messenger was got done by substitutes on the responsibility of SPM Sitanagaram SO.

Dates		No.of days	Name of Official worked in place of the absentee
From	To		
1-7-89	7-7-89	7	Sri S.Dhanashavalli
11-7-89	12-7-89	2	Sri S.Mohiddin
20-7-89	21-7-89	2	Sri S.Mohiddin
26-7-89	27-7-89	2	Sri S.Dhanshavalli
28-7-89	1-8-89	5	-do-
2-8-89		1	Sri S.Mohiddin
1-9-89	5-9-89		
and	7-9-89	3	-do-
9-9-89		1	Sri MRD Raju
12-9-89	17-9-89	8	Sri S.Mohiddin
25-9-89	26-9-89		Sri MRD Raju
19-9-89	27-9-89		
28-9-89	7-10-89		-do-
12-10-89	24-10-89 &		
26-10-89	1-11-89		-do-
14-10-89	22-11-89 to		
4-12-89&8-12-89	to		
13-12-89	and also on 7-2-90.		Sri M.Jacob
to 15-2-90			
25-12-89	to 29-12-89		
and			Sri Nakkina Venkata Ramana
18-01-90	to 27-01-90		
9-1-90	to 13-1-90 and		
10-2-90	to 15-2-90 and		
23-02-90	27-2-90 and		
2-3-90	8-3-90 and		
13-3-90	to 20-3-90, 31-3-90		
19-4-90	to 20-4-90 and		Sri M.RD Raju
1-5-90	to 5-5-90		

The substitutes who worked during the above periods of absence from duty by Sri Imandi Satyanarayana, confirmed in their statements that they have worked in place of Sri I.Satyanarayana besides attending their own duties due to the absence of Sri I.Satyanarayana.

ARTICLE - III

Sri Imandi Satyanarayana while working as EDMC Sitanagaram upto 29-6-89 and as ED Messenger Sitanagaram resided and still continuing to reside at Raghudevapuram only and not at the place of his duty Sitanagaram. By residing at Raghudevapuram, he is irregular to attend to his duties at Sitanagaram. The following are the instances :-

- (i) His leave application dt.9-2-88 showed that his place of residence is Raghudevapuram.
- (ii) SPM Sitanagaram resorted on 8-3-88 about his irregular attendance to duty to SDI(p) Rajahmundry West Sub-Dvn.
- (iii) His leave applications dt.31-8-88 and 15-11-88
- (iv) SDI(p) Rmy West Sub Dvn. called for the explanation of Sri Imandi Satyanarayana on 26-8-88 and the SPM Sitanagaram reported that the RLs were redirected to Raghudevapuram where Sri I.Satyanarayana was residing.
- (v) SPM Sitanagaram addressed a letter in No.879 on 26-12-89 to Sri I.Satyanarayana who is residing at Raghudevapuram.

The case came up for inquiry before the IO on 31-10-90. Sri I.Satyanarayana, the delinquent Government Servant attended the inquiry at Sitanagaram. I read over the articles of charge as well as the statement of imputations of misconduct/Misbehaviour levelled against Sri I.Satyanarayana in the ASPOs, Rmy Sub-Dvn. memo No.PF/ED Mgr/Stn. dt.28-9-90 and also explained to him the contents in Telugu and enquired from him to state specifically whether he would admit the charges or not. The delinquent Govt. Servant denied all the three charges levelled against him and requested to provide the services of Sri B.Ronald Ross SPM Syamalamba Temple SO as Asst.Government Servant (AGS: to present the case on his ~~xx~~ behalf. The request of the delinquent Govt. Servant

for appointment of Sri B.Ronald Ross SPM, SY.Temple SO as AGS was considered by the Disc. authority.

The case was heard by me by holding sittings on 9-11-90, 23-11-90, 24-11-90, 8-12-90, 13/14-12-90, 18-1-91, 19-1-91, 9-2-91, and 12-3-91.

In the sitting held on 9-11-90 and Das with the help of AGS perused the documents filed by the PO. The Photo-stat copies of the Statements listed in the Annexure-III of the ASPOs, Rmy Sub.Dvn. memo No.PF/ED Mgr/Stn. dt.28-9-90 were supplied to the charged official (CO) and the CO was asked to produce the list of additional documents required and defence witnesses to be examined, if any. The CO declared that no additional documents and witnesses are called for.

During the course of inquiry the following were examined on behalf of the department.

S/Sri.

- 1.N.V.Ramana S/o.Sri Somaraju Raghudevapuram EDSO (SW-1)
- 2.S.Dhanshavalli,S/o.Sri S.Mohiddin EDDA Sitanagaram (SW-2)
- 3.M.Jacob, EDMC/Pkr. Sitanagaram (SW-3)
- 4.M.R.D. Raju, Ag.EDMgr. Sitanagaram (SW-4)
- 5.S.Mohiddin EDDA, Sitanagaram (SW-5)
- 6.K.Simhachalam, SPM, Alcot Gardens (SW-6)
- 7.K.V.Prasad the then ASPOs, Rmy East Sub-Dvn (SW-7)
- 8.K.V.V.Satyanarayana the then SDI (P) Rmy (West) Sub-Dvn (SW-8)
- 9.Md.Khadar Khan SPM, Kapilaeswarapuram (SW-9)
- 10.P.Sarveswara Rao, Inspector APSRTC, rtc.Complex (SW-10)
Rajahmundry.
- 11.K.V.Rama Rao Conductor APSRTC Rmy (SW-11)
- 12.M.Srinivasa Rao, Scavenger APSRTC, Rmy (SW-12)
- 13.K.S.R.Kanakaraju, ASP, Rmy (E) Sub-Dvn. (SW-13)

None were examined on behalf of the DGS in the inquiry as the DGS deposed that there are no D.W.S. to be examined. The following documents are produced and marked as exhibits during the course of enquiry, on behalf of the disciplinary authority.

1. Statement dt.19-7-90 of Sri Nakkina Venkata Ramana of Raghudevapuram Ex-S1
2. Register of Telegrams received for delivery from 1-8-88 to 5-8-89 (Ex. S2)
3. Register of Telegrams received for delivery from 25-8-89 to 5-5-90 (Ex. S3)
4. Relinquishing charge report dt.5-12-89 of Sri N.V.Ramana Ex. S4.
5. Assuming charge report dt.18-1-90 of Sri N.V.V.Ramana Ex. S5.
6. Relinquishing charge report dt.27-1-90 of Sri N.V.V.Ramana as ED Mgr. Sitangaram (Ex. S6)
7. Assuming charge Report dt.30-12-89 of Sri I.Satyanarayana Ex. S7.
8. Statement dt.19-7-90 of Sri Syed Dhanshavalli S/o. Sri S.Mohiddin EDDA sitanagaram SO(Ex. S8)
9. Charge report dt.14-3-89 relinquishing Sri S.Dhanshavalli Ex. S.9
10. Charge report dt.28-6-89(Ex. S10)
11. Relieving charge report dt.19-6-89 F/N of Sri I.Satyanarayana Ex. S-11
12. Statement dt.19-7-90 of Sri M.Jacob EDPkr/EMC Sitanagaram Ex. S12
13. Statement dt.7-5-90 of Sri M.R.D.Raju before ASP Rmy(E) Ex. S13
14. Statement dt.19-7-90 of Sri S.Mohiddin EDDA Sitanagaram Ex. S-14)
15. Letter dt.3-12-89 of Sri K.Simhachalam LSG PA, Rmy-HO a/t Sri Gopala Kirshna SPM, Sitanagaram(Ex. S-15)
16. Service Message dt.30-3-90, by Postmaster, Rmy-HO(Ex. S16)
17. Inventory dt.31-3-90 prepared by ASP., Rmy(E) and Inspector of RTC Rajahmundry and witnessed by SDI(p) Rmy(W) Ex. S17
18. Leave application of Sri I.Satyanarayana dt.9-5-89 Ex. S18
19. Charge report dt.10-5-90 relieving Sri T.Dyvaseervadem Ex. S-19.
20. SDI(p) Rmy West memo No.EDMC/Sitanagaram dt.11-5-89 (Leave order) Ex. S20
21. Leave application dt.19-6-89 of Sri I.Satyanarayana (Ex. S21)
22. Letter dt.28-6-89 a/t SPM, Sitangaram by Sri I.Satyanarayana Ex. S22.

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23. SDI(p) Rmy(W) Memo No.EDMC/Sitanagaram dt.3-7-89(Leave orders) (Ex.S.23)

24. Leave application dt.3-10-89 of Sri I.Satyanarayana (Ex.S.24)

25. Letter dt.28-10-89 of Sri I.Satyanarayana A/t SDI(p)
Rmy (W) Sub-Dvn. Thragh SPM Sitanagaram (EX S-25)

26. Letter dt.30-10-89 of Sri I.Satyanarayana A/t SDI(p)
Rmy (W) Sub-Dvn. (EX S-26)

27. Letter dt.24-10-89 Rm of Sri Bulliraju (Ex.S-27)

28. Letter No.853 dt.23-11-89 of SPM Sitanagaram A/t the
SDI Rmy (W) Sub.Dvn. (EX S-28)

29. Letter No.PF/ED Mgr./St. dt.27-11-89 of SDI(p) Rmy (W)
Sub-Dvn. A/t Sri I.Satyanarayana (Ex.S-29)

30. Letter dt.5-12-89 of Sri I.Satyanarayana SDI(p), Rmy (W)
(EX S-30)

31. Leave application dt.5-12-89 of Sri I.Satyanarayana
requesting for leave from 23-11-89 to 4-12-89 (Ex.S-31)

32. Leave application dt.26-12-89 of Sri I.Satyanarayana
requesting leave from 26-12-89 to 27-12-89 (Ex.S-32)

33. Report of SPM Sitanagaram in letter No.883 dt.28-12-89
A/t SDI(p) Rmy (W) (EX S-33)

34. Explanation dt.30-12-89 of Sri I.Satyanarayana to SPM
Sitanagaram (EX. S-34)

35. Report in letter No.903 dt.18-1-90 of SPM Sitanagaram
A/t SDI(p) Rmy (W) (EX S-35)

36. Leave application dt.17-1-90 of Sri I.Satyanarayana
posted at Fortgate Rajahmundry received at Sitanagaram
on 22-1-90 (Exs. S-36)

37. Medical Certificate of Fitness dt.24-1-90 given by
Sri SP Ranga Rao, of Raghudevapuram to Sri I.Satyanarayana
(Ex.S-37)

38. Leave application dt. at Raghudevapuram the 24-1-90 of
Sri I.Satyanarayana requesting for leave for 2 days
from 24-1-90 to 25-1-90. (EX S-38)

39. Report in letter No.911 dt.22-1-90 of SPM, Sitanagaram
to SDI(p) Rmy West (EX S-39)

40. Explanation dt.27-1-90 of Sri I.Satyanarayana to SDI(p)
Rmy (W) (EX S-40)

41. Letter No.PF/EDMigr/Sitanagaram dt.19-1-90 of SDI(p) Rmy
(W) A/t Sri I.Satyanarayana.

42. Explanation dt.1-2-90 of Sri I.Satyanarayana A/t SDI(p)
Rmy (W) (Ex.S-42)

43. Report in letter No.EDMC dt.8-3-88 of SPM Sitanagaram
A/t SDI(p) Rmy (W) Ex.S-43)

44. Report of SPM, Sitanagaram dt.27-8-88 to SDI(p) Rmy (W)
EX. S-44)

45. Report of SPM Sitanagaram dt. 1-9-88 along with ack.
signed by Sri I. Satyanarayana on 31-8-88 (EX. S-45)

46. Leave application dt at Raghudevapuram the 31-8-88 re-
questing for leave from 31-8-88 to 30-9-88 (EX. S-46)

47. Report in Lr. No. EDNC/Stm dt. 31-8-88 by SPM, Sitanagaram
to SDI(p) Rmy (W) (EX. S-47)

48. Letter dt. 14-3-89 of Sri I. Satyanarayana A/t SPM,
Sitanagaram (EX. S-48)

49. Statement dt. 2-4-90 of K.V. Ramayya Rao Conductor APSRTC
Rajahmundry (EX. S-49)

In the article 1 of the charge sheet it was alleged that Sri I. Satyanarayana (C.O.) while working as ED Mgr. at Sitanagaram so took away the TN of Sitanagaram SO destined to Rajahmundry -HO from the RTB Bus Conductor at a point not authorised to hand over the TB by the Bus Conductor, using his official influence on 30-3-90.

From this purpose the POpresented Sri Pulaparti Sarveswara Rao (SW-10) traffic Superintendent APSRTC Rajahmundry Sri Korla Venkata Rama Rao (SW-11), Bus Conductor No. 64756 APSRTC Rajahmundry Depot and Sri Masabattula Srinivasa Rao (SW-12) Scavenger APSRTC Bus Complex Rajahmundry before the I.O.

In his ~~deposition~~ deposition dt. 19-1-91 the SW-10 deposed before the IO that on 34-2-90 he signed the inventory relating to the contents of the Sitanagaram TB (EX. S-17) as witness and that the contents of the inventory are true. In his deposition dt. 19-1-91 the SW-11 deposed before the IO that on 30-3-90 he was on duty as conductor in Purushothamapatnam - Kakinda Bus No. AAZ 6842, that the Sitanagaram Postal Van loaded at about 2-15 PM on that day at Sitanagaram that Sri I. Satyanarayana (CO) also took bus ticket at Gokavaram Bus stand and boarded the bus there and took away the Sitanagaram TB from him at 3 Cinema Halls (viz., Ashoka, Swamy, Lakshmi) Centre. the SW-11 further deposed in examination in Chief that when the CO was questioned by him as to why

he asked for the postal bag of Sitanagaram meant for Rajahmundry. HO at 3 Cinema Halls centre, the CO reportedly stated to the SW-11 that he was transferred to Rajahmundry and that Rajahmundry HO is nearer to that place. The SW-11 identified the CO as the one who had taken away the Sitanagaram Bag from him, before the IO. The SW-11 further deposed before the IO, when cross examined by the Defence Assistant as to why he had handed over the Postal Bag to the CO at 3 Cinema Halls centre when he was supposed to hand over the same at RTC Bus Complex, that as the CO stated to him that he (CO) was transferred to Rajahmundry and Rajahmundry HO is nearer to ~~at~~ that place he (SW 11) handed over the bag to the CO.

The SW 12 identified the CO before the IO that the CO is the one who had asked him to hand over the bag to Post Office official ~~xx~~ on the platform. In his deposition dt. 19-1-91 the SW 12 deposed before the IO that the CO is the one who asked him to hand over the postal bag to the concerned postal officials on the platform and that the CO accompanied him for some distance and disappeared letter and that the (SW 12) had handed over the bag to the Postal official on the platform.

The ~~xx~~ SW 12 further deposed before the IO under examination in chief that he assured the post Office Staff on platform on that day that he could identify the person who asked him to hand over the postal bag to the postal official on the platform on that day.

The SW 12 further replied to a question put by the Defence Asst. under cross Examination that the CO came to the Bus Stand by a moped (Luna) and parked the same at the lavatories and hurried him to hand over the postal bag to the postal officials on the platform on the plea that Sitanagaram Bus would be missed and the bag was to be

loaded in that Bus. He (SW 12) further added that the CO promised to return there after parking his luna in the stand when he asked the CO to accompany him and was not seen later ever at the luna stand.

In his deposition dt.14-12-90 Sri KVV Satyanarayana the then SDI(p) Rmy(W) Sub-Dvn. (SW 8) deposed before the IO that he had received a Service Message (Ex.S-16) from PM., Rajahmundry;HO on 30-3-90 at late hours at 12-00 clock in the night, that since the matter pertains to the temporing of seals of the TB of Sitanagaram dt.30-3-90 to be received by Rmy-HO., that he informed the Postmaster that the case does not relate to him, that the SPOs, Rmy was also informed accordingly and that he proceeded along with ASPQ, Rmy(E) Sub-Dvn to assist him and that the SW-7 prepared the inventory of the contents of the TB dated 30-3-90 of Sitanagaram SO for Rajahmundry-HO and that he signed as witness on Ex.S-17. The SW 8 further deposed before the IO during cross examination by the CO/DA that the seal of the TB was not in good condition and it was suspicious and that the seal of the parcel bag was suspicious and the seals of the remaining bags were intact.

In his deposition dt.13-12-90 Sri K.Venkata Prasad (SW-7) given before the IO under examination in Chief deposed that he ~~work~~ worked as ASP(rmy) East Sub.Dvn from 13-2-86 to 29-5-90 and Rajahmundry HO was under his jurisdiction, that on 31-3-90 he received a service message (Ex.S-16) at 9-15 Hrs. from the Postmaster, Rajahmundry-HO regarding the incident of handing over of the TB of Sitanagaram SO by the ~~work~~ Scavenger of Rmy RTC Depot at RTC complex to the Group-D of Rajahmundry-HO that the seal of the TB was suspicious and requested enquiries, that the telegraph message was also endorsed to the SPOs. Rmy and the SDI(p) Rmy(W), that immediately

on receipt of the message he has proceeded to Rmy-HO to inquire into the facts of the case. The SW-7 further deposed that after coming to know that the bag was handed over to the controller APSRTC Rajahmundry himself and the SDI(p) Rmy(W) Sri KVV Satyanarayana (SW-8) both proceeded to RTC Bus Depot and contacted the inspector APSRTC Sri P.Sarveswara Rao(SW-10) to whom the bag was actually handed over, that he (SW-10) showed the TB with him to them (SW 7 & 8) for examination, that an examination of the condition of the bag and its seal they (SW 7 & 8) suspected something wrong and took delivery of the bag from the inspector and prepared inventory(Ex.S-17) in the presence of the Inspection(SW-10). The SW-7 further deposed before the IO as examination in chief that on 2-4-90 he obtained the statement from Sri K.V.Rama Rao(SW-11).conductor No.64756 of APSRTC Rajahmundry who was on duty on Bus No.6842 on 30-3-90 from Purushothaptnam Kakinada(via Rmy), that the signature on the statement as attending officer is of him(SW-7). The SW-7 further narrated to a question put by the CO under cross examination before the IO that as seen from the message(EX S-16) and preliminary enquiries made by him the bag was handed over by the scavenger to Group-D at APSRTC Bus stand, that the Group-D on finding the condition of the bag and its seals suspicious handed over the bag to the controller, that it was not brought to Rajahmundry HO by any Gr-D on that day. To another question the SW-7 further narrated that when enquired with the conductor by the Group-D the conductor (SW-11) reportedly told the Group-D that the bag was given to Sri Satyanarayana (CO) who happened to work as postman at Sitanagaram and Raghudevapuram.

When questioned by the CO/AGS under cross examination as to what was the actual condition of the bag and its seal when the TB was shown to him (SW-7) by the Inspector RTC

Bud Depot, the SW-7 deposed before the IO that the seal of the TB appears to have been removed and reaffixed and the condition of the bag was however intact. To various questions put under cross examination by the CO/DA the SW-7 deposed before the IO on 13-12-90 that since the TB was received through unauthorised source and in suspicious condition and an inventory was prepared, that since the official Sri I. Satyanarayana CO was absent from duty after transfer of Sitanagaram SO to Rajahmundry Sub-Dvn. he could not contact the official (CO).

The SW-7 replied to the question put by the CO/DA as to which is the correct position regarding the seals in respect of RP No. 5267 dt. 30-3-90 as in the inventory prepared by him (SW-7) the seals of RP-5267 were stated to be intact whereas the charge shows three seals out of six were smudged on the RP. No. 5267, that the position in the inventory is correct.

In his defence statement dat. 12-3-91 given by the CO to the IO the CO submitted that he was on leave from 30-3-90 A/N to 9-4-90 as he was suffering from Chest pain, that in the month of Jan-90 also he was on leave due to heart pain and bleed motions, that on 30-3-90 he did not take the TB of Sitanagaram SO destined for Rajahmundry HO from the conductor of RTC Bus at a point not authorised to hand over the TB by the bus conductor and that in the charged itself it was stated that the TB was handed over by the Bus Conductor of RTC Bus at a point not authorised to hand over the TB. The CO further submitted that during the course of inquiry the bus conductor recognised him (CO) as the one who took the bag just to escape from his responsibility, and that the scavenger (SW-12) also tried to make every one believe that he (CO) handed over him (SW-12) the TB at RTC Complex which was not correct. The CO further added that the

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scavenger never saw him before.

The PO in his brief stated that the first article of charge was proved by the depositions dt.19-1-91 of Sri P. Sarveswara Rao, (SW 10), Sri K.Venkata Ramarao bus conductor (SW-11) and Sri M.Srinivasa Rao Scavenger (SW-12). The PO further stated in his brief that Sri K.V.Rama Rao (SW-11) who worked as bus conductor in Purushothapatnam Kakinada Bus No.AAZ 6842 on 30-3-90 identified Sri I.Satyanarayana (CO) before to IO on 19-1-91 as the one who took the TB destined to Rajahmundry HO at the junction of Asoka, Laxmi and Swamy theatres on 30-3-90 convincing him (SW-11) that he (CO) was transferred to Rajahmundry and that it is the nearest place to go to Rajahmundry HO and that he (SW-11) confirmed the contents of Ex. S-49 given before the IO. The PO further stated in his brief that Sri M.Srinivasa Rao (SW-12) who was then working as scavenger in RTC Bus Complex, Rmy also identified the CO as the one who handed over the postal bag to him (SW-12) to be handed over it to the postal official on duty on the platform, Sri P.Sarveswra Rao, (SW-10) Traffic Supdt.in APSRTC Rmy depot deposed that he (SW-10) was the witness when three postal officials took the TB from the RTC Bus Depot authorities and prepared inventory of the contents on 31-3-90, that Sri K.V.Prasad (SW-7) in his deposition dt.13-12-90 before the IO stated that the seal of the TB appeared to have been removed and reaffixed. Thus the PO stated the charge as clearly proved.

Sri I.Satyanarayana, the charged official, in his brief dt.22-5-91 stated that he did not take the TB of Sitanagaram to Rajahmundry HO at a point where the bags were not expected to be handed over, that the bus conductor who was not expected to hand over the bags at a point not authorised for mail exchange, handed over the bags to some one, and to escape

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from his responsibility trying to identify him as the person. The CO further stated in his brief that the bus conductor(SW-11) did not obtain his (CO) signature while handing over the bag and there is no second witness in the bus who had seen him(CO) taking the bag, that the identifying of the scavenger(SW-12) is also a made up case since there is no other witness to prove that he (CO) had handed over the bag to the Scavenger at RTC Complex, that he once again submitted that he (CO) did not take the bag from the bus nor did he hand over the bag at RTC Complex.

The points for consideration in the first article of charge are.

1. Whether the TB of Sitanagaram SO for Rajahmundry HO was unauthorisedly taken by CO on 30-3-90 and whether the conductor unauthorisedly handed over the sitanagaram TB to the CO at 3 Cinema halls centre on the date mentioned supra.
2. Whether the sitanagaram TB was transferred through an unauthorised person to the departmental official in RTC Bus complex Rajahmundry on 30-3-90.
3. Whether the seal of the Sitanagaram TB was removed and reaffixed.

As per the depositions of the SW-11 it is evident that the CO had unauthorisedly took away the Sitanagaram TB at 3 Cinema halls centre on 30-3-90, vide Ex.S-49. The SW-11 further deposed before the IO in his deposition dt.19-1-91 that he know the CO and handed over the bag at 3 cinema halls centre as the CO informed him that he was transferred to Rajahmundry and Rajahmundry -HO is nearer to that place. The SW-11 identified the CO before the IO as the one who took the bag from him(SW-11) on 30-3-90 during the course of proceedings of the case.

The SW-12 in his deposition dt.19-1-91 deposed before the IO that the CO asked him to hand over the Sitanagaram TB to the Postal Officials on the platform on 30-3-90 and he (CO) accompanied him(SW-12) to some distance and the CO disappeared later. The SW-12 identified the CO as the one who had asked him to hand over the Sitangaram TB to the Postal Officials on the platform on 30-3-90. Hence the point raised by the CO in his defence dt.12-3-91 that the SW-12 never seen him before does not arise.

As regards receipt of the TB by the Postal Officials on 30-3-90 in suspicious condition(Removal of seal and reaffixing of seal) the inventory(EX S-17) prepared by SW-17 prepared by SW-7 and signed as witness by SW-8 and SW-10 it is established that the seal on the TB of Sitanagaram SO was removed and reaffixed.

It may be a fact that the sitanagaram TB was handed over by the Bus Conductor(SW-10) at an unauthorised place of exchange without obtaining any acquittance. But the argument of the CO in his defence dt.12-3-91 that the case is made against him by the conductor and scavenger of APSRTC is not tenable when the CO was duly identified by the conductor & Scavenger(SW-11 & SW-12) and there is no difference between the version of the conductor (SW-11) during the preliminary enquiries and his deposition before the IO and there is absolutely no need to the conductor and the scavenger to make out a case against the CO. I believe the depositions of the conductor(SW-11) and Scavenger(SW-12) given before me as true as per the reasons stated above and I hold the article of charge one as proved beyond reasonable doubt.

In article.2 of the charge sheet it was alleged that Sri I.Satyanarayana while working as EDMC upto 29-6-89 at Sitanagaram SO and as ED Messenger since 30-6-89 at Sitanagaram

SO absented himself from duty without applying for leave on certain dates and applied for leave for the period of absence from duty at a later date.

For this purpose the PO presented SW-1, SW-2, SW-3 SW-4 SW-5, SW-6, SW-8, SW-9 and SW-13 before the IO.

In his deposition dt. 14-12-90 Sri KVV Satyanarayana (SW-8) who worked as SDI(p) Rmy(W) from 7-4-89 to 21-4-90 deposed before the IO under examination in Chief regarding the imputation ~~xx~~ A(ii) of article-II under Annexure-II that the leave application dt. 6-5-89 of the (Ex. S-18) requesting for leave from 6-5-89 to 9-5-89 handed over to the SPM Sitanagaram on 9-5-89 was received in his office on 11-5-89 on which the official affixed his signature with date 9-5-89 (EX S-18) that the assuming charge report of the CO dt. 10-5-89 (EX S-19) was received in his office and the leave for the period from 5-5-89 to 9-5-89 was sanctioned by him vide memo No. EDMC/Sitanagaram dt. 11-5-89 (EX-S-20), that as regards the charge A-III the leave application dt. 19-6-89, (EX S-21) of the CO received by the SPM Sitanagaram on 20-6-89 was received by him (SW-8) that a letter dt. 28-6-89 (Ex. S-22) (Requesting for leave from 24-6-89 to 28-6-89) received by the SPM Sitanagaram on 28-6-89 was forwarded to his office, that the leave orders for the period from 19-6-89 to 27-6-89 were issued by him on 3-7-89 vide his memo EDMC/Sitanagaram dt. 3-7-89 (Ex. S-23). As regards ~~xxxxxxxxxxxxxx~~ ~~xxxxxxxxxxxxxx~~ the imputation B(i) of Article.II under Annexure-II the SW-B deposed that CO applied for leave from 3-10-89 to 6-10-89 (Ex. S-24) and did not turn up to duty on 7-10-89 and absented from duty upto 30-10-89 that the CO gave a letter to the SPM on 28-10-89 (EX S-25) explaining the reasons for his unauthorised absence beyond 6-10-89 which was received in his (SW-8) office in 30-10-89, that one more representati

dt.30-10-89 (EX S-26) was also received from the CO in his office (SW-8), that a letter dt.24-10-89 (EX S-27) received from Sri M. Bulli Raju who worked as substitute in the place of the CO stating that he was continued to work as EDMC from 7-10-89 since the CO did not rejoin duty on 7-10-89 on the expiry of the leave, that it was informed to him (SW-8) by the SPM Sitanagaram, on 24-10-89.

As regards the imputation B(ii) of Article. II under Annexure -II the SW-8 deposed that the SPM, Sitanagaram reported him vide letter No.C-853 dt.23-11-89 (Ex.S-28) that the charged official did not attend to duty on 23-11-89 and that the (SW-8) called for the CO's explanation in his letter No.PF/ED Mgr/89 dt.27-11-89 (EX S-29) and that the explanation of the CO dt.5-12-89 (EX S-30) was received in his (SW-8) office along with printed leave application dt.5-12-89 requesting leave from 23-11-89 to 4-12-89 (EX D-31) and that he felt the explanation of the CO was unbelievable as the CO could have furnished MC if he was really sick.

The SW-6 in his deposition dt.8-12-90 given before the IO deposed that he wrote a letter dt.3-12-89 (EX S-15) to Sri Gopala Krishna SPM, Sitanagaram requesting the SPM Sitanagaram to admit the CO duty.

As regards the imputation B(III) of article II under Annexure-II the SW-8 deposed before the IO on 14-12-90 that the CO applied for leave from 26-12-89 to 27-12-89 but did neither rejoin duty on 28-12-89 nor apply for extension of leave, that rejoin duty on 28-12-89 nor apply for extension of leave, that the SPM, Sitanagaram in his letter No.C-883 dt.28-12-89 (EX.S-33) reported the matter to him, that the CO gave his explanation dt.30-12-89 (EXS-34) to the SPM Sitanagaram for his unauthorised absence and sought permission to rejoin duty that it was forwarded to him (SW-8) by the SPM on 30-12-89.

As regards the imputation 8(iv) of article. II under Annexure-II the SW-8 deposed that the SPM, Sitanagaram vide his letter No.C-903 dt.18-1-90 (EX S-35) reported that the CO did not attend to duty on 18-1-90 that the CO posted his applicatio for leave for period from 17-1-90 to 23-1-90 (EX S-36) without mentioning the particulars of the substitute and with blank charge re-ports simply signed by the CO as relieved officer and the CO posted them at Fortgate-SO(Rmy) to SPM, Sitanagaram who in turn forwarded the same to him(SW-8) on 22-1-90. The SW-8 further deposed that the CO later produced a medical fitness certificate dt.24-1-90 from Dr.S.P.Ranga Rao, Raghudevapuram (EX S-37) along with his explanation dated 24-1-90 (EX S-38) and that the CO vide Ex.S-30 sought for extension of leave for 2 more days from 24-1-90 to 25-1-90 on the grounds that the CO was still unwell and would send MC the period for which the MC was not received by him(SW-8) at all. The SPM sitanagaram in his letter No.911 ~~xx~~ dt.22-1-90 (EX.S-39) reported to him (SW-8) that the CO was unauthorisedly absent from duty from 18-1-90 and the CO sent a leave application(EX S-36) by post without name of the substitute. The SPM for-warded the explanation dt.27-1-90 (EX S-40) to him(SW-8) on 27-1-90 along with the EX S-39. He had called for the explanation of the CO vide his letter No.PF/ED Mgr/Stn. dt.19-1-90 (EX S-41) in response to which the CO submitted his explanation dt.1-2-90 (EX S-42) in which the CO stated that he suffered from heart pain.

The SW-8 identified the documents which were marked as EX.S-18, 19,20,21,22,23,24,25, 26,27,28,29,30,31,32, 33, 34,35,36, 37, 38, 39,40, 31, 42.

During the course of cross examination by the CO/ DA before the IO a question as to why the explanation of the CO in EX.S-30 was unbelievable simply because it

was not accompanied by an MC, the SW-8 deposed that the CO was frequently abstaining from duty unauthorisedly and giving explanations on one plea or the other. The (SW.8) could not believe the reasons put forth by the CO.

As regards the imputation B(U) of article. 21 II under Annexure-II Sri KSR Kanakaraju (SW-13) the ASPOs, Rmy (E) Sub-Dvn. w.e.f. 4-2-91 deposed before the IO on 9-2-91 that he enquired on 19-7-90 into the allegations of absence from duty of the CO on certain dates while working as ED Messenger Sitanagaram SO that he has obtained the statements of S/Sri (1) N.V.Ramana (SW-1) S.Mohiddin (SW-5). S.Dhanshavalli (SW-2), and M.Jacob (SW-3) which were identified and marked as EX.S-1, EX S-14, EX.S-8, and EX S-12 respectively.

Sri S.Dhanshavalli (SW-2) deposed before the IO on 23-11-90 that he had given a statement dt. 19-7-90 (EX S-8) before Sri KSR Kanaka Raju, ASPOs Rmy (E) Sub-Dvn. and he identified the same. In his statement dt. 19-7-90 the SW-2 stated that he worked as ED Mgr. in place of the CO on certain dates viz., 26-7-89, 27-7-89 to 1-8-89. When the CO had gone on leave and on some occasions when the CO was unauthorisedly absent at Sitanagaram SO and used to deliver the Telegrams.

Sri S.Mohiddin (SW-5) in his deposition given before the IO on 24-11-90 had deposed that he had given a statement dt. 19-7-90 (EX S-14) to Sri KSR Kanakaraju (SW-13) and identified the same. In his statement dt. 19-7-90 the SW-5 stated that he had worked as ED Mgr. at Sitanagaram SO on certain dates viz., 11-7-89, 20-8-89, 21-7-89 2-8-89, 1-9-89 5-9-89 7-9-89, 12-9-89, 25-9-89, 26-9-89. When the CO did not turn up to duty as per the orders of the SPM.

Sri M.R.D. Raju (SW-4) in his deposition given before the IO on 24-11-90 had deposed that he had given a ~~content~~ of the statement dt. 7-5-90 (EX S-13) the SW-4

stated that he worked as EDMgr. Sitanagaram on certain dates Viz., 9-9-89, 28-9-89 to 7-10-89., 12-10-89 to 24-10-89 26-10-89 to 1-11-89, 9-1-90 to 13-1-90, 10-2-90 to 15-2-90, 23-2-90 to 27-2-90, 2-3-90 to 8-3-90, 13-3-90 to 20-3-90, 31-3-90, 19-4-90, 20-4-90, 1-5-90 to 5-5-90 on permission of the SPM when there was vacancy arised due to the uauthorised absence of the CO.

Sri N.V.Ramana(SW-1) in his deposition given before the IO on 23-11-90 had deposed that he had given a statement on 19-7-90(EX S-1) to the ASPOs, Rajahmundry Sub.Dvn. (SW-13) and the contents of the statement are true. It was marked as (EX S-1). In his statement dt.19-7-90 (EX S-1) the SW-1 stated that he worked as ED Mgr Sitanagaram SO in place of the CO from 25-12-89 to 29-12-89 and 18-1-90 to 27-1-90. He further stated that the CO did not apply for leave during the above period on him(SW-1), but the (SW-1) worked in place of the CO during the above period as the SPM Sitanagaram SO had called him to do so. The SW-1 identified the relinquishing charge report dt.5-12-89, assuming charge report dt.18-1-90, relinquishing charge report dt.27-1-90, and relinquishing charge report dt.30-12-89 which were marked as Ex.S-4, 5,6, and 7 respectively.

Sri M.Jacob (SW-3) in his deposition dt.24-11-90 given before the IO has deposed that he had given a statement on 19-7-90 to Sri KSR Kanakaraju, ASPOs, Rny sub-Dvn. (SW 13) and that the contents of the statement are true. The same is marked as Ex.S-12. In Ex.S-12 the SW-3 stated that he entered the telegrams in the register of Telegrams received for delivery Ex.S-3 on 11-10-89, to 4-12-89 and 8-12-89 to 13-12-89 7-2-90 and 15-2-90 as per the orders of the SPM, Sri K.P.Gopala Krishna on the occassions when the CO did not turn up to

duty intime. He however stated that he did not deliver any telegrams on the above dates and also he does not remember the persons who delivered the telegrams on the above dates.

The CO in his defence statement dt.12-3-91 given before the IO has stated that due to his poor health he had to go on leave manya times, some times by applying for leave in advance some times after availing the leave.

The PO in his brief stated that the 2nd Article of the charge is proved by the depositions of Sri N.V.Ramana (SW-1), Sri Syed Dhanshavalli (SW-2), Sri M.R.D. Raju (SW-4) and Sri S.Mohiddin (SW-5) who worked as ED Mgr. Sitanagaram on the dates mentioned in the charge sheet when the charged official absented from duty unauthorisedly, that Sri K.Simhachalam ~~Supdt. Sitanagaram~~ (SW-6) also deposed that he wrote a letter (EX S-15) to Sri Gopalakrishna SPM, Sitanagaram, requesting him to allow the CO to rejoin duty unauthorisedly, that the depositions before the IO of SW-8 and SW-9 prove that the CO absented from duty unauthorisedly for the periods mentioned in the charge sheet. The PO further stated in his brief that Sri K.P.Gopala Krishna SPM sitanagaram could not be examined as he expired.

The CO in his brief dt.22-5-91 stated that he absented from duty now and then without prior sanction of leave, that he is a sick person with chest pain, that he submitted the above fact to his officers several times and begged to be pardoned on all the occassions, he was granted leave and there is no signgle occassion on which he was not granted leave and that on all the occassions he was admitted to duty and the work never suffered on account of him since substitutes worked in his place.

B3

The points for consideration pertaining to the charge are

- (a) whether the CO absented himself from duty without applying for leave on certain dates.
- (b) whether the CO applied for leave for the periods of absence from duty at later dates.

It is proved upto ~~mark~~ the hilt that as per the depositions of SW-1, SW-2, SW-4 and SW-5 before me and as per the exhibits S.2,3,4,5,6 & 7, the CO did not do his duty and absented himself unauthorisedly and the substitutes engaged in his place on the dates as mentioned in the charge sheet.

Regarding the point whether the CO applied for leave for the period of absence from duty at a later date, it is clearly admitted by the CO in his defence statement dt. 12-3-91 and the evidence adduced during the enquiry. Hence the charge is held proved beyond reasonable doubt.

In article 3 of the charges sheet it was alleged that Sri I. Satyanarayana while working as EDMCupto 29-6-89 and EDMgr. since 30-6-89 did not reside at the place of his duty i.e., at Sitanagaram but resided at Raghudevapuram a village not in the delivery jurisdiction of Sitanagaram combined sub- office.

The CO in his defence statement dt. 12-3-91 stated that there is no such restriction for the ED Official other than the EDDAs that they should reside at the place of duty.

The PO in his brief submitted to the IO stated that the charge is proved as per the defence statement of the CO admitting his not residing at the place of his duty.

In his brief dt. 22-5-91 the CO Stated that he was residing at Raghudevapuram village which is his

native place and where he is having his own house which is only less than 2 KM from Sitanagaram and that the restriction of residing at the place of duty apply to EDDAs only and not other ED Officials, that more over his residing at Raghudevapuram did not cause any dislocation to his duties and that on one occassion the SPM himself called a substitute from Raghudevapuram to work in his place.

The CO Himself admitted that he is not residing at his place of duty, Sitanagaram. It is not the point whether the work suffered or not on account of his residing at a place other than his duty point. Further the duty of the Telegraph messenger is to deliver the telegrams like similar to the duties of the EDDA. Hence residing in the same station of duty is obligatory. Further Raghudevapuram is not under the delivery jurisdiction of Sitanagaram SO.

Since the CO is not residing at Sitanagaram according to his own clear admission I hold the charge as proved beyond reasonable doubt.

(T.V.RAO)
ASPOs (Hqrs.)
% SPOs Rmy-Dvn. Rmy-1
and Inquiry Officer.

[Handwritten signature]

GOVERNMENT OF INDIA: DEPARTMENT OF POSTS

Office of the Sub-Divisional Inspector (Postal) Rajahmundry
West Sub. Division

Memo No. PF/ED Mgr/Stn dated at Rajahmundry the 29-6-1992

Proceedings

Read the following:-

1. This office memo of even No. dated 28-9-90
2. Letter of defence dated 23-10-90 submitted by Sri I. Satyanarayana ED Telegraph Messenger (Put off) Sitanagaram SO
3. This office memo of even No. dated 25-10-90 appointing Sri T.V. Rao, ASP (Hqrs) as Inquiry Officer.
4. This Office memo of even No. dated 25-10-90 appointing Sri P. Narasimhamurthy SDI (P) Korukonda now ASP Jangareddigudem as presenting officer.
5. Inquiry Officer's report dt. 6-5-92.

Sri I. Satyanarayana, ED Telegraph Messenger (Put off) Sitanagaram was informed in this office memo of even No. dated 28-9-90 that it is proposed to take action against him under Rule 8 of P&T ED Agents (Conduct and Service) Rules 1964 on the basis of annexure-I statement of articles of charges framed, annexure-II Statement of Imputation of misconduct/misbehaviour in support of the articles of charges Annexure-III list of documents and Annexure IV list of witnesses in support of the articles of charges framed against Sri I. Satyanarayana, ED Telegraph messenger (Put off) Sitanagaram SO enclosed there to, which are reproduced below.

ANNEXURE - I

Statement of Article. of charges framed against Sri I. Satyanarayana ED Messenger (Put off) Sitanagaram, SO

ARTICLE-I

Sri Imandi Satyanarayana, while working as ED Messenger at Sitanagaram SO used his official influence on 30-3-90 and took away the TB of Sitanagaram destined to Rajahmundry HO from the conductor of RTC Bus at a point not authorised to hand over the TB by Bus

(36) 40

Conductor and transferred the TB through an unauthorised person to the Departmental official in RTC Complex Rajahmundry on 30-3-90. It is therefore imputed that Sri Imandi Satyanarayana acted in contravention of Rule 22 of ED Agents (Conduct and Services) Rules 1964 and thus failed to maintain absolute integrity and devotion to duty as required by Rule 17 of ED Agents (Conduct and Services) Rules 1964.

ARTICLE.II

Sri Imandi Satyanarayana while working as EDMC upto 29-6-89 at Sitanagaram as SO and as ED Messenger since 30-6-89 at Sitanagaram absented himself from duty without applying for leave on certain dates and applied for leave for the period of absence from duty, at later dates. It is therefore imputed that Sri Imandi Satyanarayana acted in contravention of Rule 5 of ED agents (Conduct and Services) 1964 and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 17 of ED Agents (C&S) Rules 1964.

ARTICLE-III

Sri Imandi Satyanarayana, while working as EDMC upto 29-6-89 and as ED Messenger since 30-6-89 at Sitanagaram SO did not reside at the place of his duty i.e. at Sitanagaram, but reside at Raghudevapuram, a village, not in the delivery jurisdiction of sitanagaram combined Sub office. Sri Imandi Satyanarayana therefore violate the principle condition regarding his residence at the place of his duty, Sitanagaram. It is therefore imputed that Sri I. Satyanarayana acted in contravention of Rule 17 of ED Agents (C&S) Rules 1964.

ANNEXURE-II

Statement of imputations of Misconduct/Misbehaviour in support of the articles of charges framed against Sri Imandi Satyanarayana, ED Messenger (Put off) Sitanagaram SO.

ARTICLE-I

Sri Imandi Satyanarayana while working as ED Messenger at Sitanagaram SO was on leave without allowances from 30-3-90 to 8-4-90. Postmaster Rajahmundry HQ issued a service Telegram on 30-3-90 to SPOs Rajahmundry and ASPOs Rajahmundry East Sub.Division stating that Group 'D' official of Rajahmundry ~~Bank~~ HQ reported to him that a scavenger of RTC Depot Rajahmundry handed over TB of Sitanagaram in suspicious condition and that the TB was handed over to the controller of RTC Depot Rajahmundry with a letter of complaint. Enquiries made in to the case revealed that the TB in tampered condition was opened in the presence of RTC Authorities as well as the Departmental Officials. The TB contains 4 bags inside including one parcel bag addressed to Rajahmundry RMS ~~in~~ by Sitanagaram SO. The parcel bag appeared to have been opened and reclosed with a smudged seal on tag lable. On opening of the parcel bag in the presence of witnesses, it was found that 4 seals out of 10 seals on sitanagaram RP 5266 dt.30-3-90 are smudged and 3 seals out of 6 seals on Sitanagaram RP 5267 dt. 30-3-90 are smudged ~~xxm~~. An inventory was prepared on the spot. Further enquiries with the RTC Bus Conductor AAZ 6842 which conveyed Sitanagaram mails on 30-3-90 to Rajahmundry revealed that by the time the bus AAZ 6842 reached Gokavaram Bus stand in Rajahmundry, Sri Imandi Satyanarayana boarded the same bus and took tickets along with his accomplices to RTC Bus Stand and as the Driver and conduc-

tor are well known to Sri I. Satyanarayana, Sri I. Satyanarayana began chit chat with the driver of the bus and when the bus reach 3 cinema Hall's centre, Sri I. Satyanarayana got down and asked the conductor of the bus for the bags of Sitanagaram and Torredu and took only the TB of Sitanagaram on the plea that the PO is very nearer to that place and called a Rickshaw and loaded it with the TB of Sitanagaram, leaving the Torredu bag behind as the bus moved already. The conductor stated that Sri I. Satyanarayana is familiar to him and he knew that I. Satyanarayana is working at Sitanagaram. The Group 'D' official of Rajahmundry HO stated that the TB of Sitanagaram was handed over to him at RTC complex Rajahmundry by a scavenger of RTC Complex on 30-3-90 stating that the Postman of Sitanagaram had asked him to handover the tapal bag to the postal official waiting in RTC Complex for tappals. The Scavenger, on further enquiries with him identified Sri I. Satyanarayana as one who is working in Sitanagaram.

ARTICLE.III

(A) Sri Imandi Satyanarayana while working as EDMC of Sitanagaram for leave on the first occasion but did not join duty after expiry of leave applied for in the first instance, and absconded duty and applied for leave at later dates for periods of his absence in the following instances.

(i) Sri Imandi Satyanarayana applied for leave on 28-2-89 ~~apply~~ for a period of 10 days from 1-3-89 to 10-3-89 but did not join for the period from 11-3-89 to 13-3-89.

(ii) Sri I. Satyanarayana applied for leave for one day on 6-5-89 but did not join duty on 6-5-89 and was absented from duty from 6-5-89 to 9-5-89. He gave leave application dt. 9-5-89 to SPM Sitanagaram for leave from 6-5-89 to 9-5-89.

(3)

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(III) Sri Imandi Satyanarayana applied for leave from 20-6-89 to 23-6-89 but did not join duty on 24-6-89 and absented himself from duty. He handed a letter dt. 28-6-89 to SPM Sitanagaram on 29-6-89 requesting for leave from 24-6-89 to 28-6-89.

(B) Sri Imandi Satyanarayana, while working as ED Messenger Sitanagaram stayed away from duty without leave after availing the first spell of leave applied for in the following instances :-

(i) Sri Imandi Satyanarayana, ED Messenger Sitanagaram SO applied for leave from 3-10-89 to 6-10-89 and availed. He did not return to duty on 7-10-89 and absented from duty upto 30-10-89. He gave a letter dt. 3-10-89 to the SPM Sitanagaram admitting that he did not apply for leave from 7-10-89 to 17-10-89 and from 18-10-89 to 28-10-89.

(ii) Sri Imandi Satyanarayana ED Messenger Sitanagaram SO absented from duty from 23-11-89 to 30-11-89 as per report ~~fm~~ of SPM Sitanagaram SO in his letter 855 dated 30-11-89 to postmaster Rajahmundry HO. SDI (P) Rajahmundry West Sub. Division called for the explanation of Sri I. Satyanarayana in his letter dt. No. PF/EDMGR/STN dt. ~~27-11-89~~ 27-11-89. Sri I. Satyanarayana furnished a letter dt. 3-12-89 addressed to SPM Sitanagaram from Sri K. Simhachalam LSG PA Rajahmundry HO. requesting him to rejoin Sri I. Satyanarayana to duty and reported to duty on 5-12-89. Sri I. Satyanarayana furnished his explanation to the calling letter dt. 27-11-89 of SDI (P) Rajahmundry West sub division. The explanation is unbelievable because, he would have furnished MC as he done in a previous case had he really sick to the seriousness mentioned in his explanation.

(iii) Sri Imandi Satyanarayana ED Messenger Sitanagaram applied for leave from 26-12-89 to 27-12-89 and did not join duty from 28-12-89 to 30-12-89 nor he applied for leave.

He applied for leave from 28-12-89 to 29-12-89 duly 30-12-89 by giving an explanation dt.30-12-89 to the SPM, Sitanagaram.

(iv) Sri I.Satyanarayana ED Messenger Sitanagaram absented from duty from 18-1-90 to 27-1-90. He stated that he applied for leave from 17-1-90 to 23-1-90 as he was suffering from Heart pain and blood motions and that he posted a letter to that effect. He produced a fitness certificate dated 24-1-90 from Dr SP Ranga Rao of Raghudevapuram stating that Sri I.Satyaynarayana was under his treatment for chest pain from 17-1-90 to 24-1-90 and that Sri I. Satyanarayana applied for extension of leave for 2 days from 24-1-90 to 25-1-90 and he posted his application from Raghudevapuram EDSO. SDI(P) Rmy West Sub Division called for explanation of Sri I.Satyanarayana in his letter PF/ED Msgr/STN dt.19-1-90 and the official furnished Medical Certificate and stated in his explanation dt.1-2-90 that he rejoined to duty on 27-1-90 at 1300 hrs as per the wishes of his doctor.

(v) Sri Imandi Satyanarayanan ED Messenger Sitanagaram did not attend to duty on the following dates and the work of the ED Messenger was got done by substitutes on the responsibility of SPM Sitanagaram so.

Dates <u>From</u> <u>to</u>	No.of <u>days</u>	Name of official worked <u>in place of the absentee</u>
1-7-89 7-7-89	7	Sri S.Dhanshavalli
11-8-89 12-7-89	2	Sri S.Mohiddin
20-7-89 21-7-89	2	Sri S.Mohiddin
26-7-89 27-7-89	2	Sri S.Dhanshavalli
28-7-89 1-8-89	5	-do-
2-8-89	1	Sri S.Mohiddin
1-9-89, 5-9-89 and 7-9-89	3	-do-
9-9-89	1	Sri M.R.D.Raju
12-9-89, 17-9-89, 19-9-89		Sri S.Mohiddin
25-9-89, 27-9-89, 26-9-89		Sri M.R.D.Raju
28-9-89 to 7-10-89	8	Sri M.R.D.Raju
12-10-89 to 24-10-89 and		-do-
26-10-89 1-11-89		
14-10-89, 22-11-89 to 4-12-89 and 8-12-89 to 13-12-89 and also 7-2-90 to 15-2-90		Sri M.Jacob

25-12-89 to 29-12-89
18-1-90 to 27-1-90

Sri Nakkina Venkata Ramana

9-1-90 to 13-1-90 and
10-2-90 to 15-2-90 and
23-2-90 to 27-2-90 and
2-3-90 to 8-3-90 and
13-3-90 to 20-3-90, 31-3-90
19-4-90 to 20-4-90 and 1-5-90 to 5-5-90

Sri M.R.D.Raju

The substitutes who worked during the above periods of absence from duty by Sri Imandi Satyanarayana, confirmed in their statements that they have worked in place of Sri I.Satyanarayana, besides attending their own duties due to the absence of Sri I.Satyanarayana.

ARTICLE III

Sri Imandi Satyanarayana while working as EDMC Sitanagaram upto 29-6-89 and as ED Messenger Sitanagaram resided and still continuing to reside at Raghudevapuram only and not at the place of his duty sitanagaram. By residing at Raghudevapuram, he is irregular to attend to his duties at Sitanagaram. The following are the instances:-

- (i) His leave application dt.9-2-88 showed that his place of residence is Raghudevapuram.
- (ii) SPM Sitanagaram reported on 8-3-88 about his irregular attendance to duty to SDI(P) Rajahmundry west Sub Division.
- (iii) His leave application dt.31-8-88 and 15-11-88
- (iv) SDI(P) Rajahmundry West sub Division called for the explanation of Sri Mandi Satyanarayana on 26-8-88 and the SPM Sitanagaram reported that the RLs were redirected to Raghudevapuram where Sri I.Satyanarayana was residing.
- (v) SPM Sitanagaram addressed a letter in No.879 on 26-12-89 to Sri I.Satyanarayana who is residing at Raghudevapuram.

LIST OF DOCUMENTS IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST SRI IMANDI SATYANARAYANA EDMESSENGER(PUT OFF) SITANAGARAM SO.

1. Service message dt.30-3-90 by Postmaster, Rajahmundry
2. Inventory dt.31-3-90 prepared by ASP, Rmy East and Inspector of RTC., Rajahmundry and witnessed by SDI(P) Rajahmundry (W)
3. Statement dt.2-4-90 of Sri K.V.Ramarao-Conductor APSRTC Rajahmundry.

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4. Leave application dt.14-3-89 of I.Satyanarayana
5. Charge report dt.14-3-89 relieving Sri S.Dhanshavalli
6. Leave application of Sri I.Satyanarayana dt.9-5-89
7. Charge report dt.10-5-89 relieving Sri T.Dyvaseervadam
8. Leave application dt.19-6-89 requesting leave ~~mix~~ from 20-6-89
9. Relieving charge report dt.19-6-89 P/N of Sri I.Satyanarayana
10. Letter dt.28-6-89 addressed to SPM Sitanagaram by Sri I.Satyanarayana.
11. Charge report dt.28-6-89
12. Leave Application and charge report dt.3-10-89 of Sri I.Satyanarayana.
13. Letter dt.24-10-89 of Sri M.Bulliraju
14. Letter dt.28-10-89 of Sri I.Satyanarayana addressed to SDI(P) Rajahmundry West Sub Division through SPM, Sitanagaram.
15. X Letter dt.30-10-89 of Sri I.Satyanarayana addressed to SDI(P) Rajahmundry West Sub Division.
16. Letter No.853 dated 23-11-89 of SPM Sitanagaram addressed to SDI(P) Rajahmundry West.
17. Letter No.PF/ED Mgr/ST dt.27-11-89 of SDI(P) Rajahmundry West addressed to Sri I.Satyanarayana
18. Letter dt.5-12-89 of Sri I.Satyanarayana addressed to SDI(P) Rajahmundry West.
19. Leave application dt.5-12-89 of Sri I.Satyanarayana requesting for leave from 23-11-89 to 4-12-89
20. Relinquishing charge report dt.5-12-89 of Sri N.V.Ramana
21. Letter dt.3-12-89 of Sri K.Simhalam LSG PA MRY HO addressed to Sri Gopalakrishna, SPM Sitanagaram.
22. Leave application dt.26-12-89 of Sri I.Satyanarayana requesting leave from 26-12-89 to 27-12-89
23. Report of S.M.Sitanagaram in Lr.No.883 dt.28-12-89 addressed to SDI(P) Rajahmundry West.
24. Letter No.C-884, dt.29-12-89 of SPM Sitanagaram addressed to Sri I.Satyanarayana at Raghudevapuram.
25. Explanation dt.30-12-89 of I.Satyanarayana, to SPM Sitanagaram.
26. Report in Lr.No.903, dt.18-1-90 of SPM Sitanagaram addressed to SDI(P) Rajahmundry West.
27. Assumed charge report of Sri N.V.V.Ramana as ED Messenger, Sitanagaram.
28. Leave application dt.17-1-90 of Sri I.Satyanarayana posted at Fort gate(Rmy) received at Sitanagaram on 22-1-90.

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29. Medical Certificate of fitness dt. 24-1-90 given by Dr. S. P. Rangarao of Raghudevapuram to Sri I. Satyanarayana
30. Leave application dt. at Raghudevapuram the 24-1-90 of Sri I. Satyanarayana requesting leave for two days from 24-1-90 to 25-1-90.
31. Report in Lr. No. 911 dt. 22-1-90 of SPM Sitanagaram to SDI (P) Rmy West.
32. Letter No. PF/EDMGR/Sitanagaram dt. 19-1-90 from SDI (P) Rmy West to Sri I. Satyanarayana.
33. Relinquishing charge report of Sri N. V. V. Ramana dt. 27-1-90 afternoon as E. D. Messenger-Sitanagaram.
34. Explanation dt. 27-1-90 of Sri I. Satyanarayana to SDI (P) Rajahmundry west.
35. Explanation dated 1-2-90 of Sri I. Satyanarayana addressed to SDI (P) Rajahmundry West.
36. Leave application dated Raghudevapuram the 9-2-88 of Sri Imandi Satyanarayana.
37. Report in letter No. EDMC dt. 8-3-88 of SPM, Sitanagaram addressed to SDI (P) Rajahmundry West.
38. Letter of warning in No. EDMC/Sitanagaram, dt. 16-3-88 from SDI (P) Rajahmundry West to Sri I. Satyanarayanan.
39. Leave application dt. at Raghudevapuram the 31-8-88 requesting for leave from 31-8-88 to 30-9-88.
40. Report in letter No. EDMC/SNM dt. 31-8-88 by SPM, Sitanagaram to SDI (P) Rajahmundry West.
41. Leave application dt. 15-11-88 of Sri I. Satyanarayana
42. Report of SPM Sitanagaram dt. 27-8-88 to SDI (P) West
43. Report of SPM Sitanagaram dt. 1-9-88 along with acknowledgment signed by Sri I. Satyanarayana on 31-8-88
44. Letter dt. 5-2-90 of Sri I. Satyanarayana to SPM Sitanagaram about his late attendance to office on 5-2-90.
45. Statement dt. 5-5-90 of Sri K. P. Gopalakrishna, SPM, Sitanagaram SO before ASPOs Rmy East.
46. Statement dt. 7-5-90 of M. R. D. Raju, before ASPOs Rmy East.
47. Statement dt. 19-7-90 of Sri N. V. Ramana of Raghudevapuram EBSO.
48. Statement dt. 19-7-90 of Sri S. Mohiddin EDDA of Sitanagaram.
49. Statement dt. 19-7-90 of Sri Syed Dhanshavalli S/o. Sri S. Mohiddin EDDA of Sitanagaram SO.
50. Statement dt. 19-7-90 of Sri M. Jacob ED Packer/MC of Sitanagaram. SO.
51. Registers of Telegrams received for delivery at Sitanagaram SO from 1-8-88 to 5-5-90 (Two)

LIST OF WITNESSES IN SUPPORT OF CHARGES OF IMPUTATIONS OF
MISCONDUCT & MISBEHAVIOUR FRAMED AGAINST IMANDI SATYANARAYANA
ED MESSENGER(PUT OFF) SITANAGARAM S.O.

1. Sri K.V.Prasad, ASPOs Rajahmundry East Sub Division and now working as ASP(HQ) o/o Supdt.of Pos, Kakinda.
2. Sri K.V.V.Satyanarayana, SDI(P) Nidadavole Sub Division Nidadavole.
3. Sri Md.Khader Khan SPM Kapileswarapuram SO
4. Sri KP Gopalakrishna SPM Sitanagaram.
5. Sri M.Jacob EDMC/Packer Sitanagaram SO
6. Sri MRD Raju Ag ED Messenger Sitanagaram SO.
7. Sri S.Mohiddin EDDA Sitanagaram SO.
8. Sri S.Dhanashavalli S/o.Sri S.Mohiddin EDDA Sitanagaram.
9. Sri N.V.Ramana, S/o. Sri Somaraju, Raghudevapuram EDSO.
10. Sri P.Sarveswara Rao Inspector, APSRTC RTC Complex, Rajahmundry.
11. Sri K.V.Rama Rao conductor APSRTC Rajahmundry.

The memo of charges was received by Sri I.Satyaranayana, ED Telegraph Messenger(Put off) Sitanagaram on 12-10-90. He submitted his letter of defence on 23-10-90 denying the charges framed against him. In order to afford reasonable opportunity, to defend his case, an inquiry was ordered by appointing Sri T.V.Rao, ASPOs ~~IAS~~(HQS) o/o Supdt. of POs Rajahmundry an Inquiry officer to inquire into the charges framed against Sri I.Saryanarayana, ED telegraph Messenger (Put off) Sitanagaram, and Sri P.Narasimhamurthy, The then SDI(P) Korukonda and now ASPOs, Jangareddy gudem as Presenting officer to present the case on behalf of the Disciplinary Authority, vide ASP, Rajahmundry Sub-Division memo No.PF/EDMgr/STN dt.25-10-90.

Sri Ronald Ross, SPM Syamalamba temple was permitted as Defence Assistant on the request of the Government Servant.

The case was heard by the Inquiry Officer by holding sittings from 9-11-90 to 12-3-91 and the IO submitted his report on 6-5-92. The Inquiry officer's Report was

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report was forwarded to Sri I.Satyanarayana, ED Telegraph messenger(Put off) Sitanagaram on 7-5-92 informing him that the Disciplinary Authority will take suitable decision after considering the report and that if he wishes to make any representation or submission, he may do so in writing to Disciplinary Authority within 15 days of receipt of the letter. The I.O.'s report was received by him on 11-5-92. But there is no representation from Sri I.Satyanarayana, ED Telegraph Messenger(Put off) Sitanagaram.

I have carefully gone through the depositions of SW-1 to SW-13 and documents EXps. 1 to EXPs 49 & and report of the Inquiry Officer.

In his deposition dt.19-1-91 given before the I.O. Sri K.V.Ramarao(SW.1) deposed that he was on duty in Bus No.AAZ 6842, Purushottapatham -Kakinada on 30-3-90 that postal bag was loaded at Sitanagaram at 1415 Hrs. on 30-3-90 that he identified S-49 which is given by him to ASPOs, Rajahmundry East Sub Dn. on 2-4-90, that he is identifying Sri I.Satyanarayana who is available in inquiry as the person who took the postal bag from him at 3 cinema halls centre that the charged official boarded bus at Gokavaram bus stand and took ticket and that the charged official asked him at 3 cinema hall centre to handover the postal bags on the plea that he is transferred to Rajahmundry and that Rajahmundry HO is nearer to that place.

Sri M.Srinivasa Rao, SW.12 deposed in his deposition dt.19-1-91, before the I.O. that he was identifying the person available in the inquiry (charged official) as the person who asked him to handover the postal bag to the Post Office Official awaiting on the platform that the charged official followed him some distance

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distance and then dis appeared and that he handed over the postal bag to postal official at the platform. He also added that the postal official available on the platform asked him by whom it was given to him for which he replied that a person of Sitanagaram P.O. handed over the bag to him. He also assured the P.O. staff on the platform that he could identify the person who asked him to handover the bag to P.O. staff available on the platform.

Sri P. Sarveswara Rao, SW.10 deposed in his deposition dt. 19-1-91 given before the I.O. that he is ~~xxx~~ working as Supdt. (Traffic) in APSRTC, Rajahmundry and that the postal officials opened the bag in his presence. He further deposed that he signed on the inventory as witness and the contents of inventory are true.

Sri K.V. Prasad S.W.7 deposed in his deposition dt. 13-12-90 given before the IO that Inspector, Sri P. Sarveswara Rao, showed the TB, that on examination of condition of the bag and its seal they suspected something wrong. He also added that they took the bag from Inspector, and prepared inventory in the presence of the Inspector. During cross examination he deposed that the seal of the TB appears to have been removed and reaffixed.

As seen from the depositions of SW.10, SW.11 and SW.12 and other connected EXPs. it is observed that the Sitanagaram TB dt. 30-3-90 was taken away by the charged official at 3 cinema halls centre, that the scavenger APSRTC who took bag from the charged official and handed over to postal official at the platform, identified the charged official as the person who had asked him to handover the Sitanagaram TB to the postal official on the platform.

It is also observed that the seal on the Sitanagaram TB Dt. 30-3-90 was removed and reaffixed and that the inventory was prepared by SW.7 and witnessed by SW.8 and

SW.10.

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As regards to charge-2, it is observed ~~not~~ with reference to depositions of SW.1, SW.2, SW.4, SW.5, SW.8 and SW.9 and connected EXPs. that the charged official absented himself from duty without applying for leave on the occasions mentioned in the charge sheet that he applied leave for his period of absence from duty at a later date and that the substitutes were worked in his place on the occasions mentioned in the charge sheet. Regarding charge.3, the ED Telegraph messenger is expected to reside within the delivery fm jurisdiction of Sitanagaram SO. But the charged official himself admitted in his brief dt.22-5-92 that he is residing at Raghudevapuram which is not the delivery jurisdiction of Sitanagaram SO.

The Inquiry Officer in his report dt.6-5-92 reported that all the 3 charges are proved beyond reasonable doubt. I agree with the findings of the I.O. under the circumstances discussed above. I, Y.S.Narasinga Rao, S.D.I.(P), Rajahmundry West Sub.Dn., Rajahmundry hereby order that Sri I.Satyanarayana, E.D.Telgraph Messenger (Put off) Sitanagaram be dismissed from service with immediate effect as the charges are grave in nature and requires deterrent action and the official does not deserve for further continuance in service.

(Y.S.NARASINGA RAO)
Sub.Divisional Inspector(P)
Rajahmundry West Sub.Dn.
Rajahmundry-533 101

Copy to :-

1. Sri I.Satyanarayana ED Telegraph Messenger(Put off)
Sitanagaram.
2. The Supt.of P.Os., Rajahmundry dn.
3. The Postmaster, Rajahmundry HO.
4. Punishment register
5. Spare.

Sub Divisional Inspector(P)
Rajahmundry West Sub.Dn.
Rajahmundry-533 101

Calende, and Judgement

In the Court of the Judge, A.L.C. magistrate, etc., of which

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water of:

Offence.	:	6-7-1996 ind
Complaint.	:	6-8-1996
Apprehension of accused.	:	16-12-1994
Release on bail.	:	24-6-1994
Commencement of trial.	:	24-6-1994
Close of trial.	:	25-3-1996
Judgement.	:	7-10-1996
	:	9-10-1996

Explanation for the delay: Due to non-production of prosecution witnesses, there is delay in disposal of the case.

Name of the complainant: State - Sub-Inspector of Police, 1st Town Police Station, Kajabimunay (Cr.No.554/91)

Names of the accused: 1. S.V. Venkatarao &/o Verthayya, 46 years, E.D. Head Post Office, Rajahmundry, Jumpetta, Madra State.
 2. Immundi Satyendrayana &/o Apparao, 30 years, Faizali, B.Z.D.O.B., 10th floor, 100 Post Office, Rajahmundry.
 3. Musini Veerababu & Veera Venkata-Satyendrayana, Maxx &/o Lakshmi 25 years, Chodary, Vangalapudi.

... Nos: U/s/s 379, 427, 489, r/w 34 I.P.C. and 120-2 I.P.C.
and U/s § 52 of Indian Post Offices Act.

Finding and sentence. : A.1 to A.3 are found not guilty for the offences U/s 379, 427, 489 r/w s4 I.P.C. and 120-B I.P.C. A.1 and A.3 are found not guilty U/s 52 of Indian Post Offices Act and they are acquitted U/s 248 (1) Cr.P.C.

11. 63. 1. 7. P.C. I infiltrate
Rajahmundry.

Copy submitted to the 1st Adul. District & Sessions Judge,
East Godavari, Rajahmundry.

Copy to the Superintendent of Police, East Moveri, Kakindia.

Digitized by srujanika@gmail.com

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In the Court of the II Moul. J. J.C. Judge at Rajahmundry.

Present:-Kum.R. Ratha Davi B.Sc., B.L.,
II Moul. J.F.C. Judge.

C.C.No.462/1994

Wednesday, the 9th day of October, 1996

Between:

State - Sub-Inspector of Police, I Town
Police Station, Rajahmundry. .. Complainant.

and

1. C.V. Venkatarao 2/o Seshayya, 46 years,
L.D., Head Post Office, Rajahmundry,
Janpetta Pedda Veedhi.
2. Immendi Satyanayana 3/o A. parao, 30 years,
Tadipatri, Ex.B.P.O., Seethanagaram
Post Office, Rajahmundry.
3. Rusini Veerababu & Veera Venkata Satyanayana,
2/o Lakshmi, 25 years, Chowdary, Mangalajipudi. .. Accused.

This case coming on 7-10-1996 for hearing before me in the presence of Sr.Gr. A.P.P. for the complainant and of Sri S.V. Namamona, Kao, Advocate for the accused and the matter having stood over for consideration to this day, the court delivered the following:-

JUDGMENT

The S.I. of Police, I Town Police Station, Rajahmundry filed charge sheet against the accused alleging that A.1 worked as L.D., Head Post Office, Rajahmundry, A.2 worked as L.D.T.O., B.Com. Final year in Seethanagaram Post Office and A.3 is a student/degree College, Seethanagaram who appeared for the examination at the time of offence. It is further alleged that A.W.2, Budithi Martin Luther, is the Principal, Degree College, Seethanagaram bundled and stitched and sealed answer script papers of B.M., B.Com. Degree examinations held on 4-7-1991 and 5-7-1991 and the bundles were addressed to Controller of Examination, Andhra University, Waltair. The above said parcels were booked in Seethanagaram Post office Vide R.P.No.5646 and 5647 to R.M.S., Rajahmundry by L.W.5, Medduri Paon nabham through R.T.C. Bus No. 8780 on 5-7-1991, which was received by L.W.7, Nevisetti Satyanayana, at R.T.C. Complex and was kept as usual in a place. At that time A.1 to A.3

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2. The accused appeared before the court on 19-6-1961 and copies of documents were furnished to them u/s 207 Cr. P.C.

3. The accused were examined U/s 239 Cr.I.C. for the

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offences U/s 379, 427, 489 r/w 34 and 120-B I.C.I.C. and 2.1 and 2.2 are examined for the offence U/s 52 of Indian Post Offices Act. Charges U/s 379, 427, 489 r/w 34 and 120-B I.C.I.C. against 2.1 to 2.3 and Charge U/s 52 of Indian post Offices Act against 2.1 and 2.2 were framed, read over and explained to them in Telugu for which they denied the charges and pleaded not guilty and claimed to be tried.

4. On behalf of the prosecution P.W.s.1 to P.W.11 were examined and Exs.P.1 to P.6 and H.O.s.1 to H.O.9 are marked.

5. After recording the evidence of the prosecution witnesses, the accused were examined U/s 313 Cr.P.C. for which they denied the evidence, pleaded not guilty and gave mixed answers. The accused did not produce either oral or documentary evidence on their behalf.

6. P.W.1 who worked as Asst. Superintendent of Police, Krishnagam during the period from June, 1990 to June, 1992 and who gave Ex.1 about the tampering and the theft of postal bags.

7. P.W.2 is the attender Government Degree College, Krishnagam who is working since 1984 and he is the person who parceled and sealed the examination papers of the college in July, 1991, stitched and affixed the seal of the principal in the presence of the principal.

8. P.W.3 is the Principal, Government Degree College, Krishnagam during the period from July, 1990 to December, 1992 in whose presence P.W.2 and other attender sealed the papers and parceled.

9. P.W.4 is the Mail Packer of Krishnagam Post Office, who is working since 12 years and who handed over the postal bag to P.W.1. Bus Conductor and also obtained acknowledgement from the conductor.

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10. P.W.5 is a Class 1V employee in Postal Department, Head Post Office who used to take packages from Railway Station to K.R.C. Complex and Railway Station to K.R.C. who collected the bags from Seethan Gram bus and kept near the pillar and who went to collect the bag from another bus and after return he found missing one tampered bag. After handing over the other bag he came to the missing spot and found the damaged bag.

11. P.W.6 is the Head Postmaster who worked from January, 1990 to 31-7-1992, and who was informed by one Class IV employee about the missing of one postal bag of Seethan Gram and he advised to inform the same to R.K.D.

12. P.W.7 is the Asst. Superintendent, Head Post Office, who is working since 9-2-1993 and who received the tampered bag in the office on 9-3-1993 and subsequently handed over the same to the police on the instructions of his super ~~xxxxxxxx~~.

13. P.W.8 and P.W.9 are the mediators of Ex.1.5. P.W.10 is the Investigating Officer who received Lx.P.1 and issued Ex.P.6. P.W.11

14. P.W.11 is the S.I. who examined the witnesses, arrested A.2 on 20-8-1992 at 8-00 P.M. near Jampeta Market Centre under the cover of Lx.P.5 in the presence of I.W.8 and I.W.9. He also arrested A.1 at Kambhala Tank.

15. Lx.P.1 is report to the police. Lx.P.2 and 1.3 are portions marked in 161 Cr.P.C. statement of P.W.5. Lx.P.4 is the 161 Cr.P.C. statement of P.W.6. Lx.P.5 is the mediators report. Lx.P.6 is the F.I.R. in Cr. No. 352/1991. N.C.1 is R.P.No.5646. N.C.2 is R.P.No.5697. N.C.3 is R.P.No.5648. N.C.4 is R.P.No.5649. Lx.P.5 is postal bag containing L.C.1. L.C.6 is postal bag containing L.C.2. L.C.7 is postal bag containing N.C.3. L.C.8 is postal bag containing N.C.4. L.C.9 is big bag containing N.C.1 to N.C.8.

16. Heard both sides.

17. The point for consideration is whether the prosecution proved the charges against A.1 to A.3 U/s 375, 427, 489 r/w 34 and 120-B I.P.C and Charge ~~xxx~~ against A.1 and A.2 U/s 52 of Indian Post Offices Act beyond all reasonable doubt or not?

18. Point:- The case of the prosecution in a nut shell is that the examinations for the B.A. and B.Com. students were held in the college of P.O.3 on 4-7-1991 in 1991 in the college of P.O.3 and the examination papers were parcelled, affixed the seals, stitched properly ^{by A.2} and the same were handed over to the Post Office, Deonthanagram. Nos.4 handed over the examination paper parcels N.1, A.2, B.C.3 L.C.4 were placed in mail bags N.Os.5 to N.O.8, handed over the mail bags to R.T.C. Bus conductor. All the N.Os.5 to 8 were kept in N.O.9 handed over to the conductor and obtained the acknowledgement. P.O.5 received the bags and kept the same near pillar in the R.T.C. Complex, which was subsequently found missing. On enquiry and verification N.Os.1 to 9 were found in the R.T.C. Complex in a tampered condition and he informed the same to P.O.6 and then the office of P.O.6 informed it to P.O.1 ~~and~~ who gave A.P.O.1. On the instructions of P.O.1, P.W.7 handed over N.Os.1 to 4 to the police. All the parcels N.Os.1 to 4 were tampered and some of the seals affixed by P.W.3 is not proper. There is removal of original stitchers and new stitchers for N.Os.1 to 4 and all the accused tampered the seals and caused mischief and they are conspiracy having common intention. According to P.W.5 the presence of A.1 to A.3 were there at the time of taking delivery of the parcel by Nos. 5648 and 648 by him at R.T.C. Complex and A.1 who is in postman dress received the bag having parcel Nos. 5648 and 649.

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19. The evidence of P.Ws.1 to 11 categorically establishes that there is tampering of the P.Ws.1 to 4 belongs to A.R.3's college and is established beyond doubt. The evidence of P.Ws.1 to 10 did not disclose or shows the presence of the accused at the R.T.C. Complex or at Cokavaram bus stand and that they received the mail bags from the conductors of the buses and tampered them. According to prosecution the bags were received at R.T.C. Complex by A.W.5 and the presence of the accused is there and both P.W.5 and the accused talked with each other. P.W.5's evidence did not disclose that the bags were removed by the accused. His evidence discloses only to the extent that the bag was removed by unknown person and the master bag was found in the night. P.W.5 also denies the statements Dxs.P.2 and P.3. There is no other evidence apart from A.W.5 to how the offence was committed by the accused with regard to P.Ws.1 and 2.

20. So far as the parcels P.Ws.3 and 4 are concerned the case of the prosecution is that by mistake L.W.13, Venkata Satyanarayana, handed over the bag to A.1 at Cokavaram bus stand and it was not returned by A.1. But the court failed to examine L.W.13 to support the case that the tampering is made by A.1. There is no other evidence on record showing the presence of A.1.

21. It is the case of the prosecution that A.2 was arrested in the presence of P.Ws.8 and 9 by P.W.11 on 28-9-1992 and on the confessional statement of A.2 A.1 and A.2 were held responsible for the theft of P.Ws.1 to 4 and tampering and the ruby causing a mischief. P.Ws.8 and 9 did not support the prosecution case to show the arrest of A.2 under Ex.P.5. The date of offence is on 5-7-1991 and on 6-7-1991. The report Ex.P.1 was submitted by P.W.1 on 22-7-1991. The arrest of A.2 by P.W.11 is on 22-9-1992. So it is suspicious to believe

the ~~defence~~ to the version of P.W.11 that he arrested P.W.2 on 28-9-1992, as P.W.8 and 9 did not support his version.

Prosecution proved the case beyond doubt to the extent of P.W.1 to 4 were tampered but failed to establish that the accused are the persons conspired together, committed theft of the bags, remove the patches to the parcels made by P.W.3, thereby tampered P.W.1 to 4 and caused mischief. There is no evidence connecting the accused with the alleged offence. Thus the prosecution failed to prove the guilt of the accused P.W.1 to 3 for the offences U/s 379, 427, 489 r/w 34 and 120 & 1.1.C and P.W.4 and P.W.5 are found not guilty for the offence U/s 52 of the Indian Post Offices Act and they are acquitted U/s 24 (1) Cr.P.C. The bail bonds of P.W.1 to P.W.3 shall stand cancelled.

22. P.W.1 to 4 shall be returned to the Principal, Government Degree College, Sethanagaram and P.W.5 to 9 shall be returned to P.W.7, Syed Khaleel Shah, Asst. Superintendent, Post Office, Rajahmundry after expiry of appeal time.

Dictated to the shorthand writer, transcribed by him, corrected and pronounced by me in open court this 9th day of October, 1996.

R. Radhak
11.00 A.M. 9/10/96,
Rajahmundry.

Appendix of Evidence

Witnesses Examined for

Prosecution:

Defence:

- P.W.1 -- K.S.R. Kanakaraju.
- P.W.2 -- M. Venkataraju.
- P.W.3 -- S.M. Luther.
- P.W.4 -- H. Jacob.
- P.W.5 -- S. Venkayana.
- P.W.6 -- E. Brahmalingaswamy.
- P.W.7 -- Syed Khaleel Shah.
- P.W.8 -- K. Subrahmanyam.
- P.W.9 -- L. Satyayayana.
- P.W.10 -- K. Colomanraju,
S. of Police.
- P.W.11 -- K. Meerasaheb,
S. of Police.

None.

R. Radhak

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Documents Marked for

Prosecution:

Ex.P.1/22-7-1991 -- Report to police.

Ex.P.2/11-8-1992 -- Partition agreed in 161 Cr.1.C. statement of P.W.6.

Ex.P.3/ Co. -- Partition agreed in 161 Cr.1.C. statement of P.W.6.

Ex.P.4/25-7-1992 -- Partition agreed in 161 Cr.1.C. statement of P.W.6.

Ex.P.5/28-9-1992 -- Collector's report.

Ex.P.6/26-7-1991 -- P.J.R. in Cr.No.352/91.

Defence:

211

Material objects marked

M.O.1 -- R.P.No.5646.
M.O.2 -- R.P.No.5647.
M.O.3 -- R.P.No.5648.
M.O.4 -- R.P.No.5649.
M.O.5 -- Post bag containing M.O.1.
M.O.6 -- Postal bag containing M.O.2.
M.O.7 -- Postal bag containing M.O.3.
M.O.8 -- Postal bag containing M.O.4.
M.O.9 -- Big bag containing M.O.1 to 8.

R Radhakrishnan
T.I.E.S.J.F.C.B. 91096

THE DIRECTOR OF PUBLIC PROSECUTIONS COURT
S. C. S. (1950) 100, 1950-1951

18665756 931616
18665756 931616
18665756 931616
18665756 931616

Extraktivum
Superficiosa.

getting that you have a situation
we will be able to help you. Please
see a medical doctor or apply
for a medical application.

Typhula ciliata
Hypocreales

10. ~~Proposed copy to be sent to the parties concerned~~

11. ~~Replies made by the applicants are to be filed~~

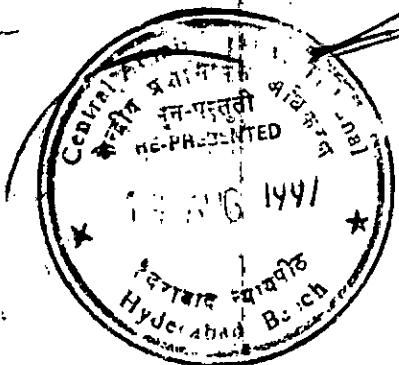
12. ~~Particulars of prayer need revision or deletion~~



Small differences
JUL 11
9/2/97

Returned

1. Condone delay in representations, Pts. to be filed.
2. Rule provisions in P.A. to be considered
3. Pts. ruling needs to revised (para-9)
4. Previous obsns. 3, 4, 5, 6, 7, 8, 9, 10 are to be completed with proper
5. Rule provisions to be noted in para 4&5



17.7.97

Answers all will be considered
V. K. K.
19/2/97

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CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

O.A. REGD. NO.

1763/87

Date:

19.6.97

To V. Rayagopal Reddy, Ad.

Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5 (4) will follow.

1. O/A. Appn. for condoning delay
is to be filed as ~~an~~ ^{an} amendment
in Para ①

2. Blanks in Para ① + ② to be filled

3. Para no. are to be corrected

4. O/A. no. to be given to
stamped papers

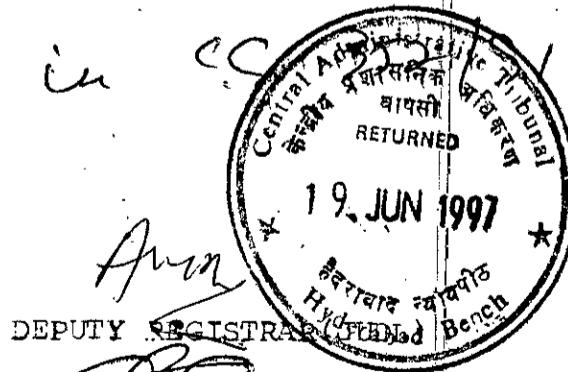
5. Stamped papers to be attached

6. Copies & order in CC
to be filed.

7. Side heading to
Para ① to be noted.

Para reg. "alternate new lines
separated" is to be 87 cm.

8. O.A. is to be filed in a book to
(P.G. 3)



(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 1271 /97

O.A.S.R.No.1769/97.

Date of decision: September 22, 1997.

Between:

Imandi Satyanarayana .. Applicant.

And

Sub Divisional Inspector (Postal)
Rajahmundry, West Sub-Division,
Rajahmundry - 533 101,
East Godavari District. .. Respondent.

Counsel for the applicant: Sri V.Rajagopal Reddy.

Counsel for the respondent: Sri K.Bhaskar Rao.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri R. Rangarajan, Member (A)).

..

Heard Sri K.Someswara Kumar for Sri V.Rajgopal Reddy

and Sri K. Bhaskar Rao for respondent.

The applicant in this O.A., is an ED Telegraph
Messenger at Seethanagaram, East Godavari District.

A Departmental Enquiry was initiated against him
by the Appointing Authority by Memo dated 28-9-1990. The
Charges at page 2 of the O.A., are as under:

Ja

D

: 2 :

(a) The applicant while working as ED Messenger at Seethanagaram used his official influence on 30-3-1990 and took away the tappal bag of Seethanagaram destined to Rajahmundry HO from the conductor of RTC Bus at a point not authorised to handover the Tappal Bag by the conductor and transferred the Tappal Bag through an ~~an~~ unauthorised person to the Departmental official in RTC complex at Rajahmundry on 30-3-1990.

(b) The applicant while working as EDMC upto 29-6-1989 at Seethanagaram and as ED Messenger at Seethanagaram from 30-6-1989 absented himself to duty without applying for leave on certain dates and applied for leave for the period of absence from duty at later dates in contravention of ED Agents (Conduct and Service)Rules, 1964.

(c) The applicant while working as EDMC upto 29.6.1989, at Seethanagaram and as ED Messenger at Seethanagaram from 30-6-1989 did not reside at the place of his duty at Seethanagaram, but resided at Raghudevapuram not in the delivery jurisdiction of Seethanagaram Sub Office and violated the principal condition regarding his residence at the place of his duty i.e., Seethanagaram.

Sri A.V.Rao, ~~Asst.~~ Asst. Superintendent of Post Offices,

Rajahmundry Division, was appointed as Enquiry Officer on 25.10.1990.

The applicant was ~~placed~~ kept under put off duty. The

Enquiry Report under Rule 8 of the P & T EDAS (Conduct and

Service)Rules, 1964 was submitted by the Enquiry Officer

which is at pages 10 to 34 of the O.A.- Annexure II). The

Enquiry Officer held that the charges are proved. The

Appointing Authority, the Sub Divisional Inspector (Postal)



Rajahmundry, the sole respondent has passed the impugned Order dismissing the applicant from service with immediate effect as the charges ~~are~~ ^{were} grave in nature and required deterrent action and the official ~~does~~ ^{did} not deserve for further continuance in service. (Pages 35 to 47 to the O.A.)

This O.A., is filed for setting aside the impugned Memo No.BF/ED Mgr/Stn dated at Rajahmundry 29-6-1992 (Annexure III - pages 35 to 47 to the O.A.) as violative of Rule 8 of the P&T EDAS (Conduct and Service)Rules,1964 read with Rule 12-C(c) of Disciplinary Rules framed in Posts & Telegraphs Manual Part-II and for a consequential direction to the respondents to reinstate the applicant back into service with full back wages.

from *Respondent*
We enquired *the learned counsel for the applicant* whether this Order is an appealable order. He stated that it ~~is~~ ^{is} an appealable order, ~~and~~ ^{but} that the applicant has not submitted his appeal as yet, and that even now if the applicant files his appeal, the same will ~~be~~ ^{not} rejected on the ground of limitation.

We further enquired the learned counsel if the applicant had any objection for the applicant/~~that~~ if we give a direction to the concerned respondent to consider the appeal if the applicant now submits without going into the question of limitation, *the learned counsel for the applicant submitted* that he will be happy to receive that direction

: 4 :

he
and that has no objection for the same.

In view of the above, ~~if~~ the applicant ~~if~~ so advised, *may* submit *his* detailed representation/appeal against the impugned order dated 29-6-1992 to the competent authority within a period of 30 days from the date of receipt of ~~the~~ *such* copy of this Order. On ~~such~~ receipt of *an appeal/representation* *Appellate* submitted by the applicant to the Competent Authority, the Competent Authority ~~may~~ *should* dispose of the same within two months from the date of receipt of such appeal/representation without going into the question of *period of limitation.*

With the above direction, the O.A., is disposed of at the admission stage itself. No costs.

B.S.JAI PARAMESHWAR,

MEMBER (J)

22.9.97

R.RANGARAJAN,

MEMBER (A)

Date: 22-9-1997.

Dictated in open Court.

*DR. M
D-R(G)*

sss.

- 5 -

Copy to :-

1. The Sub Divisional Inspector (Postal) Rajahmundry, West Sub-Division, Rajahmundry-1. E.G.Dist.
2. One Copy to Mr. V. Rajagopal Reddy. Advocate CAT, Hyd.
3. One Copy to Mr. K. Bhaskar R.O Addl CESC CAT. Hyd.
4. One Copy to The D.R(A).
5. One Duplicate Copy.

upr.

14/10/89

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.DAI PARAMESHWAR :
M (J)

Dated: 22.9.97

~~ORDER~~ / JUDGMENT

M.A/R.A/C.A.N.D

in

O.A. NO.

1271197

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

~~Ordered/Rejected~~

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH
- 6 OCT 1997
हैदराबाद न्यायालय
HYDERABAD BENCH