

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No. 2.9.1/2000

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SECTION OFFICER (Judl.)

Gahita
20.12.07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH: GUWAHATI, 5 (FORM NO. 4)
 ORDER SHEET. (See Rule-42)

APPLICATION NO. 284/2000

Applicant(s) Md. Mahmood Alam

Respondents(s) Union of India and others

Advocate for Applicant(s) Ab. A. Ahmed

Advocate for Respondent(s) C.G.S.C.

Notes of the Registry

DATE

ORDER OF THE TRIBUNAL

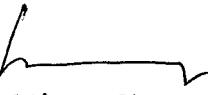
25.9.00

Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.

Heard Mr A. Ahmed, learned counsel for the applicant and Mr B.S. Basumatary, learned Addl.C.G.S.C for the respondents.

Application is admitted. Issue usual notice.

List on 9.11.2000 for written statement and further orders.


Vice-Chairman

3/10/00 Notice prepared and sent to D/s for issuing the summons. No. 1 to 4
 vide D.N. No. 2167 to 2170 and
 10/10/2000

pg

9.11.00

Four weeks time is granted to the respondents to file written statement on the prayer of Mr B.S. Basumatary, learned Addl.C.G.S.C.

List on 7.12.2000 for order.

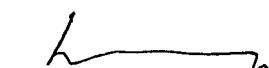

Vice-Chairman

pg

7.12.00

Four weeks time is granted to the respondents to file written statement on the prayer of Mr. A. Deb Roy made on behalf of Mr. B.S. Basumatary, Addl. C.G.S.C.

List on 8.1.2001 for written statement and further orders.


Vice-Chairman

No. 1 to 8 has been
 filed.

mk

24
8.11.2000

① Service report are still
A/c H.C.

8.1.01

On the prayer of Mr. B. S. Bisumary
learned Addl. C.G.S.C. 3 weeks time is
allowed for filing of written statement.
List on 30.3.01. for orders.

By
6/12/2000

I.C.U. Shams
Member

Vice-Chairman

Notice of Service
Respondent No. 284.
1,3 are advised.

1m

30.1.01

List on 23.2.01 to enable the
respondents to file written statement.

b2
8/12/00

I.C.U. Shams
Member

Vice-Chairman

5-1-2000

No. Written Statement
has been filed by the
respondents.

23.2.01

Written statement has not been filed
List on 23.3.01 for filing of written
statement as a last chance.

b2

No. Written statement
has been filed.

1m

23.3.01

Written statement has been filed.
The applicant may file rejoinder, if any,
within 3 weeks from today.

List on 24.4.01 for order.

By
29.12.00

I.C.U. Shams
Member

Vice-Chairman

No. Written statement
has been filed.

By
22.2.01

pg

Written statement has been filed.
The applicant may file rejoinder if any,
within two weeks. List on 11.5.01 for
hearing.

I.C.U. Shams
Member

Vice-Chairman

12.3.2001 24.4.01

W/S has been filed
on behalf of Respondent
Nos. 1, 2, 3 and 4.

1m

No. Rejoinder has been
filed.

11.5.01

Written statement has been
filed. The applicant may file
rejoinder. List on 25.5.01 for hearing.

By
23.4.01

1m

I.C.U. Shams
Member

Vice-Chairman

OA 284/2001

Notes of the Registry	Date	Order of the Tribunal
	19.11.2001	<p>Heard Mr A Ahmed, learned Counsel for the applicant Mr A Debroy, Sr. C.G.C. for the respondent.</p> <p>Hearing Concluded.</p> <p>Judgment reserved.</p> <p>19/11/01 A.K.Tay</p>
29.11.2001 <i>copy of the judgment has been sent to the Office for issuing the same to the do the applicant as well as to the C.G.C. for the respondent.</i>	21.11.01 <i>mb</i>	<p>Judgment delivered in open court, kept in separate sheets. The application is dismissed in terms of the order. No order as to costs.</p> <p>I.C.Usha Member</p> <p>Vice-Chairman</p>

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Notes of the Registry | Date | Order of the Tribunal

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 284 of 2000.

Date of Decision..... 21-11-2001.

Md. Mahmood Alam

Petitioner(s)

Sri A. Ahmed.

Advocate for the
Petitioner(s)
Versus-

Union of India & Ors.

Respondent(s)

Sri A. Deb Roy, Sr.C.G.S.C.

Advocate for the
Respondent(s)

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.
THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble : Administrative Member.

lc Usman

8

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 284 of 2000.

Date of Order : This the 21st Day of November, 2001.

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

The Hon'ble Mr K.K.Sharma, Administrative Member.

Md. Mahmood Alam,
Village - Soripatty,
P.S. Sakri,
Branch P.O. Narpati Nagar,
Via-Sakri, Dist. Madhubari, Bihar. . . . Applicant
Pin-847239.

By Advocate Sri A.Ahmed.

- Versus -

1. Union of India,
represented by the Secretary
to the Government of India,
Ministry of Communication,
Dak Bhawan,
Sansad Marg, New Delhi.
2. The Chief Post Master General,
N.E.Circle, Shillong-1.
3. The Director of Postal Service (HQ),
N.E.Circle,
Shillong-1.
4. The Senior Superintendent of Post Offices,
Meghalaya Division,
Shillong-1. . . . Respondents.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R

K.K.SHARMA, ADMN. MEMBER,

The main issues raised in this O.A. relate to the
penalty of removal awarded by Office Memorandum No. B2-29
dated 5.5.1999 and the rejection of appeal vide Memo No.
Staff/109-Misc/7/99 dated 31.1.2000 (Annexure-U).

2. The applicant was appointed as Postal Assistant on
being sponsored by Tura Employment Exchange by letter dated
27.11.96. On completion of training the applicant was
appointed on 27.1.97. The applicant's service/first terminated

K.K.Sharma

contd..2

vide Memo No. B2 - 29 dated 19.5.97 (Annexure-F to the O.A). The said termination order was kept in abeyance vide order dated 23.6.97. The applicant's appeal against termination order dated 6.6.97 was disposed of vide order dated 19.5.97 (Annexure-I) and he was reinstated. A fresh disciplinary proceeding was initiated against the applicant vide Memo dated 16.10.97 (Annexure-J). An enquiry was ordered against the applicant. In the enquiry ordered against the applicant the main charge was for giving the false/^{Employment Exchange} registration number. It is the applicant's case that the applicant's name was sponsored by Tura Employment Exchange for appointment to the post of Postal Assistant. The applicant denied the charges. The applicant filed appeal against the charges framed against him. The appeal was rejected by order dated 31.1.2000 (Annexure-U). On the basis of the enquiry report the disciplinary authority awarded the penalty of removal from service, which is the subject matter of this application.

3. Mr A.Ahmed, learned counsel appearing on behalf of the applicant submitted that the enquiry against the applicant was prejudiced as the disciplinary authority rejected the applicant's demand for production of XYZ register and in the absence of production of XYZ register the applicant did not get a fair chance to defend himself. The order awarding penalty has been passed without application of mind. The applicant cannot be held responsible if the Employment Exchange committed a mistake in sponsoring the applicant's name. It is alleged that the dismissal order suffers from bias and there has been miscarriage of justice.

4. The respondents have filed written statement. Sri A.Deb Roy, learned Sr.C.G.S.C appeared for the respondents. It was submitted that ^a following/mandatory practice of Tura Employment Exchange that Registration Card No. 270/98 of the applicant was sent to the Employment Exchange with the information that the applicant had been employed with the department. In reply the Employment Officer reported to the

U.Wha

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respondents that Card No. 270/88 was not issued to the applicant by the Employment Exchange Tura. The said card had been allotted to one Sri Govinda Ch. Kundu of Fulbari and the same stood cancelled on 4.8.91. It was also informed by Employment Exchange that there was no registration in the name of the applicant. Consequently the service of the applicant was terminated on 19.5.97. However, the said termination order was kept in abeyance by order dated 23.8.97 by the Chief Post Master General and the applicant was ordered to join as P.A. Jowai. Subsequently the applicant was transferred to Nongpoh on 5.8.97. The period from 19.5.97 was treated as duty. On 15.5.98 the applicant was transferred as P.A. Shillong and he joined there on 14.9.98. Thereafter he was unauthorisedly absent from duty. The case for disciplinary proceeding was remitted for de novo enquiry by the Chief Postmaster General vide his order dated 16.10.97 and consequently on completion of departmental enquiry the applicant was awarded punishment of removal from service. The order of punishment was confirmed by the appellate authority. It is the respondent's case that the applicant was selected on the basis of a false registration card of Employment Exchange, Tura. As per Recruitment Rules for Postal Assistant which were amended vide D.G.(Posts) letter No.60-36/93-SPB-1 dated 28.2.95 it was intimated that applications will be called from the Employment Exchange to the extent of 5 times of the vacancies. As per the procedure the names were called from the Employment Exchange. In the enquiry proceeding the Assistant Employment Officer in deposition stated that the applicant was never registered with the Employment Exchange. The registration Card No.270/88 was never issued to the applicant but was issued to one Sri Govinda Ch. Kundu in the unskilled group for Under Matric Qualification and the same remained cancelled on account of non renewal after 4.8.91. In the card issued

1c 11/1/98

to Govinda Ch. Kundu during 1988 there was no system of affixing photograph on the registration card. In the registration card produced by the applicant the photograph of the applicant had been affixed and the original name of Govinda Ch. Kundu was erased and the name of the applicant was inserted. The card in question was not genuine and the name of the applicant was not sponsored by the Employment Exchange. Mr A.Deb Roy, learned Sr.C.G.S.C argued that the applicant had obtained the appointment on false representation and under the circumstances the punishment awarded was not excessive.

5. We have perused the record and have heard the counsels at length. The applicant has been removed from service on account of obtaining appointment on the basis of producing false Employment Exchange registration card. We have gone through the records of enquiry. Mr A.Ahmed, learned counsel for the applicant argued that non production of XYZ Register has prejudiced the enquiry. We have gone through the reasons of the Enquiry Officer for not calling the XYZ Register. The reasons given by the Enquiry Officer are re-produced as under :

"The C.O., moved an application for the supply of copy of (1) X, Y, Z register and (2) copy of list of candidates sponsored by the Employment Exchange, Tura and intimated that if copies of these documents are not given he will not appear in the hearing due to biasness of the I.O., on 3.8.98 the request for production of above documents was rejected by me on the ground that the C.O., failed to submit requisition within the period agreed by him on 24.6.98 and no justified reason could be shown. Since the charges against the C.O., is alleging submission of Tura Employment Exchange Card No.270/88 which was not actually issued to the C.O., by the Employment Exchange, Tura, the documents sought at item (1) was found not relevant to this case and to his defence angle."

(C.L.U.Shah)

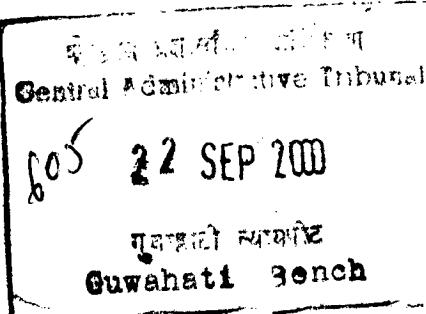
6. Mr A.Ahmed, learned counsel for the applicant has not pointed out any irregularity/illegality in the conduct of the enquiry. No case has been made that the enquiry Officer was vitiated in any manner. The applicant had been given adequate opportunities to represent his case. Similarly no bias on the part of the appellate authority has been alleged. The appellate authority had also passed a reasoned order. Mr Ahmed, learned counsel for the applicant referred to the Memo No.60-31/97-SPB-1 dated 31.1.2001 of the Ministry of Communications, Department of Posts under which it was intimated that for recruitment to the cadre of Postal Assistant registration with Employment Exchange is not essential. Mr Ahmed argued that on the basis of this circular the appointment of the applicant was not irregular. The communication shown by Mr Ahmed is dated 31.1.2001 which will not be applicable in the present case. The Employment Exchange registration card was used by the applicant for getting employment as P.A. The evidence available with the respondents shows that the same card was false.

7. Considering the overall position we do not find a case to interfere with the impugned orders dated 5.5.99 and 31.1.2000. Accordingly the application is dismissed.

There shall, however, be no order as to costs.

1C-1C Sharma
(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 284 OF 2000.

Md. Mahmood Alam

Applicant.

-Versus-

Union of India & Others

Respondents.

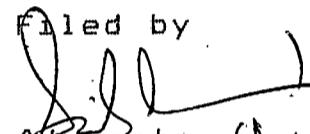
I N D E X

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Md. Mahmood Alam

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Filed by

Advocate. (ADIL AHMED)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. OF 2000.

B E T W E E N

Md. Mahmood Alam,
Son of Md Matiur Rahman Alam,
Ex-Postal Assistant,
Shillong, S.P.O.,
Permanent Resident of
Village- Soripatty,
P.S.- Sakri,
Branch P.O.- Narpati Nagar,
Via-Sakri,
Dist- Madhubani, Bihar,
PIN-847239.

Applicant.

-AND-

1) The Union Of India,
represented by the Secretary
to the Government of India,
Ministry of Communication,
Dak Bhavan,
Sansad Marg,
New Delhi.

2) The Chief Post Master General
N.E. Circle, Shillong-1.

24 SEP 2000
Guwahati Bench

Md. Mahmood Alam

Filed by
Md. Mahmood Alam
through
Advocate
(Adv. Ahmed)

3] The Director of Postal Service (HQ), N.E. Circle, Shillong-1.

4] The Senior Superintendent of Post Offices, Meghalaya Division, Shillong-1.
. . . Respondents.

DETAILS OF THE APPLICATION:

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is made for setting aside and quashing the impugned Office Memorandum No. B2-29 dated Shillong 05-05-1999 and also impugned Order of rejection of appeal vide Memo. No. Staff/109-Misc./7/99 dated Shillong, 31-01-2000 filed by the applicant against dismissal/removal from service.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION

The applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, dated 1985.

24 SEP 2000

Guwahati Bench

Md. Nafisuddin Ali

4. FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1 That your humble applicant is a citizen of India and as such, he is entitled to all the rights and privileges and protections guaranteed by the Constitution of India.

4.2. That your humble applicant begs to state that he was sponsored by the Tura Employment Exchange for recruitment to the Cadre of Postal Assistant under Meghalaya Division. Accordingly, he was directed to appear before the Superintendent of Post Offices, Meghalaya Division, Shillong vide letter No. B2/RECTT/ 96 dated Shillong 18-11-96 on or before 30-11-96. The applicant was provisionally selected for the post of Postal Assistant, Meghalaya Division vide letter No. B2/RECTT/95-96 dated 27-11-96 issued by the Superintendent of Post Offices, Meghalaya Division, Shillong. After that he was directed to undergo 75(seventy-five) days theoretical Postal Assistant Training at PTC Darbhanga. On successful completion of prescribed course of training your applicant was appointed as Postal Assistant at William Nagar Post Office, Meghalaya vide Order No. B2-induction training dated Shillong 27-01-97 issued by the Senior Superintendent of Post Offices, Meghalaya Division, Shillong in the pay scale of Rs. 975-25-1150-EB-30-1660/- plus other allowances

Division, Shillong in the pay scale of Rs. 975-25-1150-EB-30-1660/- plus other allowances

24 SEP 1988

Mr. Mahmood Ali

as admissible from time to time with effect from actual date of joining. Accordingly the applicant joined at William Nagar.

Annexure-A is the Photo copy of letter dated 18-11-96.

Annexure-B is the photocopy of letter dated 27-11-96.

Annexure-C is the photocopy of order dated 04-12-96.

Annexure-D is the photocopy of order dated 27-01-97.

4.3 That your applicant begs to state that he was deputed to act as S.P.M. Nangwal-bibra Post Office against a leave vacancy vide order No. B2-396 dated 26-04-97 issued by the Senior Superintendent of Post Offices, Meghalaya Division, Shillong.

Annexure-E is the photocopy of such order dated 26-04-97.

4.4 That your applicant begs to state that his service was terminated as postal Assistant vide Memo No. B2-29 dated Shillong 19-05-1997 by the Respondent No. 4. The extract of the termination letter is given below:

* It has been observed that there were some irregularities in selection of Md. Mahmood Alam, Son of Md. Matiur Rahman Alam

Compt. No. 111

24 SEP '97

Exhibit No. 1

Md. Mahmood Alam

and his appointment as Postal Assistant Meghalaya Division during the year 1996 which rendered him unsuitable for such appointment.*

Annexure-F is the photocopy of Memo No. B2-29 dated 19-05-97.

4.5 That your applicant begs to state that his termination from the post Postal Assistant has been kept in abeyance vide Circle Office Order No. Vig.-1/6/97-98 dated 23-06-97. Accordingly, your applicant again joined as Postal Assistant at Jowai S.O. against the Vacant Post vide Order No. B2-23 dated Shillong 26-06-97 issued by the Respondent No.4.

Annexure-G is the photocopy of Order No. B2-23 dated 26-06-97.

4.6 That your applicant begs to state that he was transferred from Jowai to Nongpoo S.O. vide Order No. B1-Rule-38/TFR/III dated Shillong 05-08-1997 issued by the Respondent No. 4.

Annexure-H is the photocopy of Order No. B1-Rule-38/TFR/III dated Shillong 05-08-1997.

4.7 That your applicant begs to state that the Respondent No.3 disposed of appeal Central Admin. dated 06-06-97 of the applicant regarding his termination order issued by the Respondent

24 SEP 2000

Guwahati Bench

Md. Mahoot Ali

No.4 vide order No. B2-29 dated 19-5-97. In the office Memo No. Vig. 1/6/97-98 dated 06-08-1997 your applicant was reinstated by the Respondent No. 3.

Annexure-I is the photocopy of Memo No. Vig. 1/6/97-98 dated 06-08-1997.

4.8 That the applicant begs to state that the Respondent No.2 vide his Memo No. Vig-1/9/97-98 dated 16-10-97 reviewed the earlier order dated 06-08-1997 passed by the Respondent No. 3 and he gave his opinion that fresh disciplinary proceeding may be initiated against the applicant. As such, he remitted the case to the disciplinary authority, i.e., Respondent No.4.

Annexure-J is the photocopy of Memo No. Vig-1/9/97-98 dated 16-10-97.

4.9 That your applicant begs to state that he was transferred from Nongpoo S.O. to Shillong G. P. O. vide order No. B2-29 dated 15-05-98.
20

Annexure-K is the photocopy of order No. B2-29 dated 15-05-98.
20

4.10 That your applicant begs to state that the Respondent No.4 issued an order No. B2-29 dated Shillong 21-05-98 for enquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules

24 SEP 2000

High Court
Guwahati Bench

Md. Md. Ahsan Ali

1965 against your applicant and one Sri S. Chakraborty was appointed as Presenting Officer.

Annexure-L is the photocopy of order No. B2-29 dated Shillong 21-05-98.

4.11 That your applicant begs to state that there are Six hearing of the proceedings were held on various dates, i.e., 3-8-98, 4-8-98, 25-8-98, 9-9-98, 22-9-98, 09-10-98. Your applicant move an application before the authority for supply of X Y Z Registers and Defence Assistance Sri B. L. Yadav also moved an application for supply of X Y Z Registers. But Inquiry Officer rejected the prayer on the ground that his documents were not relevant to the case. The Article of Charges were framed against your applicant vide No. B2-29 Shillong 05-05-99 by the Respondent No. 4 and your applicant was removed from service by the Respondent No.4. In the Article of Charges the applicant was charged for giving false Employment Exchange, Tura Card No. 270 of 1988 for recruitment to the post of Postal Assistant at Meghalaya Division which is not valid employment Exchange Card. In this connection it may be stated that the Tura Employment Exchange itself sponsored the name of the applicant before the Respondents for recruitment of Postal Assistant and he was duly selected after completion of necessary Departmental Training.

Annexures-M, N, O, P, Q and R are the photocopy of proceedings of regular hearing dated 3-8-98, 4-8-98, 25-8-98, 9-9-98 22-9-98 and 9-10-98 respectively.

Annexure-S is the photocopy of Article of Charges vide B2- 29 dated 05-05-99 issued by the Respondent No. 4.

4.12 That your applicant begs to state that he filed an appeal before the Respondent No. 3 against the charges framed by the Respondent No. 4. The appeal was filed through proper channel on 14-10-99. In the said appeal he totally denied the charges brought against him.

Annexure-T is the photocopy of appeal dated 14-10-99.

4.13 That your applicant begs to state that his appeal was rejected by the Respondents on 31-01-2000 and as such finding no other alternative the petitioner compelled to approach this Hon'ble Tribunal for seeking justice.

Annexure-U is the photocopy of rejection letter dated 31-01-2000.

4.14 That your applicant submits that the Central Admin. did not provide full opportunity and documents which are essential

24 SEP 2000
Guwahati Bench

Md. Mahmod Alam

for defending his case. The disciplinary authority rejected the repeated demand of both applicant as well as Defence Assistant for production of X Y Z register, which are essential for fair trial of the instant case. The Disciplinary Authority in the proceeding passed ex-parte order, which biased entire proceedings of the case.

4.15 That your applicant submits that the procedure adopted by the Disciplinary Authority in conducting the Enquiry of the applicant is improper, illegal and mala fide. As such, the impugned order of dismissal is liable to be set aside and quashed.

4.16 That your applicant submits that the Impugned order has been passed without application of mind and as such, the Impugned Order is liable to be set aside and quashed.

4.17 That your applicant submits that the Impugned Order has been passed in gross violation of Articles 14 & 15 of the Constitution of India. As such, the same is liable to be set aside and quashed.

4.18 That your applicant submits that the charges brought against the applicant have not been proved at all and the applicant can not be held responsible if the Employment Exchange, Tura commits mistakes in sponsoring your applicant for the post Postal Assistant

24 SEP 2000

High Court
Guwahati Bench

Md. Nahoor Haq

in Meghalaya Division. As such, the Impugned order of dismissal is arbitrary and is liable to be set aside and quashed.

4.19 That your applicant submits that the Respondents have deliberately done serious injustice. The applicant and his family members have suffered great mental and financial trouble and hardships due to his removal from his service.

4.20 That your applicant submits that there is deep conspiracy against the applicant for accommodating interested person in his place by the Respondents.

4.21 That this application is filed bona fide and for the interest of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, the action/inaction on the part of the Respondents are illegal arbitrary and violative of the principle of natural justice.

5.2 For that, the impugned order of dismissal is illegal, arbitrary and violative of the principle of natural justice and as such it is liable to be set aside and quashed.

5.3 For that the Respondents have not provided the essential document like X Y Z register to the applicant for conducting fair enquiry and as such the impugned dismissal order is liable to be set aside and quashed.

5.4 For that, the Respondents have not applied their mind properly in issuing the dismissal order and it appears to be bias and as such, in issuing the dismissal order there has been serious miscarriage of justice and hence the same is liable set aside and quashed.

5.4 For that the Respondents have completely misconceived the facts and consequently come to an erroneous decision. As such, the Impugned Dismissal Order is liable to be set aside and quashed.

5.5 For that the applicant is victim of hostile discrimination and thereby the Respondents violated Articles 14 & 16 of the Constitution of India.

5.6 For that, the Respondents have not properly scrutinized the records, documents and also main witnesses which are very essential for conducting a fair trial. As such, the impugned Dismissal Order is liable to be set aside and quashed.

Central Administrative Tribunal
Guwahati 30-7-2000

26 SEP 2000
Guwahati 30-7-2000

Mr. Mahesh Alvi

5.7 For that the Impugned Dismissal Order is prima facie illegal, unreasonable, arbitrary, without jurisdiction and as such the same is liable to be set aside and quashed.

5.8 For the, in any view of the matter the action/ inaction of the respondents is not sustainable in law.

The applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicant except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject

Central Admin. of Assam matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

86 SEP 2000

Guwahati 39

8. RELIEF SOUGHT FOR:

Under the facts and circumstances of the case applicant most respectfully prays that your Lordship may be pleased to admit this petition, Records may be called for and notices may be issued to the Respondents to show cause as to why the relief sought for in this application should not be granted and on perusal of the records and after hearing the parties or the cause or causes that may be shown the following reliefs to be granted:

8.1 To direct the Respondents to set aside and quash the impugned Dismissal Order of the applicant vide Office Memorandum No. B2-29 dated Shillong 05-05-1999 and also set aside the impugned Order of rejection of appeal vide Memo. No. Staff/109-Misc./7/99 dated Shillong 31-01-2000 filed by the applicant against dismissal/removal from service.

8.2 To direct the Respondents to give order of reinstatement of the applicant in his post of Postal Assistant with retrospective effect from the date of dismissal from his service with full service and monetary benefits.

Central Admin. Bldg. 1, 4th Flr.

24 SEP 2000

Guwahati Bench

Md. Hafizul Islam

8.3 cost of the application.

8.5 to pass any other relief or reliefs to which the applicant may be entitled and as may be deemed fit and proper by this Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

The applicant most respectfully prays for interim order from this Hon'ble Tribunal directing the Respondents to reinstate the applicant in his earlier post of Postal Assistant till the disposal of the instant case.

10. Application Is Filed Through Advocate.

11. Particulars of I.P.O.:

I.P.O. NO. 24 502886

Date Of Issue 22.7.2000

Issued from

Payable at G.P.O. Gaudali;

LIST OF ENCLOSURES:

As stated above.

.. Verification.

Contd. on reverse side
12.

25 SEP 2000

गुवाहाटी बैच
Guwahati Bench

M. Mahomed Ali

VERIFICATION

I, Md. Mahmood Alam, Son of Md. Matiur Rahman Alam, Ex-Postal Assistant, Shillong, G.P.O., Permanent Resident of Village-Soripatty, P.S.- Sakri, Branch P.O.- Narpati Nagar, Via-Sakri, District - Madhubani, Bihar, PIN-847239 do hereby solemnly verify that the statements made in paragraphs 1 to 4.1, —

— are true to my knowledge those made in paragraphs 4.2, 4.3

to 4.13 are being matters of records are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification today on this the 22nd day of September 2000 at Guwahati.

मेरा क्रमांक कानूनी दस्तावेज़	22 SEP 2000
गुवाहाटी न्यायालय Guwahati Bench	

Md. Mahmood Alam

Declarant.

ANNEXURE-A

DEPARTMENT OF POST OFFICES : MEGHALAYA DIVISION
1/10, THE ROAD, OFFICE OF POST OFFICES, MEGHALAYA DIVISION
SHILLONG - 793001.

18.11.96

No. B2/Recrt/96.

Dtd at Shillong-1, the 13th Nov 96

To,

Shri/Smti. Mel - Hickamwood Dlam
to Kathai Ram
FPO/TO/Area Shillong

Sub:- Recruitment to the cadre of Postal Assistant,
Meghalaya Dn.

You are hereby directed to appear before the
undersigned along with below noted original documents on
or before

30-11-96

1. Age proof certificate:-
2. Educational qualification certificates:-
3. Valid Employment Exchange card :-
4. Certificate of Type, if any :-
5. Certificate of computer, if any :-
6. Any other related document :-

In case of your failure in appearing before the
undersigned within the stipulated date, your case will
not be entertained.

Place: - Shillong-1, the 13th Nov 96

Attest
J.S.
Admire

Supdt. of Post Offices
Meghalaya Division
Shillong - 793001.

D/P/O
D/O THE SUPER. OF POST OFFICES: MEGHALAYA DIVISION
SHILLONG - 793001.

R2/Rec't/95-96.

Dtd Shillong, the

27-11-96. 30

Shri/Smti. Mr. Mofamed Alain
FPO 101 Area

Sub:- Recruitment to the cadre of Postal Assistant in Meghalaya Division.

You are provisionally selected for the post of Postal Assistant, Meghalaya Division.

Please fill up the following documents and submit the undersigned.

- (1) 2 Character Certificates duly signed by 2 Gazetted Officers with their designation seal.
- (2) Health Certificate from the proper authority (Civil surgeon)
- (3) Oath of Allegiance duly filled in and signed by the candidate in front of the undersigned.
- (4) 2 copies of attestation form duly filled in and signed by the candidate with the sign of one Gazetted Officer.

In case of your failure in appearing before the undersigned, your name will be removed from the approved list.

You will be directed to undergo Theoretical training at the Postal Training Centre, Darthanga for 75 days and for 15 days local practical training.

You are hereby given an understanding that during the service you may be posted and transferred at any place with the jurisdiction of Meghalaya Division in the interest of service.


(Sri J.M. Dutta)
Supdt. of Post Offi
Meghalaya Divisi
Shillong-793001.

M/C/S/
181196.

Attested
J.S.
Advocate

DEPARTMENT OF POST
O/O THE SR. SUPDT. OF POST OFFICES : MEGHALAYA DIVISION
SHILLONG - 793001.

No. B2-Induction Training.

Dtd at Shillong-1, The 4th Dec'96.

In pursuance of the Chief Postmaster General N.E. Circle, Shillong letter No. Staff/146/6/92/Pt-III dt 29-11-96 the following officials are hereby directed to undergo 75 days theoretical-PA training at PTC Darbhanga commencing from 23-12-96. The officials are directed to report at PTC Darbhanga one day before the commencement of training.

1. Shri. Binode Kumar.
2. Shri. Ramdhyani Yadav.
3. Shri. Md. Mohammad Alam, *at Willinganagar*.
4. Shri. Nilanjan Dutta Choudhury.
5. Shri. Elvin Roy Myrthong.
6. Shri. Chanchal Kumar Das.
7. Shri. Subhajit Choudhury.
8. Shri. Banraplang Sumer.
9. Shri. Gilbert L. Shanpru.

No representation will be entertained by this office regarding failure to attend the course in the above session.

Instructions in details is furnished over leaf in Annexure-I.

[Signature]
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong-793001.

Copy to :-

1. The Chief Postmaster General (Staff) N.E. Circle.
2. The Director PTC Darbhanga for information and necessary action.
3. The Sr. Postmaster, Shillong G.P.O. for information and necessary action.
- 4.-12. The SPMs _____ S.O. They will relieve the officials in time.
- 13-22.* The officials concerned.
- 23-32. P/Fs.
33. O/C, Spare.

[Signature]
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong-793001.

*Attested
J.S.
Advocate*

ANNEXURE

(1) Registration Fee (Rs.505/-)

Messing adjustable -	400.00
Mess Development Fund -	10.00
Trainees Welfare Fund -	20.00
Recreation Fund -	20.00
Library Fund -	15.00
Servicing Charge -	15.00
Misc. -	25.00

In addition trainee should bring additional Rs.250/- to 300/- as pocket money.

(2) Dress for gents :

One pair of white T-Shirt

One pair of white half pant

White PT shoes and white shocks

One pair of gents wear shirt/pant and shock.

(3) Dress for ladies :

One pair of white Sammease

One pair of white Salwar

White PT shoes and white shocks

Above dress will be required for Physical Training Class which will be held at 06.30 AM and evening sports.

(4) Mosquito Net, Matress, pillow and bed sheet will be provided by this Centre at nominal charges. Candidates are advised to bring a torch light, spare bed sheet, warm clothes, woolen blanket, traditional dress (belonging for sports and cultural for the area/region/culture), sports rackets and musical instruments of their choice.

(5) Darbhanga is located on a meter gauge branch line of the N.E. Rly. The nearest broad gauge rail head is at Samastipur which is 38 Kms. South of Darbhanga. Train and Bus connection are available between Samastipur and Darbhanga at regular intervals. Darbhanga Railway Station is 2 Kms. away from PTC Darbhanga. Bus stand is within walking distance of the Centre.

Telephone No. 22651, 22531, 22529

Fax No. 22527, STD code No. 06272

226045

Atted
S. D. Shorat

DEPARTMENT OF POST
KAMERUP & TUR. SUB-DIV. OF POST OFFICES : MEGHALAYA DIVISION
SHILLONG - 793001.

NO. B2-Induction Training, Date: Shillong, the 27/1/27.

On successful completion of prescribed course of training, the following officials are hereby appointed as Postal Assistants on purely temporary basis in the scale of pay of Rs. 975-25-1150-EB-30-1660/- plus other allowances as admissible from time to time with effect from that actual date of their joining at the post, noted against their names:

The officials are given to understand that they are to remain in Meghalaya Division so long as they are in the time-scale cadre to which they are originally recruited and, therefore, any request for transfer to any other Division/unit will normally not be entertained.

Outsider

(1) Shri. Bihode Kumar P.A/ Tura H.O.
(2) Shri. Ramdhyani Yadav ^{Trainee PTC Debaleng} P.A/ Dobsaipari S.O.
(3) Md. Mohammad Alam ^(Relief) P.A/ Nonglamphar S.O.
(4) Shri. Nilajan Dutta Chowdhury P.A/ Tura H.O.
(5) Shri. Elvin Roy Myrtheng P.A/ Jowai S.O.
(6) Shri. Chanchal Kr. Das P.A/ Tura H.O.
(7) Shri. Subhajit Chowdhury P.A/ Tura H.O.
(8) Shri. Banraplang Sumer P.A/ Jowai S.O.
(9) Shri. Gilbert L. Shanpru P.A/ Tura H.O.

Departmental

(1) Shri. Ranjit Dey P.A/ Dawki S.O.
(2) Shri. Ram Khelawan Sah SPM/ Baghara S.O.
(3) Shri. Embok Laloo P.A/ Jowai S.O.
(4) Shri. Shanborlang Kynshihna P.A/ Nongstoin S.O.
(5) Smti. Ritabell Mawrie P.A/ Jowai S.O.
(6) Shri. Miralal Acharjee P.A/ Tura H.O.
(7) Shri. Nanigopal Das P.A/ Tura H.O.

Shri. Mohammad Alam will join as P.A/ Nonglamphar S.O. relieving Shri. Riten Kha. Shri. Riten Kha being relieved will join as P.A/ Tura H.O.

..... P/2

*Attest
S. S. P.
Advocate*

Shri. Ram Kolewan Sah will join as SPH/Baghmara S.O. relieving Shri...Basant Kr. Thapa. Shri. Basant Thapa being relieved will join as P.A/Garobadha S.O. Shri. Basant Thapa will not get any TA/TP as the transfer has been made at his own request.

Sr. Supdt. of Post Offices,
Meghalaya Division,
Shillong - I.

Copy to :-

- (1) The Director, P.T.C. Darbhanga - 346005.
- (2) (17) The officials concerned at P.T.C. Darbhanga.
- (18) The Postmaster/Tura H.O. for information and necessary action.
- (19) - (24) The Sub-Postmaster/Jowai/Nongstoin/William-nagar/Wobasipara/Baghmara/Garobadha/Dawki. for information and necessary action.
- (25) Shri. Risen Kaa PA/Williamnagar S.O. for information and necessary action.
- (26) Shri.. Basant Kr. Thapa, SPH Baghmara for information and necessary action.
- (27-42) The P/Offices
- (43-45) O/o/s & spare.

Sr. Supdt. of Post Offices,
Meghalaya Division,
Shillong - I.

Attest
Advocate
on O/o/s



DEPARTMENT OF POST
Office of the Sr. Supdt. of Pos, Meghalaya Divn.
Shillong-1.

No. B.2-336

Dated, the 26th April, '37.

Shri N.P. Baroi, SPM, Nangwalgibra S.O. is granted 10 days earned leave with effect from the date of relief.

Mohammed Alam, P.A. Williamnagar S.O. is hereby deputed to act as SPM Nangwalgibra vice Shri Baroi till Shri Ram Babu Prasad joins as order read earlier or Shri Baroi rejoins from leave whichever date is earlier.

No extension of leave will be allowed to Shri N.P. Baroi.

SPM Williamnagar shall relieve Shri Alam immediately.

SP
(P.K.Nandi Majumdar)
Sr. Supdt. of Post Offices,
Meghalaya Divn. Shillong.

Copy to :-

1. The Postmaster, Tura H.O.
2. Shri N.P. Baroi, SPM, Nangwalgibra S.O.
3. Md. Alam, P.A. Williamnagar S.O.
4. The SPM, Williamnagar S.O. for information and necessary action.

✓
Sr. Supdt. of Post Offices,
Meghalaya Divn., Shillong-1.

Attested
J.S.
Advocate

DEPARTMENT OF POST
OFFICE OF THE SR. SUPDT. OF POST OFFICES :: MEGHALAYA DIVISION
SHILLONG - 793001.

....

Memo No. B2 - 29, Dated Shillong, the 19/5/97.

It has been observed that there were some irregularities in selection of Md. Mahamood Alam, Son of Md. Mahiqr Rahma, Alam and his appointment as Postal Assistant, Meghalaya Division during the year, 1996 which rendered him unsuitable for such appointment.

Under the circumstances, the services of said Md. Mahamood Alam, presently working as Postal Assistant, Williamnagar is hereby terminated with immediate effect.

(P.K. Nandi Majumdar),
Sr. Supdt. of Post Offices,
Meghalaya Division,
Shillong - 793001.

Copy to :-

1) The Chief P.M.G., N.E. Circle, Shillong for favour of information,
2) The Asstt. Employment Exchange, Tura.
3) The Postmaster, Tura H.O. for information and necessary action.
4) The SPM, Williamnagar. He should relieve the official forthwith.
5) The official concerned, Shri. Md. Mahamood Alam Postal Asstt., Williamnagar.
6) PF.
7) Recruitment file.
8) O/o.

N.D. - 2
Sr. Supdt. of Post Offices,
Meghalaya Division,
Shillong - 793001.

....

Attested
S. J. Advacat

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24 ANEXURE - G

27

DEPARTMENT OF POST
O/O THE SR.SUPDT.OF POST OFFICES : MECHALAYA DIVISION
SHILLONG - 793001

No. B2-23.

Dtd Shillong-1, The 26-6-97.

The order issued under this office memo of even no. dtd 19-5-97 terminating the service of Md.Muhammod Alam temporary Postal Ass't. Meghalaya Dn has been kept in obeyance vide Circle office order No. Vig-1/6/97-98 dtd 23-6-97.

✓ Shri. Muhammod Alam, temporary P/A is hereby directed to join as P/A Jowai S.O. against the vacant post.

This is to be circulated, particularly to the concerned offices.

Sd/-
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong-793001.

Copy to :-

1. The Director of Postal services N.E.Circle Shillong w.r.t. the letter cited above.
2. The Postmaster Shillong GPO for information.
3. The Sub Postmaster Jowai SO for information & necessary action.
4. The official concerned.
5. P/F.
- 6-7. O/C & spare.

Sd/-
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong-793001.

Attested
S. S. S.
Amount

= 26 =
- 25 -

ANNEXURE - H

DEPARTMENT OF POST
OFFICE OF THE SR. SUPDT. OF POST OFFICES: MEHALAYA DIVISION
SHILLONG - 793001.

No. B1-Rule -38/Tfr/III Dated at Shillong the 5-8-97.

In pursuance of the Chief Postmaster General N.E. Circle, Shillong memo no Staff/152-23/96 dtd 29.7.97 Shri Subhash Ch. Dey P/A Nongpoh is hereby transferred to Guwahati Dn, Assam Circle. His transfer will be subject to the following conditions.

- (i) That he will not get any TA/TP.
- (ii) That his initial pay should be fixed under FR-22, if necessary.
- (iii) That his seniority in the new unit shall be fixed, strictly in accordance with the provisions of Rule-38 of P & T Man. Vol-iv.
- (iv) That he will not claim repatriation of his parent unit at a future later stage.

Md. Mohamed Alam P/A Jowai SO is hereby ordered to join as P/A Nongpoh SO relieving Shri Subhash Ch. Dey. Md. Alam will be relieved on office arrangement.

Q/H
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong - 793001.

Copy to :-

1. The Chief P.M.G (Staff) N.E. Circle Shillong w.r.t Co's memo cited above.
2. The Chief P.M.G (Staff) Assam Circle Guwahati -7810001 w.r.t memo no Staff/35-88/96/GH dtd 10-7-97.
3. The Sr. Supdt of PO's Guwahati Dn Guwahati 781001 w.r.t memo no B/A-4/A dtd 24-7-97.
4. The sr. postmaster Shillong GPO.
5. Shri Subhash Ch. Dey P/A Nongpoh SO.
6. Md. Mohamed Alam P/A Jowai SO.
7. The Subpostmaster Jowai SO for information and necessary action.
8. The Sub Postmaster Nongpoh SO for information and necessary action.
- 9-10. The P/Fs.
- 11-12. O/C. Spare.

Q/H
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong - 793001.

*Attested
J. S. D.
Advocate*

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ANNEXURE - I

39

Department of Post
OFFICE OF CHIEF POSTMASTER GENERAL : N.E. CIRCLE : SHILLONG-1

Memo No. Vig.1/6/97-98

August 6, 1997

This is regarding disposal of appeal dt. 6.6.97 of Md. Mahamood Alam, ex-PA, Williamnagar SO under Tura HO of Meghalaya dn.. addressed to the Director of Postal Services(HQ), o/o Chief Postmaster General, N.E. Circle, Shillong against termination of order issued by the Sr. Supdt. of POs, Meghalaya Division, Shillong vide no. B2-29 of 17.3.97.

2. Brief history of the case is that Shri Md. Mahamood Alam the, then PA Williamnagar SO was provisionally selected for the post of PA in Meghalaya division vide SPOs Meghalaya Division memo no. B2/Rectt/95-96 of 27.11.96. The said Md. M. Alam was also asked to produce two character certificates and one health certificate etc. to the office of Supdt. of POs, Meghalaya division vide the aforesaid memo. Further he was asked to appear before the SPOs Meghalaya within the target date to observe all formalities before undergoing theoretical training for 75 days and 15 days practical training as per rule.

On successful completion of prescribed course of training Shri Mahamood Alam was appointed as PA in Meghalaya division vide SSP's Meghalaya Division memo no. B2-Induction Training of 27.1.97 and posted as PA Williamnagar SO. The said Md. M. Alam had joined as PA Williamnagar SO on 17.3.97. But the SSP Shillong had terminated the service of the said Md. M. Alam with effect from 19.3.97 on the plea that there were some irregularities in selection of Md. Mahamood Alam.

3. The appellant Md. M. Alam has stated in his appeal under reference that the appointing authority had neither informed him the actual reason nor issued any show cause notice of his termination from service. He further stated this action is violation of Constitution of India and against natural justice. He was not given any opportunity to defend himself.

4. The SSP Shillong was requested vide this office letter of even no. dated 9.6.97 and reminded on 13.6.97 to send detailed report but the same has not been received so far. Since the matter required thorough examination of records and moreover prescribed procedure for termination was not followed the order of termination issued by SSP Shillong was ordered to be kept in abeyance till disposal of the petition.

5. On perusal of records it is noticed that the proper procedure for termination of service was not followed. The appellant was not informed properly the actual reason for his termination at any time by giving one month notice in writing or by giving him one month's pay and allowances in advance for the period of notice. Thus actual rules were not followed. The disciplinary authority has not given any reasonable opportunity

Attested
S. S. Advocate

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to the appellant to defend his case. Thus it is proved that the disciplinary authority has taken action against the appellant arbitrarily.

I, Shri M.E. Haque, Director Postal Services, N.E. Circle, Shillong therefore have accepted the appeal of Md. Mahamood Alam and do hereby cancel the order No. B2-29 of 19.5.97 of Sr. Supdt. of POs, Shillong and to reinstate Md. Mahamood Alam with immediate effect.

S/—
M.E. HAQUE
DIRECTOR POSTAL SERVICES
O/O CHIEF PMG, SHILLONG-1

Copy to:

1. Shri Md. Mahmood Alam, PA, Jowai SO
2. SSPOs, Meghalaya Dn., Shillong for taking necessary action. The personal file, ., PA recruitment file, service book etc. received with your letter no. SSP/RECTT/Corr/96-97.PA of 16.6.97 are returned.
3. Sr. Postmaster, Shillong GPO for information and necessary action.
- 4&5 CR file to the official through SSPOs Shillong
6. O/C

RECD
M.E. HAQUE
DIRECTOR POSTAL SERVICES
O/O CHIEF PMG, SHILLONG-1

Attested
Advocate

= 28 = ANNEXURE - J
28 - A.M.I. 1997

DEPARTMENT OF POST: INDIA
Office of the Chief Postmaster General, N.E. Circle, Shillong-1.

Memo. No. VIG-1/9/97-98 Dated at Shillong, the 16.10.97.

Whereas Md. Mahmood Alam, Ex-F.A. Williamnagar was terminated from service by the Sr. Supdt. of Post offices Meghalaya Dn. vide his Memo. No. B2-29 dated 19.5.97.

And Whereas, the appellate authority i.e. the Director Postal Services, Shillong vide his Memo. No. VIG-1/6/97-98 dated 6.8.97 has struck down the said Disciplinary Authority's order on technical ground that the Disciplinary authority did not give reasonable opportunity to the appellant to defend his case.

And Whereas, the undersigned in terms of Rule 29 of C.C.S.(CCA) Rules, 1965, reviewed the case and in the circumstances of the case, the undersigned is of the opinion that fresh disciplinary proceedings need be made against the official.

The undersigned therefore, remit the case to the Disciplinary authority, i.e. the Sr. Supdt. of Post offices, Meghalaya Dn., Shillong for *denovo* trial.

Zasanga
(Zasanga)
Chief Postmaster General,
N.E. Circle, Shillong.

Copy to :-

1) The Sr. Supdt. of Post offices, Meghalaya Dn., Shillong-1 for taking necessary action.

2) The Sr. Postmaster, Shillong G.P.O.

Regd 3) Md. Mahmood Alam, F.A. Meghalaya Dn. through Sr. Supdt. of P.O.s., Shillong for causing delivery.

4-5) P/F and C.R. file of the official through S.S.P.O.s., Shillong.

6-7) O/C and Spare..

Zasanga
(Zasanga)
Chief Postmaster General,
N.E. Circle, Shillong.

Atul
Atul
Atul

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29
ANNEXURE - K

DEPARTMENT OF POST
0/O THE SR.SUPDT.OF POST OFFICES : MEGHALAYA DIVISION
SHILLONG - 793001.

No. B2-29.

Dtd at Shillong-1, The 15-5-98.

20

Md. Mohammad Alam P/A Nongpoh S.O. is hereby transferred and posted as P/A Shillong G.P.O. He will be relieved on office arrangement and will work as P/A Shillong GPO until further order. The order will take immediate effect.

Sd/-
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong-793001

Copy to :-

1. The Sr.Postmaster Shillong GPO for information & necessary action: He is requested to allow Md.Alam to work in any post but should not be allowed to work in any sensitive posts.
2. The Sub Postmaster Nongpoh S.O. for information and necessary action. He is requested to relieve Md.Alam immediately, on office arrangement.
3. Md. Mohammad Alam P/A Nongpoh S.O.
4. The SDI(P) Central Sub-Divn.
5. O/C.
6. Spare.

Sd/-
Sr. Supdt. of Post Offices
Meghalaya Division
SHILLONG - 793001.

Attd
Smt
Amanat

DEPARTMENT OF POST
O/O THE SR.SUPDT.OF POST OFFICES : MEGHALAYA DIVISION
SHILLONG - 793001

No. B2-29

Dtd at Shillong-1, The 21-5-98. (21-5-98)

ORDER

Whereas an enquiry under Rule-14 of the Central Civil Services (classification, conduct and Appeal) Rules, 1965 is being held against Md. Mohammad Alam P.A. Nongpoh S.O.

And whereas the undersigned considers that a presenting officer should be appointed to present on behalf of the undersigned the case in support of the article of charges.

Now, therefore, the undersigned in exercise of the powers conferred by Sub-Rule (5) (c) of Rule-14 of the said rules, hereby appoints Sri.S.Chakraborty SDI(P) North Sub Divn as the presenting officer.

(A.R.Bhowmik)
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong-793001.

Copy to :-

1. Sri.S.Chakraborty SDI(P) North Sub-Divn Shillong-3.
2. Md.Mohammad Alam P/A Nongpoh S.O.
3. Sri.P.Chakraborty ASP(Divn) I.O. Shillong.
4. O/C.
5. Spare.

C. Chakraborty
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong-793001

Attala
Advocate

Proceedings of 1st regular hearing

22 31
 The proceedings were taken up by me in my room on 3-8-98 at 11 AM when the followinga were present.

- (a) Shri S. Chakraborty, P.O.
- (b) Md. Mahmood Alam, C.O.
- (c) Shri B.L. Yadav, D.A.

The P.O., as directed, appeared with all the listed documents, which were offered for inspection to the C.O., and his defence assistant. The C.O., and his D.A., inspected the listed documents and took the extracts therefrom. After inspection of the documents the C.O., admitted the documents as authentic except the documents mentioned as EXS-4.

The listed documents as handed over by the P.O., were brought on records duly marking as shown against each.

Sl. Particulars of documents Exhibit No.
No.

1) Application for the post of PA submitted by Md. Mahmood Alam.	EXS-1
2) Copy of Tura Employment Exchange identity card No. 270/88.	EXS-2
3) SSPOs, Shillong letter No. B1/Rectt/96 dated 24-4-97.	EXS-3
4) Asstt. Employment Officer, Tura letter No. TXE-2(VS)/94/650 dated 9-5-97.	EXS-4

Today the C.O., submitted an application for production of following documents.

- (1) Copy of X, Y, Z register.
- (2) Copy of the list of candidates sponsored by the EE/Tura

As per proceeding dated 24-6-98, the C.O., was asked to intimate the name of defence witness and additional documents required by 10-7-98 but he had failed to do so and no justified reason could be produced by him for the delay. Hence at this stage his request for additional documents could not be entertained and hence rejected.

1
 Attested
 by
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On 4-8-98 at 11 AM at the same venue the deposition of
PW will be taken and P.O., may present his case.

The proceeding has been adjourned today at this stage.

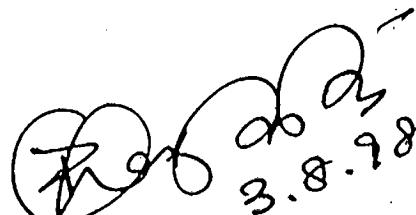
Sd/- (Md. Mahmood Alam) C.O.	Sd/- (S. Chakraborty) P.O.	Sd/- (P. Chakraborty) I.O.	Sd/- (B.L. Yadav) D.A.
------------------------------------	----------------------------------	----------------------------------	------------------------------

No. ASP(DP)/4

Dated Shillong, the 3-8-98

Copy to :-

✓ 1) Shri Md. Mahmood Alam, P.A., Nongpoh.
2) Shri S. Chakraborty, P.O., and SDIPOs, North Sub-Division, Shillong-3.
3) The S.S.P.Os, Shillong.
4) Spare.


3.8.98

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*Abdel
J.S.C.
Advocate*

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ANNEXURE-N

Proceedings of 2nd regular hearing

The proceedings were taken up by me in my room on 4-8-98 at 11 AM in the presence of the followings.

(a) Shri S. Chakraborty, P.O.
(b) Md. Mahmood Alam, C.O.
(c) Shri B.L. Yadav, D.A.

~~XYZ~~ *Recd by*

The C.O., moved an application for the supply of copy of (1) X, Y, Z register and (2) copy of list of candidates sponsored by the Employment Exchange, Tura and intimated that if copies of these documents are not given he will not appear in the hearing due to biasness of the I.O., on 3-8-98 the request for production of above documents was rejected by me on the ground that the C.O. failed to submit requisition within the period agreed by him on 24-6-98 and no justified reason could be shown. Since the charges against the C.O., is alleging submission of Tura Employment Exchange Card No. 270/88 which was not actually issued to the C.O., by the Employment Exchange, Tura, the documents sought at item (1) was found not relevant to this case and to his defence angle. However after further consideration it was decided to supply a copy of the document listed at item (2) to the C.O., which was found relevant from his defence angle. Regarding attendance by the C.O., in the hearing, it depends on the C.O., to appear or not to appear in the hearing. If the C.O., fails to appear in the hearing or does not appear willingly, the hearing will be done ex-parte.

The PW-1, the Asstt. Employment Officer, Tura did not attend hearing today and he did not submit any information also in this regard. Copies of notice for attendance to the next hearing on 25-8-98 at 11 AM at the same venue duly signed by me for PW-1 have been handed over to the P.O.

The hearing is adjourned today at this stage fixing next date of hearing on 25-8-98 at 11 AM at the same venue.

Sd/- Sd/- Sd/- Sd/-
(Md. Mahmood Alam) (S. Chakraborty) (P. Chakraborty) (B.L. Yadav)
C.O. P.O. I.O. D.A.

No. ASP(DP)/4

Dated Shillong, the 4-8-98

Copy to :-

1) Shri Md. Mahmood Alam, P.A., Nongpoh.
2) Shri S. Chakraborty, P.O., and SDIPOs, North Sub-Division, Shillong-3.
3) The S.S.P.Os, Shillong.
4) Spare.

Recd 26.8.98

*XYZ
Register*

*Attest
S. Chakraborty
Advocate*

*Once 2 Recd
of The Dptt
- where from
he is m.*

= 25/34 ANNEXURE-O

Proceedings of 3rd regular hearing

The proceedings were taken up by me in my room on 25-8-98 at 11 AM in the presence of the followings.

(a) Shri S. Chakraborty, P.O.

(b) Md. Mahmood Alam, C.O.

(c) Shri B.L. Yadav, D.A.

Shri B.L. Yadav, DA moved an application for the supply of copy of X, Y, Z register. On this matter decision of the I.O., on 4-8-98 stands as the said document found not relevant to the case.

The P.O., when asked produced copy of letter No.TXE-OV/-96/579 dated 30-5-96 in which it is seen that Dist. Employment Exchange, Tura did not forward any list of candidates sponsored but only forwarded applications. This document was brought on records duly marked as follows.

Sl.No.	Particulars of document	Exhibit No.
1)	Dist. Employment Exchange, Tura letter No. TXE-OV/-96/579 dated 30-5-96.	EXD-1

A copy of EXD-1 was given to the C.O., on his request.

The P.O. told that document as entertained as EXD-1 was not felt relevant to the case as because the charges against the C.O., was against the employment registration number used by the C.O., itself.

The PW-1, The Asstt. Employment Officer, Tura did not attend hearing today & he did not submit any information. However, it was decided to issue notice for attendance to PW-1 once more to attend hearing on 9-9-98. Copies of notice for attendance duly signed by me for PW-1 were handed over to the P.O.

The hearing is adjourned today at this stage fixing next date of hearing on 9-9-98 at 11 AM at the same venue.

Sd/- Sd/- Sd/- Sd/-
(Md.Mahmood Alam) (S.Chakraborty) (P.Chakraborty) (B.L. Yadav)
C.O. P.O. I.O. D.A.

No. ASP(DP)/4

Dated Shillong, the 25-8-98

Copy to :-

- ✓ 1) Shri Md. Mahmood Alam, P.A., Nongpoh.
- 2) Shri S. Chakraborty, P.O., and SDIPOs, North Sub-Division, Shillong-3.
- 3) The S.S.P.Os, Shillong.
- 4) Spare.
- (5) The SPAI, nongpoh, for 2/4
- (6) The CPMG (staff)
ME Circle, Shillong

(Signature)
I.O. and
Additional Inspector General
of Police
Shillong, dated 25-8-98

(Signature)
Advocate

Proceedings of 4th regular hearing

The proceedings were taken up by me in my room on 9-9-98 at 11 AM in the presence of the followings.

- (a) Shri S. Chakraborty, P.O.
- (b) Md. Mahmood Alam, C.O.
- (c) Shri B.L. Yadav, D.A.

The PW-1, the Asstt. Employment Officer, Tura did not attend hearing today. Under letter No. TXE-2/(VS)/94 dated 5-8-98 Smti D.R. Marak, Asstt. Employment Officer, Tura intimated that she could not appear on 4-8-98 as she got the notice for appearance on 4-8-98. Shri K. Sawain, Joint Director of Employment and Craftsman Training, Shillong, Controlling officer of the PW-1, under letter No. DET(M)VG-7/95/7227 dated 1-9-98 has intimated that the PW-1 is unable to come to Shillong as her daughter is ill and hospitalised. The PW-1 has requested to make enquiry at Tura since all relevant papers of the case are available in her office. The PW-1 under her letter No. TXE-PT.2(VS)/97/937-38 dated 1-9-98 has intimated that her daughter is ill for about a month and there is no one to look after them as her husband is also not there and she has difficulty to go to Shillong and she is also ill. She requested to conduct hearing at Tura.

She has also intimated in her letter as mentioned above that as per records and evidence to show there are many files and registers to produce as this is a serious case of fraud as Md. Mahmood Alam has somehow produced an already lapsed identity card of another person by erasing the original name (Shri Gobinda Ch. Kündu, Fulbari) who is an unskilled and his qualification is under matric whereas the qualification needed for Postal Assistant is P.U. passed or above. The PW-1 also intimated in her letter mentioned above that she has no order to carry the connected files to Shillong from her higher authority. In conclusion she has requested to conduct enquiry at Tura considering the problems mentioned by her.

Since the deposition of PW-1 is found vital in this case for progress of further enquiry to find out the truth of the charges levelled against the Charged official or otherwise, it has been decided to held the next hearing at Tura. Accordingly notice for appearance to PW-1 has been issued to attend hearing on 22-9-98 at 11 AM at Tura H.O.

The hearing is adjourned at this stage today fixing the next date of hearing on 22-9-98 at 11 AM at Tura H.O.

The D.A., has put his objection on the venue of hearing on 22-9-98 i.e., Tura and suggested that the PW-1 may attend hearing at Shillong after her recovery from illness.

Attest
S. S. J.
Advocate

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As per Directorate D.O. letter No. 4-15/98-VIG dated 8-6-98 specific instruction regarding Rule-14 cases is that the inquiry should be completed within 6 months and I.O., to submit report within this time frame. Since the case has not reached yet evidence level on behalf of Disc. authority, I find no justification to lapse more time in agreeing to the suggestion made by the D.A., as PW-1 has communicated her willingness to give evidence at Tura. Accordingly I cannot accept the suggestion of the DA and venue of next hearing at Tura stands as mentioned above.

Sdf — *Sdf* — *Sdf* — *Sdf* —
(B.L. Yadav) (Md. Mahmood Alam) (S.Chakraborty) (P.Chakraborty)
D.A. C.O. P.O. I.O.

No. ASP(DP)/4

Dated Shillong, the 9-9-98

Copy to :-

- 1) Shri Md. Mahmood Alam, P.A., Nongpoh.
- 2) Shri S. Chakraborty, P.O., and SDIPOs, North Sub-Division, Shillong-3.
- 3) The S.S.P.Os, Shillong. The concerned officials may kindly be relieved in time to attend hearing at Tura
- 4) The S.P.M., Nongpoh.
- 5) The Chief P.M.G.(Staff), N.E. Circle, Shillong with reference to C.O. letter No. Staff/51-7/90 dated 7-9-98. Shri B.L. Yadav, IPO(BD), C.O., Shillong who is the D.A., may kindly be relieved in time to attend hearing at Tura.

P. Chakraborty 9/9/98
(P. Chakraborty)
I.O. & ASP (Vig)
O/O C.P.M.G., Shillong.

Attested
SS *Advocate*

Proceedings of 5th regular hearing

The proceedings were taken up by me at Tura on 22-9-98 at 11 AM in the presence of the followings.

- (1) Shri S. Chakraborty, P.O.
- (2) Smti D.R. Marak, PW-1,

Under letter dated 9-9-98 Md. Mahmood Alam, C.O., intimated that he would not attend hearing at Tura on 22-9-98 and on his behalf his D.A., Shri B.L. Yadav would attend hearing. Shri B.L. Yadav, D.A., submitted his application dated 17-9-98 in the afternoon of 18-9-98 intimating that he was unable to attend hearing on 22-9-98 at Tura due to his daughter's illness. In support he did not submit any medical certificate and he was himself not sick. Since Md. Mahmood Alam authorised his D.A., to attend hearing on 22-9-98, it was the duty of his D.A., to attend the hearing and in support of his daughter's illness he also did not submit any medical certificate. On 9-9-98 the D.A., put his objection on the venue of hearing on 22-9-98 at Tura. I was also not convinced on the grounds mentioned by the D.A., in his application dated 17-9-98 for not attending hearing on 22-9-98 at Tura and I was also convinced that both the C.O., and D.A., were trying to delay the proceeding without any justified reason. Both the CO and DA were given reasonable opportunity to take part in the hearing but both of them did not attend the hearing willingly without any justified document supported reason. Considering the above situation it was decided to hold enquiry ex-parte today as the evidence of witness proposed to be examined today is of vital importance.

Smti D.R. Marak, Asstt. Employment Officer, Tura was examined as PW-1 and the deposition made by her was recorded. I saw the original records as mentioned in her deposition.

The P.O., was asked to present the case on behalf of the Disciplinary authority. In presenting case the P.O., told that Md. Mahmood Alam, C.O., while submitted application for the post of P.A., vide his application dated nil as exhibited as EXS-1 submitted Tura Employment Exchange Identity Card having registration No. 270/88 as exhibited under EXS-2 which were received by the SSPOs Shillong on 3-6-96. On the basis of that application Md. Alam was appointed as P.A., but on verification the Asstt. Employment Officer, Tura vide letter No. TXE-2(VS)/94-650 dated 9-5-97 (EXS-1) reported that the name of Md. Alam was not registered in his office and the registration no. used by Md. Alam was in the name of one Shri Gobinda Ch. Kundu whose candidature was cancelled on 4-8-91 due to non-renewal. The NCO No. was allotted to a unskilled and non-matriculate candidate. Thus Md. Alam submitted a fake Employment Registration Card claiming the same for himself. The deposition made by the PW-1 on 22-9-98 and all other enlisted documents as exhibited earlier framed the charges against Md. Alam beyond reasonable doubt. But the aforesaid action Md. Alam, C.O., violated the provisions of 3 (1)(iii) of CCS (Conduct) Rules, 1964 and deserves severe punishment.

Attested
J.S.
Advocate

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Evidence on behalf of the Disciplinary authority was closed. Copies of deposition made by the state witness were sent to all concerned.

The proceeding will resume on 9-10-98 at 11 AM in the Vigilance Section of the O/O Chief Postmaster General, Shillong for submission of written statement of defence by the C.O.

Sd/-
(S.Chakraborty)
P.O.

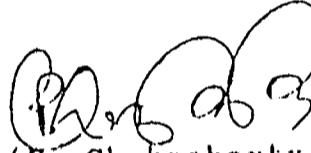
Sd/-
(P.Chakraborty)
I.O.

No. ASP(DP)/4

Dated Shillong, the 22-9-98

Copy to :-

- 1) Shri Md. Mahmood Alam, P.A., Shillong G.P.O
- 2) Shri S. Chakraborty, P.O., and SDIPOs, North Sub-Division, Shillong-3.
- 3) The S.S.P.Os, Shillong, for information and necessary action.
- 4) The Sr. Postmaster, Shillong GPO for a/c.
- 5) The Chief P.M.G., N.E. Circle, Shillong for favour of information and necessary action.


(P. Chakraborty)
I.O. & ASP (Vig)
O/O C.P.M.G., Shillong.

PC

Attested
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Proceedings of 6th regular hearing

The proceedings were taken up by me in the ^{Sec. of Co. Shillong} ~~VIC~~ on 9-10-98 at 1230 PM in the presence of the followings.

- (1) Md. Mahmood Alam, C.O.
- (2) Shri B.L. Yadav, D.A.

The P.O. has submitted an application dated 4-10-98 intimating that he would not attend the hearing today due to pre-occupation of urgent nature of work and requested to conduct hearing today in his absence. Since the P.O. has no objection on the conduct of hearing today in his absence, the C.O., has been asked to submit his written statement of defence. The C.O., has stated that he would give his oral statement which has been recorded as follows :-

In defence the C.O., stated that the list of candidates furnished by the PW-1 in support of his deposition should not be included because it is not the listed document. Regarding delaying the proceedings by the C.O., and his D.A., recorded in the proceeding dated 22-9-98, it is not true because the daughter of the DA was actually ailing since last year and now she is undergoing medical treatment under Dr. D.C. Choudhury and she suddenly got severe pain on 16th Sept evening due to this reason the DA was unable to leave her alone at Shillong and proceed to Tura for hearing.

Since the C.O., submitted his application for the post of PA to the Employment Exchange, Tura and the Employment Exchange Tura sponsored his application through their letter dated 30-5-96 to the SSP Shillong. The application of the C.O., was received by the SSPOs, Shillong vide Employment Exchange Tura letter dated 30-5-96 (EXD-1) and C.O., is not concerned about the records maintained by the Employment Exchange in this matter and he is also not concerned whether his name was included in the list of candidates or not as it was the duty of the Employment Exchange. If the name of the C.O., was not included in the list of candidates, (as mentioned in the deposition of PW-1) though they forwarded his application which was duly accepted and considered by the SSPOs, Shillong, it was the lapses on the part of PW-1 and not by the C.O.

After receipt of the application by the SSPOs, Shillong, the same was processed by the SSPOs, Shillong alongwith other applications as per rule. The EXS-2 was submitted by the C.O., alongwith his application. The application was scrutinised at different stages as per recruitment rules and no objection was raised on this document. The application was received though the PW-1 and no objection was also raised while forwarding the application of the C.O. The C.O., submitted the identity card belonged to him, he is not concerned about the position mentioned by the PW-1 in her deposition. If the identity card was not found in order, she would not had recommended and forwarded the application. While forwarding the application of the C.O., the

(Attested)
- *(Signature)* *Advocate*

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PW-1 recommended his application after satisfying the validity of the identity card and afterwards the PW-1 raised questions on the validity of the identity card. Such shifting statements of the PW-1 proves that her deposition is not dependable in considering the fate of the C.O.

On the basis of the position mentioned above the charges levelled against the C.O., is found baseless and should be dropped. The C.O., did not violate the provision of rule 3(1) (iii) of the CCS (Conduct) Rules, 1964.

The C.O., did not desire to examine himself as defence witness.

No question was also put by the I.O., to the C.O.

Evidence on behalf of the C.O., is closed.

The P.O., and C.O., are required to submit their arguments in writing, the P.O., is accordingly directed to submit his written brief so as to reach me before 20-10-98 by Registered post. He will endorse a copy of the brief to the C.O., directly. The C.O., will in turn submit his written brief so as to reach me by Registered post before 6-11-98.

The case is closed.

Sd/-
(B.L. Yadav)
D.A.

Sd/-
(Md. Mahmood Alam)
C.O.

Sd/-
(P. Chakraborty)
I.O.

No: ASP(DP)/4

Dated Shillong, the 9-10-98

Copy to :-

- 1) Shri Md. Mahmood Alam, P.A., Nongpoh.
- 2) Shri S. Chakraborty, P.O., and SDIPOs, North Sub-Division, Shillong-3.
- 3) The S.S.P.Os, Shillong, for information and necessary action.
- 4) The Chief P.M.G., N.E. Circle, Shillong for favour of information and necessary action.
- 5) Shri B.L. Yadav, IPO(RD), C.O., Shillong.
- 6) Spare.


(P. Chakraborty)
I.O. & ASP (Vig)
O/O C.P.M.G., Shillong.

After
DSB
Advocate

DEPARTMENT OF POST INDIA
O/O THE SR. SUBD. OF POST OFFICES, MEQUALAYA DIVISION
SHILLONG - 793001.

No. B2-29.

Dtd at Shillong-1, the 05-05-99.

It was proposed to take action against Md. Mahmood Alam P/A Nongpoh S.O. (now P/A Shillong OPO) under Rule-14 of CCS (CCA) Rules, 1965 vide this office memo No. B2-29 dtd 23-4-98.

2. The article of charge framed against Md. Mahmood Alam and the statement of imputation of misconduct and misbehaviour were as follows :-

Annexure-I

Statement of Article of charges framed against Md. Mahmood Alam, P.A. Nongpoh S.O.

ARTICLE-I

Md. Mahmood Alam, P.A. Nongpoh S.O. submitted employment Exchange card no. 270/88 alongwith his application for the post of Postal Asstt. which was received at the office of the SSPOs, Shillong on 3-6-96, Under SSPOs/SH letter no. B1/Rec/96 dt 24-4-97 Asstt. Employment officer, Dist. Employment Exchange Tura was addressed and Regn. card no. 270/88 of Md. Mahmood Alam was sent to him. Under letter no. TXE-2(VS)/94/650 dt. 9-5-97 the Asstt. Employment officer, Tura intimated that the name and registration no. of Md. Mahmood Alam was not found in his office record register and actual holder of the said Employment Exchange Identity Card was Shri. Gobinda Gh. Kundu and his candidature was cancelled on 4-8-91 due to non-renewal and the said E/E identity card belonged to the non-Matriculate group. The reply of the Asstt. Employment Officer, Tura shows that the E/E card which was submitted by Md. Mahmood Alam was not actually issued by the Employment Exchange, Tura to him and the said official was also, aware of it. By the above mentioned act Md. Mahmood Alam violated the provisions of Rule-3(1)(iii) of CCS (Conduct) Rules-1964.

ANNEXURE-II

Statement of imputation of misconduct and misbehaviour in support of the charges framed against Md. Mahmood Alam, P.A. Nongpoh S.O.

ARTICLE-I

Md. Mahmood Alam, P.A. Nongpoh S.O. submitted application for the post of Postal Asstt. alongwith Tura Employment Exchange Registration card no. 270/88 which was received at the SSPOs, Shillong on 3-6-96 under SSPOs, Shillong letter no. B1/Rec/96, dtd. 24-4-97 Asstt. Employment Officer, District Employment Exchange Tura was addressed and Employment Exchange Registration Card no. 270/88 which was submitted by Md. Mahmood Alam was forwarded to him. The Asstt. Employment Officer, Tura under his letter no. TXE-2(VS)/94-650 dt 9-5-97 intimated that the name and registration number was not found in his office record register and actual holder of the said Employment Exchange registration Card was Shri. Gobinda Gh. Kundu and his candidature was cancelled on 4-8-91 due to non-renewal and the said Employment Exchange registration card belonged to the non-Matriculate Group. The above mentioned position shows that Md. Mahmood Alam submitted Employment Exchange registration card which was not belonged to him, he had no valid Employment Exchange registration card and he was also aware of it. By the above mentioned act Md. Mahmood Alam violated the provision of Rule-3(1)(iii) of CCS (Conduct) Rules-1964.

3. An enquiry was conducted under Rule-14 of CCS(CCA) Rules, 1965. The I.O. submitted his enquiry report on 19-11-98 which was as under :-

After
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Inquiry Report
on
the Departmental Enquiry Held Against Md. Mahmood Alam,
P.A., Nongpoh S.O.

Submitted by
Inquiry Officer
vide letter No. ASP/DP/4
dated 19-1-98.

List of Exhibited Documents

EXS-1 Application for the post of PA submitted by Md. Mahmood Alam.

EXS-2 Copy of Tura Employment Exchange Card No. 270/88.

EXS-3 SSPOs, Shillong letter No. B1/Rectt/96 dated 24-4-97.

EXS-4 Asstt. Employment Officer, Tura letter No. TXE-2(US)/94/650 dated 9-5-97.

EXD-1 Dist. Employment Exchange, Tura letter No. TXE-ON/96/579 dated 30-5-96.

List of Witnesses

SW-1 Asstt. Employment Officer, Dist. Employment Exchange, Tura.

1.1 Under Sub Rule (2) of Rule 14 of CCS(CCA) Rules 1965, I was appointed by the SSPOs, Shillong as the I.O., to inquire into the charges framed against Shri Mahmood Alam vide his memo No. B2-29 dated 21-5-98. I have since completed the Inquiry and on the basis of the documentary and oral evidences adduced before me prepared by Inquiry report as under.

2.0 Participation by the charged official in the Inquiry and Defence Assistance available to him.

2.1 The CO attended the hearing on 24-6-98, 3-8-98, 4-8-98, 25-8-98, 9-9-98, 9-10-98. He did not attend hearing on 22-9-98. He was assisted by Shri B.L. Yadav, IPO(BD), C.O., Shillong as Defence Assistant throughout the Inquiry proceeding except on 24-8-98 and 22-9-98.

3.0 Article of charge and substance of imputation of misconduct or misbehaviour.

3.1 The following article of charge was framed against Md. Mahmood Alam.

Article-I. Md. Mahmood Alam, PA, Nongpoh SO submitted E.E. Card No. 270/88 alongwith his application for the post of PA which was received by the SSPOs on 3-6-96. Under SSPOs, Shillong

S. K. Haldar
Advocate

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letter No. BL/Recd/96 dated 24-4-97, Asstt. Employment Officer, Dist. Employment Exchange, Tura was addressed and Regn. Card No. 270/88 of Md. Mahmood Alam was sent to him. Under letter No. TXE-2(VS)/94/650 dated 9-5-97, the Asstt. Employment Officer, Tura intimated that the name and Regn. No. Md. Mahmood Alam was not found in his office record register and actual holder of the said Employment Exchange Identity Card was Shri Gobinda Ch. Kundu and his candidature was cancelled on 4-8-91 due to non-renewal and the said E/E Identity Card belonged to the Non-Matriculate group. The reply of the Asstt. Employment Officer, Tura shows that the E/E Card which was submitted by Md. Mahmood Alam was not actually issued by the E/E, Tura to him and the said official was also aware of it. By the above mentioned act Md. Mahmood Alam violated the provisions of Rule 3(1)(iii) of CCS(Conduct) Rules, 1964.

3.2 According to the statement of misconduct or misbehaviour above mentioned charge was repeated with the addition that Md. Mahmood Alam had no valid Employment Exchange Card & thereby violated the provisions of rules as mentioned in the pre-para.

4.0 Case of the Disciplinary Authority

Md. Mahmood Alam while submitted application for the post of P.A., vide his application dated NIL as exhibited as EXS-1, submitted Tura E/E Identity Card No. 270/88 as exhibited under EXS-2 which were received by the SSPOs, Shillong on 3-6-96. On the basis of that application Md. Alam was appointed as PA but on verification the Asstt. Employment Officer, Tura vide letter No. TXE-2(VS)/94/650 dated 9-5-97 (EXS-1) reported that the name of Md. Alam was not registered in his office and the Regn. No. used by Md. Alam was in the name of one Shri Gobinda Ch. Kundu whose candidature was cancelled on 4-8-91 due to non-renewal. The NCO No. was allotted to a unskilled and non-matriculate candidate. Thus Md. Alam submitted a false Employment Regn. Card claiming the same for himself. The deposition of SW-1 and other exhibited documents establishes the charges against Md. Mahmood Alam beyond reasonable doubt and thereby violated the provisions of aforesaid rules. In the written brief submitted by the P.O. on 17-10-98, the PO pointed out that the CO did not boldly till date he had regn. with the E/E, could not produce or demand any addl. document in support of his proof of regn., could not produce any defence witness, avoided confrontation with the SW-1 during the inquiry, CO and DA did not attend hearing at Tura to avoid confrontation with the SW-1. The PO also pointed out that the SW-1 in her deposition dated 22-9-98 stated that the name of the CO was never registered at E/E, Tura, the Identity Card and Regn. No. used by the CO were in the name of Shri Gobinda Ch. Kundu who was under Matric and card lapsed in 8-91, the Identity Card was issued on 4-8-88 and then there was no provision of affixing photographs of was erased and name of CO was substituted on the Identity Card and SW-1 confirmed the documents exhibited as EXD-1, EXS-1, the CO did not deny that he used the Identity card of others.

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JUL 2000
Bhowmik

In defence the CO denied the charges and stated on 9-10-98 that the list of candidates furnished by the PW-1 in support of her deposition dated 22-9-98 should not be included as it was not listed document. The CO submitted his application for the post of PA to the E/E, Tura and E/E sponsored his application through their letter dated 30-5-96 to the SSPOs, Shillong and the CO is not concerned about the records maintained by the E/E in the matter and he is also not concerned whether his name was included in the list of candidates or not by the E/E. If the name of the CO was not included in the list of candidates (as mentioned in the deposition of SW-1) it was the lapse on the part of the PW-1 as the application who duly accepted and considered by the SSPOs, Shillong. The document exhibited as EXS-2 was submitted by the CO, it was processed/scrutinised at different stages by the SSPOs, Shillong but no objection was raised on that document. The CO submitted the Identity Card belonged to him and he is not concerned about the position mentioned by the PW-1 in her deposition. If the said Identity Card was not found in order the PW-1 would not forward and recommend the application of the CO and PW-1 forwarded the application of the CO after satisfying the validity of the Identity Card of the CO, The CO also pointed out that the PW-1 forwarded the application of the CO to the SSPOs, Shillong after satisfying the validity of the E/E Card and afterwards raised questions on the validity of the identity card and due to such shifting statements of the PW-1, her deposition is not dependable. In the brief the CO pointed out that sponsoring the application by the E/E is one of the pre-condition of the recruitment. The application of the PA was received through the PW-1 and no objection was raised by her while forwarding/sponsoring the application of the CO. The CO enrolled his name to the E/E, Tura and got the Regn. Card bearing No.270/88. The CO also pointed out that he was not given any chance to defend the case) when PW-1 was called and also made objection regarding fixing venue of hearing at Tura on 22-9-98. He also pointed out that the actual holder of E/E Card No.270/88 Shri Gobinda Ch. Kundu as stated by the PW-1 was not included in the list of witness or called for examination. In conclusion the CO denied the charges and told that the charges are baseless and should be dropped.

6.0 Analysis and assessment of Evidence

The charge against the CO was that he submitted E/E Card No.270/88 alongwith his application for the post of PA which was not actually issued by the E/E. Tura to him and he was aware of it and the said E/E Regn. Card belonged to Shri Gobinda Ch. Kundu and his candidature was cancelled on 4-8-91 due to non renewal and said E/E card belong to non-matriculation group.

In support of the charges the Disciplinary Authority submitted the documents exhibited as EXS-1 to EXS-4. There was one witness as mentioned in Annexure IV of the chargesheet (PW-1).

Attested
J. S. S.
Advocate

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The document as exhibited as EXS-1 shows that it bears the photograph of the CO and his signature. In Col.C the no. was noted as 270/88 dated 4-8-91 and name of E/E noted as Tura. The document exhibited as EXS-2 shows that date of registration was noted as 4-8-88, next date of renewal due as 4-8-91 and occupation as unskilled and it bears the impression of photograph of the CO, and NCO as X02.01. The document exhibited as EXS-3 shows that the identity card as exhibited as EXS-2 was sent to the E/E, Tura on 24-4-97 for necessary record. The document as exhibited as EXS-4 was regarding questioned validity of the E/E Card.

In the deposition dated 22-9-98 the PW-1 said that the name of the CO was never registered in the E/E, Tura, confirmed genuineness of the document (Exd-1), confirmed that 24 applications were forwarded through list of 24 candidates was not forwarded but copy of list was kept in the E/E, Tura, the Identity Card No. 270/88 (EXS-2) belonged to Shri Govinda Ch. Kundu of Fulbari who was unskilled and under matrix, the card lapsed in Aug '91 due to non-renewal and there was no photograph of the said card after Aug '91, the card was issued on 4-8-88 and then there was no system of affixing photograph on the Identity Card, the name of Govinda Ch. Kundu was erased and name of CO was written on the identity card, confirmed genuineness of EXS-4. The PW-1 also submitted list of 24 candidates alongwith his deposition. In the list name of the CO was not mentioned.

In defence the CO denied all the charges. On his behalf the document as exhibited as EXD-1 was submitted. In that document it was mentioned that 23 applications were forwarded by the E/ Exchange on 30-5-96 and there was remark on that document that 24 applications were received. In defence the CO stated that he submitted application to the E/E Tura and E/E, Tura sponsored his application vide EXD-1 to the SSPOs, Shillong. After receipt of application it was processed by the SSPOs. No objection was raised by the PW-1 while forwarding his application, if the identity card was not found in order, the PW-1 would not have forwarded and recommended the application of the CO. The PW-1 forwarded the application of the CO after satisfying the validity of the Identity Card of the CO. While scrutinising the application of the CO, no objection was raised by the SSPOs. The alleged holder of the said Identity Card was also not called/included as witness.

While conducting the inquiry and after examining the documents connected, following silent points came to light which are required to be discussed here.

- (a) Only permitted source of receipt of application is E/ Exchange. Applications are considered and entertained only if it is received through E/E only.
- (b) E/E forwards the applications after satisfying the eligibility of the candidates.
- (c) As per deposition of PW-1, 24 Nos. of applications were forwarded but why mention of 23 nos. of applications was made in the letter EXD-1 and why list of candidate was not sent alongwith applications.

After
list
forwarded

The application of the CO was entertained and considered which means that the application must have received through the authorised source i.e. E/E. If it was received through the E/E, the concerned E/E must have scrutinised the eligibility of the CO and no adverse remark was made by the E/E while forwarding the application, while scrutinising the application through 3 stages. In the O/O SSPOs, Shillong the validity of the Identity Card was not questioned at any level even by the D.P.C. also. The matter mentioned at (c) above shows the system of working at E/E. Tura.

In this case the vital witness was PW-1, on whose deposition the enquiry could be concluded. But system of working at E/E, Tura while forwarding the applications also not found upto the level of satisfaction. It remained un-answered beyond any doubt whether actually the application of the CO was received through the E/E, Tura or not, whether the identity card actually belonged to Shri Govinda Ch. Kundu as his name was not included as witness.

The above position and the points made by the CO pointing some lapses in recruitment process created a bit barrier in reaching a definite conclusion.

If the charges against the CO is synchronised, the inquiry will be focussed on the point on the validity of the Identity Card as exhibited as EXS-2. This document shows that the card was issued on 4-8-88 and its renewal was due on 4-8-91, it was not renewed on 4-8-91 or any subsequent date. So the card as exhibited as EXS-2 has no validity after 4-8-91. Since the CO submitted the said identity card in support of his eligibility, the condition of valid registration in the E/E was not fulfilled. But this in-eligibility was over-looked by the D.P.C., while making selection. The PW-1 in her deposition dated 22-9-98 mentioned that the name of Md. Mahmood Alam was never registered in E/E, Tura and she also confirmed genuineness of the documents as exhibited as EXS-1, EXD-1. She made the deposition on the basis of the records of the E/E, Tura. The CO also could not make any proper defence against this point. So it can be taken that the name of the CO was never registered in the E/E, Tura. The above position and discussion leads to the conclusion that the Card No. 270/88 (EXS-2) has no validity at the time of submission of EXS-1 and CO's name was never registered in the E/E, Tura and as such the EXS-2 was not issued in the name of CO.

7.0 Findings

On the basis of documentary and oral evidence adduced in the case before me and in view of the reasons given above I hold that the E/E Identity Card No.270/88 lapsed on 4-8-91 due to non renewal and the said Identity Card was not issued by the E/E, Tura to Md. Nahimood Alam. Therefore, the charges levelled against the charged officer is proved.

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affested
J. H. G.
Adams

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A copy of the enquiry report was forwarded to the charged official under letter No.B2-29 dtd 28-1-99 for submission of his representation, if any, against the I.O's report within a period of 15 days. The letter was sent under Shillong GPO Ill.No.900 dtd 29-1-99 to the home address of the C.O. (as he was absent from duty) which was delivered to him on 3-2-99. But nothing has been received from Md.M.Alam, charged official, in response.

4. I have gone through carefully the article of charge and the report of the I.O, dtd 19-11-98 wherein, the I.O. recorded his findings in unambiguous terms: that the charges levelled against the official viz. Md.Mahmood Alam is proved. A copy of the I.O.s report was sent to the C.O. which was ultimately delivered from Sakri S.O. on 3-2-99, but the C.O. did not submit any representation what so ever.

ORDER

Taking into consideration the nature of offence and its gravity as also the report of the Inquiry officer,

I, Shri.A.R.Bhowmik, Sr.Suptd.of Post Offices Meghalaya Division, Shillong-793001, hereby award the penalty of Removal of Md.Mahmood Alam P.A. Shillong GPO (now on un-authorised absence) from service which shall not be a disqualification for future employment under the Govt.

Sd/-
(A.R.Bhowmik)
Sr,Supdt,of Post Offices
Meghalaya Division
Shillong-793001.

Copy to :-

1. The Chief Postmaster General (Vig) Shillong w.r.t. C.Os memo No.Vig-1/9/97-98 dtd 16-10-97.
2. The Chief Postmaster General (Staff) N.E.Circle w.r.t. CO's letter No.Staff/51-7/90 dtd 7-9-90.
3. The Sr.Postmaster Shillong OPO.
4. Md.Mahmood Alam Vill-Soripatty BPO-Narpati Nagar Via-Sakri Dist-Madhubani - 847239 (Bihar).
5. C/R file of Md.M.Alam.
6. Fraud Br.Divl.office,Shillong.
7. ASPOs (HQ) Divl.Office Shillong.
- 8-9. O/C } Spare.

Sd/-
Sr,Supdt,of Post Offices
Meghalaya Division
Shillong-793001

After
Dharmendra

To,

The Director Of Postal Services
O/o the Chief Postmaster General
N. E. Circle, Shillong -793001.

(Through the Sr. Supdt. Of Pos Meghalaya Dn. Shillong)

SUB :- Charges framed against Md. Mahmood Alam P/A Nongpoh (Now P/A Shillong GPO) under Rule-14 of CCS (CCA) Rules vide the Sr. Supdt. of Pos Shillong Memo No. B2-29 dated 23-04-98.

Ref :- The Sr. Supdt. Of Pos Shillong Memo No. B2-29 dated 05-05-99.

Respected Sir,

With due respect, I beg to submit the following explanation in reference to the Sr. Supdt Of Pos Shillong memo No:- B2-29 dated 05-05-99 which was received by me on 15-05-99.

2. That the article of charges which were brought against me are totally baseless and mala-fide with a motive behind.

3. That it is pertinent to mention that I submitted my application for the post of Postal Assistant in the postal department. Office of the Sr. Supdt. of Post Offices, Meghalaya Division, Shillong through Employment Exchange Tura. The Employment Exchange Tura sponsored my application to the Sr. Supdt. of Pos, Meghalaya Division, Shillong through their office letter dated 30.05.96. The Sr. Supdt. of Pos, Shillong duly accepted my application and after Departmental test I was selected for the post of Postal Assistant and after prescribed course of training I was posted as Postal Assistant at Williamnagar vide Sr. Supdt. of Pos, Meghalaya Division, Shillong letter B2-Inducting Training dated Shillong 27.01.97. The Article of charge brought against me that I was not sponsored by the Tura Employment Exchange is totally baseless and mala-fide. The charges brought against me are not due to my any lapse on my part and as such, I am not responsible for any lapse on the part of Employment Exchange Tura. There is no satisfactory explanation by the Employment Exchange Tura in this regard. In view of this matter it would be unfair to take action against me at this stage.

Attested
M. A. S.
Avantika

Contd. Page . 2 . .

4. That my humble submission before your honour that Article of charges brought against me are not sustainable in law as well as in fact. It will be very unfair and injustice for me if the Department take action against me at this stage then there will be no other alternative remedy for me as such, I will be compelled to approach the Hon'ble Central Administrative Tribunal for seeking justice.

It is therefore, respectfully prayed that your honour may be pleased to quash the entire proceeding of charges brought against me and the punishment awarded by Sr. Supdt. of Pos, Shillong vide their memo no. B2-29 dated 05.05.99.

Thanking you.

Yours faithfully

Dated 14.10.99

(Md. Mahmood Alam)
Postal Assistant
Shillong G.P.O.

Attn:
Advocate

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ANNEXURE U

DEPARTMENT OF POSTS

OFFICE OF THE CHIEF POSTMASTER GENERAL: N.E. CIRCLE: SHILLONG

Memo No. Staff/109-Misc/7/99

Dated Shillong, the 31-1-2000

Gone through the appeal dated 14-10-99 of Shri Md. Alam against the imposition of punishment of removal of Md. Mahmood Alam, P.A., Shillong GPO from service. Shri Md. Mahmood Alam had appealed well after the time period stipulated for appeal. However, he submitted an application dated 14-10-99 and in the application he submitted that because he was sick and under medical treatment, he could not prefer his appeal in time. Keeping these facts in view the appeal has been examined after the time period stipulated for appeal. The case is brief is as follows :

2. Shri Md. Mahmood Alam, S/O Md. Matiur Rahman submitted application for appointment as Postal Assistant under Meghalaya Division along with Tura Employment Exchange Region Card No. 270/88 in the year 1996.
3. Accordingly he was provisionally selected and appointed as PA under Meghalaya Division under SSPOs office memo No. B2-Induction Training dated 27-1-1997, on completion of theoretical and practical training course.
4. Subsequently when Employment Exchange Card No.270/88 was sent by SSPOs office for verification, the Asstt. Employment Officer, Employment Exchange, Tura reported that the registration card No.270/88 was not issued to Md. Mahmood Alam by the Employment Exchange, Tura. The card was allotted to one Shri Govinda Ch. Kundu of Fulbari and the same stood cancelled on 4-8-91.
5. So the service of Md. Mahmood Alam, PA was terminated vide SSPOs Memo No. B2-29 dated 19-5-97. The said termination order was cancelled & Md. M. Alam was reinstated in service vide DPS(HQ) memo No. Vig-1/6/97-98 dated 6-8-97.
6. The case was remitted to SSPOs office for denovo trial vide Chief PMG, N.E. Circle memo No. Vig-1/9/97-98 dated 16-10-97 and charge sheet under Rule-14 of CCS(CCA) Rules, 1965 was issued against Md. Mahmood Alam vide SSPOs office memo No. B2-29 dated 23-4-98.
7. Enquiry was conducted under Rule-14 of CCS(CCA) Rules, 1965 and the case was finalized with the penalty of removal from service of Md. Mahmood Alam vide SSPOs office memo no. B2-29 dated 5-5-99.

Attended
29/1/2000
S. S. S. S. S.

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8. In the appeal dated 14-10-99, the charged official has mentioned the following points :

(i) That the article of charges which were brought against him were baseless, malafide and with a motive.

(ii) The employment exchange, Tura sponsored his application to the SSPOs Meghalaya Division through their office letter dated 30-5-96. That the SSP Meghalaya Division accepted his application and after departmental test, he was selected for the post of P.A., after prescribed course of training. The articles of charges brought against him that he was not sponsored by the District Employment Exchange is totally baseless and malafide. The charges brought against him are not due to any lapse on his part as such he was not responsible for any lapse on the part of the Employment Exchange, Tura. That there is no satisfactory explanation from Employment Exchange, Tura in this regard.

(iii) That the articles of charges brought against him are not sustainable by law as well as in fact.

9. I have carefully scrutinized the appeal, the memo of charges, the inquiry report and other relevant documents and my comments are as follows :

(1) The charge framed against Md. Mahmood Alam was that he had submitted Employment Exchange Card No.270/88 along with his application for the post of P.A. The divisional office sent the registration card No.270/88 to employment exchange which intimated that the name and registration number of Md. Mahmood Alam was not found in their office registration and that the actual holder of the said employment exchange card was of Shri Govinda Ch. Kundu and that his candidature was cancelled on 4-8-91 due to non-renewal. The said Employment Exchange Card belongs to non-matriculate group. The above charges that were framed against Md. Mahmood Alam have been supported by a list of documents as well as a list of witnesses as shown in Annexures III and IV of SSP Shillong memo No. B2-29 dated 23-4-98. Therefore, it cannot be said that the charges levelled against him are baseless and malafide.

(2) The Inquiry Report has clearly brought out that Md. Mahmood Alam submitted false employment exchange card along with his application for the post of P.A. The registration card was issued to an unskilled non-matriculate candidate which Md. Mahmood Alam claimed for himself. It has been brought out in the inquiry report that the employment exchange card was issued on 4-8-88 and its

Ans
S. J. Anil
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renewal was due on 4-8-91, it was not renewed on 4-8-91 or on any subsequent date. So the card has no validity after 4-8-91. The Asstt. Employment Officer, Tura has in her deposition dated 22-9-98 mentioned that the name of Md. Mahmood Alam was never registered in employment exchange, Tura. She has mentioned that the identity card in question No. 270/88 belonged to one Govinda Ch. Kundu, Fulbari who is unskilled and his classification was non-matriculate and in her deposition she also said that as per office records this card was not issued to Md. Mahmood Alam. These facts clearly shows that the charged official has submitted a false E/E Card and he was responsible for this submission of false E/E Card. The charged official cannot get away from his responsibility by throwing blame at Employment Exchange, Tura especially in view of deposition of the Asstt. Employment Officer, Tura.

(3) The charge against Shri Md. Mahmood Alam has been proved during inquiry based upon oral & documentary evidence and therefore, it cannot be said that the charges brought against Md. Mahmood Alam are not sustainable in law as well as in fact.

ORDER

Keeping in view the above comments and facts of the case, I Shri Sanjay Sharan, Director of Postal Services, HQ, Shillong and the Appellate Authority confirm the penalty imposed upon Md. Mahmood Alam by Sr. Superintendent of Post Offices, Meghalaya Division, Shillong vide his Memo No. B2-29 dated 5-5-99.

Sanjay Sharan
(SANJAY SHARAN)
Director of Postal Services(HQ)
N.E. Circle, Shillong
&
Appellate Authority.

Copy to :-

- 1) The Sr. Supdt. of Post Offices, Shillong.
- 2) The Sr. Postmaster, Shillong GPO.
- 3) Md. Mahmood Alam, Vill-Soripatty BPO-Narpati Nagar via Salgi Dist. Madhubari-847239. (Bihar).
- 4) The A.S.P. (Vig), C.O., Shillong.
- 5) The C.R. file of Md. Mahmood Alam.
- 6) P/F of Md. Mahmood Alam.

*Attn: C.O. Shillong
Sanjay
3*

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Services

12 MAR '01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI

O.A. NO. 284 OF 2000.

MD. MAHMOOD ALAM

- VS -

UNION OF INDIA & ORS.

WRITTEN STATEMENTS FOR AND ON BEHALF OF
RESPONDENTS NO. 1, 2, 3 & 4.

I, Shri A.R. Bhowmik, Senior Superintendent of Post Offices, Meghalaya Division, Shillong, do hereby solemnly affirm state as follows :

1. That I am the Senior Superintendent of Post Offices, Meghalaya Division, Shillong and I have been impleaded party respondents No.4 in the instant O.A. I have received the copy of the aforesaid O.A. gone through same and understood the contents their of, as such I am competent to verify and file this written statement for my own behalf as well as for and on behalf of respondents No. 1, 2 and 3.
2. That this answering respondents does not admit any facts, allegation statements and everments made in the O.A. Save and except those have been specifically admitted here under in this written statement. Further this statement which are not borne *Y* on records have been categorically denied.
3. That before the traversing the parawise reply to the O.A. this answering respondents beg to state a brief

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background of the appointment of applicant.

Md. Mahmood Alam Son of Md. Matiur Rahman, a permanent resident of Village Saripatti P.O., Narpatinagar, District, Madhubani, Bihar, submitted application for appointment as Postal Assistant under Meghalaya Division in the year, 1996.

He was provisionally selected as per Recruitment rules of Postal Asstt. and appointed as P.A. under Meghalaya Division under SSP/Shillong Memo No. B2-Induction Training and 27.1.97, on completion of theoretical and practical training courses and was posted as P.A. William nagar S.O. He joined as P.A. Willinn nagar so on 17.3.97.

Subsequently in compliance to the mandatory practice of Employment Exchanges, Tura Employment Exchange Registration Card No. 270/88 submitted by Shri Md. M. Alam alongwith his application was sent to the Employment officer Tura with the information that the candidate was absorbed in the Department. In reply the Employment Officer, Tura reported to this Office that the Card No. 270/88 was not issued to Md. Mamood Alam by the E/E, Tura. The card was allotted to one Shri Govinda Ch. Kundu of Fulbari and the same stood cancelled on 4.8.91. No registration in the name of Md. Mahmood Alam was found in the record register of the E/E Tura.

Consequently, the services of Md. Mahmood Alam was terminated vide this Office memo No. B2-29, dated 19.5.97. The said termination order was kept in obeyance vide D.P.S.(HQ),

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0/0 the Chief P.M.G., Shillong memo no. Vig-1/6/97-98 dated 23.8.97 and Md. Mahmood Alam was order to join as P.A. Jowai S.O. vide SSP/Shillong memo no. B2-29, 26.6.97 and accordingly he joined as P.A. Jowai S.O. on 12.7.97.

The D.P.S. (HQ), 0/0 the Chief P.M.G., Shillong cancelled the termination order dated 19.5.97 issued by this Office vide memo no. Vig-1/6/97-98, dated 6.8.97 on finalisation of appeal case of Md. Mahmood Alam, and the period of termination of this service for the period from 19.5.97 to 11.7.97 was treated as duty for all purpose. Subsequently, he was transferred to Nongpoh S.O. vide this office memo No. B1-Rule-38/Tfr./III, dated 5.8.97.

Md. Mahmood Alam was transferred to Shillong G.P.O. vide this Office Memo No. B2-29, dated 15.5.98 and joined as P.A. Shillong GPO on 14.9.98. He was unauthorisedly absent from duty without any information w.e.f. 30.10.98.

Again, the case was remitted to this office for denovo trial vide Chief P.M.G., N.E. Circle, Memo No. Vig-1/9/97-98, dated 16.10.97 and the charge sheet under Rule-14 of CCS(CCA), Rules, 1965 was issued against Md. Mahmood Alam vide this office memo No. B2-29, dated 23.4.98. After observing all Depertmental formalities and extending all reasonable opportunities to Md. Mahmood Alam, the case was finalised awarding w the penalty of removal from service to Md. Mahmood Alam under this office Memo No. B2-29, dated 5.5.99.

Md. Mahmood Alam preferred appeal to the D.P.S. (HQ) O/O the Chief P.M.G., N.E. Circle, Shillong on 14.10.99 against the punishment order No. B2-29, dated 5.5.99. The punishment order was confirmed by the DPS(HQ), O/O the Chief P.M.G., N.E. - Circle, Shillong vide memo no. Staff/109/Hsc/7/99 dated 31.1.2000 in disposal of his appeal.

4. That as regards the contents of paragraph 4.1 of the O.A. this answering Respondents does not make any comments.

5. That as regards the contents of paragraph 4.2 of the O.A. this answering Respondents respectfully states that the name of Md. M. Alam was not sponsored by the Employment Exchange, Tura for recruitment to the post of Postal Asstt. There is no denial that the official was provisionally selected for the post of Postal Asstt, which was made possible by submission of false registration care of Employment Exchange, Tura as there is no provision of verification of genuineness of registration card before recruitment. This was revealed at a later stage when in compliance to the mandatory practice of Employment Exchanges, the registration card No. 270/88 submitted by Md. M. Alam was returned to the Asstt. Employment Officer, Tura with the information that the applicant was selected for the post vide SST, Shillong letter no. B1/Rectt./96 dated 24.4.97. (copy enclosed as Annexure-1). The Asstt. Employment Officer, Tura informed under his letter no. TXE-2(VS)/94/650 dated 9.5.97 that the name and registration no. of Md. M. Alam was not found in the office record and the actual holder of the E/E card No. 270/88 was Shri Gobinda Chandra Kundu of Fulbari. The candidature of

-5-

of Shri G.C. Kundu was cancelled on 4.8.91 due to non-renewal and the said card belonged to the non-matriculate group.

It may be mentioned that recruitment rules for the post of Postal Asstt. was amended vide D.G. (Posts) New Delhi letter no. 60-36/93-SPB-1 dated 28.2.95 wherein, it was instructed that applications will be called ~~upon~~ from the District Employment Exchange to the extent of 5(five) times of the vacancies declared and merit list will be prepared as per guidelines contained therein.

A copy of letter no. 60-36/93-SPB-1 dated 28.2.95 is enclosed as Annexure -II.

According to the procedure all the district Employment Exchanges were addressed to sponsor names of candidates for recruitment of Postal Asstts. vide SSP/Shillong letter no. B1/Rectt./96 dated 25.4.96.

A copy of letter dated 25.4.96 is annexed here-with and marked as Annexure -III.

In response, Tura Employment Exchange forwarded the applications of 24 (twenty four) candidates without list of candidates vide their letter no. TXE-OW/95-96/579 dated 30.5.96.

Copy of the letter dated 30.5.96 is annexed here-with and marked as Annexure -IV.

6. That as regards the contents of paragraph 4.3 of the O.A. this answering Respondents does not make any comments.

7. That as regards the contents of paragraph 4.4 of the O.A. this answering Respondents respectfully states that the appointment of Md. M. Alam as Postal Assistant, Meghalaya Division was terminated for submission of bogus documents to the authority as per guide lines contained in Govt. of India instruction no.2

below Rule-11 of CCS (CCA) Rules- 1965.

guide line

A copy of the *letter* is annexed herewith and
marked as Annexure -v.

8. That as regards the contents of paragraph 4.5 of the O.A. this answering Respondents respectfully states that the termination order was kept in abeyance vide memo no. VIG-1/6/97-98, dated 23.6.97 by Shri M.E.Haque, Director of Postal Services, 0/0 the Chief Postmaster General, Shillong who was incidentally the own brother-in-law of Md. M. Alam. The order was passed before actual disposal of appeal on scrutiny of records.
9. That as regards the contents of paragraph 4.6 of the O.A. this answering Respondents does not make any comments.
10. That as regards the contents of paragraph 4.7 of the O.A. this answering Respondents respectfully states that the appeal filed by Md. M. Alam was decided by Shr M.E. Haque, Director of Posal Services, 0/0 the Chief Postmaster General, Shillong who is the brother-in-law of Md. M. Alam.
11. That as regards the contents of paragraph 4.8 of the O.A. this answering Respondents resoectfully states that the case was remitted for denove trial by Shri Zasanga, Chief Postmaster General vide his order no. Vig.-1/9/97-98 dated 16.10.97. considering gravity of the offence and circumstances of the case.
12. That as regards the contents of paragraph 4.9 of the O.A. this answering respondents does not make any comments.
13. That as regards the contents of paragraph 4.10 of the O.A. this answering Respondents respectfully states that in compliance to the order ~~stated~~ in para 4.8 for denove trial, disciplinary proceedings were instituted under Rule-14 of CCS(CCA) Rules-1965 vide SSP/SH memo no. B2-29 dated 23.4.98.
14. That as regards the contents of paragraph 4.11 of the O.A. this answering Respondents respectfully states that the

Employment Exchange, Tura did not sponsor the name of Md. M. Alam, as discussed in earlier para. Rather it was reported by the Asstt. Employment Officer, Tura that the registration in the name of Md. M. Alam was not found in Employment Exchange record. The employment registration card no. 270/88 submitted alongwith the application by Md. M. Alam was found to be issued to one Shri Gobinda Chandra Kundu which was subsequently cancelled due to non renewal on 4.8.91.

The name of Md. M. Alam was not sponsored by Employment Exchange, Tura vide his letter no. TXE-2(VS)194/dated 9.5.97 and also corroborated by the Asstt. Employment Officer in his deposition dated 22.9.98 before the Enquiry Officer. In his deposition dated 22.9.98, the Asstt. Employment Officer, Tura clearly stated that the name of Md. M. Alam was never registered in Tura Exchange. He further confirmed that the list of 24 (twenty four) candidates sponsored by them was on record in their office though the list was not sent to the Sr. Supdt. of Post Offices, Shillong alongwith the forwarding letter. However, the list did not contain the name of Md. M. Alam.

A copy of letter dated 9.5.97 and list of candidates are enclosed as Annexure -VI and VII respectively.

The Asstt. Employment Officer, Tura further deposed that the E/E registration card no. 270/88 was actually issued to Shri Gobinda Chandra Kundu, in the unskilled group for under Martic Qualification. The registration was cancelled due to non-renewal after 4.8.91 and there was no validity of the card after 4.8.91. It was further deposed that the E/E registration card under reference was issued during 1988, when there was no system of affixing photograph of the candidate on the registration card. But in this card, the photograph of Md. M. Alam was

affixed and the original name of Shri Gobinda Chandra Kundu was erased and the name of Md. M. Alam was inserted in the said card.

Thus it is ~~xx~~ clear that the E/E card under reference was not genuine and the name of Md. M. Alam was not sponsored by the Employment Exchange, Tura as claimed by Md. M. Alam.

A copy of deposition dated 22.9.98 made by the Asstt. Employment Officer, Tura is enclosed as Annexure.VIII.

15. That as regards the contents of paragraph 4.12 of the O.A. this answering Respondents does not make any comments.

16. That as regards the contents of paragraph 4.13 of the O.A. this answering Respondents respectfully states that it is a fact that Md. M. Alam submitted an appeal dated 14.10.99 against the order of his termination which was decided by Shri S. Sharan, DPS(HQ), O/O the Chief Postmaster General, Shillong and not be Shri M.E. Haque, the then DPS(HQ) . The appeal was decided confirming the punishment awarded by the disciplinary authority.

17. That as regards the contents of paragraph 4.14 of the O.A. this answering Respondents respectfully states that the disciplinary authority extended all reasonable opportunities for defending the case to the charged official, Md. M. Alam. As per provision made in Rule-5 of CCS (Temporary Service) Rules-1965, the ~~existing~~ service of temporary ~~state~~ official can be terminated any time without assigning any reason as such. But in the instant case all opportunities provided in the rule was extended to the temporary official Md. M. Alam by instituting full fledged enquiry

under Rule-14 of CCS(CCA) Rule-1965. Moreover, as per Govt. of India instruction 2 below Rule-II of CCS(CCA) Rules-1965, the the services of temporary officials are liable to be terminated who has produced a false information to secure appointment.

As the article of charges framed against Md. M. Alam mentioned about submission of Employment Exchange Registration card No. 270/88 which actually did not belong to him and it does not have any relevancy to the XYZ registers, the request of the charged official and his defence assistant to produce XYZ registers was rejected by the Enquiry Officer.

The disciplinary authority did not pass any ex - parte order. The enquiry was duly attended by the charged official Md. M. Alam and his defence Asstt. on 24.6.98, 3.8.98, 4.8.98, 25.8.98, 8.9.98 and 9.10.98. as fixed by the enquiry officer. Copies of proceedings were also forwarded to the charged official as provided in rule, by the Enquiry Officer.

Copies of daily proceedings dated 12.6.98, 24.6.98, 3.8.98, 4.8.98, 25.8.98, 22.9.98 and 9.10.98 are enclosed as Annexure - IX Series (A to H)

18. That as regards the contents of paragraph 4.15 of the O.A. this answering Respondents respectfully states that the disciplinary proceedings were conducted as per rule, observing required formalities and offering reasonable opportunities to the charged official.

19. That as regards the contents of paragraph 4.16 of the O.A. this answering respondents respectfully states that

the disciplinary case was finalised keeping in view all documentary evidences, enquiry report of the Enquiry officer and the provisions made in relevant rules.

20. That as regards the contents of paragraph 4.17 of the O.A. this answering Respondents respectfully states that it has already commented upon as above.

21. That as regards the contents of paragraph 4.18 of the O.A. this answering Respondents respectfully states that it is not correct that the charges brought against the official was not proved. The charge brought against the official stated that Md. M. Alam submitted E/E card no. 270/88 along with his application for the post of P.A. Asstt. Employment Exchange Officer, Tura intimated under his letter No. TXE-2 (VS)/94/650, dated 9.5.97 that the name and registration number of Md. A. Alam was not found in his office record and actual holder of the card no. 270/88 was Shri Gobinda Chandra-Kundu and the candidature of Shri Kundu was cancelled due to non renewal of the card, and the said card actually belonged to non-matric group. Md. M. Alam was aware of this and he willfully used the card by erasing the name of G.C. Kundu and inserting his own name in the said card. This charge was proved beyond doubt in course of the enquiry with support of documentary evidence. ~~Em~~

Copy of report submitted by the enquiry officer is enclosed as Annexure -X.

Md. M. Alam failed to establish that his name was actually registered in the E/E Tura and the said card actually belonged to him.

22. That as regards the contents of paragraph 4.19 of the O.A. this answering respectfully states that the punishment order was passed on basis of documentary evidences/ enquiry reports keeping in view the gravity of offence committed by Md. M. Alam.

23. That as regards the contents of paragraph 4.20 of the O.A. this answering respondents respectfully states that the allegation is not correct. Md. M. Alam could not produce any proof regarding alleged conspiracy against him or recruitment of interested person in his place. Rather it was established that he furnished false information in the shape of bogus E/E registration to secure appointment and as such, his service not only liable to be terminated but also liable for prosecution without prejudice to his termination.

24. That as regards the contents of paragraph 4.21 of the O.A. this answering Respondent respectfully states that in view of facts and circumstances stated above, the application filed by Md. M. Alam is liable to be dismissed.

64

VERIFICATION

I, Shri Amita Ratan Bhowmik
Senior Supdt. of Post Offices, Meghalaya Division, Shillong,
being authorised do hereby solemnly declare that the state-
ment made in this written statement are true to my knowledge,
believe and information and I have not suppressed any materi-
al fact.

And I sign this verification on this day
of March, 2001.

Amita Ratan Bhowmik
Dependent

(A. R. Bhowmik)
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong- 793001

31/3/28

Expt (B)

Dept of Post

(13)

1 AD Annex-1

Mr. Supdt. of Post Office
Meghalaya Division
Shillong-793001

u/Ne 8/1

(65)

To

(Assistant Employment Officer
District Employment Exchange
Tura.

Re. B/10001/196 dt at Shillong 24/4/97.

Ref:- TXC/196/196/579 dt at Tura 30/5/96.

Sub:- Intimation of the result of submission
made for recruitment to the cadre of
Postal Assistant in Meghalaya Division.

With reference to your above
a/c'd letter dt 10/4/97, intimated that
out of the 24 (Twenty four) candidates sponsored
by your office, mentioned, one candidate,
Shri Md. Mahamood Alam has been selected
to the cadre of Postal Assistant in Meghalaya
Division. The edibility card X-1013 of the candidate
is enclosed hereto for your necessary record.

Enclo:- Edibility card X-1013
N.C. 220/88 of
Shri Md. Mahamood Alam.

Mr. Supdt. of Post Office
Meghalaya Division
Shillong-793001

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL N.E.CIRCLE: SHILLONG

Annexure - II

To :

1-2) The D.P.S./Aizawl/Kohima
3) The S.S.P.Os, Shillong
4-7) The S.Posts/Agartala/Imphal/Itanagar/
Charmangar.
8) The Manager, RLO, Shillong
9) The A.D(Mails) C.O., Shillong
10) ~~All Branch Staff Section~~
No. Staff/126-2/87/11a Dt Shillong, the 8-3-95.

Subj: Direct recruitment to the cadre of Postal/
Sorting Ass'ts- change in the procedure.

A photo copy of the Dte's letter No. 60-36/93-SPB-I dated 28.2.95 on the above subject is sent here-with for your information, guidance and necessary action.

The first phase of recruitment process as mentioned in para 2(i) (a) (b) (c) and (d) of the Dte's letter should be completed by 30-6-95 positively and compliance should be reported to this office by 15-7-95. Then action as mentioned in para 2(ii) and (iii) may kindly be initiated and Circle office informed.

We propose to hold the written examination by 1st week of August.

Kindly acknowledge receipt of the letter by next post.

En-clo:-
As above.

A.N.D. KAKIARI
(A.N.D. KAKIARI)
Director Postal Services,
N.E.Circle, Shillong-1

Government of India
Ministry of Communications
Department of Posts
Parliament Street, New Delhi - 1

(15)

(67) (28)
ANNEX - 11

No. 60-36/93-SPB-I

Dated: 28th, Feb. 1995

To (51)

All Chief Postmasters General,
All Postmasters General,
Director, Postal Staff College - Ghaziabad(U.P.)
Controller, Foreign Mails, Bombay.
Director, Postal Life Insurance, Calcutta.
Principals, Postal Training Centres.



Sub:- Direct recruitment to the cadre of Postal/Sorting Asstts. - Change in the procedure.

Sir/Madam,

I am directed to refer to this office letter No. 60-49/72-SPB-I dated the 10.1.73 and letter No. 60-52/90-SPB-I dated the 16.8.91 on the subject mentioned above. Both these orders are now modified to the extent indicated below for making direct recruitment to the cadre of Postal/Sorting Asstts.

1. The earlier instructions for advertising vacancies in the leading newspapers as well as the orders that the candidate may be registered with any of the employment exchanges in the State where the recruitment unit is located are modified. It is now decided that the Divisional Heads will call for the application: 5 times the number of vacancies from the District Employment Exchange. A target date of one month from the date of issue of the letter is to be fixed by which the panel from the employment exchange will have to be received. The letter to the District Employment Exchange will be sent by Royal Post with AD and the employment exchange would also be requested to

SLMT (ST)

Please direct

Appld -
6.3.95

Contd.... 2/-

7.3.95

send the reply by Regd. Post only. No reminder would be issued to the employment exchange. In case no response is received from the employment exchange, advertisements in the leading newspapers in the concerned Distt. will be issued after a week from the target date fixed for the employment exchange and for this purpose, the procedure already laid down in this office letter no. 60-49/72-SPB-I dated 10.1.73 will be followed. While inviting the applications through the advertisement, the applicants would be asked to indicate in their applications that they have not applied for registration to any other employment exchange. The applications received either from employment exchange or in response to open advertisement, as the case may be, would be arranged in order of merit, as per para 2(1)(a), (b) and (c) taken together. This is in supersession of this office order No. 60-127/85-SPB-I/Pt. dated 5.3.90.

2. The method of selecting the candidates will be as follows:-

- (i) A merit list of the candidates will be prepared on the basis of marks obtained by them in aggregate after calculating the same in the manner indicated below. The aggregate will consist of 100 marks only.
- (ii) the marks obtained by the candidates in 10+2/12th class examination will be given 40% weightage. For example, if a candidate has obtained say 70% marks in 10 + 2/12th class, he would be awarded 40% of 70 i.e.

Contd... 3/-

marks for the purpose of preparing the merit list.

(b) 5 marks would be given for knowledge of typing at the minimum speed of 30 w.p.m. provided the candidate produces a certificate to that effect from the coaching institute.

(c) Another 5 marks would be awarded to a candidate for data entry qualification in computers provided he produces a certificate from a concerned coaching institute.

(d) A merit list of all the candidates on the basis of the above 3 components would be prepared and 5 times the number of vacancies, the candidates would be called for objective type test as well as for the interview as mentioned in succeeding paragraphs.

(ii) After the above exercise is over, an aptitude objective type test is to be held. The test would consist of 30 questions of one mark each relating to general knowledge and reasoning. This component of selection process would carry 30% weightage. As such, full marks obtained by the candidate in this test would be taken into consideration for preparing the merit list. For this purpose, the question paper will be set at the Circle level. The test to be given will be of one hour duration and reasoning as well as general knowledge would carry 15 marks each. The evaluation of the papers will also be done at the Circle level. In order to ensure expeditious evaluation of the papers and also absolute perfection in the evaluation of the papers a computer format may be prepared by the Circles and efforts may be made to scrutinise the answer papers through a computer as far as possible.

(iii) 20% weightage will be given to the performance of the candidate in his interview to be held by an interview Board. To make the procedure simple, the interview would be of 20 marks.

(a) The Board will consist of the Head of the Division, Head of the neighbouring Division and an officer nominated by the Circle Office. One of the officers of the Board should be in Group 'A'.

(b) One of the officers of reserved categories should be inducted in the Board as an additional number in case, none of the officers of the Board belongs to the reserved category.

3. A select list of the candidates will be prepared in the descending order of merit of obtaining the marks obtained by the candidates in the examinations as discussed above.

4. The aforesaid procedure is likely to take a longer time span for its completion as such instructions contained in para 5 and para 7 of this office order No. 60-49/72-SFI-I dated 10.1.73 are modified to the extent that the rectt. will be made once a year. Those Circles where the recruitment procedure has already started may go ahead with the recruitment as per the past practice for the first half of 1995 only. And in other Circles, recruitment would be made as per the new procedure for full year, w.e.f. 1.1.95.

5. The Circles will ensure that the recruitment procedure is completed by a fixed target date in all the Divisions in the Circle. Examination should be conducted on one particular date and the same question paper would be there in all the Divisions.

6. The receipt of this letter may be acknowledged to
Shri A.B. Khubhal, Asstt. Director General (SPN), Dak
Bhavan, New Delhi - 110 001, by 10.2.95.

Yours faithfully,

Y.S. Chaturvedi
CHIEF INSPECTOR (REORG.)
DIRECTOR (SPN/APP)

Annexure-III Dept. of Post & Tel.
Expt. 100
17
S. Subd. of Post & Tel. Offices
Meghalaya Div. 1996
Shillong-793 01

Annexure-III Pl. Type 11 copies
Annexure-III Urgent Please 69
ANNX- III

To

The Employment Officer,

Divisional Employment Exchange,

Shillong/Tura/Mongstan/Mawlynnong/Kheriawasie/

Norjyphoh/Paroat/Williamnagar/Resubelpara/Towai.

No B/Recd/196 Dated at Shillong-1 The 25th April 1996.
Sub:- Direct recruitment to the cadre of Postal Assistant.

1. Kindly sponsor the applications of candidates for the post of Postal Assistant in Meghalaya Division having requisite educational qualification as detailed below.

A merit list of the candidates 5 times the number of vacancies will be prepared on the basis of marks obtained by them in 10+2 class examination. 5 marks would be given for knowledge of typing at the minimum speed of 30 W.P.M. provided the candidate produces a certificate from the coaching institute. Another 5 marks would be given to a candidate for data entry qualification in computers on production of a certificate from the concerned coaching institute.

The candidates would be called for objective type test as well as for interview as per the merit list prepared on the basis of above.

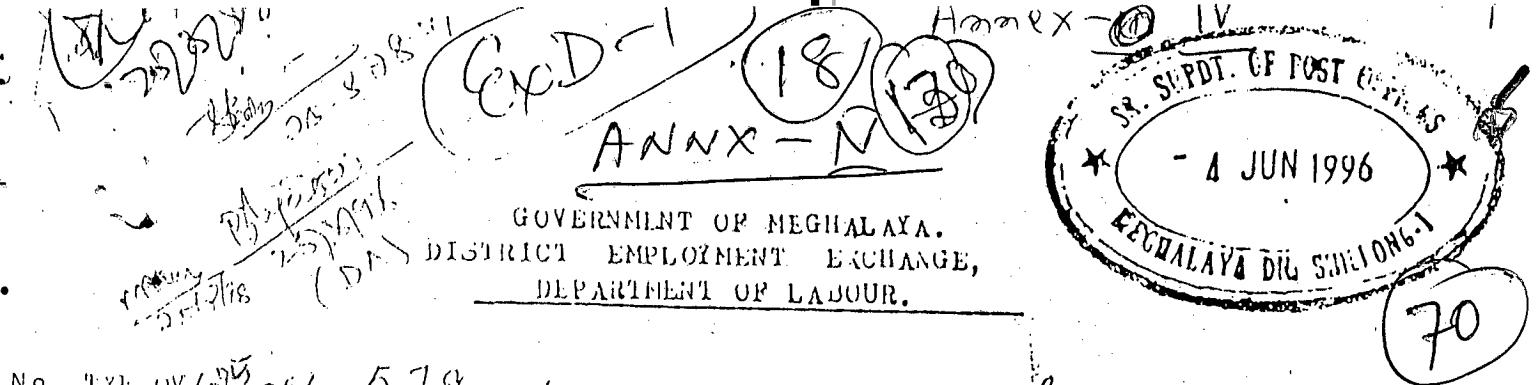
2. Afterwards an aptitude objective type list will be held which would consist of 50 questions of one mark each relating to general knowledge and reasoning of one hours duration.

Necessary application form is enclosed for favour of deposit. Therefore, arrange to send application forms to this office on or before 25-5-96 16/9/96.

Yours faithfully

S. Subd. of Post & Tel.
Meghalaya 1996
Shillong-793 01

Enc. 1 (one)



No. TXE-UV/96/ 579

Dated Tura the 30. th May '96.

To

The Senior Superintendent of Post Office,
Meghalaya Division- Shillong. 793 001.

Ref: Your Letter No. B1/Rectt/96. Dated Shillong 14/5/96.
Sub: Forwarding of Application for the Post of Postal Assistant.

Sir,

With reference to your letter, and the subject cited above, I have the honour to forward herewith the applications duly filled in for the post of Postal Assistant for favour of your necessary action.

The Candidates Sponsored by this Exchange may directly be called for Interview/Test etc. under intimation to this Exchange. Also the Selected candidates may be communicated to in due course to the undersigned for our necessary record.

Enclosed:-

Yours faithfully,

23 (Twenty three)
applicants with
all documents.

Mr
Assistant Employment Officer,
District Employment Exchange,
T U R A.

Received
21/5/96

17-8-96
F. D. M. T.
17-8-96
17-8-96

17-8-96
17-8-96
17-8-96

RULE 11]

C.C.S. (C.C.A.) RULES

(2) Action against employees who are later found Ineligible/unqualified for their initial recruitment.—In G.I. (1) above, it was clarified that departmental action can be taken against Government servant in respect of misconduct committed before his employment. In M.H.A., O.M. No. 5/1/63-Estt. (D), dated 30-4-1965, Ministries/Departments were also requested to make use of the provision of 'WARNING' inserted in the Attestation Form for taking action against Government servant furnishing false information at the time of appointment.

2. A question has now arisen as to whether a Government servant can be discharged from service where it is discovered later that the Government servant was not qualified or eligible for his initial recruitment in service. The Supreme Court in its judgment in the *District Collector, Vizianagaram v. M. Tripura Sundari Devi* [1990 (4) SLR 237] went into this issue and observed as under—

"It must further be realized by all concerned that when an advertisement mentions a particular qualification and an appointment is made in disregard of the same, it is not a matter only between the appointing authority and the appointee concerned. The aggrieved are all those who had similar or better qualifications than the appointee or appointees but who had not applied for the post because they did not possess the qualifications mentioned in the advertisement. It amounts to a fraud on public to appoint a person with inferior qualifications in such circumstances unless it is clearly state that the qualifications are relaxable. No court should be a party to the perpetuation of fraudulent practice."

The matter has been examined in consultation with the Ministry of Law and Justice and it has now been decided that wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules, etc., for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If he is a probationer or a temporary Government servant, he should be discharged or his service should be terminated. If he has become permanent Government servant, an enquiry as prescribed in Rule 14 of CCS (CCA) Rules, 1965, may be held and if the charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any other penalty be imposed.

3. Such discharge, termination, removal or dismissal from service would, however, be without prejudice to the right of the Government to prosecute such Government servants.

[G.I., Dept. of Per. & Trg., O.M. No. 11012/7/91-Estt. (A), dated the 19th May, 1993.]

Chit 28

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Ex

Annex -

70

GOVERNMENT OF MEGHALAYA.

OFFICE OF THE DISTRICT EMPLOYMENT EXCHANGE.

DEPARTMENT OF LABOUR.

T U R A .

No. TXE-2(VS)/94/ 650/

Dt. Turn the 9th May 1997. (W.M. 6P)

14 MAY 1997

To

The Senior Superintendent of Post Office,
Meghalaya Division, Shillong -793001.

Ref:- Your Letter No. B1/Rectt/96. Dt. 25-4-96.
B1/Rectt/96. Dt. 14-5-96.
and.
B/Rectt/97. Dt. 24-5-97.

Sub:- QUERIES RELATING TO THE SELECTION AND APPOINTMENT OF SIRI
MD. MOHAMMUD ALAM TO THE POST OF POSTAL ASSISTANT.

Sir,

With reference to the above, I am to say that, this Employment Exchange has sponsored 24-candidates having requisite qualification as desired from you, Vide- this Office letter No. TXE-0V/94-96/579, dt. 30-5-96. And despite the sponsored list your selection is found to be illegal, for which the undersigned wants immediate clarification from your end as below:

1. The name of the selected candidate does not appears in the sponsored list vide- this Office letter No. TXE-0V/94-96/579, Dt. 30-5-96.
2. The name and the Registration No. of the selected candidate has not been found in the Office Record Register.
3. Infact, the actual holder of the Identity Card according to this Office record Register was Shri. Cobinda Ch. Kundu, from the Hindu Community who got his registration on 14-8-88, bearing the Registration No. 270/88, whose candidature has already been cancelled on 4-8-91 due to non-Renewal.
4. The undersigned wants Clarification as to how a candidate could be called for Interview/Test, whose candidature was not sponsored.
5. Your selection proved to be illegal as the Identity Card that has been enclosed along with the intimation actually belongs to the non-Matriculate group bearing N.C.O. No. X-2.10 whereas according to your Notification-Vide your letter No. B1/Rectt/96, Dt. 25-4-96 was 10+2 and above qualification.
6. While checking the entire Office record Register, it has been found that, neither his name in the list sponsored nor was he ever registered in this Employment Exchange.
7. Further, the Identity Card that has been enclosed has got an Eraser mark in the name column which proves that, the Original name has been erased and the name of Shri. Md. Mohamood Alam has been written on it.

contd/-

8. It is also questionable as to how the Original Identity Card has come under your posession.

The undersigned therefore, request you to kindly furnish necessary answer at an earliest date. Also the Selection should be immediately cancelled and fresh selection should be held to provide justice to the sponsored Candidates as this selection proves to be fraud case. Otherwise this department will be forced to take serious action on it.

Yours faithfully,

Q. J. M. A.
Assistant Employment Officer,
District Employment Exchange,
T. U. R. A.

No. TKE-2(vS)/94/ 651-57.

Dated Tura the 9th May 1997.

Copy to:-

1. The Director, Employment & Craftsmen Training Meghalaya Shillong - for Stern action on it.
2. The Directorate General of Employment Exchanges New Delhi- Ministry of Labour Shram Shakti Bhawan Rafi Marg. New Delhi- 11 000 1. for information and necessary action for violation of Employment Exchange Rule.
3. The Assistant Superintendant of Post Office West Guro Hills -Tura.
4. The Assishat Director, Divisional Employment Exchange Shillong- 1 for information.
5. The Assistant Employment Officer, Williamnagar/ Resubelpara/ Ampati/ Nongstoin/ Nongpoh/ Jowai/ Shohra/ for information and necessary action.

Q. J. M. A.
Assistant Employment Officer,
District Employment Exchange,
T. U. R. A.

(21)

Name sponsored for the post of Postal Assistant.

(23)

1. Shri. Alarick J. Sangma. Regn. No. 439/96.
2. Smt. Sukla Dey. Regn. No. W-237/92.
3. Smt. Brainfulla Sangma. Regn. No. W-250/92.
4. Smt. Ratna Das. Regn. No. W-133/96.
5. Shri. Debabrata Chakrabarty. No. 53/93.
6. Shri. Ronu Das. Regn No. 200/94.
7. Smt. Sejikha H. Sangma. Regn No. W- 87/95.
8. Shri. Debashish Chakrabarty. No. 148/91.
9. Smt. Ronde R. Barak Regn No. W-130/90.
10. Shri. Satya Pada-Chakrabarty. No. 110/94.
11. Smt. Selbie-J-Barak. Regn No. W-131/96.
12. Smt. Purnima-Shaha. Regn No. W- 32/96.
13. Shri. Mrinal Dey. Regn No. 18/94.
14. Shri. Saumen Sarkar. Regn No. 747/91.
15. Shri. Debasish Some. Regn No. 257/93.
16. Shri. Menas Chakrabarty. Regn No. 67/93.
17. Shri. Alok Paul. Regn No. 428/94.
18. Smti. Raghini H. Sangma. Regn No. W-23/95.
19. Smti. Faira-K-Sangma. Regn No. W-113/96.
20. Shri. Mark Nelson Sangma. Regn No. 445/96.
21. Smti. Chandrika Ch. Nomin. Regn No. W-114/96.
22. Shri. Praneswar Hallik. Regn No. 230/93.
23. Shri. Sateyendra Shaha. Regn No. 462/96.
24. Shri. Raja Das. Regn No. 466/96.

S. N. 1, B. M. 73. B. M. 1994.

H. S. Employment Office.

D. S. Employment Office.

Tripura.

74
90

Dated at Tripura the 22nd Sept
1998.

Deposition of Smt. D. R. Monika w/o Smt. K. T.
Sangma, Panchayati. H. S. Employment Office,
Distt. Employment Exe., Tripura.

Smt. Smt. D. R. Monika, states that, as per
records of the office of Distt. Employment Exe.
Tripura, the name of Mr. Mahmood Alam was never
registered in this Employment Exe.

This office letter No. T/E-OY/94-96/579. Dtd. 30.5
July 1994 is exhibited in Exh-1 was actually issued 36
days this office on 21.8.94 along with that letter (24) twenty-four
number of applications with all concerned documents
were forwarded through the list of (24) twenty-four
candidates who were not forwarded along with the said
letter, but a copy of the list of candidates was
referred at this end as office record ^{a copy} which is enclosed
therewith.

The copy of Identity Card No. 2700/R which
is exhibited as Exh-2, belongs to one Smt.
Savinda C. K. Kumolam, Fulbari who is unmisshakable
and this qualification is under name
This card was issued in August 1991 due to
employment and there was no validity of
this card after 11.8.91.

This card was issued on 1.8.98 A.D.
during that period there was no system of
affixing photograph on its Identity Card.

As per M.O.C. on the exhibits, as
exhibited on Exh. 2, this Card was issued to the
person who was rendered liable and of
renationalized category. As per records of this office
this card was first issued to Mr. Muhammad Afzam.
From the original Card kept in this
office, it was clearly found that the
original name of Sidi Sabirul Ch. Khander was
released and name of Mr. Muhammad Afzam was
written. The original Card has been shown to
I.O. for the expert.

I also confirm that this office letter
No. TXE-2 (V8)/97/650/ as
Exh. 4, was issued by Mr. D.R. Morarka on 27/9/98, as exhibited

(S.Chakrabarty 27/9/98)
P.O. (P.Chakrabarty 27/9/98) (D.R. Morarka)
I.O.
P.W.I.
27/9/98

Proceedings of Preliminary Hearing

75
av

The proceedings were taken up by me in the office S.P.O. Shillong, on 12.6.78 at 11 AM when the following were present.

1. Sri S. Chakrabarty, P.O.

Sri Mahmood Alam, C.O. did not attend the hearing, he submitted one application intimating his illness and requested to fix the date of preliminary hearing on a later date.

The prayer of C.O. has been considered. The date of preliminary hearing has accordingly been referred on 24.6.78.

(C.O. 12/6/78)

P.O. : Smt (P) Shukla.


1. Shukla
Asst. Supdt. of Post. Offices
Meghalaya Division
Shillong-793001
8. I.O.

No. ASP/T.P/11

dt 12.6.78

Copy to:-

(1) Md. Mahmood Alam, P.O. Nongpoh S.O.

(2) The SPM Nongpoh for info.

(3) Sri S. Chakrabarty, S.D.P.O. North Sub Div, Shillong.

✓ To S.P.O. Shillong.

76
op

Proceedings of Preliminary hearing

The proceedings were taken up by me in my chamber on 24.6.98 at 11AM when the following were present.

- (a) Sri S. Chakraborty, Presenting Officer.
- (b) Md. Mahmood Alam, Charged officer.

2. The C.O. when questioned by me admitted to have received the charge sheet and to have understood the charges framed against him fully. He, however, pleaded not guilty for all the charges levelled against him.

3. The C.O. intimated that Sri B.L. Yadav, IFO (ED) of CPO, Shillong would work as his defense assistant and he also intimated the willingness of Sri B.L. Yadav.

4. The P.O. was asked to intimation the name and address of the controlling authority of PW-1 within 10.7.98.

5. The date of regular hearing will be fixed on receipt of above information from the P.O.

6. The C.O. when questioned told that he will intimation the name of defense witness and his address, if any, by 10.7.98 for discovery or production of documents which is in the possession of the Govt and not mentioned in schedule III to the charge sheet, but is relevant to this defense. While doing so, he shall intimation the relevance of the documents required by him and the controlling authority thereof.

94
7. On the next hearing the P.D. will attend along with all the listed documents. On that day the C.O. also may inspect the listed documents. On that day evidence on behalf of the disciplinary authority shall be adduced and on the subsequent day/ days evidence on behalf of the C.O. shall be adduced after the parties have written statement of defense.

The hearing was adjourned at this stage today.

^{MLR}
^{24/6/98}
(Ad. Mohamed Alavi (S. Charswadi)) (Kmt. Dr. B. L. C. R.
C.O. P.D. I.O.
S.P.I. North Sub Dm 1.O. E.
Shillong

No. Asp/DF/H

dt. 26.6.98

Copy to:-

- (1) Ad. Mohamed Alavi, S.A. Meghalaya
- (2) S. C. Charswadi, P.D.
- ~~(3) S.P.I. S.P.D., Shillong~~
- (4) S.P.D.

Proceedings of 1st regular hearing

$$|\bar{x} - c|$$

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The proceedings were taken up by me in my room on 3-8-98 at 11 AM when the followings were present.

- (a) Shri S. Chakraborty, P.O.
- (b) Md. Mahmood Alam, C.O.
- (c) Shri B.L. Yadav, D.A.

The P.O., as directed, appeared with all the listed documents, which were offered for inspection to the C.O., and his defence assistant. The C.O., and his D.A., inspected the listed documents and took the extracts therefrom. After inspection of the documents the C.O., admitted the documents as authentic except the documents mentioned as EXS-4.

The listed documents as handed over by the P.O., were brought on records duly marking as shown against each.

Sl. No.	Particulars of documents	Exhibit No.
1)	Application for the post of PA submitted by Md. Mahmood Alam.	EXS-1
2)	Copy of Tura Employment Exchange identity card No. 270/88.	EXS-2
3)	SSPOs, Shillong letter No. B1/Rectt/96 dated 24-4-97.	EXS-3
4)	Asstt. Employment Officer, Tura letter No. TXE-2(VS)/94/650 dated 9-5-97.	EXS-4

Today the C.O., submitted an application for production of following documents.

- (1) Copy of X, Y, Z register.
- (2) Copy of the list of candidates sponsored by the EE/Tura

As per proceeding dated 24-6-98, the C.O., was asked to intimate the name of defence witness and additional documents required by 10-7-98 but he had failed to do so and no justified reason could be produced by him for the delay. Hence at this stage his request for additional documents could not be entertained and hence rejected.

(26)

On 4-8-98 at 11 AM at the same venue the deposition of PW will be taken and P.O., may present his case.

The proceeding has been adjourned today at this stage.

78
90

Sd/- (Md. Mahmood Alam) C.O.	Sd/- (S. Chakraborty) P.O.	Sd/- (P. Chakraborty) I.O.	Sd/- (B.L. Yadav) D.A.
------------------------------------	----------------------------------	----------------------------------	------------------------------

No. ASP(DP)/4

Dated Shillong, the 3-8-98

Copy to :-

- 1) Shri Md. Mahmood Alam, P.A., Nongpoh.
- 2) Shri S. Chakraborty, P.O., and SDIPOs, North Sub-Division, Shillong-3.
- 3) The S.S.P.Os, Shillong.
- 4) Spare.

Chakraborty
3.8.98

(27)

IX - D 79

Proceedings of 2nd regular hearing

The proceedings were taken up by me in my room on 4-8-98 at 11 AM in the presence of the followings.

- (a) Shri S. Chakraborty, P.O.
- (b) Md. Mahmood Alam, C.O.
- (c) Shri B.L. Yadav, D.A.

The C.O., moved an application for the supply of copy of (1) X, Y, Z register and (2) copy of list of candidates sponsored by the Employment Exchange, Tura and intimated that if copies of these documents are not given he will not appear in the hearing due to biasness of the I.O., on 3-8-98 the request for production of above documents was rejected by me on the ground that the C.O., failed to submit requisition within the period agreed by him on 24-6-98 and no justified reason could be shown. Since the charges against the C.O., is alleging submission of Tura Employment Exchange Card No. 270/88 which was not actually issued to the C.O., by the Employment Exchange, Tura, the documents sought at item (1) was found not relevant to this case and to his defence angle. However after further consideration it was decided to supply a copy of the document listed at item (2) to the C.O., which was found relevant from his defence angle. Regarding attendance by the C.O., in the hearing, it depends on the C.O., to appear or not to appear in the hearing. If the C.O., fails to appear in the hearing or does not appear willingly, the hearing will be done ex-parte.

The PW-1, the Asstt. Employment Officer, Tura did not attend hearing today and he did not submit any information also in this regard. Copies of notice for attendance to the next hearing on 25-8-98 at 11 AM at the same venue duly signed by me, for PW-1 have been handed over to the P.O.

The hearing is adjourned today at this stage fixing next date of hearing on 25-8-98 at 11 AM at the same venue.

Sd/-

(Md. Mahmood Alam) (S. Chakraborty) (P. Chakraborty) (B.L. Yadav)
C.O. P.O. I.O. D.A.

No. ASP(DP)/4

Dated Shillong, the 4-8-98

Copy to :-

- 1) Shri Md. Mahmood Alam, P.A., Nongpoh.
- 2) Shri S. Chakraborty, P.O., and SDIPOS, North Sub-Division, Shillong-3.
- 3) The S.S.P.Os, Shillong.
- 4) Spare.



4.8.98

Proceedings of 3rd regular hearing

28

IX - E 80

The proceedings were taken up by me in my room on 26-8-98 at 11 AM in the presence of the following.

- (a) Shri S. Chakraborty, P.O.
- (b) Md. Mahmood Alam, C.O.
- (c) Shri B.L. Yadav, D.A.

Shri B.L. Yadav, DA moved an application for the supply of copy of X, Y, Z register. On this matter decision of the I.O., on 4-8-98 stands as the said document found not relevant to the case.

The P.O., when asked produced copy of letter No.TXE-OV/-96/579 dated 30-5-96 in which it is seen that Dist. Employment Exchange, Tura did not forward any list of candidates sponsored but only forwarded applications. This document was brought on records duly marked as follows.

Sl.No.	Particulars of document	Exhibit No.
1)	Dist. Employment Exchange, Tura letter No. TXE-OV/-96/579 dated 30-5-96.	EXD-1

A copy of EXD-1 was given to the C.O., on his request.

The P.O. told that document as entertained as EXD-1 was not felt relevant to the case as because the charges against the C.O., was against the employment registration number used by the C.O., itself.

The PW-1, The Asstt. Employment Officer, Tura did not attend hearing today & he did not submit any information. However, it was decided to issue notice for attendance to PW-1 once more to attend hearing on 9-9-98. Copies of notice for attendance duly signed by me for PW-1 were handed over to the P.O.

The hearing is adjourned today at this stage fixing next date of hearing on 9-9-98 at 11 AM at the same venue.

Sd/-
(Md. Mahmood Alam) (S.Chakraborty) (P.Chakraborty) (B.L. Yadav)
C.O. P.O. I.O. D.A.

No. ASP(DP)/4

Dated Shillong, the 25-8-98

Copy to :-

- 1) Shri Md. Mahmood Alam, P.A., Nongpoh.
- 2) Shri S. Chakraborty, P.O., and SDIPOs, North Sub-Division, Shillong-3.
- 3) The S.S.P.Os, Shillong. *byma*
- 4) Spare.
- (5) The SPB, Nongpoh. *byma* *Dear Sir B*
- (6) The CPAC (Staff) *byma* *I.O. and*
ME Circle, Shillong

*With Compliments
and best regards
to you all*

R/19/98

(29)

TX-F

81

Proceedings of 4th regular hearing

The proceedings were taken up by me in my room on 9-9-98 at 11 AM in the presence of the followings.

- (a) Shri S. Chakraborty, P.O.
- (b) Md. Mahmood Alam, C.O.
- (c) Shri B.L. Yadav, D.A.

The PW-1, the Asstt. Employment Officer, Tura did not attend hearing today. Under letter No. TXE-2/(VS)/94 dated 5-8-98 Smti D.R. Marak, Asstt. Employment Officer, Tura intimated that she could not appear on 4-8-98 as she got the notice for appearance on 4-8-98. Shri K. Sawain, Joint Director of Employment and Craftsman Training, Shillong, Controlling officer of the PW-1, under letter No. DET(M)VG-7/95/7227 dated 1-9-98 has intimated that the PW-1 is unable to come to Shillong as her daughter is ill and hospitalised. The PW-1 has requested to make enquiry at Tura since all relevant papers of the case are available in her office. The PW-1 under her letter No. TXE-PT.2(VS)/97/937-38 dated 1-9-98 has intimated that her daughter is ill for about a month and there is no one to look after them as her husband is also not there and she has difficulty to go to Shillong and she is also ill. She requested to conduct hearing at Tura.

She has also intimated in her letter as mentioned above that as per records and evidence to show there are many files and registers to produce as this is a serious case of fraud as Md. Mahmood Alam has somehow produced an already lapsed identity card of another person by erasing the original name (Shri Gobinda Ch. Kundu, Fulbari) who is an unskilled and his qualification is under matric whereas the qualification needed for Postal Assistant is P.U. passed or above. The PW-1 also intimated in her letter mentioned above that she has no order to carry the connected files to Shillong from her higher authority. In conclusion she has requested to conduct enquiry at Tura considering the problems mentioned by her.

Since the deposition of PW-1 is found vital in this case for progress of further enquiry to find out the truth of the charges levelled against the Charged official or otherwise, it has been decided to held the next hearing at Tura. Accordingly notice for appearance to PW-1 has been issued to attend hearing on 22-9-98 at 11 AM at Tura H.O.

The hearing is adjourned at this stage today fixing the next date of hearing on 22-9-98 at 11 AM at Tura H.O.

The D.A., has put his objection on the venue of hearing on 22-9-98 i.e., Tura and suggested that the PW-1 may attend hearing at Shillong after her recovery from illness.

100
As per Directorate D.O. letter No. 4-15/98-VIG dated 8-6-98 specific instruction regarding Rule-14 cases is that, the inquiry should be completed within 6 months and I.O., to submit report within this time frame. Since the case has not reached yet evidence level on behalf of Disc. authority, I find no justification to lapse more time in agreeing to the suggestion made by the D.A., as PW-1 has communicated her willingness to give evidence at Tura. Accordingly I cannot accept the suggestion of the DA and venue of next hearing at Tura stands as mentioned above.

Sd/- — *Sd/-* — *Sd/-* — *Sd/-*
(B.L. Yadav) (Md. Mahmood Alam) (S.Chakraborty) (P.Chakraborty)
D.A. C.O. P.O. I.O.

No. ASP(DP)/4

Dated Shillong, the 9-9-98

Copy to :-

- 1) Shri Md. Mahmood Alam, P.A., Nongpoh.
- 2) Shri S. Chakraborty, P.O., and SDIPOS, North Sub-Division, Shillong-3.
- 3) The S.S.P.Os, Shillong. The concerned officials may kindly be relieved in time to attend hearing at Tura
- 4) The S.P.M., Nongpoh.
- 5) The Chief P.M.G.(Staff), N.E. Circle, Shillong with reference to C.O. letter No. Staff/51-7/90 dated 7-9-98. Shri B.L. Yadav, IPO(BD), C.O., Shillong who is the D.A., may kindly be relieved in time to attend hearing at Tura.

P. Chakraborty 9/9/98
(P. Chakraborty)
I.O. & ASP (Vig)
O/O C.P.M.G., Shillong.

(30) 82
Proceedings of 5th regular hearing 18-6

The proceedings were taken up by me at Tura on 22-9-98 at 10 AM in the presence of the followings.

(1) Shri S. Chakraborty, P.O.
(2) Smti D.R. Marak, PW-1.

Under letter dated 9-9-98 Md. Mahmood Alam, C.O., intimated that he would not attend hearing at Tura on 22-9-98 and on his behalf his D.A., Shri B.L. Yadav would attend hearing. Shri B.L. Yadav, D.A., submitted his application dated 17-9-98 in the afternoon of 18-9-98 intimating that he was unable to attend hearing on 22-9-98 at Tura due to his daughter's illness. In support he did not submit any medical certificate and he was himself not sick. Since Md. Mahmood Alam authorised his D.A., to attend hearing on 22-9-98, it was the duty of his D.A., to attend the hearing and in support of his daughter's illness he also did not submit any medical certificate. On 9-9-98 the D.A., put his objection on the venue of hearing on 22-9-98 at Tura. I was also not convinced on the grounds mentioned by the D.A., in his application dated 17-9-98 for not attending hearing on 22-9-98 at Tura and I was also convinced that both the C.O., and D.A., were trying to delay the proceeding without any justified reason. Both the CO and DA were given reasonable opportunity to take part in the hearing but both of them did not attend the hearing willingly without any justified document supported reason. Considering the above situation it was decided to hold enquiry ex-parte today as the evidence of witness proposed to be examined today is of vital importance.

Smti D.R. Marak, Asstt. Employment Officer, Tura was examined as SW-1 and the deposition made by her was recorded. I saw the original records as mentioned in her deposition.

The P.O., was asked to present the case on behalf of the Disciplinary authority. In presenting case the P.O., told that Md. Mahmood Alam, C.O., while submitted application for the post of P.A., vide his application dated nil as exhibited as EXS-1 submitted Tura Employment Exchange Identity Card having registration No.270/88 as exhibited under EXS-2 which were received by the SSPOs Shillong on 3-6-96. On the basis of that application Md. Alam was appointed as P.A., but on verification the Asstt. Employment Officer, Tura vide letter No. TXE-2(VS)/94-650 dated 9-5-97 (EXS-4) reported that the name of Md. Alam was not registered in his office and the registration no. used by Md. Alam was in the name of one Shri Gobinda Ch. Kundu whose candidature was cancelled on 4-8-91 due to non-renewal. The NCO No. was allotted to a unskilled and non-matriculate candidate. Thus Md. Alam submitted a fake Employment Registration Card claiming the same for himself. The deposition made by the SW-1 on 22-9-98 and all other enlisted documents as exhibited earlier framed the charges against Md. Alam beyond reasonable doubt. But the aforesaid action Md. Alam, C.O., violated the provisions of 3 (1)(iii) of CCS (Conduct) Rules, 1964 and deserves severe punishment.

Evidence on behalf of the Disciplinary authority was closed. Copies of deposition made by the state witness were sent to all concerned.

The proceeding will resume on 9-10-98 at 11 AM in the Vigilance Section of the O/O Chief Postmaster General, Shillong for submission of written statement of defence by the C.O.

102
Sd/-
(S.Chakraborty)
P.O.

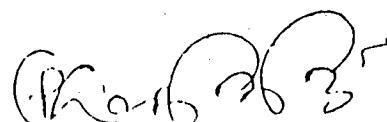
Sd/-
(P.Chakraborty)
I.O.

No. ASP(DP)/4

Dated Shillong, the 22-9-98

Copy to :-

- 1) Shri Md. Nahmood Alam, P.A., Shillong, G.P.O.
- 2) Shri S. Chakraborty, P.O., and SDIPOS, North Sub-Division, Shillong-3.
- 3) The S.S.P.Os, Shillong, for information and necessary action.
- 4) The Smt. Postmistr, Shillong GPO for a/c.
- 5) The Chief P.M.G., N.E. Circle, Shillong for favour of information and necessary action.


(P. Chakraborty)
I.O. & ASP (Vig)
O/O C.P.M.G., Shillong.

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D-A

Proceedings of 64th regular hearing

The proceedings were taken up by me in the V.I.C. Sec. of Co. Shillong at 1230 PM in the presence of the followings.

(1) Md. Mahmood Alam, C.O.
(2) Shri B.L. Yadav, D.A.

The P.O. has submitted an application dated 4-10-98 intimating that he would not attend the hearing today due to pre-occupation of urgent nature of work and requested to conduct hearing today in his absence. Since the P.O. has no objection on the conduct of hearing today in his absence, the C.O., has been asked to submit his written statement of defence. The C.O., has stated that he would give his oral statement which has been recorded as follows :-

In defence the C.O., stated that the list of candidates furnished by the PW-1 in support of his deposition should not be included because it is not the listed document. Regarding delaying the proceedings by the C.O., and his D.A., recorded in the proceeding dated 22-9-98, it is not true because the daughter of the DA was actually ailing since last year and now she is undergoing medical treatment under Dr. D.C. Choudhury and she suddenly got severe pain on 16th Sept evening due to this reason the DA was unable to leave her alone at Shillong and proceed to Tura for hearing.

Since the C.O., submitted his application for the post of PA to the Employment Exchange, Tura and the Employment Exchange Tura sponsored his application through their letter dated 30-5-96 to the SSP Shillong. The application of the C.O., was received by the SSPOs, Shillong vide Employment Exchange Tura letter dated 30-5-96 (EXD-1) and C.O., is not concerned about the records maintained by the Employment Exchange in this matter and he is also not concerned whether his name was included in the list of candidates or not as it was the duty of the Employment Exchange. If the name of the C.O., was not included in the list of candidates (as mentioned in the deposition of PW-1) though they forwarded his application which was duly accepted and considered by the SSPOs, Shillong, it was the lapses on the part of PW-1 and not by the C.O.

After receipt of the application by the SSPOs, Shillong, the same was processed by the SSPOs, Shillong alongwith other applications as per rule. The EXS-2 was submitted by the C.O., alongwith his application. The application was scrutinised at different stages as per recruitment rules and no objection was raised on this document. The application was received though the PW-1 and no objection was also raised while forwarding the application of the C.O. The C.O., submitted the identity card belonged to him, he is not concerned about the position mentioned by the PW-1 in her deposition. If the identity card was not found in order, she would not have recommended and forwarded the application. While forwarding the application of the C.O., the

PW-1 recommended his application after satisfying the validity of the identity card and afterwards the PW-1 raised questions on the validity of the identity card. Such shifting statements of the PW-1 proves that her deposition is not dependable in considering the fate of the C.O.

On the basis of the position mentioned above the charges levelled against the C.O., is found baseless and should be dropped. The C.O., did not violate the provision of rule 3(1) (iii) of the CCS (Conduct) Rules, 1964.

The C.O., did not desire to examine himself as defence witness.

No question was also put by the I.O., to the C.O.

Evidence on behalf of the C.O. is closed

The P.O., and C.O., are required to submit their arguments in writing. the P.O., is accordingly directed to submit his written brief so as to reach me before 20-10-98 by Registered post. He will endorse a copy of the brief to the C.O., directly. The C.O., will in turn submit his written brief so as to reach me by Registered post before 5-11-98.

The case is closed.

Sd/-
(B. L. Yadav)
P. A.

Sd/-
(Md. Mahmood Alam)
S. O.

Sd/-
(P. Chakraborty)
L.O.

No. ASP(DP)/4

Dated Shillong, the 9-10-98

Copy to :-

- 1) Shri Md. Mahmood Alam, P.A., Nongpoh.
- 2) Shri S. Chakraborty, P.O., and SDIPOS, North Sub-Division, Shillong-3.
- 3) The S.S.P.Os, Shillong, for information and necessary action.
- 4) The Chief P.M.G., N.E. Circle, Shillong for favour of information and necessary action.
- 5) Shri B.L. Yadav, IPO(BD), C.O., Shillong.
- 6) Spare.

(P. Chakraborty)
I.O. & ASP (Vig)
O/O C.P.M.G., Shillong.

To

32

Annex-X

84
✓

The Sr. Supdt. of P.Os,
Meghalaya Division,
Shillong.

No. ASP-1P/4

Dated Shillong, the 19-11-98

Sub : Departmental Inquiry under Rule-14 of CCS(CCA) Rules, 1965 against Md. Mahmood Alam, PA, Nongpoh SO now working as P.A., Shillong GPO.

Sir,

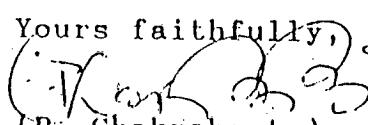
I was appointed by the SSPOs, Shillong memo No. B2-29 dated 21-5-98 as the Inquiring Authority to inquire into the charges framed against Md. Mahmood Alam. I have since completed the inquiry and on the basis of the documentary and oral evidence adduced before me, prepared by Inquiry report, two copies of which are forwarded herewith for further necessary action by the competent authority. According to my findings the charges mentioned at para 7.0 of the report have been proved.

2. The following records connected with the inquiry are also sent herewith.

- (i) File No. Vol.I consisting of 57 pages proceedings and _____ pages of correspondences, briefs.
- (ii) File No. Vol.II consisting of all the exhibited documents as listed in the beginning of the Inquiry report.

3. Receipt of this letter may kindly be acknowledged.

Yours faithfully,


(P. Chakraborty)

Inquiry officer &
ASP(Vig) C.O., Shillong.

Shaff
P1 - P2 - P3
H
22/11/78

Inquiry Report

33

ANNEX-X

on
The Departmental Enquiry Held Against Md. Mahmood Alam,
P.A., Nongpoh S.O.

Submitted by
Inquiry Officer
vide letter No. ASP/DP/4
dated 19-11-98.

List of Exhibited Documents

EXS-1 Application for the post of PA submitted by Md. Mahmood Alam.

EXS-2 Copy of Tura Employment Exchange Card No. 270/88.

EXS-3 SSPOs, Shillong letter No. B1/Rectt/96 dated 24-4-97.

EXS-4 Asstt. Employment Officer, Tura letter No. TXE-2(US)/94/650 dated 9-5-97.

EXD-1 Dist. Employment Exchange, Tura letter No. TXE-ON/96/579 dated 30-5-96.

List of Witnesses

SW-1 Asstt. Employment Officer, Dist. Employment Exchange, Tura.

1.1 Under Sub Rule (2) of Rule 14 of CCS(CCA) Rules 1965, I was appointed by the SSPOs, Shillong as the I.O., to inquire into the charges framed against Shri Mahmood Alam vide his memo No. B2-29 dated 21-5-98. I have since completed the Inquiry and on the basis of the documentary and oral evidences adduced before me prepared by Inquiry report as under :-

2.0 Participation by the charged official in the Inquiry and Defence Assistance available to him.

2.1 The CO attended the hearing on 24-6-98, 3-8-98, 4-8-98, 25-8-98, 9-9-98, 9-10-98. He did not attend hearing on 22-9-98. He was assisted by Shri B.L. Yadav, IPO(BD), C.O., Shillong as Defence Assistant throughout the inquiry proceeding except on 24-6-98 and 22-9-98.

3.0 Article of charge and substance of imputation of misconduct or misbehaviour.

3.1 The following article of charge was framed against Md. Mahmood Alam.

Article-I. Md. Mahmood Alam, PA, Nongpoh SO submitted E.E. Card No.270/88 alongwith his application for the post of PA which was received by the SSPOs on 3-6-96. Under SSPOs, Shillong

letter No. BI/Rectt/96 dated 24-4-97, Asstt. Employment Officer, Dist. Employment Exchange, Tura was addressed and Regn. Card No. 270/88 of Md. Mahmood Alam was sent to him. Under letter No. TXE-2(VS)/94/650 dated 9-5-97, the Asstt. Employment Officer, Tura intimated that the name and Regn. No. Md. Mahmood Alam was not found in his office record register and actual holder of the said Employment Exchange Identity Card was Shri Gobinda Ch. Kundu and his candidature was cancelled on 4-8-91 due to non renewal and the said E/E Identity Card belonged to the Non-Matriculate group. The reply of the Asstt. Employment Officer, Tura shows that the E/E Card which was submitted by Md. Mahmood Alam was not actually issued by the E/E, Tura to him and the said official was also aware of it. By the above mentioned act Md. Mahmood Alam violated the provisions of Rule 3(1)(iii) of CCS(Conduct) Rules, 1964.

3.2 According to the statement of misconduct or misbehaviour above mentioned charge was repeated with the addition that Md. Mahmood Alam had no valid Employment Exchange Card & thereby violated the provisions of rules as mentioned in the pre-para.

4.0 Case of the Disciplinary Authority

Md. Mahmood Alam while submitted application for the post of P.A., vide his application dated NIL as exhibited as EXS-1, submitted Tura E/E Identity Card No. 270/88 as exhibited under EXS-2 which were received by the SSPOs, Shillong on 3-6-96. On the basis of that application Md. Alam was appointed as PA but on verification the Asstt. Employment Officer, Tura vide letter No. TXE-2(VS)/94/650 dated 9-5-97 (EXS-4) reported that the name of Md. Alam was not registered in his office and the Regn. No. used by Md. Alam was in the name of one Shri Gobinda Ch. Kundu whose candidature was cancelled on 4-8-91 due to non-renewal. The NCO No. was allotted to a unskilled and non-matriculate candidate. Thus Md. Alam submitted a false Employment Regn. Card claiming the same for himself. The deposition of SW-1 and other exhibited documents establishes the charges against Md. Mahmood Alam beyond reasonable doubt and thereby violated the provisions of aforesaid rules. In the written brief submitted by the P.O. on 17-10-98, the PO pointed out that the CO did not boldly till date he had regn. with the E/E, could not produce or demand any addl. document in support of his proof of regn., could not produce any defence witness, avoided confrontation with the SW-1 during the inquiry, CO and DA did not attend hearing at Tura to avoid confrontation with the SW-1. The PO also pointed out that the SW-1 in her deposition dated 22-9-98 stated that the name of the CO was never registered at E/E, Tura, the Identity Card and Regn. No. used by the CO were in the name of Shri Gobinda Ch. Kundu who was under Matric and card lapsed in 8-91, the Identity Card was issued on 4-8-88 and then there was no provision of affixing photographs of the candidate on the Identity Card, the name of Gobinda Ch. Kundu was erased and name of CO was substituted on the Identity Card and SW-1 confirmed the documents exhibited as EXD-1, EXS-4, the CO did not deny that he used the Identity card of others.

5.0 Case of the Defendant

In defence the CO demand the charges and stated on 9-10-98, that the list of candidates furnished by the PW-1 in support of her deposition dated 22-9-98 should not be included as it was not listed document. The CO submitted his application for the post of PA to the E/E, Tura and E/E sponsored his application through their letter dated 30-5-96 to the SSPOs, Shillong and the CO is not concerned about the records maintained by the E/E in the matter and he is also not concerned whether his name was included in the list of candidates or not by the E/E. If the name of the CO was not included in the list of candidates (as mentioned in the deposition of SW-1) it was the lapse on the part of the PW-1 as the application who duly accepted and considered by the SSPOs, Shillong. The document exhibited as EXS-2 was submitted by the CO, it was processed/scrutinised at different stages by the SSPOs, Shillong but no objection was raised on that document. The CO submitted the Identity Card belonged to him and he is not concerned about the position mentioned by the PW-1 in her deposition. If the said Identity Card was not found in order the PW-1 would not forward and recommend the application of the CO and PW-1 forwarded the application of the CO after satisfying the validity of the Identity Card of the CO, The CO also pointed out that the PW-1 forwarded the application of the CO to the SSPOs, Shillong after satisfying the validity of the E/E Card and afterwards raised questions on the validity of the identity card and due to such shifting statements of the PW-1, her deposition is not dependable. In the brief the CO pointed out that sponsoring the application by the E/E is one of the pre-condition of the recruitment. The application of the PA was received through the PW-1 and no objection was raised by her while forwarding/sponsoring the application of the CO. The CO enrolled his name to the E/E, Tura and got the Regn. Card bearing No.270/88. The CO also pointed out that he was not given any chance to defend the case when PW-1 was called and also made objection regarding fixing venue of hearing at Tura on 22-9-98. He also pointed out that the actual holder of E/E Card No.270/88 Shri Gobindra Ch. Kundu as stated by the PW-1 was not included in the list of witness or called for examination. In conclusion the CO denied the charges and told that the charges are baseless and should be dropped.

6.0 Analysis and assessment of Evidence

The charge against the CO was that he submitted E/E Card No.270/88 alongwith his application for the post of PA which was not actually issued by the E/E. Tura to him and he was aware of it and the said E/E Regn. Card belonged to Shri Gobinda Ch. Kundu and his candidature was cancelled on 4-8-91 due to non renewal and said E/E card belong to non-matriculation group.

In support of the charges the Disciplinary Authority submitted the documents exhibited as EXS-1 to EXS-4. There was one witness as mentioned in Annexure IV of the chargesheet(PW-1).

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The document as exhibited as EXS-1 shows that it bears the photograph of the CO and his signature. In Col.C the no. was noted as 270/88 dated 4-8-91 and name of E/E noted as Tura. The document exhibited as EXS-2 shows that date of registration was noted as 4-8-88, next date of renewal due as 4-8-91 and occupation as unskilled and it bears the impression of photograph of the CO, and NCO as X02.01. The document exhibited as EXS-3 shows that the identity card as exhibited as EXS-2 was sent to the E/E, Tura on 24-4-97 for necessary record. The document as exhibited as EXS-4 was regarding questioned validity of the E/E Card.

In the deposition dated 22-9-98 the PW-1 said that the name of the CO was never registered in the E/E, Tura, confirmed genuineness of the document (Exd-1), confirmed that 24 applications were forwarded though list of 24 candidates was not forwarded but copy of list was kept in the E/E, Tura, the Identity Card No. 270/88 (EXS-2) belonged to Shri Govinda Ch. Kundu of Fulbari who was unskilled and under matric the card lapsed in Aug '91 due to non-renewal and there was ~~no validity~~ of the said card after Aug '91, the card was issued on 7-8-88 and then there was no system of affixing photograph on the Identity Card, the name of Govinda Ch. Kundu was erased and name of CO was written on the identity card, confirmed genuineness of EXS-4. The PW-1 also submitted list of 24 candidates alongwith his deposition. In the list name of the CO was not mentioned.

In defence the CO denied all the charges. On his behalf the document as exhibited as EXD-1 was submitted. In that document it was mentioned that 23 applications were forwarded by the E/ Exchange on 30-5-96 and there was remark on that document that 24 applications were received. In defence the CO stated that he submitted application to the E/E Tura and E/E, Tura sponsored his application vide EXD-1 to the SSPOs, Shillong. After receipt of application it was processed by the SSPOs. No objection was raised by the PW-1 while forwarding his application, if the identity card was not found in order, the PW-1 would not have forwarded and recommended the application of the CO. The PW-1 forwarded the application of the CO after satisfying the validity of the Identity Card of the CO. While scrutinising the application of the CO, no objection was raised by the SSPOs. The alleged holder of the said Identity Card was also not called/include as witness

While conducting the inquiry and after examining the documents connected, following silent points came to light which are required to be discussed here.

(a) Only permitted source of receipt of application is E/ Exchange. Applications are considered and entertained only if it is received through E/E only.

(b) E/E forwards the applications after satisfying the eligibility of the candidates.

(c) As per deposition of PW-1, 24 Nos. of applications were forwarded but why mention of 23 nos. of applications was made in the letter EXD-1 and why list of candidate was not sent alongwith applications.

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The application of the CO was entertained and considered which means that the application must had received through the authorised source i.e. E/E. If it was received through the CO and no adverse remark was made by the E/E while forwarding the application, while scrutinising the application through 3 stages in the O/O SSPOs, Shillong the validity of the Identity Card was not questioned at any level even by the D.P.C. also. The matters mentioned at (c) above shows the system of working at E/E, Tura.

In this case the vital witness was PW-1, on whose deposition the enquiry could be concluded. But system of working at E/E, Tura while forwarding the applications also not found upto the level of satisfaction. It remained un-answered beyond any doubt whether actually the application of the CO was received through the E/E, Tura or not, whether the identity card actually belonged to Shri' Govinda Ch. Kundu as his name was not included as witness.

The above position and the points made by the CO pointing some lapses in recruitment process created a bit barrier in reaching a definite conclusion.

If the charges against the CO is syncronised, the inquiry will be focussed on the point on the validity of the Identity Card as exhibited as EXS-2. This document shows that the card was issued on 4-8-88 and its renewal was due on 4-8-91, it was not renewed on 4-8-91 or any subsequent date. So the card as exhibited as EXS-2 has no validity after 4-8-91. Since the CO submitted the said identity card in support of his eligibility, the condition of valid registration in the E/E was not fulfilled. But this in-eligibility was over-looked by the D.P.C., while making selection. The PW-1 in her deposition dated 22-9-98 mentioned that the name of Md. Mahmood Alam was never registered in E/E, Tura and she also confirmed genuineness of the documents as exhibited as EXS-4, EXD-1. She made the deposition on the basis of the records of the E/E, Tura. The CO also could not make any proper defence against this point. So it can be taken that the name of the CO was never registered in the E/E, Tura. The above position and discussion leads to the conclusion that the Card No.270/88 (EXS-2) has no validity at the time of submission of EXS-1 and CO's name was never registered in the E/E, Tura and as such the EXS-2 was not issued in the name of CO.

7.0 Findings

On the basis of documentary and oral evidence adduced in the case before me and in view of the reasons given above I hold that the E/E Identity Card No.270/88 lapsed on 4-8-91 due to non renewal and the said Identity Card was not issued by the E/E, Tura to Md. Mahmood Alam. Therefore, the charges levelled against the charged officer is proved.

(P. Chakraborty) 6/11/88
Inquiry Officer