

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 731/2000.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. O.A-731/2000..... Pg..... 1 to.....
2. Judgment/Order dtd. 14/03/2000..... Pg..... NO. Separated to order file posed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 731/2000..... Pg..... 1 to..... 51
5. E.P/M.P..... NIL..... Pg..... to.....
6. R.A/C.P..... NIL..... Pg..... to.....
7. W.S..... NIL..... Pg..... to.....
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 23/2000 OF 199

Applicant(s) Smt. Bina Paai Nath.

Respondent(s) Union of India and others.
Smt. N. P. PathakAdvocate for Applicant(s) Mr. S. Kununjna.
Mrs. N. P. Barman.

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

Notes of the Registry	Date	Order of the Tribunal
Summons issued to the parties and withdrawn. C. F. of Rs. 50/- deposited vide RUC No. 09492469 Dated 18/2/2000.	21.2.2000 mk	Mr. A. Deb Roy, learned Sr. C.G.S.C. prays for adjournment to receive instructions. Prayer allowed. List on 14.3.00. for consideration of admission.
Summons issued to the parties and withdrawn. C. F. of Rs. 50/- deposited vide RUC No. 09492469 Dated 18/2/2000.	14.3.00	Dr. S. Kununjna, learned counsel for the applicant prays that he may be allowed to withdraw the Original Application with liberty to file fresh Application. Mr. Deb Roy, learned Sr. C.G.S.C. has no objection if the prayer of Dr. Kununjna is allowed. Accordingly the O.A. is disposed of on withdrawal with liberty to the applicant to file fresh O.A. without prejudice to the contention made in the O.A.
Copy of the order has been sent to the Spec. for issuing the same to the L/Advocates for the parties. Smt. Bina Paai Nath vide S. No. 855 Dated 24.3.2000.	23.3.2000 trd Smt. Bina Paai Nath vide S. No. 855 Dated 24.3.2000.	Member (J) Member (A)

Notes of the Registry	Date	Order of the Tribunal
NOTES OF THE REGISTRY	10/10/1980 10/10/1980	NOTES OF THE REGISTRY 10/10/1980
COMING	10/10/1980	(2)NOTES OF THE REGISTRY 10/10/1980
		(2)NOTES OF THE REGISTRY 10/10/1980
		(2)NOTES OF THE REGISTRY 10/10/1980

Central Administrative Tribunal
18 FEB 2000
18 FEB 2000
Guwahati Bench
Guwahati Bench
In the Central Administrative Tribunal

Guwahati Bench :: Guwahati.

Title of the Suit

: O.A. No. 73

/2000

Smti Bina Pani Nath

Applicant.

-Versus-

Union of India and others

Respondents.

I N D E X

<u>Sl.No.</u>	<u>Annexure</u>	<u>Particulars</u>	<u>Page No.</u>
1.	-	Application	1-20
2.	-	Verification	21
3.	A	Copy of the taking over- Charge dated 10.10.68	22-23
4.	B	Copy of the report dt.13.3.95	24-25
5.	C	Copy of the seizure list dated 20.3.95	26
6.	D	Copy of the order dt.27.3.95	27
7.	E	Copy of the handing over charge dt. 27.3.95	28
8.	F	Copy of the order dt.5.4.95	29
9.	G	Copy of the office memorandum dated 2.1.96	31-33
10.	H	Copy of the money receipt	34
11.	I	Copy of the representation dated 29.1.96	35
12.	J	Copy of the notice dt.5.8.96	36
13.	K	Proceeding dt. 21.8.96	37
14.	L, L,	Copy of the hearing proceed- ing dated 24.9.96 and written submission	38-40
15.	M	Copy of the order dated 14.1.97	41-46
16.	N	Copy of the appeal filed	47
17.	O	Copy of the reminder issued	48
18.	P	Copy of the School Certificate	49
19.	Q	Copy of the order of the Tribunal dated 11-8-99	50
20.	R	Copy of the Postal registration receipts dated 27-8-99	51

Filed by : Smti Bina Pani Nath
Applicant
Smti Bina Pani Nath
Through : S. Kanjana
Advocate

7-03-2000

Before the Central Administrative Tribunal

Guwahati Bench ;;; Guwahati

O.A. No. 15 /2000

BETWEEN

Smti. Bina Pani Nath
resident of Mohonpur,
P.O. Mohonpur,
Dist. Hailakandi. Ass

Dist. Hailakandi, Assam ... Applicant.

AND

1. Union of India
represented by the Secretary to
the Government of India,
Ministry of Communication,
New Delhi.
2. The Director of Postal Services,
Assam Circle, Guwahati-1
3. The Senior Superintendent of
Post Offices, Cachar Division,
Silchar - 788 001.
4. Sri B.K.Sinha,
The Sub-Divisional Inspector of
Post Offices, Karimganj Sub-Division,
Karimganj.
5. The Sub-Divisional Inspector of
Post Offices, Hailakandi Sub-Division,
Hailakandi

B. Nath

Contd. 2

Details of the application:

1. Particulars of the order against which the application has been made:

This application has been made against the order dated 14-1-97 passed by the Senior Superintendent of Post Offices, Cachar Division Respondent No. 3 by which the applicant was removed from her service and also against non-disposal of applicant's appeal by respondent No. 2 inspite of the Hon'ble Tribunal's direction.

2. Jurisdiction :

The applicant declares that this Hon'ble Tribunal has got jurisdiction to adjudicate the matter in regard to which this application is made.

3. Limitation :

The applicant states that this application is made within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act 1985 as fresh cause of action arose due to non-compliance of the Hon'ble Tribunal's direction dated 11-8-99.

4. Facts of the Case :

4.1. That the applicant is a citizen of India and a permanent resident of Assam and as such she is entitled to all the rights and protection as guaranteed under the Constitution of India and Laws framed there under.

4.2. That the applicant has been working as ED Br.P.M. (Extra Departmental Branch Post Manager) at Mohonpur

Contd.....3

B. Nah

EDBO (in accents with Kalibari Bazar S.O.) in Hailakandi District in Assam from 10.10.1968. The applicant had been discharging her duties honestly, efficiently and to the fullest satisfaction of the superior officers with unblemished services records for the last 25 years.

The copy of the taking over charge on 10.10.68 is annexed hereto and marked as ANNEXURE - A.

4.3. That on 8.3.95, one Smti. Bijoya Rani Das holder of S.B. Account No. 98578 of the B.P.O. Mohonpur approached the applicant for depositing certain amount. At the first glance of the said pass book it was found that some of the signatures of the applicant against earlier deposits of some amounts in different dates were forged. Being enquired, Smti. Das stated that the said amount was handed over to Sri Kashi Nath Dhupi EDDA for deposit in her S.B. A/C. On further enquiry it was found that these amounts were not reflected in the S.B. Journal account and in Daily collection account and consequently not deposited to the Government exchequer. Thus it was apparent that the said amount was defalcated by forgoing the signature of the applicant without the knowledge of the applicant by Sri Kashi Nath Dhupi, E.D.D.A. Mohonpur E.D.A.O.

Immediate after detection of above facts the applicant submitted a detailed report on 13.3.1995 to the Inspector of Post Offices District Hailakandi (Respondent No. 5) narrating the entire episode and requesting the respondent No. 5 to take necessary action against the erring

P. Nath

erring E.D.D.A. Shri Kashi Nath Dhupi.

It may further be mentioned that in that report, the applicant also pointed out that the said Smti.Das and Shri Kashi Nath Dhupi E.D.D.A. were in good terms and were very much close to each other and the applicant received some more verbal complaints from the local public against Shri Kashi Nath Dhupi which required through investigation.

The copy of the said report dated 13.3.95 is annexed hereto and marked as Annexure - B.

4.4. That on 20.3.95, all of a sudden some records (as many as 8 items) belonging to Mohonpur E.D.P.O. had been seized by the Sub-Divisional Inspector of Post Offices, Hailakandi Sub-Division (Respondent No. 5) from the possession of the applicant on alleged misappropriation of Government money amounting to Rs.3,700/- only.

The copy of the said seizure list dated 20.3.95 is annexed hereto and marked as Annexure-C.

4.5. That on 27.3.95, the respondent No. 5 issued an order in white paper which reads as "please treat yourself put off from duties with immediate effect, and you are directed to hand over the charge of the B.P.M. to Shri Paban Ch. Nath O/S mails, Hailakandi."

Formal memo will be issued in due course."

Contd....5

B. Nath

The aforesaid summary order was served on the Petitioner applicant without giving the applicant the barest minimum opportunity of being heard or any prior notice.

It may be mentioned that the said respondent No.5 is not the appointing authority of the applicant. Hence the order passed by the respondent No. 5 placing the applicant put off duty is illegal.

Copy of the said order dated 27.3.95 is annexed hereto and marked as Annexure - D.

4.6. That the applicant on compliance with the aforesaid order dated 27.3.95 handed over the charge to Sri Paban Ch. Nath as directed on the same date i.e. 27.3.95.

The copy of the said handing over charge is annexed hereto and marked as Annexure - E.

4.7. That on 5.4.1995, the Senior Superintendent of Post Offices, Cachar Division, Silchar (Respondent No.3) passed a formal order which reads inter alia "whereas a disciplinary case is contemplated the undersigned placed the said Smti. Binapani Nath off duty with effect from 27.3.95 (A.N.)

The said order further reads as

"During the period of his(her) off duty Smti. Bina Pani Nath will not be entitled to any allowances".

B. Nath

Contd..... 6

Thus the applicant was denied the minimum right to livelihood on mere contemplation of disciplinary proceeding which violates applicants fundamental right as guaranteed under Article 21 of the Constitution of India. Moreover, aforesaid order 5.4.95 is cryptic and non-speaking one and hence the same is liable to be quashed.

The copy of the aforesaid order dated 5.4.1995 is annexed hereto and marked as Annexure - F.

4.8. That on 2.1.96, an office 'Memorandum' along with statement of Article of charges etc. were issued by the Sr. Superintendent of Post Office i.e. the respondent No. 3 asking the applicant to submit written statement in respect of the article of charges. Accordingly the applicant submitted the written statement denying all the three charges levelled against her. It may be mentioned here that the original copy of the written statement was submitted to the authority while the office copy was retained by the applicant. But the office copy has been lost/misplaced which could not be found and annexed hereto. The applicant craves the leave of this Hon'ble Tribunal to direct the respondents to produce the copy of the written statement during the course of hearing of the case.

The applicant also craves leave of the Hon'ble Tribunal to allow her to take the grounds stated in the written statement as of defence at the time of hearing of this application.

B. Nath

The copy of the said office memorandum dated 2.1.96 is annexed hereto and is marked as Annexure - G.

4.9. That the applicant on bonafide belief and with her all sincerity and devotion to duty, thought that she should not shirk moral responsibility, although she was not even remotely connected with the defalcation of alleged money, she honestly deposited the said amount to the Govt's exchequer with such hardship only with a hope that all alleged charges against the applicant will be dropped considering her~~x~~ innocence and her integrity for the last 25 years of her service. Moreover, as there is no material loss to the respondents as stated here-in above and hence it was a fit case to reinstate the applicant in service which has not been done by the respondents.

The copies of the money receipts against the aforesaid depositor are annexed hereto and are marked as Annexure - H.

4.10. That on 29.1.96, the applicant in continuation of her written statement, again submitted a representation to the respondent No. 3 reiterating that the signature in the Pass Book were not of the applicant and which were forged by Sri Kashi Nath Dhipi, E.D.D.A. and that the applicant is in no way connected with the alleged mis-appropriation of Govt.'s money. The applicant also prayed for dropping the disciplinary proceedings against her. But the respondents did not consider the prayer

B. Nath

Contd.....8

of the applicant and also failed to initiate disciplinary proceedings against the real culprit.

The copy of the said representation dated 29.1.96 is annexed hereto and is marked as Annexure - I.

4.11. That on 5.8.96, the Sub-Divisional Inspector of Post Offices, Karimganj Sub-Division (respondent No. 4) being the Enquiry Officer issued a notice under Rule 8 of P & T E.D.A. (conduct and service) Rules, 1964 to the applicant requesting her to appear before him on 21.8.96 at 11-30 A.M. at Hailakandi.

The copy of the said notice dated 5.8.96 is annexed hereto and is marked as Annexure - J.

4.12. That on 21.8.96, the applicant appeared before the said Enquiry Officer and deposed before him categorically denying all the 3(three) articles of charges levelled against her; the fact of which was recorded in the proceedings by the Enquiry Officer. The hearing was adjourned for inspection of documents and the next date was fixed on 24.9.96.

The copy of the said proceeding dated 21.8.96 is annexed hereto and is marked as Annexure - K.

4.13. That on 24.9.96, the applicant again appeared before the Enquiry Officer and on scrutinizing of records the applicant unambiguously asserted that signatures of the applicant in the S.B. A/C. No. 98578 and PD Pass Book No. 92026 were forged by Sri Kashi Nath Dhupi E.D.A. The applicant also requested to verify those signatures

B. Nath

by hand writing expert in order to fix the responsibility in accordance with law. But the respondent failed to prove the forged signature as procedure established by law. The applicant submitted a written statement also on 24.9.96.

It is pertinent to mention here that the applicant's husband expired in 1993 prematurely due to cancer and ~~she~~ due to sudden demise of her husband the applicant had been passing her days through mental agony and financial stringencies. Taking the advantage of applicant's mental unsettled condition Sri Kashi Nath Dhupi E.D.D.A. might have committed the mischief. The applicant with a view to avoid further harassment, deposited the amount although she was in no way involved in the matter .

The copy of the hearing proceedings/dated 24.9.96
is annexed hereto is marked as Annexure - L and L1.

4.14. That, after a long gap of six months the applicant was utterly shocked and surprised when she received the order dated 14.1.97 passed by the respondent No. 3, removing her from service with retrospective effect from 27.3.95. The said order was passed on the basis of the report submitted by the Enquiry Officer, who

who held the following three charges against the applicant as established.

1. alleged mis-appropriation amounting to Rs. 3,300.00 in respect of deposit in SB a/c. No. 98578 of Smti. Bijaya Rani Das from 13.9.94 to 3.2.95.
2. alleged misappropriations of Rs. 400.00 in respect of deposit in RD A/C. No. 92026 of Sri Dilayar Hussain from 30.4.94 to 20.6.94.
3. And the aforesaid misappropriation was caused due to lack of integrity and devotion to do duty.

4.15. That on perusal of the enquiry report, the applicant painfully states that the Inquiry Officer has failed to take into consideration the crux of the factual aspect and in a very cryptic manner has submitted his report. From more reading of the Inquiry Report, it becomes crystal clear that the Inquiry Officer has acted arbitrarily and illegally to come into a conclusion and there has been a total non-application of mind by that Inquiry Officer.

Inspite of the applicant's repeated insistence, the Inquiry Officer did not take any evidence from three vital and potential witnesses namely SB a/c and Pass Book holder Smti. Bijoya Rani Das and RD a/c Pass Book holder Sri Dilayar Hussain Laskar whose money were allegedly handed over to Shri Kashi Nath Dhupi E.D.D.A. for deposit and also Sri Kashi Nath Dhupi. Moreover applicant emphatic assertion that Sri Kashi Nath Dhupi forged her signature in the aforesaid pass books, was not at all taken into cognizance by the Inquiry Officer and no steps were taken to authenticate the signature of the pass books,

B. Nath

though Forensic Expert, instead the Inquiry Officer most casually and arbitrarily commented in his report "mere denial of the initials on the pass books is not acceptable and believeable".

Thus the entire report is vitiated due to factual and procedural lapses. Hence the final order dated 14.1.97 based on the illegal findings of the Inquiry Officer is liable to be set aside and quashed.

The copy of the order dated 14.1.97 by the disciplinary authority along with the report of the Enquiry Officer is annexed hereto and is marked as Annexure - M.

4.15. That the applicant begs to state that the respondents have acted in a very casual manner in coming to the conclusion and finally removing her from service. The respondents have failed to apply their minds and without going to the vital points and evidences to reach the finality of said Departmental Proceedings. A mere reading of the impugned order it is clear that the same has been passed in a very arbitrary manner without following the settled Principles of natural justice and procedure established by law.

4.16. That the applicant begs to state that immediate after detection of signature which were not signed by her in the SB a/c Pass Book of Smti Bijoya Rani Das and R/D a/c Pass Book of Dilyar Hussain the fact was reported to the respondent No. 5 alleging that the forgoing was

B. Nath

was made by Shri Kashi Nath Dhupi E.D.D.A. as stated in para 4.3 of this application. But it is stated that no action was taken on that report by respondent No. 5. The respondents failed to prove forgoing by procedure of law.

4.17. That, the applicant begs to state that during the course of Enquiry the applicant brought to the notice of the Enquiry Officer regarding the fact that Smti. Bijoya Rani Das holder of S.B. a/c Pass Book handed over money to Sri Kashi Nath Dhupi for deposit and signature of the applicant on the said Pass Book was forged which requires through investigation to find out the truth. But the authority concerned had failed to consider the most vital aspect of the matter and have come to such a arbitrary conclusion by which the service of the applicant has been jeopardised which consequently shattered the applicant's whole family and for which the applicant was suffering from different ailments, thereafter as her termination of service had direct effect on body and mind and her livelihood.

4.18. That the applicant filed an appeal to the respondent No. 2 through respondent No. 3 against the aforesaid order of removal on 4.4.97 as per rule 10 of the Department of Post Extra Departmental Agents (Conduct and Services) Rules, 1964.

But the said appeal is still pending for disposal by the respondent No. 2 and 3. Moreover a reminder was ~~xxxxxx~~ submitted to the respondents 2 and 3 for disposal of any above appeal on 3.10.97 but the respondents 2 and 3 total silence over the issue.

B. Nath

A copy of the said appeal and the remainder are annexed here to and are marked as Annexure N & O.

4.19. That, Sri Kashi Nath Dhupi, who was the main person behind the entire happenings is still in service and no action has been taken against him. The applicant also states that her date of birth was 14.9.1943 as per School Certificate. As the retiring age is fixed at 65 years in case E.D.A. She would have retired on 18.9.2008 at the age of superanuation had ~~she~~ been in service.

A copy of the aforesaid School Certificate dated 12.3.62 is annexed hereto and marked as Annexure-P.

4.20. That being highly aggrieved with the arbitrary order of termination of her service, the applicant approached this Hon'ble Tribunal by an application No. A 198/99 which was disposed of by the Hon'ble Tribunal on 11-8-99 with a direction to the respondents to dispose of the applicant's pending appeal by a reasoned order within a period of 9 months from the date of receipt of the order.

A copy of the said order dated 11.8.99 is annexed hereto and marked as Annexure - Q.

4.21. That on receipt of the certified copy of the aforesaid order, the applicant sent by Regd. Post. on 27.8.99 a petition enclosing a copy of the Hon'ble Tribunal's order, requesting the Respondents No. 2 and 3 for early disposal of the long pending appeal.

The photocopies of the Postal Registration receipt No. 2619 & 2620 dated 27.8.99 of Hailakandi P.O. are annexed hereto and marked as Annexure - R.

4.22. That subsequently the applicant personally enquired at the office of the respondent No. 3 who acknowledged the receipt of the petition for disposal of the pending appeal, but after a lapse of more than 3 months no action whatsoever in this regard has yet been taken by the respondent Nos. 2 and 3 in flagrant disregard to the Hon'ble Tribunal's direction.

4.23. That from the callous attitude and conduct of the respondent Nos. 2 and 3, it is observed that the respondents have no mood or intention to do justice to the applicant. It appears that the respondent Nos. 2 and 3 deliberately kept pending disposal of the applicant's appeal, and the applicant is completely frustrated and gave up the hope of getting minimum justice from the respondents.

4.24. That the applicant finding no other alternative, again approached the Hon'ble Tribunal with the present petition for getting justice and to be saved from complete peril.

5. Grounds for reliefs with legal provision.

5.1. For that, the arbitrary action of the respondents is violative of Article 311(2) of the Constitution of India which the applicant enjoyed being holder of Civil Post under the Govt. of India.

5.2. For that the entire disciplinary proceedings from the beginning till the conclusion are vitiated by glaring procedural lapses as under :-

i) As per provision of the Rules, of Department of Post Extra Departmental Agents (Conduct and Services) Rules, 1964 an EDA can be

can be 'Put off' duty only during the pendency of the enquiry and not when any enquiry is contemplated. In the instant case the applicant was treated put off duty in contemplation of an enquiry.

ii) As per provision of the aforesaid Rules, every effort should be made to finalise the disciplinary proceedings and to pass final orders so that he may not remain 'put off duty exceeding 120 days. But in the instant case the applicant was put off duty on 27.3.95 and the final order was passed on 14.1.97 i.e. the applicant was put off duty for about 668 days.

iii) taking of evidences from the directly connected witnesses were deliberately left out by the respondents inspite of repeated insistence by the applicant.

iv) no attempt was made by the respondent to prove the forged signature in the Pass Book through Forensic hand writing expert as asserted by the applicant and in accordance with law.

v) Hon'ble Supreme Court in recent judgement hold that the delinquent officer must be supplied with the copy of the inquiry report along with the recommendations if any, in the matter of ~~xxxxxx case~~ proposed punishment to be inflicted. In the instant case the applicant was not supplied with the copy of the Inquiry Report prior to infliction of punishment.

B. Nath

vi) the applicant's innocence and bonafide in alleged misappropriation is completely proved when she submitted a report on 13.3.95 (Annexure-B) to the respondent No. 5 regarding alleged misappropriation and forgoing of signature of the applicant but the respondent did not take any concrete steps in the matter.

vii) the nature of penalty provisions of the aforesaid Rules says that the penalty may be imposed namely recovery from allowance of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders, in the ~~instant~~ instant case, the entire amount of Rs. 3,700/- has been deposited by the applicant on moral grounds hence her removal from service is highly illegal, excessived and too harsh. In view of the above procedure lapses, the disciplinary proceedings as well as the final order of removal from service are liable to be set and quashed.

5.3. For that, during the put off duty which means suspension from duty the applicant was denied any subsistence allowance to maintain her livelihood which violates the applicant's fundamental rights guaranteed under Article "14 and 21 of the Constitution of India. Hon'ble Gauhati High Court in a recent case held" it is a settled law that if an employee is put under suspension, the relation of employer and employee does not come to an end, it is only suspended temporarily, so far survival of the employee and his family, the employer has to pay subsistence allowance Payment of subsistence allowance follows from suspension and an employee cannot be deprived of this rights." The

B. Nath

The Apex Court also held that a civil servant who is placed under suspension cannot be denied subsistence allowance. The Apex Court further held in R.K.Rajan's Case (1977) 3 S.C.C. 94, that the *juridical* relationship of master and servant continues during the period of suspension of the Government Servant. This denial of subsistence allowance would amount to denial of fair opportunity to the applicant resulting in contravention of principles of natural justice.

5.4. For that the respondent treating Sri Kashinath Dhupi E.D.D.A. as innocent without proving the forged signature of the applicant in the S.B. a/c Pass Book and B/D a/c Pass Book through handwriting expert and holding the applicant guilty violates the Article 14 of the Constitution of India and the impugned order of applicant's removal from service is liable to be quashed and set aside.

5.5. For that the respondent have passed the impugned order of removal from service in a cryptic manner and in flagrant disregard to the settled principle of natural justice and the same is liable to be set aside and quashed.

5.6. For that, the extreme penalty imposed on the applicant who rendered continuous services of more than 25 years with unblamish records, is unreasonably harsh which is not commensurate with the gravity of the offence charged and taking into consideration the fact that the misappropriated amount is only Rs. 3,700.00 and that too was deposited by the applicant without admitting the offence committed by herself, hence the same is liable to be set aside and quashed.

5.7. For that, the impugned final order of removal was passed without prior furnishing the copy of the report of the Inquiry Officer, the proceedings cannot stand in law and is liable to be set aside and quashed.

In a recent case, the Hon'ble Gauhati High Court held that the proceeding was vitiated as the report of the enquiry officer was not furnished to the petitioner before the final order of removal was passed.

5.8. For that, the respondents have acted violating the existing provisions of law as well as departmental procedure in holding the applicant guilty of the charges hence the case is not sustainable in the eye of law and is liable to be set aside and quashed.

5.9. For that, in any view of the matter, the impugned action of the respondents is illegal, arbitrary and without application of minds which is not sustainable in eye of law and hence the same is liable to be set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance more grounds at the time of hearing of the case or to file additional statements if it is so warrants.

6. Details of remedies exhausted :

That the applicant begs to state that she has exhausted all the remedies available to her and there is no other alternative remedy than to approach once again the Hon'ble Tribunal by way of filing the case.

B. Naik

7. Matters not previously filed or pending before any other court :

That the applicant beg to state that she has previously filed an application before the Hon'ble Tribunal regarding the grievances which was disposed of as aforesaid order and due to fresh cause of action for non-compliance of Hon'ble Tribunal's order dated 11-8-99. This application has been before the Hon'ble Tribunal.

8. Relief sought for :

Under the facts and circumstances the applicant prays that the instant application be admitted, records be called for and after hearing the Parties on the cause or causes that may be shown and on perusal of the records be further pleased to grant the following relief :-

- 8.1. The Hon'ble Tribunal be pleased to declare the action of the respondents exercising powers to place the applicant under put off duty, without payment of subsistence allowance for about 2 years is arbitrary, illegal unconstitutional being violative of Article 14 and 21 of the Constitution of India and be pleased to quash and set-aside the enquiry proceedings and the findings depended upon it and the punishment imposed by the disciplinary authority.
- 8.2. Be pleased to declare the Enquiry proceedings, its findings and the punishment imposed by the disciplinary authority, as illegal invalid and inoperative in law and is without application of mind and in violation

of principle of natural justice and further direct the respondents to re-instate the applicant with all consequential service benefits including arrear salary, allowances etc.

8.3. Be pleased to declare the punishment of removal from services as arbitrary, illegal and without jurisdiction as the applicant was in no way involved into any kind of mis-appropriation of Govt's money and no pecuniary loss occurred to the Govt.'s exchequer.

8.4. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and to which this Hon'ble Tribunal deems fit and proper in the interest of justice together with cost.

9. Interim order prayed for :

Pending disposal of this application, the applicant may be granted subsistence allowances to maintain her livelihood.

10. Particulars of the I.P.O

I.P.O. No.	:	16 752988	109 492469
Date	:	13.8.99	18.2.2000.
Payable at	:	H.P.O	

11. Enclosures :

As stated above.

B. Nath

VERIFICATION

I, Smti. Bina Pani Nath wife of Late Mohim Chandra Nath, aged about 35 years resident of Vill. Mohonpur, P.O. Mohonpur, Dist. Hailakandi, Assam, do hereby solemnly affirm and verify that the statements made in para 1 to 3 and 5 to 11 are true to my knowledge and those made in para 4 are matters of records which I believed to be true and the rests are my humble submission before the Hon'ble Tribunal and I have not suppressed any material facts of the case.

And I sign this verification on this day 7th day of February of 2000 at Guwahati.

Bina pani Nath
Deponent.

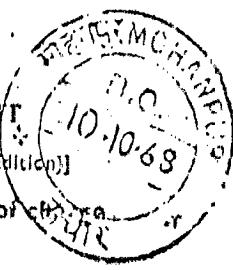
A.I.R. 1968

A. C. G. 61

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

[See Rule 267, Posts and Telegraphs Financial Handbook, Volume I (Second Edition)]

Charge Report and Receipt for cash and stamps on transfer of charge.



Certified that the charge of the office of E. A. M. Mohampur P.O.,
was made over by (name) Shri Mohan Chandra Sath,
to (name) Shri Bina Purni Nath at (place) Mohampur,
on the (date) 10.10.68.

In the mail dated 9.7.68 from The S. P. R. P. H. L. K.
Sub-Div.
Bina Purni Nath
Relieving Officer.

[P. T. O.]

Attested to be true copy
Naveenita P. Barman
Advocate
7-2-2000

*Certified that the balances on this date of the several books (including Stock Book and Registers) and accounts of the office have been checked and found correct.

*Certified that the balances as detailed below were handed over to me by the Relieved Officer and I accept responsibility for the same.

	Rs.	P.
(i) Cash	10	02
(b) Stamp Imprest	39	95
made up of		
(I) Stamps		
(II) Cash		

Bindu Nath
Relieved Officer

Bindu Nath
Relieving Officer

On the 10. 10. 1968.

Bindu Nath

*The zero when not actually required may be scored through,
21.8 21. 31.6.83 10,00,000.

Attested to be true copy
Niranjan P. Barman
Advocate
7. 2. 2000

-24- 20.

ANNEXURE- B 20

To

The Inspector of Post Offices,
District Nalukondi, Andhra.

Sub:

Detection of Fraudulent Act and
defalcation of Account in S.B.
Account No. 98578 of Srimati
Bijoya Rani Das.

of Mohanpur Branch Post Office
by Sri Kusinath Dhupi, BDDA (now
under suspension.)

Sir,

With respect and humble submission,
I have the honour to state the following facts for
favour of kind information and necessary action.

That Sir, S.B. Account No. 98578 of the
Branch Post Office, Mohanpur, the holder of the S.B.
Account Smti Bijoya Rani Das who has approached this
Branch Post Office on 6.9.95 for depositing certain
amount.

That Sir, on first glance it is found that
Branch Post Master's signature is forged on the S.B.
Account Pass Book. On enquiry it is revealed that
the holder of the Pass Book on several occasions handed
over the Pass Book along with Cash for deposit to
Sri Kusinath Dhupi BDDA (now under suspension) for
causing deposit without the knowledge of undersigned.

On scrutiny of the Pass Book it is seen
that the said person used the official book and forged
my signature on several deposits. On further scrutiny
of the S.B. journal following discrepancies were
noticed against the dates mentioned :-

(1) 13.9.94	Deposit shown	Rs. 300.00
(2) 5.10.94	" "	Rs. 500.00
(3) 4.11.94	" "	Rs. 500.00

Contd. 2.

(4) 6.12.94 Deposit shown Rs. 700.00
(5) 6.1.95 " " Rs. 500.00
(6) 3.2.95 " " Rs. 800.00

All these dates and deposits are recorded at a glance and these deposits are not entered in the N.B. Journal and daily accounts, i.e. these transactions are totally false. It will be worthwhile to mention here that the said Krishnabhdh Bhupi and the holder of the Pass Book are very much in friendly terms.

It is therefore prayed that the matter may kindly be verified and necessary action against erring SDDA under suspension be taken to protect the interest of the Department on due verification of facts as there were other complaints from the public of the locality against him.

Yours faithfully,

Smti Binafani Nath
I.P.U.C

Date - 13.3.95 -



Attested to be true copy
Nawanaia P. Barman
Advocate
7.2.2000

ANNEXURE C

The following records were seized
from Molapara B/S in view of alleged
misappropriation of the Govt money
from SB/RD C/Bs.

1) B/S Account Book for No Period
~~Jan 1. 6. 94. to 31. 1. 95~~
Jan 1. 6. 94. to 31. 1. 95

2) B/S A/P. Book from 1.2.95 to 15.3.95

3) B/S Journal from 1.3.94 to 15.3.95

4) ~~so~~ from 16.2.94 to 15.3.95

5) ~~so~~ from 17.1.95 to 2.3.95

6) ~~so~~ from 3.3.95 until 27.3.95

7) B/S SB Journal from 1.7.91

8) B/S RD Journal from 3.1.92

Signature of the
Officer
Smti Bina Banerjee

Also
20/31
B/S Divisional Inspector
of Post Office
Haldibari Sub-Division
Murshidabad

Attested to be true copy
Nawnitra P. Barman

Advocate
7.2.2000

25

25

ANNEXURE-D

Office

Government of India
Ministry of Posts
Postmaster General

Headquarters

Sarkar Bazaar, Dabhol

Opp. Molaypur Bazaar

No. 41/100 Dabhol. Dabhol H.H.K
To 27.3.95

Sir:- Regarding fixation of
Molaypur Bazaar

Please treat yourself "Put off"
from Sarkar Bazaar immediately
and you are advised to hand
over the charge of the Bazaar
to Shri Gagan Chandra Sarkar
Molaypur Bazaar

12. Formal memo will be issued

P.

Under Direction of Postmaster
Post Master
Molaypur Bazaar

Attested to be true copy
Nawanta P. Barman
Advocate
7-2-2000

ANNEXURE- E

17/6 July

१८६ श्री. ग्रो-६१/ए.०.०-६१

भारतीय डाक विभाग

DEPARTMENT OF POSTS, INDIA

(राजसंग्रह २६७, डाक-तार विभाग का खण्ड I, विभाग व्यवस्था)
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume I,
Second Edition)

वार्ता की वस्त्री पर चालं रिपोर्ट और नक्शे और टिकटों की रसीद
Charge-Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि
Certified that the charge of the office of The B.P.O.
Mohampur B.O.

..... (नाम) ने
was made over by (name) Shri Binapani Nath

(नाम) को Shri Raban Ch. Nath

स्थान
at (place)

मुमुक्षु २७.३.९५ का पुराल में

Mohampur

on the (date) २७.३.९५ ~~fore~~ ^{after} noon in accordance with order
27/3/95

No. AII Dated 27.3.95

के अनुसार देशिय।
from S. D. 9. H. L. S.

Binapani Nath
Relieved Officer

Relieving Officer

Shri Binapani Nath

27/3/95

Relieving Officer

16470 (P.T.O.)

“માર્ગદર્શિકા કરી શકતું હોય કે કાંઈ કારણે હોય કે કાંઈ કારણે હોય (એવી ઘણે અંદરની ઘણે) મિશનારી કરી શકતું હોય કે કાંઈ કારણે હોય

Certified that the balances of this date of the General Ledger and Stock Book and Registers and receipts of the other books are checked and found correct.

*प्रमाणित किया जाता है कि निम्नलिखित बाधा में से कोई अद्वितीय नहीं है दिए और से इनके लिए जिम्मेदार हैं।

*Certified that the balances as detailed below were handed over to me by the Relieved Officer and I accept the responsibility for the same.

(अ) नकदी/Cash

60
P.S.

(v) अग्रदाय टिकट/Stamp Imprest

जिसमें पे शामिल है :-
Made up of :-

(1) टिकट/Stamp	26470
(2) नकदी/Cash	58855

Sarli Bhina/sem' Nalih

भारपूर अधिकारी
Relieved Officer

16 c. 13.
Relieving Officer

तारीख
Dated the

14

Forwarder

1. *Leucanthemum vulgare* L. (1753)

*जब प्रमाण-पत्र का आवश्यकता न होता। इसे काट दिया जाए।
*The Certificate, when not actually required, may be cut.

124 94/64.5001

BRUNN/MCGRAW-HILL 0-07-042444-0

The Certificate when not actually required may be forwarded through the Bureau/MC Bureau, GPO, Washington, D.C. 20540.

Attested to be true copy
Nanavita P. Barnam
Advocate
7-2-2000

GOVT. OF INDIA
MINISTRY OF COMMUNICATION
DEPARTMENT OF POSTS
OFFICE OF THE SR. SUPDT. OF POST OFFICES, CACHAR DNI
SILCHAR-788001

No. A-99/PF

Dated Silchar the 5-4-1995

Whereas a disciplinary case is contemplated against Smti Binapani Nath, EDBPM, Mohanpur EDBO (in a/c with Kalibari Bazar S.O.) under Rule 8 of P&T ED Agent (Conduct and Service) Rule, 1964.

Now, therefore, the undersigned placed the said Smti Binapani Nath off duty with effect from 27-3-95 (A.M) under Rule 9(I) of the P&T (Conduct & Service) Rule, 1964.

During the period of his off duty, Smti Binapani Nath will not be entitled to any allowances.

Sd/

(P. NATH)
Sr. Supdt. of Post Offices,
Cachar Dni: Silchar-788001.

Copy to:-

REGD/A.D. 1. Smti Binapani Nath, EDBPM, Mohanpur EDBO (put off duty) via Kalibari Bazar S.O.
2. The SDPOs, Hajlakandi Sub-Dni w.r.to his letter No. A/1/Mohanpur dated 27-3-95,
3. The Sr. Postmaster Silchar H.O. for information and necessary action.
4. The S.P.M. Kalibari Bazar S.O.
5. The Vigilance Register, Divl. office, Silchar.
6. The ASPOs (HQ) Divl. office, Silchar.
7-8. Spare.

Sd/
Sr. Supdt. of Post Offices,
Cachar Dni: Silchar-788001.

Attested to be true copy
Navanita P. Barman
Advocate
7. 2. 2000

11-1-96

GOVT. OF INDIA
MINISTRY OF COMMUNICATION
DEPARTMENT OF POSTS
FICS OF THE SR. SUPDT. OF POST OFFICES: CACHAR DN:
SILCHAR-788001

ANNEXURE-G

memo No. F1-1/95-96

Dated Silchar the 2-1-96

MEMORANDUM

The undersigned proposed to hold an enquiry against Smti Binapani Nath, EDBPM Mohanpur EDBO (now put off duty) under Rule 8 of PGT ED Agents (Conduct and Service) Rules, 1964. The substance of the imputations of misconduct or Misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Article of charges (Annexure-I). A statement of the imputations of mis-conduct or mis-behaviour in support of each Article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the Articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

2. Smti Bina Pani Nath, EDBPM Mohanpur EDBO (now put off duty) is directed to submit within 10 (ten) days of the receipt of this Memorandum/completion of inspection of listed documents, a written statement of his defence and also to state whether she desires to be heard in person.

3. She is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should therefore, specifically admit or deny each article of charge.

4. Smti Binapani Nath, EDBPM Mohanpur EDBO (on put off duty) is further informed that if she does not submit his written statement of defence on or before the date specified in para 2 above or does not appear in person before the Inquiring Authority or otherwise fails or refused to employ with the provisions of Rule 8 of the PGT ED Agent conduct and service Rules 1964 or the orders/ directions issued in pursuance of the said rule, the Inquiring authority may hold the inquiry against him ex-parte.

5. Attention of Smti Bina Pani Nath is invited under rule 25 of PGT ED Agents conduct and service Rules 1964 under which no Govt. servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his services under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Smti Bina Pani Nath is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 25.

6. The receipt of this Memorandum may be acknowledged.

(P. NATH)
Sr. Supdt. of Post Offices,
Cachar Dn: Silchar- 788001.

Copy forwarded to:-

1. Smti Binapani Nath, EDBPM Mohonpur (on put off duty)
via Mahanpur P.O. Kalibari Bazar, Dt- Mailakandi.

2. Personal file (estt Branch).
3. Vigilance file.
4. AGF (U) Divl. office.
5. G. Spare.

80
Sr. Supdt. of Post Offices,
Cachar Dn: Silchar- 788001.

82

-39-
-30-
ANNEKURE- 36

ANNEXURE:: I

Statement of article of charges framed against Smti Bina Pani Nath, EDBPM Mohanpur EDBO (now put off duty)

Article::I

Smti Bina Pani Nath, while functioning as EDBPM Mohanpur EDBO accepted sum of Rs. 300.00 on 13-9-94
Rs. 500.00 on 5-10-94
Rs. 500.00 on 4-11-94
Rs. 700.00 on 6-12-94
Rs. 500.00 on 6-1-95
Rs. 800.00 on 3-2-95.

Total Rs.3300.00 (Rs. three thousand three hundred)

And the pass book of the Mohanpur SB A/c No. 98578 from the depositor of said SB A/c Smti Bijoya Rani Das for depositing the above noted amount on above dates for Rs. 3,300/- standing open at the said EDBO. Smti Bina Pani Nath, EDBPM entered the said deposit in the pass book on each day authenticated the deposits by her initials and date stamp impression of the office, but did not credit the aforesaid sum of Rs. 3,300/- in the Govt. account as required under the provision of Rule 131 of the rules for Branch office.

Article:: II

Smti Bina Pani Nath, EDBPM Mohanpur EDBO while functioning as such accepted the sum of Rs. 100/- on 30-4-94 Rs. 300/- on 20-6-94 (Total Rs. 400/-) and the pass book of the Mohanpur RD A/c No. 92026 from the depositor Shri Dilayar Hussain Laskar of Mohanpur for depositing the said amount to this RD account. She entered the said deposits in the RD pass books, authenticated the deposits by her initials and date stamp impression of the office but did not credit the aforesaid sum of Rs. 400/- in the Govt account as required under the provision of Rule 131 of the Rules for branch office.

Article :::: III

Smti Bina Pani Nath, while functioning as EDBPM Mohanpur EDBO during the period from 30-4-94 to 3-2-95 by her above acts mentioned in article I & II above exhibited lack of integrity and devotion to duty as required under the provision of Rule 17 of P&T ED Agents (Conduct and service) Rules 1964.

ANNEXURE :: II

Statement of the imputations of misconduct or mis-behaviour in support of the articles of charges framed against Smti Bina Pani Nath EDBPM Mohanpur EDBO (now under put off duty).

Article:: I

Smti Bina Pani Nath, while functioning as EDBPM Mohanpur EDBO accepted a sum of Rs. 300/- on 13-9-94, Rs. 500/- on 5-10-94 as. 500/- on 4-11-94, Rs. 700/- on 6-12-94, Rs. 500/- on 6-1-95, and Rs. 800/- on 3-2-95 (Total Rs. 3300/- (Rs. three thousand three hundred only) and the SB pass book of Mohanpur EDBO SB a/c No. 98578 from the depositor of said SB account Smti Bijoya Rani Das for depositing the said sum of Rs. 3300/- on the above noted dates. Smti Bina Pani Nath EDBPM entered the above noted amount in the Pass Book of SB A/c No. 98578 on the dates mentioned above under her initials, cast the balances in the pass book after each deposit and authenticated the deposits by the date stamp impression of the EDBO and return the pass book to the depositor. But Smti Bina Pani Nath did not credit the above amount on the dates mentioned above or on any other subsequent date in the books records and Govt. account of Mohanpur EDBO.

Said Smti Bina Pani Nath, thus violated the provisions of Rule 131 of the Rules for Branch offices.

- 33 -
- : 2 : - ANNEXURE

Article:: II

Smti Bina Pani Nath while functioning as EDBPM Mohanpur EDBO accepted the sum of Rs. 100/- on 30-4-94 and Rs. 300/- on 30-6-94 alongwith pass book of Mohanpur RD A/c No. 92026 from the depositor Shri Dilyar Hussain Laskar for depositing the above noted deposits in the RD pass book on each date mentioned above, cast the balance after each deposit in the pass book under her initial and authenticated by the date stamp impression ~~the RD~~ of the EDBO Mohanpur and returned the RD pass book to the depositor. But Smti Bina Pani Nath did not credit the above noted amount on each date mentioned above or on any other subsequent dates in the Books, record and Govt. account of Mohanpur EDBO.

Said Smti Bina Pani Nath, thus violated the provision of Rules 131 of the Rules for Branch offices.

Article:III

Smti Bina Pani Nath, while functioning as EDBPM Mohanpur EDBO during the period from 30-4-94 to 3-3-95 did not credit the amount mentioned in the article I & II above to Govt. A/c on the dates mentioned ~~in the article~~ therein for depositing the said amount in the respective pass books. Said Smti Bina Pani Nath entered the aforesaid deposits in the respective pass books and authenticated the said entries by her initials and date stamp impressions on the respective dates of Mohanpur EDBO. But the said Smti Bina Pani Nath did not credit the aforesaid amount in the Govt. accounts of Mohanpur EDBO on the respective dates or on any other subsequent date/dates.

Said Smti. Bina Pani Nath EDBPM Mohanpur EDBO, thus failed to maintain absolute integrity and devotion to duty as enjoined in Rule 17 of the P&T ED Agents (Conduct and service) Rules, 1964.

ANNEXURE :::: III

List of documents by which the article of charges framed against Smti Binapani Nath EDBPM Mohanpur EDBO (now on put off duty) are proposed to be sustained.

- 1) SB pass book of Mohanpur SB A/c No. 98578 depositor Bijoya Rani Das, D/o Binode Behari Das vill Nitainagar P.O. Mohanpur.
- 2) RD pass book of Mohanpur RD A/c No. 92026 depositor Smti Dilayar Hussain Laskar vill Mohanpur Pt. IV P.O. Mohanpur.
- 3) RD journal of EDBO from 3-1-92 to 14-3-95, SB-journal 29-6-91 to 16-3-95.
- 4) BO A/c Book for the period 1-6-94 to 31-1-95 & Feb, 95 to 15-3-95.

Annexure IV

List of witnesses by whom the articles of charges framed against Smti Bina Pani Nath EDBPM Mohanpur EDBO (Now on put off duty) are proposed to be sustained.

- 1) Smti Bijoya Rani Das, depositor of Mohanpur SB A/c No. 98578 D/o Sri Benode Behari Das, vill Nitainagar Pt. II P.O. Mohanpur.
- 2) Md. Diluyar Hussain Laskar S/o late Hareech Ali Laskar vill Mohanpur Pt. IV P.O. Mohanpur.
3. Saha BOPQs Hailakandi Sub-Dn: Hailakandi.

ANNEXURE - G I L

To

The Mr. Superintendent of Post offices
Cachar Division, Silchar.

Subj:

Submission of written statement of defence

Ref:

Your No. FI-I/95-96 dated 21.1.96

Sir,

In support of my defence, I beg to place before you the following few lines for favour of kind consideration and necessary action.

That Sir, in reply to the charge framed against me in the Article No. 1, 2, and 3 if it is stated that I submitted my written statement earlier to the authority and the circumstances under which the amount was misappropriated were clearly explained to my written statement. However, it is again informed that the handwriting in the Pass Books was Shri Kashinath Dhopa, EDDA and the EDDA took the money in my absence and showed the amount was deposited by impressing the Date stamp of the office and put my signature in the Pass Books.

The misappropriated money was denoted by me only on the ground that I am working as BPM there and I could not avoid my responsibility in this respect.

You are, therefore, requested kindly to take lenient view into the matter and exempt me from the charges framed against me as I am not actually responsible for the misappropriation.

Date: 24/1/96

Yours faithfully

Smt. Binapurni Nauti

Started to be true copy

Naveenita P. Barman

Advocate

7.2.2010

From

Sub-Div. Inspector of P. O.
Karlingevaru Sub-Division
Kollam Dist. 100/10

40
Smt. Benipriya Aath
EDDA (Law PWD & H)
Mohanpur P.O.

No: A1/By/EDA/Mohanpur Date/20/08-896.
Sub: Rule - 8 of PWD EDA (Contract & Service) 1964, against Smt. Benipriya Aath, EDA, Mohanpur P.O.

I am the Inquiry Officer in the
Proceedings against Smt. Benipriya Aath, EDA,
(Law PWD & H), Mohanpur P.O. Your evidence/procure-
li considered material. I request you to
appear before me on 21-8-96 at 11.30 AM
at Halkakordi P.O. without fail.


(B. K. Santha) Sub-Div. Inspector of P. O.
Karlingevaru Sub-Division
Kollam Dist. 100/10

Copied to

By

- 1) K. M. Nafis, Sub-PO, Slicher West Sub-Div. Sub (how to attend) and present the case on date of review as above. (By hand)
- 2) Mr. S. S. Sripad. of PO, Slicher to K.W. Information w.r.t. his No A1/195-56 dt. 07/1996.
- 3) Mr. S. M. Halkakordi PO. Who were kindly arrange settling arrangement at his office?

Attested to be true copy
Naveenita P. Barman
Advocate
7.2.2000


(B. K. Santha) Sub-Div. Inspector of P. O.
Karlingevaru Sub-Division
Kollam Dist. 100/10

Proceedings of Under-Secretary of State Agents (Central & State) Rules 1964 against Smt. Binapani Nath DDPO (P.W. 47) mohorpur PO.

Ven. - Dhurialakshmi P.O.

Date - 21-8-96.

Time - 11.30 AM.

Officials present:

1) Smt. Binapani Nath, S.P.B.

2) Sri K.M. Nath, S.I.P.O., Sircus & P.O.

Smt. Binapani Nath, S.P.B

(2) Smt. Binapani Nath, S.P.B was asked whether
she memo of charges issued from S.I.P.O. of her
was received by her and replied in affirmative. Then
the contents of the memorandum was elaborately
read out and translated in Bengali and asked
whether she understood the contents. She replied
to have understood the charges. Smt. Binapani Nath
was then asked whether she admits all the charges
form against her in the case. She does not
admit any of the charges and denies all the
charges straightforward.

Smt. Binapani Nath has been given time
to go through the documents listed in Annexure
II of the ~~memorandum~~ memorandum as follows
purpose a date for examination of the documents
is hereby fixed on 26-9-96 at 12.00 hrs at
Dhurialakshmi P.O. Sri K.M. Nath P.O. is requested to
produce the documents on the date and venue
as above & present to the court accordingly.

Smt. Binapani Nath is hereby directed to
submit the same as address of ~~the~~ office
by 31-8-96 possibly to amount of Rs. 100/-
which should not exceed the amount so
that she may have more than two days to
do so.

The court is directed to forward to the
Court of Session, Sircus, Sircus.

Subj. / Date: 21/8/96
Smt. Binapani Nath
DDPO, Sircus
1896
Sircus
P.O. & P.T.

(B.U. Sircus)
Sub-Dist. Inspector of P. & P.
Korlumon / Sub-Division
Mymensingh 788710

Attested to be true copy
Nawazita P. Banerjee
Advocate
7.2.2000

Proceedings of the 8th of Oct '85 Agent
(continued from) Annex 19/11/85 before the
Court, Mohanpur, (now publ) Mohanpur B.P.

Verdict - Itanagar Dist.

Date - 24-9-86

Time - 12.00 noon.

Officials present.

1) Sub. Inspector Nath, S.I.C.

2) Sri K. M. Nath, S.I.C. for Sikkim (W) & P.O.

Today is the date for production of documents listed in the Charge sheet issued by S.I.C. Sub Inspector Nath on No. 81-1/86-76 dt. 2-1-86 and the P.O. has accordingly been asked to produce the documents as follows.

1) Mohanpur SB C/c No 98578 deposited yesterday.

2) Mohanpur Pass Book no 92026 deposited yesterday ^{Ex-2}.

3) RD Journal of Mohanpur B.P. period from 3-1-82 to 16-3-85 ^{Ex-2}.
(Ex-3)

4) Mohanpur SB Journals for period from 29-6-84 to 16-3-85
(Ex-4)

5) Mohanpur B.P. B.C. Book period from 1-6-86 to 31-1-85
+ 2/85 to 15-3-85. (Ex-5 & Ex-6)

The above all documents Ex-1 to 6 were examined by Sub. Inspector Nath (S.I.C) and ascertained that the records were 2 Mohanpur B.P. She however denied the availability of signatures available in the above mentioned SB and Pass Book No 98578 on 13-2-84, 5-10-84, 6-11-84, 6-12-84; 6-1-85 & 3-2-85 and 15 signatures available in RD Journal No 92026 on 30-6-84, + 29-6-84 of her and she told that those signatures were forged by Sri Kashinath Shukla, E.D.D.A. Mohanpur.

Smt. Banipani Nath who has her letter dt. 26-8-86 addressed to S.I.C. Konyang (I.C.) clearly stated that she will not engage any defense assistance and she will plead herself. Today during the P.W. D.A. or she will remain silent in her defense. I personally asked whether she will engage a defense or she will plead herself. She will engage any D.A. or not.

However Smt. Nath took up her defense immediately in the Court (I.C.) for C.I. No. 11, identifying the P.W. that she was solely responsible for damage (caused) by Dalo-Sangs of D.T. in killing of Sri. D. K. M. and that she was responsible for the damage.

289-

-2-¹⁰ ANNEXURE ¹³

Since the accused has not been present in writing or personally before the Inquiry Committee to continue the hearing, the case is therefore closed and adjourned to the

21st Feb.

(B. K. Senia).

SD MO, Korangal
and Inquiry Officer.

Attested to be true copy

Neeravita P. Barman

Advocate

7-2-2000

Yours

The 1st prying off of S.D.I. Debaranagari.

24 Aug 18 State Stat: On examination of all the documents listed in Memorandum issued by S.I. S. As Sikkim side has to date 20-1-96 dated 21/1/96 produced before me I find only 18 State Stat & the signature available in SB pass book no 36378 on 13/1/94, 5/1/94, 4/1/94, 6/1/94, 6/1/95 & 3/2/95 and also the signature available in RD memo. These were forged by Smt Keshimati Shupi. State Stamps impression on these states on the aforesaid passbook.

The amount involved in the case was actually custodian of the seals etc. as I was the sole in moral responsibility accepting which I already paid the amount of Rs 3700.00 Re three thousand seven hundred only to the govt.

Since I took all the responsibility for the loss sustained by the department I do not want tolinger the case.

I therefore pray not to give any further date for any further hearing & closing the trial today. I further beg to State that my statements submitted earlier in this case are true, accurate & right once again I taking the moral responsibility of the entire happenings for which again I sustained a loss was above of the loss & suffered due to my漫漫ess as a custodian of seals etc. I pray for the closure of the case.

Under the circumstances stated above I therefore pray to restate my consideration in recovery of loss.

24/9/96
S.D.I. P.O. & P.D.
Smt Bina Pani Nath
yours faithfully,

Attested to be true copy
Nawazul P. Barman

Advocate

7.2.2000

DEPARTMENT OF POSTAL SERVICES
DEPTT. OF THE SENIOR GOVT OF POST OFFICERS
CIVIL DIVISION, SILCHAR - 783001

1. 10, PL/1000.

Dated 5th Oct. The 14, 1997.

In this office memo of even no. letter 2.1.96 it was proposed to hold an enquiry against Smti Binapani Nath of the Mohanpur EDBO (now put off duty) under Rule 8 of P&T CB Agents (conduct & service) Rules, 1964. The substance of the imputations of misconduct or misbehaviour on the basis of which the enquiry was proposed to be held was sent out in the article of charges (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each of the articles of charge was also enclosed there to (Annexure-II). List of documents by which and list of witness by whom the articles of charges were proposed to be sustained were also enclosed there to (Annexures-III & IV), which are reproduced below:-

ANNEXURE-I

Statement of article of charges framed against Smti Binapani Nath, EDBPM Mohanpur EDBO (new put off duty)

Article: I

Smti Binapani Nath, while functioning as EDBPM Mohanpur EDBO accepted sum of Rs. 300.00 on 13-9-94
Rs. 500.00 on 5-10-94
Rs. 500.00 on 4-11-94
Rs. 700.00 on 6-12-94
Rs. 500.00 on 6-1-95
Rs. 800.00 on 3-2-95

Total Rs. 3300.00 (Rupees Three thousand and three hundred)

And the pass book of the Mohanpur SB A/C No. 00478 from the depositor of said SB A/C Smti Bijoya Ranji Das for depositing the above noted amount on above dates for Rs. 3,300/- standing open at the said EDBO. Smti Binapani Nath, EDBPM entered the said deposit in the pass book on each day authenticated the deposits by her initials and date stamp impression of the office, but did not credit the aforesaid sum of Rs. 3,300/- to the Govt. account as required under the provision of Rule 131 of the rules for Branch Office.

Article: II

Smti Binapani Nath, EDBPM Mohanpur EDBO while functioning as such accepted the sum of Rs. 100.00 on 30.4.94 Rs. 300.00 on 30.6.94 (Total Rs. 400.00) and the pass book of the Mohanpur EDBO RD A/C No. 92026 from the depositor Shri M. Ilyar Hussain Laskar of Mohanpur for depositing the said amount to this RD account. She entered the said deposits in the pass books, authenticated the deposits by her initials and date stamp impression of the office but did not credit the aforesaid sum of Rs. 400.00 in the Govt account as required under the provision of Rule 131 of the rules for Branch Office.

Article: III

Smti Binapani Nath, while functioning as EDBO during the period from 30.4.94 to 3.2.95 by her deviation from article I & II above exhibited lack of devotion to duty as required under the provision of P&T Agents (conduct and service) Rules 1964.

ANNEXURE :: II

Statement of the imputations of misconduct or other behaviour in support of the articles of charge framed against Smti Binapani Nath, Mohanpur EDBO and (now retired from off duty).

Article : I

Smti Binapani Nath, while functioning as EDBPM Mohanpur EDBO accepted a sum of Rs. 300.00 on 1.1.94, Rs. 500.00 on 5.10.94, Rs. 500.00 on 4.11.94, Rs. 700.00 on 6.12.94, Rs. 500.00 on 6.1.95, and Rs. 100.00 on 1.2.95 (Total Rs. 3300.00) (Rs. Three thousand three hundred only) and the SB pass book of Mohanpur EDBO SB a/c no. 98574 from the depositor of said SB account Smti Bijoya Banerjee for depositing the said sum of Rs. 3300.00 on the above noted dates Smti Binapani Nath EDBPM entered the above noted amount in the pass book of SB a/c no. 98578 on the dates mentioned above under her initials, cast the balances in the pass book after each deposit and authenticated the deposits by the date stamp impression of the EDBO and return the pass book to the depositor. But Smti Binapani Nath did not credit the above amount on the dates mentioned above or on any other subsequent date in the books records and Govt. account of Mohanpur EDBO.

Said Smti Binapani Nath, thus violated the provisions of Rule 131 of the Rules for Branch Offices.

Article : II

Smti Binapani Nath while functioning as EDBPM Mohanpur EDBO accepted the sum of Rs. 100.00 on 30.4.94 and, alongwith pass book of Mohanpur EDBO RD A/C No. 92026 from the depositor Shri Dilyar Hussin Laskar for depositing the above noted amount to the RD A/C No 92026. Smti Binapani Nath entered the above noted deposits in the RD pass book on each date mentioned above, cast the balance after each deposit in the pass book under her initial and authenticated by the date stamp impression of the EDBO Mohanpur and return the RD pass book to the depositor. But Smti Binapani Nath did not credit the above noted amount on each date mentioned above or on any other subsequent dates, in the books record and Govt account of Mohanpur EDBO. said Smti Binapani Nath thus violated the provision of Rules 131 of the Branch offices.

Article : III

Smti Binapani Nath, while functioning as EDBPM Mohanpur EDBO during the period from 30.4.94 to 3.2.95 did not credit the amount mentioned in the article I & II above to Govt A/C on the dates mentioned there in for depositing the said amount in the respective pass books. Said Smti Binapani Nath entered the aforesaid deposits in the respective pass books and authenticated the said entries by her initials and date stamp impressions on the respective dates of Mohanpur EDBO. But the said Smti Binapani Nath did not credit the aforesaid amount in the Govt. accounts of Mohanpur EDBO on the respective dates or on any other subsequent date.

Said Smti Binapani Nath while functioning as EDBO thus failed to maintain absolute integrity and devotion to duty as enjoined in Rule 17 of the P&T EDBO agents (Contract) Service) Rules, 1964.

ANNEXURE III

List of documents by which the article of charges framed against Smti Binapani Nath ED BPM Mohanpur (now on put off duty) are proposed to be sustained.

- 1) SB pass book of Mohanpur SB A/C No 98578 depositor Bijoya Rani Das, D/O Binode Behari Das Vill-Nitainagar P.O. Mohanpur.
- 2) RD pass book of Mohanpur RD A/C No 92026 depositor Smti. Lilayut Hussain Laskar Vill- Mohanpur Pt-IV P.O. Mohanpur.
- 3) PD Journal of EDBO from 3-1-92 to 14-3-95, S3 Journal 20-1-91 to 16-3-95.
- 4) B.C. A/C book for the period 1-5-94 to 31-1-95 & Filing to 1-2-95.

ANNEXURE III IV

List of witnesses by whom the articles of charges proposed to be sustained.

- 1) Smti Bijoya Rani Das, depositor of Mohanpur SB A/C No. 98578 D/O Shri Binode Behari Das, Vill- Nitainagar pt-II P.O. Mohanpur.
- 2) Nd. Lilayut Hussain Laskar S/O Late Hareech Ali Laskar Vill- Mohanpur Pt- IV P.O. Mohanpur.
- 3) Shri A.Saha SDIPO's Hailakandi Sub-Dn. Hailakandi.

Smti Binapani Nath, EDBPM Mohanpur EDBO (now put off duty) was given opportunity to examine the listed documents and to submit written statement of her defence within 10 days wherein she should also state whether she desired to be heard in person.

Aforesaid memo dt. 2.1.96 was delivered to said Smti Binapani Nath on 11.1.96.

Smti Binapani Nath, EDBPM Mohanpur (now put off duty) submitted written statement of her defence under her letter dated 29.1.96, which is reproduced below:-

In support of my defence, I beg to place before you the following few lines for favour of kind consideration and necessary action.

That Sir, in reply to the charge framed against my written statement earlier to the authority and the circumstances under which the amount was misappropriated were clearly explained to my written statement. However, it is again informed that the handwriting in the pass books were Shri Kashinath Bhupi, EDDA and the EDDA took the money in my absence and showed the amount as deposited by impressing the date stamp of the office and put my signature in the pass book.

The misappropriated money was deposited by me only on the ground that I am working as BPM there and I could not avoid my responsibility in this respect.

You are therefore, requested kindly to take my true view into the matter and exempt me from the charges framed against me as I am not actually responsible for the misappropriation.

In her written statement of defence dt. 29.1.96, she neither wanted to examine the listed documents nor desired to be heard in person.

Yet, as per procedure laid down in rule 6 of the EDBPM's Agents (conduct & service) Rules, 1964 and to give sufficient scope to defend herself Shri B.K. Singh, SDIPO, Karimganj with division Karimganj was appointed as Inquiry Agent to inquire into the charges formed against said Smti. In the same date 3.2.96 (both).

Smt B.K.Sinha, the Inquiry officer of the case, on completion, Inquiry submitted the Inquiry report under his authority, on 31/Jan/EDBA Mohanpur dated 3.1.97, which is reproduced below:-

Inquiry Report in the case against Smt Binapani Nath, EDA Mohanpur EDBO under Rule 8 of the P&T ED Agents (Conduct & Service) Rules, 1964.

1.1 Name of I.O and letter of authority:-

(a) Sri B.K.Sinha SDIPO's, Karimganj appointed to act as I.O. vide Sr. Supdt. of PO's, Silchar memo no EI-1/95-96 dated 8.2.96.

(b) Name of P.O. :-

Sri K.M.Nath SDIPO's Silchar (W) Sub-Division.

(c) Name of charged officer:-

Smt Binapani Nath EDBPM, Mohanpur B.O. (now Put off)

(d) Name of Defence Assistant:-

None.

(e) Disciplinary Authority :-

The Sr. Supdt of Post Offices, Cachar Division, Silchar.

2.1. The charged official participated in the enquiry from begining to end. No defence assistant was appointed and the charged official pleaded in the case her self. She vide her letter dt. 26.8.96 intimated the I.O. that she has no Defence Assistant and she her self will defend the case in due proceeding.

3.0. Article of charge & substance of imputations of her conduct or misbehaviour.

3.1. The following I, II, & III articles of charge have been framed against Smt Binapani Nath.

Article - I

Smt Binapani Nath, while functioning as EDBPM Mohanpur EDBO accepted sum of Rs.

Rs. 300.00 on 13-9-94

Rs. 500.00 on 5-10-94

Rs. 500.00 on 4-11-94

Rs. 700.00 on 6-11-94

Rs. 500.00 on 6-1-95

Rs. 800.00 on 3-2-95

Total Rs. 3300.00 (Rs. Three thousand three hundred).

And the pass book of the Mohanpur SB A/C No 96578 from the depositor of said SB A/C Smt Bijoya Ranj Das for depositing the above noted amount on above dates for 3300.00 standing open at the said EDBO. Smt Binapani Nath, EDBPM entered the said deposit to the pass book on each day authenticated the deposits by her initials and date stamp impression of the office, but did not credit the aforesaid sum of Rs. 3300.00 in the Govt. account as required under the provision of Rule 131 of the Rules for Branch Office.

Article : II

Smti Binapani Nath, EDBPM, Mohanpur B.O. while functioning as such accepted the sum of Rs. 100.00 on 30-4-94, Rs. 300.00 on 30-6-94 (Total Rs. 400.00) and the pass book of the Mohanpur EDBO RD ACC No. 92026 from the depositor Shri Dilayar Hussain Laskar of Mohanpur for depositing the said amount to this RD account. She entered the said deposits in the RD pass book, authenticated the deposits by her initials and date stamp impression of the office but did not credit the aforesaid sum of Rs. 400.00 in the Govt. account as required under the provision of Rule 131 of the Rules for Branch Office.

Article : III

Smti Binapani Nath, while functioning as EDBPM, Mohanpur EDBO during the period from 30-4-94 to 3-2-95 by her above acts mentioned in article I & II above exhibited lack of integrity and devotion to duty as required under the provision of Rule 17 of P&T ED Agents (Conduct & Service) Rules, 1964.

4.0. Case of the D.A.:-

The Sr. Supdt Of Post Offices Cachar Division Silchar framed charges in Article I & II against Smti Binapani Nath that she has accepted sum of Rs. 3300.00 and Rs. 400.00 on dates detailed in aforesaid articles of Charyon for depositing the amount in SB ACC No 92026 & 92026 respectively which were authenticated by putting her initials and date stamp impressions on each dates but did not credit the amount in the Govt. account as required under Rule 131 of Rules of Branch Office.

The Sr. Supdt Of Post Offices Silchar framed charge mentioned in Article I & II exhibited lack of integrity and devotion to duty as required under the provision of Rule 17 of P&T ED Agents (Conduct & Service) Rules, 1964.

5.0. Case of the defendant :-
The charged official in preliminary hearing on 21-8-96 denied all the charges straightway and wanted to go through the documents listed in Annexure III of the charge sheet.

The C.O. examined the documents on 24-9-96 and authenticated the documents were of Mohanpur B.O. She however denied the facts that the articles available on SB pass book No. 98578 on 13-9-94, 5-10-94, 4-11-94, 6-12-94, 6-1-95 & 2-95 and also the initials available in RD pass book no. 92026 on 30.4.94 & 30.6.94 were not her own but forged by Smti Kanti Nath Bhupi, EDDA, Mohanpur.

The C.O. took up the moral responsibility of the case sustained by the dept. realising the fact that she was solely responsible for the safe custody of Date Seals & other valuables of the office and thereby prayed voluntarily for the closure of the case and expressed her unwillingness to continue for any further hearing of the case. In written statements on the day she prayed not to fix any further date for hearing & to close down case on that day. The hearing of the case was thereby closed on 24-9-96.

1-01-

6.0.1. Findings and argument :-

6.1. Taking into all the above facts, list of documents it is clear that the loss of Rs. 3700.00 sustained by the Govt. was due to negligence of duty and most irresponsibility on the part of Smti Binapani Nath about the safe custody of date seals and lock is not acceptable and believable. The C.O in her written statement on 24-9-96 mentioned clearly that who is responsible for the loss and thereby she has already paid the amount of Rs. 3700.00 to the Govt.

7.0.2. Findings :-

7.1. On the basis of documentary evidences adduced in the case before me and in view of the reasons given above. I hold that all the three charges against Smti Binapani Nath EDBPM (now put off) Mohanpur B.O. were proved and established.

Findings :-

In her written statement of defence dated 29-1-96 Smti Binapani Nath, EDBPM Mohanpur EDBO (now put off duty) admitted the moral responsibility for the defalcations mentioned in the Annexure I & II to this office memo of even no dt 2-1-96, in the enquiry held on 24-9-96 too the charged ED official admitted the moral responsibility for the loss of Govt. money being the EDBPM of Mohanpur ED BO and allowed unauthorised person to accept money from the members of public for depositing in their respective SB documents since the charged ED official admitted all the articles of charges at all stages it is not considered necessary to discuss here further and I also consider that the findings of the enquiry officer holding Smti Binapani Nath, EDBPM Mohanpur EDBO (now put off duty) solely responsible for the case is based on records & exhibits and I also hold her fully responsible for the loss of Govt money in the shape of movements of SB deposits.

The offences committed by the charged ED officials calls for different action.

ORDER:-

I, Shri P.Nath, Senior Supdt Of Post Offices, Cachar Division, Division, Silchar do hereby orders that Smti Binapani Nath, EDBPM Mohanpur EDBO (now put off duty) be removed from the post of EDBPM Mohanpur EDBO with effect from the date she was put off from duty.

10/11

(P. NATH)
Senior Supdt Of Post Offices
Cachar Division Silchar-788001

Copy forwarded to-

1. Smti Binapani Nath EDBPM Mohanpur EDBO, P.O. Mohanpur via-Kalibaribazar, Dist-Hailakandi.
2. The Sr. Postmaster, Silchar H.O.
3. Civil file, Divl. office.
4. Punishment file Divl. office.
5. The SDI POs Hailakandi Sub-Dn, Hailakandi.
6. Spire.

Attested to be true copy

Nawanta P. Barman

Advocate

7.2.2000

9
Senior Supdt of Post Offices,
Cachar Division, Silchar-788001

Date - 4.4.97

To,
The Director of Post Offices
Assam, Guwahati-1.

(Through Sr. Superintendent of Post Offices, Cachar Division,
Silchar -1)

Sub:- Appeal against the order dated 14.1.97 and prayer for re-instatement in service by setting aside the order of removal.

Respected Sir,

Most humbly and respectfully I beg to prefer this appeal against the order dt. 14.1.97 removing me from service on the following grounds :-

1. That the articles of charges framed against me were baseless and the same are not related to the appellant.
2. That all the charges were not proved, particularly the fact of forgery committed by Shri Kashi Nath Dhupi, EDDA.
3. That the disciplinary proceedings were vitiated due to glaring procedural lapses in fact as well as in law.
4. That the punishment inflicted to the appellant is extreme, unusual and too harsh.
5. That the alleged mis-appropriated amount of Rs.3,700/- has been already been deposited by the appellant shouldering her moral responsibility.
6. That the appellant is an innocent, duty bound servant and there has not been anything against her during her last 25 years of long service rendered for the interest of the Government of India.
7. That the appellant's mental and physical condition at the relevant time of occurrence of the alleged mis-appropriation of honey, was not good as she lost her husband pre-maturely due to cancer. While the appellant was trying to overcome the most depressing situation, the appellant's subordinate took it as a chance and committed the offence in which she is in no way connected. The appellant is made to suffer for no fault of her own.

Under the above-mentioned facts and circumstances, I, the appellant pray that you would be gracious pleased to re-examine the order dt. 14.1.97 removing me from service, call for the records, after examining the records of the case, would be pleased to re-instate me service with all service benefit considering my long experience and valuable service of 25 years in the Government.

Yours faithfully,

Attested to be true copy

Nawana P. Barman

Advocate

7. 2. 2000

Shri P. P. Barman
Vill. & P.O. Nalangpur
Majuli.

To,

Dated 3rd Oct. 1997

The Director of Post Offices
Assam, Guwahati.

(Through the Sr. Superintendent of Post Offices,
Cachar Division, Silchar-1.)

Sub:- Reminder to my Appeal dt. 4.4.97 pending disposal.

Sir,

Most humbly and respectfully I beg to lay before you the following few lines for your kind and sympathetic consideration and necessary order :-

1. That I preferred an appeal on 4.4.97 against the order of removal dt. 14.1.97 thereby removing me from service. The said appeal is still pending disposal at your end.
2. That Sir, I am facing great financial hardship and therefore, I am suffering both physically and mentally. I am consulting doctors continuously but I do not have money for better treatment. If you kindly allow my appeal and re-instate me in service, it would surely help me in these days of acute hardship.
3. That the real culprit of gas forgery is still working under you and he has not been punished, while I have been punished for no fault of my own.
4. That if my appeal is properly examined and I am heard, the real culprit would be seen and the entire matter of forgery would come to light and the culprit be proved in accordance with the provisions of law, the said culprit could be brought to the book.

Under the circumstances I pray that you would be kind enough to dispose of the appeal as early as possible and further be pleased to put me back in service with all benefits.

Yours faithfully,
B.M. Barman

Attested to be true copy
Nawanta P. Barman
Advocate
7-2-2000

Vill & P.O. Mohanpur
Naliknandi.

True Copy.

46

OFFICE OF THE HEADMASTER, CHHOTALAL SETH INSTITUTE, SILCHAR.

This is to certify that Chiranjit Bhupani Nath Bell
who was a student of this school has duly passed
the Matriculation Examination of the Gauhati University, held
on 1st May 1981, and was placed in the 3rd Division. Her age
on 1st March 1981 was 17 years 4 months 11 days.

She bears a good moral character.

Dated, Silchar.
The 12th March/83

Sd/ B. Bora
Head Master, 12-3-83.

CHHOTALAL SETH INSTITUTE
SUBDIVISION OF
SHILLONG PATTI, GOURI'S NEAR HILL,
SILCHAR.

6/9
Erth. Assam Government
Hallakodi

Attested to be true copy
Naveenita P. Barman
Advocate
7th 2. 2000

The Central Administrative Tribunal

GUWAHATI DIVISION, GUWAHATI

COURT OF APPEAL

APPLICATION NO. 147/97

OF 199

Applicant(s) Soni Beni Panu Nask

Respondent(s) Director of Posts & Tel. ex.

Advocate for Applicant(s) Mr. N. Chanda, Mr. M. Chanda
and Dr. S. Rabenjana.

Advocate for Respondent(s) Mr. B.C. Pathak, Addl. C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
	11-8-99	<p>The applicant was working as Extra Departmental Branch Post Master at Mohanpur. A disciplinary proceedings was initiated against her and thereafter after enquiry she was found guilty of the charges and accordingly she was removed from the service by Annexure R dated 14-1-1997. Against that, feeling aggrieved, the applicant preferred an appeal before the appellate authority by Annexure S dated 1-4-1997. However, the appellate authority has not yet been disposed of the appeal. Hence the present application.</p> <p>We have heard Mr. N. Chanda, learned counsel appearing on behalf of the applicant and Mr. B.C. Pathak, learned Addl. C.G.S.C. On hearing counsel of both sides and on perusal of the papers we feel that the appellate authority should dispose of the appeal. According to we dispose of this application with directions to the appellate authority namely, respondent No. 2, the Director of Postal Services, Assam Circle, Guwahati to dispose of the appeal by reasoned order, as early as possible at any rate within a period of 2 months from the date of receipt of this order No. C.C.B. No.</p>

Certified to be true Copy
verified infraGuwahati Registry (O)
Central Administrative Tribunal
Guwahati
GuwahatiCertified to be true copy
Nawalanta P. Barman
Advocate
7.2.2000

Sd/- MEMBER,

Member

Sd/- Vice chairman

Annexure - R

रायपत्र NOT INSURED	
मात्रा गति दाता का नाम	Mr. A. D.
Amount of Stamps affixed	Rs. 2.2/-
एक रजिस्टरेड प्रेसेंट ऑफिस	2619
Received a Registered	Post Office
पारेयाते का नाम	मुद्रा भारत Postage Stamp
Addressed to Pambazar, Dibrugarh	नियंत्रित प्राप्ति का नाम
8/1/1947	Signature of Receiving Officer
रायपत्र नहीं NOT INSURED	
मात्रा गति दाता का नाम	Mr. A. D.
Amount of Stamps affixed	Rs. 2.2/-
एक रजिस्टरेड प्रेसेंट ऑफिस	2619
Received a Registered	Post Office
पारेयाते का नाम	मुद्रा भारत Postage Stamp
Addressed to Sylchar, Assam	नियंत्रित प्राप्ति का नाम
Sylchar -	Signature of Receiving Officer