

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No..... 293 / 2001

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

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

1. Orders Sheet..... Pg..... 1 to..... 92

2. Judgment/Order dtd..... 25-2-2002 Pg..... 1 to..... 3

3. Judgment & Order dtd..... Received from H.C/Supreme Court

✓ 4. O.A..... Pg..... 1 to..... 49

5. E.P/M.P..... Pg..... to.....

6. R.A/C.P..... Pg..... to.....

✓ 7. W.S..... Pg..... 1 to..... 60

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

Original APPLICATION NO. 293 OF 2001

APPLICANT (s) Niralal Acharyya

RESPONDENT (s) H.C.I Corp

ADVOCATE FOR APPLICANT(s) M. Chanda, Ms. S. Das Mrs. S. Roy, Mrs. U. Roy
Mr. A. Chakraborty

ADVOCATE FOR RESPONDENT(s) C.A.S.C.

Notes of the Registry	dated	Order of the Tribunal
This application is in form but not in time. Corporation Petition is filed not filed vide M.P. No. C.R. for Rs. 50/- deposited vide IPO/BD No. 547774 Dated..... 22.6.2001 <i>Dy. Registrar</i>	6.8.01	Heard Mr. M. Chanda, learned counsel for the applicant. The application is admitted. Call for the records. List on 6/9/01 for further order.
<i>Steps taken</i> <i>22/6/01</i>	6.9.01	<i>CCUShree</i> Member Mr. A. Dab Roy, learned Sr. C.G.S.C. requests 4 weeks time to file written statement. List on 9/10/01 for order.
Notice prepared and sent to D/S for calling the respondent No. 1 to 3 by Legal AD vide <u>Dy. No. 2957/137/14 10/8/01</u> <i>8/8/01.</i>	9.10.01	<i>CCUShree</i> Member List on 21/11/01 to enable the respondents to file written statement.
No. written statement has been filed. <i>8/10/01</i>	mb	<i>CCUShree</i> Member Vice-Chairman

2
12.11.2001

Copied and submitted
by the respondent.

21.11.01

Written statement has been filed by the respondents. The case may now be listed for hearing. The applicant may file rejoinder, if any within 2 weeks from today.

List on 3/1/2002 for hearing.

No. rejoinder has been filed.

21.1.02

No. rejoinder has been filed.

16.1.02

I C Usha
Member

Vice-Chairman

mb

3.1.02

List on 17.1.2002 on the prayer of Mr. M. Chanda, learned counsel for the applicant.

I C Usha
Member

Vice-Chairman

mb

17.1.02

Adjourned on the prayer of learned counsel for the applicant.

List on 25.1.2002 for hearing.

I C Usha

Member

Vice-Chairman

mb

25.2.02

Heard learned counsel for the parties. Hearing concluded. Judgement delivered in open Court, kept in separate sheets. The application is disposed of in terms of the order. No order as to costs.

I C Usha

Member

Vice-Chairman

mb

24/3/2002
Copy of the Judg/-
has been sent to the
Officer for issuing
the same to the applicant
as well as to the C.G.S.C.
for the response by him.

PJ/103

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 293 of 2001.

Date of Decision 25-2-2002....

Sri Hiralal Acharjee

Petitioner(s)

Sri M. Chanda.

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 : Vice-Chairman

5

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 293 of 2001.

Date of Order : This the 25th Day of February, 2002.

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

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

Sri Hiralal Acharjee,
Postman,
Tura Head Post Office,
Tura, Meghalaya.

... . Applicant

By Advocate Sri M.Chanda.

- Versus -

1. Union of India,
through the Secretary to the
Government of India,
Ministry of Communications,
New Delhi.
2. The Director of Postal Services (HQ)
Office of the Chief Postmaster General,
N.E.Circle, Shillong.
3. The Senior Superintendent of Post Offices,
Meghalaya Division,
Shillong-793001. . . . Respondents.

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

O R D E R

CHOWDHURY J.(V.C)

The applicant was earlier working as Sub Postmaster Ampati Sub Post Office. He was imposed punishment of removal of service vide order dated 30.6.2000 passed by the Senior Superintendent of Post Offices, Meghalaya Division, Shillong after holding a departmental enquiry. The applicant preferred an appeal before the Director of Postal Services, Shillong against the order of removal. The appeal was finally disposed of by the Director of Postal Services reducing the punishment of removal from service to reduction to the lower grade of postman until he was found fit by the competent medical authority to be restored in the higher grade.

The applicant preferred a revision before the Chief Postmaster General, N.E.Circle, Shillong on 20.1.2001. The revision petition was returned to the applicant for resubmission it to the Member(P), Department of Posts, Dak Bhawan, New Delhi vide memo dated 21.3.2001. Hence this application.

2. The respondents submitted its written statement and contested the case. When the matter came up for hearing it was pointed out at the Bar that there is a provision for revision and review under Rule 29 of the CCS(CCA) Rules. Sub-clause (iii) of Clause I of the said rule provides that revision lies before the Member (Personnel), Postal Service Board. Mr. M.Chanda, learned counsel for the applicant submitted that for fitness of things it would be appropriate if the matter is dealt with by the authority by sympathetically taking into consideration the state of mind of the applicant at the relevant time and the sufference of the applicant he has undergone. Mr. A.Deb Roy, learned Sr. C.G.S.C. has no objection if the applicant is allowed to pursue the matter further before the revisional authority. Considering all the aspects of the matter we dispose of the application directing the applicant to re-submit the revision application dated 20.112001 before the Member (Personnel), Postal Service Board within four weeks from the date of receipt of the order. If such application is made the authority shall consider the revision justly and fairly and pass a reasoned order.

3. Mr. Chanda, learned counsel for the applicant submitted that the competent authority while passing the impugned order did not take decision pertaining to suspension after reinstatement of the applicant in service.

X

Since the matter will now go back to the revisional authority the revisional authority shall take all these issues and pass a reasoned order accordingly. The applicant may also raise all the issues before the revisional authority and the revisional authority shall consider all the issues raised by the applicant.

The application is accordingly stands disposed of. No order as to costs.

K. K. Sharma
(K.K.SHARMA)
ADMINISTRATIVE MEMBER

(D.N.CHOWDHURY)
VICE CHAIRMAN

pg

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
2 AUG 2001
गुवाहाटी न्यायपोट
Guwahati Bench

Hira Lal Acharjee
By
Advocate

Sunita Das
Advocate
Q. Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

293
O.A. NO. OF 2001

Sri Hira Lal Acharjee ... Applicant

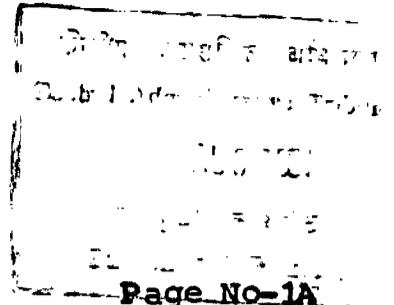
V E R S U S

The Union of India and 2 others ... Respondents

I N D E X

<u>Annexure</u>	<u>Contents of the documents</u>	<u>Page No.</u>
-	Original application filed by the Applicant above-named.	1 to 14
A	Order No.B2-430, dated 1-10-1999 passed by the Sr.Supdt.of Post Offices,Meghalaya Division,Shillong i.e. Suspension order of the Applicant.	15
B	Proceeding drawn up against the Applicant vide Memorandum No.B2-430, dated 5-11-1999 by the Sr.Supdt.of Post Offices,Meghalaya Division, Shillong.	16 to 19
C	Prayer, dated 20-4-2000 of the Applicant for withdrawal or revocation of suspension order.	20
D & D-1	A copy of the communication No.B2-430, dated 10-5-2000 of the Sr.Superintendent of Post Offices,Meghalaya Division, Shillong along with the copy of the enquiry report submitted by Inquiry Authority forwarded to the Applicant	21 to 27
E	Removal of the XXXXXX Applicant from service vide No.B2-430, dated 30-6-2000 issued by the Sr.Supdt.of Post Offices,Meghalaya Division, Shillong.	28 to 35
F	Vide No.B2-430, dated 10-8-2000 the Superintendent of Post Offices, Meghalaya Division, Shillong intimated the Applicant that he should file the appeal to the DPS(HQ), Office of the Chief Postmaster General,North East Circle, Shillong.	36

contd... 1A.



Page No-1A

Hina Lal Ahangre,
By
Samita Das
Advocate

Samita Das
Advocate

9

<u>Annexure</u>	<u>Contents of the documents</u>	<u>Page No.</u>
G	Appeal, dated 21-8-2000 preferred by the Applicant addressed to the appellate authority, i.e. Director of Postal Services, Meghalaya Division, Office of the Chief Post Master General, North Eastern Circle, Shillong.	37 to 39
H	Appellate Authority vide Memo No. Staff/109-16/2000, dated 27-10-2000 quashed the order of removal of the Applicant from service with immediate effect to one of reduction to the lower grade of Postman.	40 to 41
H.1	Corrigendum No. Memo No. Staff/109-16/2000, dated 6-12-2000 of the appellate order at Annexure-H.	42
I	Representation, dated 15-11-2000 addressed to the Director of Postal Services (HQ), Office of the Chief Postmaster General, N.E. Circle, Shillong, by the Applicant.	43 to 44
J	Communication No. B2-430, dated 2-1-2001 issued by the Respondent No. 3 in favour of the Applicant whereby the Applicant is <u>reverted to the lower grade of Postman.</u>	45
K	Application, dated 20-1-2001 addressed to the Chief Post Master General, N.E. Circle, Shillong, Meghalaya.	46 to 48
L	Vide No. B2-430, dated 21-3-2001, the Sr. Superintendent of Post Offices, Meghalaya Division, Shillong-793001 intimated the Applicant for correctly addressing it to Member (P) Department of Posts, Dak Bhawan, New Delhi.	49

Date:- 2001

Place:-

... 2.

10
Hira Lal Acharjee
Tura Head Post Office
Guwahati B.C. 781001

Hira Lal Acharjee
By

Samita Das
Advocate
Samita Das
Advocate

- 2 -

Date of filing
or
(Date of receipt by post
Registration No.

Signature
For Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. NO. OF 2001

Sri Hira Lal Acharjee, son of Late Manindra Chandra Acharjee,
at present working as Postman, Tura Head Post Office, Tura,
Meghalaya.

... APPLICANT

V E R S U S

1. The Union of India (through the Secretary to the Government of India, Ministry of Communications, New Delhi)
2. The Director of Postal Services(HQ), Office of the Chief Postmaster General, N.E.Circle, Shillong, Meghalaya-793001;
3. The Senior Superintendent of Post Offices, Meghalaya Division, Shillong-793 001.

... RESPONDENTS

Hon'ble High Court
By
Sarita D.
Advocate

11

- 3 -

DETAILS OF APPLICATION :-

1. Particulars of the order against which the application is made.

Application is made against the order of suspension No. B2-430, dated the 1st October, 1999 passed by the Senior Superintendent of Post Offices, Meghalaya Division Shillong-793001, the Order No. B2 - 430, dated 30/6/2000 passed by the Senior Superintendent of Post Offices, Meghalaya Division, Shillong-793 001 removing the Applicant from service, the Order No. B2-430, dated 02-01-2001 passed by the Senior Superintendent of Post Offices, Meghalaya Division, Shillong-793001 reverting the Applicant from the post of ~~Sub~~ Postmaster to the cadre of Postma-

2. Jurisdiction of the Tribunal.

The Applicant declares that the subject matter of the petition is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The Applicant further declares that the application is within limitation period prescribed by Section 21 of the Administrative Tribunal Act, 1985.

Hinalal Acharya

By

Suniti Das
Advocate

Suniti Das
Advocate

- 4 -

4. Fact of the case:

(a) That while the Applicant was serving as Sub Postmaster, Ampati Sub Post Office in the District of Tura, the Senior Superintendent of Post Offices, Meghalaya Division passed an order placing the Applicant under suspension with immediate effect on ground that a disciplinary proceeding was contemplated against him and this was communicated to the Applicant vide No.B2-430, dated 1-10-1999, a copy of which is appended hereto as Annexure-A.

(b) That thereafter a formal proceeding was drawn up against the Applicant by the Senior Superintendent of Post Offices, Meghalaya Division, Shillong-793001 vide Memorandum No.B2-430, dated 5-11-1999 on 3 (three) charges based on allegation that the Applicant lodged false complaints to the Secretary, Department of Post etc. on 3-2-1999 against Sri S. Samant, Chief Post Master General, N.E.Circle, Shillong, that even though he was directed to hand over charge of SPM, Ampati to someone etc. but he refused to hand over charge and did not attend the Circle Office as directed, a copy of which is appended hereto as Annexure-B.

Annexure-B

Horizontal Attached
By
Sameer Das
Advocate
Qas
Bomita
Advocate

- 5 -

(c) That on 20-4-2000 the Applicant made application to the Senior Superintendent of Post Offices requesting him to withdraw the suspension order and also in the said representation he stated that he was the victim of circumstances, that he was suffering from mental depression etc. He also appended to the said application a copy of medical certificate, dated 10-3-2000 issued by the Department of Psychiatry, Guwahati Medical College Hospital. A copy of the said representation is appended hereto as Annexure-C.

(d) That his representation as afore-said failed to achieve any tangible result and an Inquiring Officer, Presenting Officer were appointed to hold enquiry into the charges against the Applicant and after holding enquiry the said Inquiring Officer, Sri S. Chakraborty, submitted his report holding the Applicant guilty of the charges. The said Inquiring Officer made a short finding to the effect that the disciplinary authority would not produce any witness in support of the charges and yet he was found guilty owing to direct or indirection admission. A copy of the said enquiry report was supplied to the Applicant by the Senior Superintendent of Post Offices, Meghalaya Division, Shillong vide his communication No. B2-430, dated 10-5-2000, a copy of the said

Hiralal Acharya

By
Samita Das
Advocate

14
Samita
Advocate

- 6 -

communication along with the copy of the enquiry report

Annexures-D & D.1 are appended hereto as Annexures- D & D.1 respectively.

(e) That thereafter the Senior Superintendent of Post Officers, Meghalaya Division, Shillong passed order on 30-6-2000 removing the Applicant from service with immediate effect, a copy of which order is also appended hereto as Annexure-E.

(f) That as would be seen by the said order the Senior Superintendent of Post Offices, Meghalaya Division, Shillong did not point out anywhere the failure on the part of the disciplinary authority to produce any witness and to prove the allegation against the Applicant and inspite of that the said order has been passed to the serious dis-advantage of the Applicant.

(g) That being aggrieved the Applicant made an appeal to the Director General of Post Offices but the said Memo of Appeal was returned by the Senior Superintendent of Post Offices, Meghalaya Division, Shillong vide his communication, dated 10-8-2000, wherein the Applicant was intimated that the Director of Postal Services, Head quarter, Office of the Chief Postmaster General, North Eastern Circle, Shillong was the appellate authority, a copy of which is appended hereto as Annexure-F.

Annexure-F

Hinali Acharya

By
Samita Das
Advocate

Q.
Samita Das
Advocate

- 7 -

(h) That on 21-8-2000 the Applicant prefers an appeal to the Director of Postal Services from the order of punishment, a copy of which is appended hereto as Annexure-G. Before this appeal also the Applicant filed another appeal, which is, however, not available and so the later appeal was filed by him on 21-8-2000.

Annexure-H

(i) That by Memo No. Staff/109-16/2000, dated 27-10-2000 the Director of Postal Services quashed the order of removal from service of the Applicant with immediate effect to one of reduction to the lower grade of Postman until he is found fit by the competent authority. A copy of the said Memo is appended hereto as Annexure-H & H.1.

Annexure-I

(j) That as may be remembered the Applicant was already examined by the Psychiatry Department of the Guwahati Medical College and a fitness certificate was issued to him after due examination and so the Applicant filed a representation to the Director of Postal Services on 15-11-2000 intimating the above fact to him and the Applicant along with the said representation sent a photop copy of the said medical fitness certificate duly attested A copy of the said representation is appended hereto as Annexure-I.

Hiralal Acharya

By
Samita Das
Advocate

Samita Das
Advocate

- 8 -

(k) That the Applicant thereafter went to resume duties and submitted joining report to the Senior Superintendent of Post Offices, Meghalaya Division, Shillong but his joining report was not accepted and so he has to come back to his permanent residence in the State of Tripura, whereafter by a communication No.B2-430, dated 2-1-2001 the Superintendent of Post Offices informed the Applicant that he has been reverted to the lower grade of Postman, a copy of which is appended hereto as Annexure-J.

Annexure-J

(1) That in this connection it is pertinent to point out that reversion to a lower post as a major punishment is impermissible and Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 prescribes the nature and quantum of punishment and reversion to a lower grade is not a punishment. Besides, reversion to a lower grade can not be ordered as a routine manner and the said order is not only arbitrary, illegal, ab initio void and hence in-operative but also without jurisdiction either of the Director of Postal Services or of the Senior Superintendent of Post Offices.

Hiralal Acharya

By

Sarita Das /
Advocate

Parmita D.
Advocate

- 9 -

(m) That be that as it may the Applicant made an application to the Chief Postmaster General, North Eastern Circle, Shillong on 20-1-2001 intimating all facts to him (copy enclosed as Annexure-K) but the Senior Superintendent of Post Offices, Meghalaya Division, Shillong issued a communication vide No.B2-430, dated 21-3-2001 intimating that the Applicant could have made a representation to the Member(P), Department of Posts, Dak Bhawan, New Delhi, a copy of which is also appended hereto as Annexure-L.

(n) That there is no law or rules, as advised to say, under which the Applicant is under obligation to make any such representation while in clear terms the Applicant was to be reinstated to the post of Sub Postmaster with retrospective effect because of the order by the appellate authority, dated 27-10-2000 (Annexure-H) and the said appellate order can not be changed by executive fiat not provided by Rules.

(o) That from the fact narrated hereinabove it would be seen that the Respondents have resorted to illegality in the matter and therefore the said purported order, dated 21-3-2001 has no legs to stand upon and that has to be quashed and the Applicant has

Hiralal Ahargo

By
Santosh Das.
Advocate
Vasant Das.
Advocate.

- 10 -

no legs to stand upon and that has to be quashed and the Applicant has to be allowed to resume duties as Sub Postmaster with retrospective effect and to have all benefits of service including pay and allowances during the period of his suspension from 1-10-1999 treating the same as spent on duty by the Applicant for all purposes and intents as Sub Postmaster till he is allowed to resume duties as Sub Postmaster in accordance with the appellate order, dated 27-10-2000 (Annexure-H). Not only under Rules but in accordance with the principles of reasons and justice such an order deserves to be passed by this Hon'ble Tribunal.

(q) That in this connection it is pertinent to point out that the Applicant is a very poor man having a poor family to maintain in these hard days of crisis and high prices and he has been compelled to resume duties as Postman but the said joining was under objection and by a representation he intimated this fact to the authority (Annexure-K is relevant).

Hiralal Hora

By

Savitri D.
Advocate

Savitri D.
Advocate

- 11 -

5. Grounds for relief with legal provisions :

The grounds for relief are that the Applicant has to be reinstated to the post of Sub Postmaster in view of the appellate order order passed on 27-10-2000 in accordance with the provision of Central Civil Services(Classification, Control and Appeal) Rules, 1965, particularly, Rule 14 to 28, i.e. Part-VI & Part-VII of the said Rules.

6. Details of the remedies exhausted :

That the Applicant exhausted all remedies as provided by the disciplinary rules, i.e. appeal to the Appellate Authority and got the appellate order, dated 27-10-2000.

7. Matters not previously filed or pending with any other Court :

The Applicant declares that he has not previously filed any application, Writ Petition or suit regarding the matter in respect of which this application is made, before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or suit is pending before any of them.

Hiralal Acharya
By

Sonila Das.
Advocate
Paras Das
Advocate.

20

8. Relief sought :

In view of the fact mentioned in paragraph-4 above, the Applicant prays for the following relief:-

(a) pass orders directing the Respondents and each of them to allow the Applicant to resume the duties of Sub Postmaster with retrospective effect from 1st October, 1999 on which date he was placed under suspension treating the same as spent on duty by the Applicant as Sub Postmaster without any breaks and/or interruption ;

(b) pass orders directing the Respondents and each of them to allow the Applicant all benefits of service as Sub Postmaster with effect from 1-10-1999 including pay and allowances and other service benefits for the afore-said period till he is allowed to resume duties as Sub Postmaster. There is no estoppel, acquiescence or waiver on his part in this regard ;

(c) pass orders in interim in terms of prayer(a) and prayer(b) above ;

Hing Lal Acharya
By
Bamini Das
Advocate
- 21
- 21
- 21

- 13 -

(d) grant costs of and incidental to this application to the Applicant ;

(e) pass such further or other order or orders or directions as seem fit and proper having regard to the circumstances of the matter

And for this gracious act, the humble Applicant shall as in duty bound ever pray.

9. Interim order, if any, prayed for.

The Applicant prays that the Hon'ble Tribunal would be pleased to pass orders in interim allowing the Applicant to join the post of Sub Postmaster subject to decision of his application.

10. The Applicant desires to have oral hearing subsequent to the admission stage.

11. Particulars of Bank Draft/Indian Postal Order filed in respect of the Application Fee as :

State Bank of India, Gauhati Branch

Demand Draft No. 547774 Dated 22-6-2001

12. List of enclosures :

1. Annexures- 'A' to 'L'

2. Bank Draft - 1 (one)

3. Vakalatnama.

4. Self addressed Envelope

5. File Size envelope with address of the Respondents

VERIFICATION

I, Sri Hira Lal Acharjee, Applicant, son of Late Manindra Chandra Acharjee, aged 45 years, by profession- Government service, resident of village- Kathaltali, P.O. Madhuban, via- Arundhutinagar, Agartala, at present working as Postman, Tura Head Post Office, Tura, Meghalaya, do hereby verify that the contents of Paragraph-1, Paragraph 4 (a to q) are true to my knowledge and paragraphs 2 and 3 are believed to be true on legal advise and that we have not suppressed any material fact.

Date:-

✓ Hira Lal Acharjee
Signature of the Applicant

Place:- Tura

To

The Registrar,
Central Administrative Tribunal,
Guwahati Bench, Rajgarh Road,
Bhangagarh, Guwahati-781 005.

Copy to :- The Sr. Central Govt. Standing Counsel, Guwahati.

22

Hira Lal Acharjee
By
Samita Das
Advocate
Samita Das
Advocate

15
~~Annexure - A~~

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

No. B2-430.

Dtd at Shillong-1, the 1st Oct'99.

Whereas a disciplinary proceeding against
Shri. Hiralal Acharjee SPM Ampati S.O. is contemplated.

Now, therefore, the undersigned in exercise
of powers conferred by Sub rule (1) of Rule 10 of the
Central Civil Services (Classification control and Appeal)
Rules, 1965, hereby places the said Shri. Hiralal Acharjee,
SPM Ampati S.O. under suspension, with immediate effect.

It is further ordered that during the period
that this order shall remain in force the headquarters of
Shri. Hiralal Acharjee should be at Ampati and the said
Shri. Hiralal Acharjee shall not leave the headquarters
without obtaining the previous permission of the under-
signed.

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

Copy to :-

Regd/AS

1. Shri. Hiralal Acharjee SPM Ampati S.O.
2. The Postmaster Tura H.O.
3. P/F of Shri. Hiralal Acharjee.
4. Fraud Branch Divl. Office.
5. O/C / Spare.

4/10/99
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong-793001

Attested
Sanjita Das
Advocate
Sanjita Das
Advocate

Annexure - D

APPENDIX ON PAGE

MEMORANDUM NO. B2-430 dtd at Shillong
the 5-1-99

1. The President/Undersigned proposed to hold an inquiry against Shri. Hirakal Acharyee, SPM Ampati under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965. The substance of the imputations of mis-conduct or mis-behaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure/I). A statement of the imputations of misconduct 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 & IV).

2. Shri. Hirakal Acharyee is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

4. Shri. Hirakal Acharyee is further informed that if he 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 refuses to comply with the provisions of Rule 14 of the C.C.S. (C.C.A) Rules, 1965 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 Shri. Hirakal Acharyee is invited to Rule 20 of the Central Civil Services (Conduct) 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 interests in respect of matters pertaining to his service under the Govt. if any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri. Hirakal Acharyee 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 20 of the C.C.S. (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

(A. R. Bhawnik)
Name & designation of Competent authority.

8r. Supdt. of Posts Office
Meghamal Division
Shillong-793001

To

Regd/AD Shri. Hirakal Acharyee

..... SPM Ampati, so.

(under Suspension)

Hirakal Acharyee
Santacaran
Advocate

17

Annexure - I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SHRI. HIRALAL ACHARJEE, S.P.M. AMPATI NOW UNDER SUSPENSION.

ARTICLE-I

That Shri. Hiralal Acharjee while functioning as SPM Ampati during the period from 25.7.98 to 1.10.99, submitted reports/complaints, using Deptl. forms (Corr-22) direct to (i) The Secretary, Department of Post on 3.2.99 (ii) to the member (personal) Postal Board on 20.02.99 (iii) To the Communication Minister, Govt. of India, New Delhi on 1.3.99 and (iv) to the Chief P.M.G., N.E. Circle, Shillong on 26.3.99, in violation of the conditions laid down in Rules-614 & 627 of Postal Manual Vol. II.

ARTICLE-II

That during the aforesaid period and while functioning in the aforesaid office the said Shri. Hiralal Acharjee lodged complaints to the Secretary, Department of Post on 3.2.99, to the member (Personal) Postal Board on 20.2.99 and to the Communication Minister, Govt. of India on 1.3.99, against Shri. S. Samant, Chief P.M.G., N.E. Circle, Shillong with a view to demoralize and disgrace the character of Shri. S. Samant and one Smti. Rupa Bhattacharjee and the said complaints were found completely baseless on subsequent enquiry. Thus, Shri. Hiralal Acharjee is alleged to have violated the Provisions of Rule-3 (i)(iii) of CCS (Conduct) Rules-1964.

ARTICLE-III

That during the aforesaid period and while functioning in the aforesaid office the said Shri. Hiralal Acharjee was directed to hand over the charge of SPM, Ampati to one Shri. Lankeshwar Barman, L.R., P/A, Garobadha and to get himself relieved and to attend Circle Office, Shillong to appear before the DDG(Vig) on 8.7.99. in connection with enquiry on the complaints lodged by him. But the said Shri. Hiralal Acharjee refused to hand over the charge to Shri. Barman and did not attend the Circle Office, as directed.

By his above action said Shri. Hiralal Acharjee is alleged to have failed to maintain devotion to duty and thus violated the provisions of Rule-3(i)(ii) of CCS (Conduct) Rules-1964.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SHRI. HIRALAL ACHARJEE, SPM, AMPATI, NOW UNDER SUSPENSION.

ARTICLE-I

That said Shri. Hiralal Acharjee while functioning as S.P.M. Ampati during the period from 25.7.98 to 1.10.99, submitted reports and complaints using Deptl. forms (Corr-22) (i) to the Secretary Department of Post on 3.2.99 (ii) to the member (Personal) Postal Board on 20.2.99 (iii) to the communication Minister, Govt. of India, on 1.3.99 and (iv) to the Chief P.M.G., N.E. Circle, Shillong on 26.3.99. Said Shri. Hiralal Acharjee submitted all the said reports and complaints direct to higher authorities without using proper channel of provisions laid down

Contd... P/2

Attested
Smti. D.
Advocate

18

Rules-614 & 627 of Postal Manual Vol.II and thus he is considered to have violated the Provisions of Rule-3 (i) (iii) of CCS (Conduct) Rules-1964, also.

ARTICLE-II

That said Shri. Hiralal Acharjee while functioning as SPM, Ampati during the aforesaid period, lodged complaints to the Secretary, Deptt. of Posts on 3.2.99. to the member (Personal) Postal Board on 20.2.99 and to the communication Minister, Govt. of India, on 1.3.99 in which he alleged that " Shri. S. Samant, Chief P.M.G., N.E.Circle, Shillong and his men raped Miss. R. Bhattacharjee, Sorting Asstt. while she was on training at P.T.C. Darbhanga in December'96 and also after her posting at Agartala Stg. in 1997.

Shri. Acharjee also alleged that Mr. Samant converted her into Muslim by force against fundamental rights, etc. On enquiry, the complaints were found completely false and baseless. It also revealed that Miss. R. Bhattacharjee was selected for the post of Sorting Asstt. in RMS "S" Division and was under institutional training at P.T.C. Darbhanga from 23.12.96 to 7.3.97. On completion of the training she joined as Sorting Asstt. at Agartala RMS on 29.3.97 and worked there upto 7.9.98. On 28th February, 1998 she got married with one Shri. Tapan Ranjan Kalita working as P.A. Darang Postal Division. Both the couple are Hindu and their marriage ceremony was celebrated/solemnised according to Hindu customs. After marriage Smti. Bhattacharjee was transferred under Rule-38 and joined at Tezpur RMS on 13.10.98. She is living there with her husband happily. Shri. S. Samant Chief P.M.G., N.E. Circle, Shillong joined as PMG, Shillong on 25.7.97 and he was nowhere in picture with Smti. Rupa Bhattacharjee. Moreover, Smti. Bhattacharjee presently working as S.A. Tezpur RMS stated in her statement dtd. 13.7.99, that she was never misbehaved by any officer/official either at Darbhanga or Agartala and she had no grievance against any Officer/official of Assam/N.E. Circle. It is also revealed that Shri. Hiralal Acharjee, Miss Rupa Bhattacharjee and Shri. Tapan Kalita were on training at P.T.C. Darbhanga at the same time during the period from 23.12.96 to 7.3.97 and thus Smti. Bhattacharjee and Shri. Kalita were known to Shri. Hiralal Acharjee and therefore with some ill motive Shri. Acharjee lodged all those false complaints to demoralize and disgrace the character of Shri. S. Samant and Smti. R. Bhattacharjee. And by way of doing so he also assinated the character and dignity of a high level Officer like Chief P.M.G., Shillong. Shri. H. Acharjee also deliberately avoided confronted enquiry when he was asked to attend the enquiry on 8.7.99. By his above action, said Shri. Acharjee alleged to have violated the Provision of Rule-3 (i) (iii) of CCS (Conduct) Rules-1964.

ARTICLE-III

Said Shri. H. Acharjee while functioning in the aforesaid office and during the aforesaid period, was directed to hand over the charge of SPM, Ampati to Shri. Lankeshwar Barman, L.R P/A Garobadha and to attend the circle Office, Shillong on 8.7.99. But said Shri. Acharjee refused to hand over the charge to Shri. L. Barman and wilfully avoided to attend Circle Office, Shillong, as directed. By his above action said Shri. Acharjee alleged to have failed to maintain devotion to duty and alleged to have violated the Provisions of Rule-3 (i)(ii) of CCS (Conduct) Rules-1964.

Affidavit
Smti. R.
Advocate.

- 3 -

ANNEXURE - III

**LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST
SHRI. HIRALAL ACHARJEE, SPM, AMPATI, NOW UNDER SUSPENSION ARE
PROPOSED TO BE SUSTAINED.**

1. Photo/copy of complaint of Shri. Hiralal Acharjee, SPM, Ampati dt. 3.2.99 addressed to The Secretary, Deptt. of Posts.
2. Photo-copy of complaint of Shri. Hiralal Acharjee, SPM, Ampati dt. 20.2.99 addressed to the Member (Personal), Postal Board.
3. Photo-copy of complaint of Shri. Hiralal Acharjee, SPM, Ampati dt. 1.3.99 addressed to the Communication Minister, Govt. of India.
4. Photo-copy of report of Shri. Hiralal Acharjee, SPM, Ampati dt. 26.3.99 addressed to the Chief P.M.G., N.E. Circle, Shillong-1.
5. Photo-copy of written statement of Smti. Rupa Bhattacharjee, S.A. Tezpur RMS dtd. 13.7.99.
6. Inquiry report of Shri. I. Dewri, DDG (VIG.).
7. Telegram of Shri. Lankeshwar Barman, I.R. P.A. Garobadha coded 0 1000 A.I. Garobadha. 10.04
8. Written statement of Shri. Hiralal Acharjee, SPM, Ampati, dtd. 17.7.99.

ANNEXURE-IV

**LIST OF WITNESS BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST
SHRI. HIRALAL ACHARJEE, SPM, AMPATI (NOW UNDER SUSPENSION) PROPOSED
TO BE SUSTAINED.**

1. Shri. Lankeshwar Barman, I.R. P/A Garobadha.

19

29

Atul
Sanjiv Barman
Advocate.

To,

The Sr. Superintendent of Post Offices
Meghalaya Division, Shillong.

SUBJECT: PRAYER FOR WITHDRAWAL OR REVOCATION OF SUSPENSION ORDER.

Sir,

With due respect and humble submission I have the honour to inform you that I have been discharging my duties with utmost sincerity and devotion since the date of appointment i.e December 1990. Prior to unfortunate incident which occurred in my life due to mental imbalances, I have been discharging my duties with the full satisfaction of my superior. There was no complain or dissatisfaction of any officers or staffs irrespect of my service for last 8 years.

That perhaps due to ill luck or whatever I say, I became victim of my own fate or destiny which was beyond my control indeed, I feel sick owing to mental imbalances since March 1998 and took treatment from different Doctors. That during the said period inadvertently I did some wanted things which cost injury to my superiors which was actually unintentional for which now I am really shameful and repentant. My family members took sincere effort to treat me from Guwahati Medical College Hospital and now I am fit to resume my duty.

A copy of Medical Certificate dated 10/3/2000 issued by department of Psychiatry, G.M.C Hospital is enclosed herewith as a matter of record and proof.

That though you have proceeded with departmental proceeding against me at this stage I humbly request you to withdraw all the charges levelled against me for which I am not liable as during those period I was extremely suffering from Nervous Disorder. Had I committed any offence during the said period, that might be out of mind.

That since I was placed under suspension I am facing great financial hardship and my family members are passing the days in half starvation. If I am terminated from service, I shall not only die without food or clothing but my family members also will be the victim of the same punishment for which they have no fault.

Further, I respectfully submit that if one chance is given to me to rectify myself, I promise, that I shall never do such wrong in my life.

Under the above circumstances I humbly pray for your kindness to condon my wrongs which was caused unconsciously and further I pray your honour to withdraw or revoke the suspension order exercising your inherent power and capacity.

And for this act of your greatness I shall be obliged to you.

Encloser :-

1. Medical certificate.

Yours Faithfully,

Hiralal Acharjee

20-4-2000

(Hiralal Acharjee, S.P.M.)

Under suspension, Ampati,

West Garo Hills,

Meghalaya.

Delivered on 29/1/00 A.D.

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

NO. B2 - 430 dt'd at Shillong the 10-5-2000,

To
Shri Hiralal Acharjee
Ex- SPM Ampati S.O.
(now under suspension)

Regd/AD

Sub:- Enquiry under Rule - 14 of CCS (CCA) Rules, 1965.

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

Enclo-As stated.

Sd/- Illegible

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

Attested
Samita Das
Samita Das
Advocate.

INQUIRY REPORT ON DEPARTMENTAL ENQUIRY UNDER
RULE 14 OF C.C.S. (C.C.A.) RULES, 1965 AGAINST SRI HIRALAL
ACHERJEE, EX-SPM, AMPATI S.O. UNDER TURA H.O.

I. I, Sri S. Chakraborty, offg. ASPOS (HQ), Shillong, was appointed as Inquiry Authority by the Sr. Supdt. of Pos, Meghalaya Division, Shillong, vide his letter No. B2-430 Dtd. 2-12-99, to inquire into the charges against Sri Hiralal Acherjee, Ex-SPM, Ampati, as framed vide SSPOs, Shillong, letter No. B2-430 Dtd. 5.11.99; under Rule 14 of C.C.S. (C.C.A.) Rules, 1965.

I have since completed the inquiry on the basis of the documentary and oral evidences produced before me and have prepared the Inquiry-report as follows :

II.

THE CHARGE-SHEET.

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI
HIRALAL ACHERJEE, EX-SPM AMPATI, NOW UNDER SUSPENSION.

Article - 1.

That Sri Hiralal Acherjee while functioning as SPM Ampati during the period from 25.7.98. to 1.10.99, submitted reports/complaints, using Deptl. Forms (Corr. 22) direct to (i) The Secretary, Department of Posts, on 3. 2.99 (ii) The Member, Personnel, Postal Board on 20.2.99. (iii) The Communication Minister, Govt. of India, New Delhi on 1.3.99 and (iv) The Chief P.M.G., N.E. Circle, Shillong on 26.3.99, in violation of the conditions laid down in Rules-614 & 627 Of Postal Manual Vol-II.

Article - 2

That during the aforesaid period and while functioning in the aforesaid office the said Sri Hiralal Acherjee lodged complaints to the Secretary, Dptt. Of Post on 3.2.99, to the Member (Personnel), Postal board on 20.2.99 and to the Communication Minister, Govt. of India, on 1.3.99, against Sri S. Samant, Chief P.M.G., N.E. Circle, Shillong, with a view to demoralize and disgrace the character of Sri S. Samant and one, Smt. Rupa Bhattacharjee and the said complaints were found completely baseless on subsequent enquiry. Thus Sri Hiralal Acherjee is alleged to have violated the provisions of Rule-3(i)(iii) of C.C.S.(Conduct) Rules-1964.

Article - 3

That during the aforesaid period and while functioning in the aforesaid office the said Sri Hiralal Acherjee was directed to hand over the charge of the SPM, Ampati to one Sri Lankeshwar Barman I.R.P.A., Garobadha and to get himself relieved and to attend Circle Office, Shillong, to appear before the D.D.G.(Vig) on 8.7.99, in connection with enquiry into the complaints lodged by him. But the said Sri Hiralal Acherjee refused to hand over the charge to Sri Barman and did not attend the Circle office as directed. By his above action said Sri Hiralal Acherjee is alleged to have failed to maintain devotion to duty and thus violated the provisions of Rule-3(l)&(ii) of C.C.S.(Conduct) Rules-1964.

Contd.....2.

Bilateral
Society Bar
Committee
Advocate.

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR
IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI
HIRALAL ACHERJEE SPM, EX-AMPATI, UNDER SUSPENSION.

Article-1.

That said Sri Hiralal Acherjee while functioning as SPM Ampati during the period from 25.7.98 to 1.10.99, submitted reports and complaints using Deptl. Forms (Corr-22) (i) to the Secretary, Deptt. of Posts, on 3.2.99; (ii) to the Member (Personnel) Postal Board on 20.2.99 (iii)-to the Communication Minister, Govt. of India, on 1.3.99. and (iv) to the Chief P.M.G., N.E.Circle, Shillong on 26.3.99. Said Sri Hiralal Acherjee submitted all the reports and complaints direct to higher authorities without using proper channel of the provisions laid down in Rules-614 & 627 of Postal Manual Vol. II and thus violated the provisions of Rule-3(i)(iii) of C.C.S. (Conduct) Rules 1964, also.

Article-2.

That said Sri Hiralal Acherjee while functioning as SPM, Ampati during the aforesaid period lodged complaints to the Secretary, Deptt. of Posts, on 3.2.99, to the Member(Personnel) Postal Board, on 20. 2.99 and to the Communication Minister, Govt. of India, on 1.3.99., in which he alleged that "Sri S. Samant, Chief P.M.G., N.E. Circle, Shillong and his men raped Miss. Rupa Bhattacharjee, Sorting Asstt., while she was on training at P.F.C., Darbhanga in December,96 and also after her posting at Agartala Stg. In 1997. Sri Acherjee also alleged that Mr. Samant converted her into Muslim by force against fundamental rights etc.

On enquiry the complaints were found completely false and baseless. It also revealed that Miss R. Bhattacherjee was selected for the post of Sorting Asstt. in RMS "S" Division and was in institutional training at P.T.C. Darbhanga from 23.12.96 to 7.3.97. On completion of the training she joined as Sorting Asstt. at Agartala RMS on 29.3.97, and worked there up to 7.9.98. On 28th February 1998, she got married with one Sri Tapan Ranjan Kalita working as Postal Asstt. at Darang Postal Division. Both of the couple are hindu and their marriage ceremony was celebrated/ solemnized according to hindu customs. After marriage Smt. Bhattacherjee was transferred under Rule 38 and joined at Tezpur RMS on 13.10.98. She is living there with her husband happily. Sri S. Samant, Chief P.M.G., N. E. Circle, Shillong, joined as PMG, Shillong, on 25.7.97 and he was nowhere in picture with Smt. Rupa Bhattacherjee. More over, Smt. Bhattacherjee presently working as S.A. Tezpur RMS, stated in her statement dtd. 13.7.99, that she was never misbehaved by any officer/official either at Darbhanga or Agartala and she had no grievance against any officer/official of Assam/N.E. Circle. It is also revealed that Shri Hiralal Achbarjee, Miss Rupa Bhattacharjee and Shri Tapan Rn. Kalita were on training at P.T.C. Darbhanga at the same time during the period from 23-12-99 to 07-03-97 and thus Smti Bhattacharjee and Shri Kalita were known to Shri Hiralal Achbarjee and therefore with some ill motive Shri Achbarjee lodged all those

Contd.....3/-

Albert
Lindner
Committee
Advocates

false complaints to demoralized and disgrace the character of Shri S. Samant and Smti R. Bhattacharjee. And by way of doing so he also assinated the character and dignity of a high level officer like Chief P.M.G, Shillong. Shri H. Acharjee also deliberately avoided confronted enquiry when he was asked to attend the enquiry on 08-07-99. By his above action, said Shri Acharjee alleged to have violated the Provision of Rule- 3 (1) (iii) of CCS (Conduct) Rules - 1964.

ARTICLE - III

Said Shri H. Acharjee while functioning in the aforesaid office and during the aforesaid period, was directed to hand over the charge of SPM, Ampati to Shri Lankeshwar Barman, L.R. P/A Garobadha and to attend the circle office, Shillong on 08-07-99. But Shri Acharjee refused to hand over the charge to Shri L. Barman and willfully avoided to attend Circle office, Shillong, as directed. By his above action said Shri Acharjee alleged to had failed to maintain devotion to duty and alleged to have violated the Provisions of Rule - 3 (1) (ii) of CCS (Conduct) Rules 1964.

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SHRI HIRALAL ACHARJEE, SPM, AMPATI, NOW UNDER SUSPENSION ARE PROPOSED TO BE SUSTAINED:

1. Photocopy of complaint of Shri Hiralal Acharjee, SPM, Ampati dt. 03-02-99 addressed to the Sectetary, deptt. of Posts.
2. Photocopy of complaint of Shri Hiralal Acharjee, SPM, Ampati dt. 20-02-99 addressed to the Member (Personal) Postal Board.
3. Photocopy of complaint of Shri Hiralal Acharjee, SPM, Ampati dt. 01-03-99 addressed to the Communication Minister, Govt. of India.
4. Photocopy of report of Shri Hiralal Acharjee, SPM, Ampati dt 26-03-99 addressed to the hief P.M.G, N.E, Circle, Shillong-1.
5. Photocopy of written statement of Smti Rupa Bhattacharjee S.A, Tezpur RMS dtd. 13-07-99.
6. Inquiry report of Shri J. Dewri, DDG (VIG).
7. Telegram of Sri Lankeshwar Barman, L R P.A., Garobadha, coded 01009 A.1. Garobadha. 10.34.
8. Written statement of Sri Hiralal acherjee, SPM, Ampati dtd. 17.7.99.

Contd.....4/

Attar
Smita Dasi
Smita Dasi
Advocate.

List of witness by whom the articles of charged framed against Shri Hiralal Acharjee, SPM, Ampati (now under suspension) proposed to be sustained.

1. Shri Lankeshwar Barman, L.R. P/A, Garobadha.

III. LIST OF EXHIBITED DOCUMENTS :-

Ex.p-1. Photo-copy of complaint of Sri Hiralal Acherjee, SPM, Ampati, dtd.3.2.99
a/t. the Secretary, Deptt. of Posts.

Ex.p-2. Photo-copy of complaint of Sri Hiralal Acherjee, SPM, Ampati, dtd.20.2.99
A/t the Member (personnel), postal Board.

Ex.p-3. Photo copy of complaint of Sri. Hiralal Acharjee, SPM, Ampati Dtd 1-3-99
A/t the communication Minister, Govt of India

Ex.p-4 Photo copy of report of Sri Hiralal Acharjee, SPM Ampati, Dtd 26-3-99 A/T
the C.P.M.G, N.E. Circle Shillong-1

Ex.p-5 Photo copy of written statement of Smt. Rupa Bhattacharjee SA, Tezpur
RMS Dtd 13-7-99

Ex.p-6 Inquiry report of Sri I.Dewri, DDG(VIG)

Ex.p-7 Telegram of Sri. Lankeshwar Garman, LR Pa Garobadha coded 01000
A.1 Garobadha 10.34

Ex.p-8 Written statement of Sri. Hiralal Acherjee, SPM Ampati, Dtd 17-7-99

Ex.p-9 Medical certificate issued by Guwahati Medical College Hospital.

IV. LIST OF WITNESSES EXAMINED :-

SW-1. Sri. Lanskehwar Barman, LR P/A Garobadha.

V. PARTICIPATION OF THE C.O IN THE ENQUIRY :-

The hearing of the Inquiry was held on 23-12-99, 28.1.2000, 18.2.2000, 7.3.2000
28.3.2000. The caged official attended and participated all the hearings. He opted for
his defence-assistant and selected Sri T. Kharkongor, APM Mails Shillong as his
defence-assistant vide his application Dtd.1-1-2000. He was permitted and he
attended all the subsequent hearings being accompanied with his Defence-assistant,
Sri T. Kharkongor.

VI. Case of Disciplinary authority :-

Article-I The PO on behalf of the Disciplinary authority reiterated the article of
charge as framed in the charge-sheet and in support of the article of charge he
produced the documentary evidences as exhibited under EXP-1,2,3 & 4. No witness
was there.

Article-II The PO on behalf of the Disciplinary authority presented the article of
charge in the same form as in the charge sheet. In support of the article of charge he
produced the documentary evidences as exhibited under EXP-1,2,3,4,5,6, & 8. No witness
was there.

Article -III The PO reiterated the article of charge as in the charge sheet and
produced the documentary evidences as exhibited under Exp-7 & 8. The SW-1 was
also examined in connection with the article of charges.

Contd.....5.

Attest
Sonita Devi
Committee (D.A)
Date

VII. Case of the Charged official:-

Article-1. The Charged Official stated in his defence statement dtd.24.11.99, that he had been mentally suffering since March'98 and as such what he did during the period he did not know. In support of his statement he submitted a Medical certificate as exhibited under EXD.1.

Article-2. The Charged Official admitted the charge on 23.12.99 and reiterated the fact as for article - 1, above.

Article-3. The Charged official reiterated the fact as he stated in his statement dtd. 17.7.99, that he could not attend Shillong to meet D.D.G.(Vig) on 8.7.99, due to disorder in his stomach. In support of his version he submitted the written statement dtd. 17.7.99, and two Medical Certificates dtd. 6.7.99 & 11.7.99. The statement and both the M/Cs have been exhibited as EX.P.-8.

VIII. I have gone through the Charge sheet, Day to day proceedings, Exhibited documents, Defence statement, Deposition of the SW-1 recorded on 18.2.2000, Briefs of P.O. & C.O. and all other relevant records & circumstances, carefully, and inclined to furnish my observation, analysis and assessment as follows:-

OBSERVATION.

Article-1. The Charged Official indirectly admitted the article of Charge though he stated that he might have done so, due his "Mental illness", and he submitted a Medical Certificate in support of his version that he was suffering from "Nerves-Disorder". The Medical Certificate has been exhibited under EX.D.-1.

Article-2. The Charged official admitted the article of charges on 23.12.99, on the same plea as in case of article-1.

Article-3. The Charged Official indirectly admitted that he did not hand over the charge to his reliever, Sri Lankeshwar Barman, due to his inability to proceed towards Shillong for his stomach-problem. Sri Lankeshwar Barman, the SW-1, has stated in his deposition recorded on 18.2.2000, that he attended Ampati to relieve the C.O. on 9.7.99 at 0930 hrs.

ANALYSIS

Article -1 & 2. Both the articles of charges are co-related and the charged official submitted same statement for both the articles of charges that he might have done so due to his mental illness. On interrogation he stated that though he was on duty during that time, his mental illness did not affect his official duty in any way. It also revealed that Smt. Rupa Bhattacherjee was not related to Srj Acherjee. Under this circumstance it could not be understood on what intention the charged official did all those alleged action as human being can do nothing without any intention behind his/her action. As such the alleged action of the Charged official might be a consequence of his mental illness etc.

Article -3. The charged official was directed to attend Shillong to meet D.D.G.(Vig) on 8.7.99. But his substitute, who was directed to relieve him and who was the witness to the case also (SW-1), attended Ampati to relieve him (C.O.) on 9.7.99 at 0930hrs., as the witness stated in his deposition recorded on 18.2.2000. As such, in spite of his stomach-problem of the C.O., as he stated, if he would proceed towards Shillong, immediately on his relief, on 9.7.99, from Ampati, he would be too late to meet D.D.G.(Vig) at Shillong, it would be at least 10.7.99.

Contd.....6.

Attested
Sunita Das
Sunita Das
Advocate.

FINDINGS

Although, the Disciplinary Authority could not produce any witness in support of the articles I & II and to ascertain the authenticity of the documentary evidences produced, owing to direct or indirect admission of the charged official all the charges under Article-I, II & III are proved.

A folder containing the following in page No. 01 to 48, is enclosed.

- (a) Written statement of defence submitted by the charged official on 24.11.99.
- (b) Documentary evidences as exhibited under EX.P.-1 to EX.P.-8 & EX.D.-1.
- (c) Written briefs of the P.O.(No. A1-P.O./99 dtd.28.3.99) and
- (d) Written briefs of the charged official. (No.A-1/DA/99 dtd. 12.4.2000.)

~~(S. Chakraborty)~~
Inquiry Authority.

No. INQ/ Rule-14/1/99. dtd. 9.5.2000,

Edt. to : (1-2) the Sr. Supdt. of Pos. Meghalaya Dn. Shillong-1 (Disciplinary
wfr to his letter No. B 2-430 Dtd. 2.12.99, -Authority)

~~Inquiry Authority~~

*Amrita Das
Advocate*

28
Annexure E

DEPARTMENT OF POSTS
OFFICE OF THE SR. SUPDT. OF POST OFFICES :: MEGHALAYA DIVISION
SHILLONG - 793 001.

No. B2 - 430,

Dated Shillong, the 30/6/2000.

In this Office memo of even no. dtd. 5.11.99. it was proposed to take action against Sri. Hiralal Acharjee, Ex. SPM, Ampati under Rule-14 of CCS (CCA) Rules - 1965 and he was asked to submit his representation against the proposal if any within 10 days of receipt of the said letter.

The statement of imputation of misconduct and misbehaviour in support of the articles of charge framed against said Sri. Hiralal Acharjee was as follows :-

ARTICLE - I

That Shri. Hiralal Acharjee, while functioning as SPM Ampati during the period from 25.7.98, to 1.10.99. submitted reports/complaints, using Deptl. forms (Corr-22) direct to (i). The Secretary, Department of Post on 3.2.99 (ii) to the member (personal) Postal Board on 20.2.99 (iii) to the Communication Minister, Govt. of India, New Delhi on 1.3.99 and (iv) to the Chief P.M.G., N.E. Circle, Shillong on 26.3.99., in violation of the conditions laid down in Rules-614 & 627 of Postal Manual Vol-II.

ARTICLE-II

That during the aforesaid period and while functioning in the aforesaid Office the said Shri. Hiralal Acharjee lodged complaints to the Secretary, Department of Post on 3.2.99, to the member (Personal) Postal Board on 20.2.99. and to the Communication Minister, Govt. of India on 1.3.99, against Shri. S. Samant, Chief P.M.G., N.E. Circle, Shillong with a view to democratize and disgrace the character of Shri. S. Samant and one Smti Rupa Bhattacharjee and the said complaints were found completely baseless on subsequent enquiry. Thus, Shri. Hiralal Acharjee is alleged to have violated the Provisions of Rule-3 (i)(ii) of CCS (Conduct) Rules-1964.

ARTICLE-III

That during the aforesaid period and while functioning in the aforesaid Office the said Shri. Hiralal Acharjee was directed to hand over the charge of SPM, Ampati to one Shri. Lankeshwar Barman, L.R. P.A Garobadha and to get himself relieved and to attend Circle Office, Shillong to appear before the DDG(Vig) on 6.7.99. in connection with enquiry on the complaints lodged by him. But the said Shri. Hiralal Acharjee refused to hand over the charge to Shri. Barman and did not attend the Circle Office, as directed.

By his above action said Shri. Hiralal Acharjee is alleged to have failed to maintain devotion to duty and thus violated the provision of Rule-3(i) (ii) of CCS (Conduct) Rules-1964.

Attested
Sanjeev Das
Smti. D. Das
Advocate.

...P/2

List of documents by which the articles of charges framed against said Shri. Hiralal Acharjee were proposed to be sustained.

1. Photo/Copy of complaint of Shri. Hiralal Acharjee, S.M., Ampati dt. 3.2.99, addressed to the Secretary, Deptt. of Posts.
2. Photo-copy of complaint of Shri. Hiralal Acharjee, S.M., Ampati dt. 20.2.99, addressed to the Member (Personal) Postal Board.
3. Photo-copy of complaint of Shri. Hiralal Acharjee, S.M., Ampati dt. 1.3.99 addressed to the Communication Minister, Govt. of India.
4. Photo-copy of report of Shri. Hiralal Acharjee, S.M., Ampati dt. 26.3.99 addressed to the Chief P.M.G., N.E. Circle, Shillong-I.
5. Photo-copy of written statement of Smti. Rupa Bhattacharjee, S.A. Tozpur RMS dtd. 13.7.99.
6. Inquiry report of Shri. I. Dewri, DDG (VIG.).
7. Telegram of Shri. Lankeśwar Barman, L.R. P.A. Garobadha, coded o 1000 A.I. Garobadha 10.34.
8. Written statement of Shri. Hiralal Acharjee, S.M., Ampati, dtd. 17.7.99.

List of witnesses by whom the article of charge framed against said Shri. Hiralal Acharjee, were proposed to be sustained.

1. Shri Lankeśwar Barman, L.R. P.A. Garobadha.

In reply, said Shri. Hiralal Acharjee had submitted his representation vide his letter dtd. 24.11.99 which was read as follows :-

I have received the above mentioned Memorandum on 15.11.99. And after going through the same I do hereby humbly submits as follows :-

1. That Sir, since March 1998 I have been suffering mental lay for which I was under treatment Still I am unwell. The medical certificates will be submitted by me if and when required by the authority.

2. That during the said period Smti. Rupa Bhattacharjee a close friend of mine, once rang me and alleged against Mr. S. Sumant about the fact. After that, what I have done during the said period I do not know. Had I been committed any offence during the said period, that was only due to my mental imbalances.

Under the circumstances above I deny all the charges levelled against me under the said Memorandum and also pray your kindness to condon my wrong, If any, which was done unconsciously and I shall oblige, therefore for ever.

Shri. S. Chakraborty, Offg. ASP (HQ), Shillong and Sri. A.B. Dutta, ASP, Tura were appointed as I.O. & P.O. respectively to enquire into the case vide this Office letter of even no. dtd. 2.12.99. and 3.12.99, as per provisions laid down in Rule -14 of CCS (CCA) Rules - 1965.

The I.O. has submitted his Inquiry report vide his letter no. INQ/Rule - 14/1/99, dtd. 9.5.2000 which is read as follows :-

*Alleged
Sanctioned*

Samita Das
Advocate.

I, Sri S. Chakraborty, offg. ASPOs (HQ), Shillong, was appointed as Inquiry Authority by the Sr. Supdt. of Pos, Meghalaya Division, Shillong, vide his letter No. B2-430 Dtd. 2-12-99, to inquire into the charges against Sri Hiralal Acherjee, Ex-SPM, Ampati, as framed vide SSPOs, Shillong, letter No. B2-430 Dtd. 5.11.99., under Rule 14 of C.C.S. (C.C.A.) Rules, 1965.

I have since completed the inquiry on the basis of the documentary and oral evidences produced before me and have prepared the Inquiry-report as follows :

II. THE CHARGE-SHEET.

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI HIRALAL ACHERJEE, EX-SPM AMPATI, NOW UNDER SUSPENSION.

Article -1.

That Sri Hiralal Acherjee while functioning as SPM Ampati during the period from 25.7.98. to 1.10.99, submitted reports/complaints, using Deptl. Forms (Corr.-22) direct to (i) The Secretary, Department of Posts, on 3. 2.99 (ii) The Member, Personnel, Postal Board on 20.2.99. (iii) The Communication Minister, Govt. of India, New Delhi on 1.3.99 and (iv) The Chief P.M.G., N.E. Circle, Shillong on 26.3.99, in violation of the conditions laid down in Rules-614 & 627 of Postal Manual Vol.-II.

Article - 2

That during the aforesaid period and while functioning in the aforesaid office the said Sri Hiralal Acherjee lodged complaints to the Secretary, Dptt. Of Post on 3.2.99., to the Member (Personnel), Postal board on 20 .2.99 and to the Communication Minister, Govt. of India, on 1.3.99. against Sri S. Samant, Chief P.M.G.,N.E. Circle, Shillong, with a view to demoralize and disgrace the character of Sri S. Samant and one, Smt. Rupa Bhattacherjee and the said complaints were found completely baseless on subsequent enquiry. Thus Sri Hiralal Acherjee is alleged to have violated the provisions of Rule- 3(i)(iii) of C.C.S.(Conduct) Rules-1964.

Article - 3

That during the aforesaid period and while functioning in the aforesaid office the said Sri Hiralal Acherjee was directed to hand over the charge of the SPM, Ampati to one Sri Lankeshwar Barman L.R.P.A., Garobadha and to get himself relieved and to attend Circle Office, Shillong, to appear before the D.D.G.(Vig) on 8.7.99, in connection with enquiry into the complaints lodged by him. But the said Sri Hiralal Acherjee refused to hand over the charge to Sri Barman and did not attend the Circle office as directed. By his above action said Sri Hiralal Acherjee is alleged to have failed to maintain devotion to duty and thus violated the provisions of Rule- 3(i)&(ii) of C.C.S.(Conduct) Rules- 1964.

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI HIRALAL ACHERJEE SPM, EX-AMPATI, UNDER SUSPENSION.

Article-1.

That said Sri Hiralal Acherjee while functioning as SPM Ampati during the period from 25.7.98 to 1.10.99., submitted reports and complaints using Deptl. Forms (Corr-22) (i) to the Secretary, Depit. of Posts, on 3.2.99. (ii) to the Member (Personnel) Postal Board on 20.2.99 (iii) to the Communication Minister, Govt. of India, on 1.3.99. and (iv) to the Chief P.M.G., N.E.Circle, Shillong on 26.3.99. Said Sri Hiralal Acherjee submitted all the reports and complaints direct to higher authorities without using proper channel of the provisions laid down in Rules-614 & 627 of Postal Manual Vol. II and thus violated the provisions of Rule-3(i)(iii) of C.C.S. (Conduct) Rules 1964, also.

Attested
Samita Das
Samita Das
Advocate.

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Article-II.

That said Sri Hiralal Acherjee while functioning as SPM, Ampati during the aforesaid period lodged complaints to the Secretary, Deptt. of Posts, on 3.2.99, to the Member(Personnel) Postal Board, on 20. 2.99 and to the Communication Minister, Govt. of India, on 1.3.99, in which he alleged that "Sri S. Samant, Chief P.M.G., N.E. Circle, Shillong and his men raped Miss. Rupa Bhattacharjee, Sorting Asstt., while she was on training at P.T.C., Darbhanga in December,96 and also after her posting at Agartala Stg. In 1997. Sri Acherjee also alleged that Mr. Samant converted her into Muslim by force against fundamental rights etc.

On enquiry the complaints were found completely false and baseless. It also revealed that Miss R. Bhattacharjee was selected for the post of Sorting Asstt. in RMS "S" Division and was in institutional training at P.T.C. Darbhanga from 23.12.96 to 7.3.97. On completion of the training she joined as Sorting Asstt. at Agartala RMS on 29.3.97. and worked there up to 7.9.98. On 28th February,1998, she got married with one Sri Tapan Ranjan Kalita working as Postal Asstt. at Darang Postal Division. Both of the couple are hindu and their marriage ceremony was celebrated/ solemnized according to hindu customs. After marriage Smt. Bhattacharjee was transferred under Rule-38 and joined at Tezpur RMS on 13.10.98. She is living there with her husband happily. Sri S. Samant, Chief P.M.G., N. E. Circle, Shillong, joined as PMG, Shillong, on 25.7.97 and he was nowhere in picture with Smt. Rupa Bhattacharjee. More over, Smt. Bhattacharjee presently working as S.A. Tezpur RMS, stated in her statement dtd. 13.7.99. that she was never misbehaved by any officer/official either at Darbhanga or Agartala and she had no grievance against any officer/official of Assam/N.E.Circle. It is also revealed that Shri Hiralal Acharjee, Miss Rupa Bhattacharjee and Shri Tapan Rn. Kalita were on training at P.T.C. Darbhanga at the same time during the period from 23-12-99 to 07-03-97 and thus Smti Bhattacharjee and Shri Kalita were known to Shri Hiralal Acharjee and therefore with some ill motive Shri Acharjee lodged all those false complaints to demoralized and disgrace the character of Shri S. Samant and Smti R. Bhattacharjee. And by way of doing so he also assinated the character and dignity of a high level officer like Chief P.M.G, Shillong. Shri H. Acharjee also deliberately avoided confronted enquiry when he was asked to attend the enquiry on 08-07-99. By his above action, said Shri Acharjee alleged to have violated the Provision of Rule- 3 (I) (iii) of CCS (Conduct) Rules - 1964.

ARTICLE - III

Said Shri H. Acharjee while functioning in the aforesaid office and during the aforesaid period , was directed to hand over the charge of SPM, Ampati to Shri Lankeshwar Barman, L.R. P/A Garobadha and to attend the circle office , Shillong on 08-07-99. But Shri Acharjee refused to hand over the charge to Shri L. Barman and willfully avoided to attend Circle office, Shillong , as directed. By his above action said Shri Acharjee alleged to had failed to maintain devotion to duty and alleged to have violated the Provisions of Rule - 3 (I) (ii) of CCS (Conduct) Rules 1964.

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SHRI HIRALAL ACHARJEE, SPM, AMPATI, NOW UNDER SUSPENSION ARE PROPOSED TO BE SUSTAINED.

1. Photocopy of complaint of Shri Hiralal Acharjee, SPM, Ampati dt. 03-02-99 addressed to the Secretary, depit. of Posts.

Attested
Samita Das
Date: 20/07/2000

- 5 -

2. Photocopy of complaint of Shri Hiralal Acharjee, SPM, Ampati dt. 20-02-99 addressed to the Member (Personel) Postal Board.
3. Photocopy of complaint of Shri Hiralal Acharjee, SPM, Ampati dt. 01-03-99 addressed to the Communication Minister, Govt. of India.
4. Photocopy of report of Shri Hiralal Acharjee, SPM, Ampati dt 26-03-99 addressed to the hief P.M.G, N.E. Circle, Shillong-1.
5. Photocopy of written statement of Smti Rupa Bhattacharjee S.A. Tezpur RMS dtd. 13-07-99.
6. Inquiry report of Shri I Dewri, DDG (VIG).
7. Telegram of Sri Lankeshwar Barman, L R P.A., Garobadha, coded 01000 A.1. Garobadha. 10.34.
8. Written statement of Sri Hiralal acherjee, SPM, Ampati, dtd. 17.7.99.

List of witness by whom the articles of charged framed against Shri Hiralal Acharjee, SPM, Ampati (now under suspension) proposed to be sustained.

1. Shri Lankeshwar Barman, L.R. P/A, Garobadha.

III. LIST OF EXHIBITED DOCUMENTS :-

- Ex.p-1. Photo-copy of complaint of Sri Hiralal Acherjee, SPM, Ampati, dtd. 3.2.99 a/t. the Secretary, Deptt. of Posts.
- Ex.p-2. Photo-copy of complaint of Sri Hiralal Acherjee, SPM, Ampati, dtd. 20.2.99 A/t the Member (personnel), postal Board.
- Ex.p-3. Photo copy of complaint of Sri. Hiralal Acharjee, SPM, Ampati Dtd 1-3-99 A/t the communication Minister, Govt of India
- Ex.p-4 Photo copy of report of Sri Hiralal Acharjee, SPM Ampati, Dtd 26-3-99 , A/T the C.P.M.G, N.E. Circle Shillong-1
- Ex.p-5 Photo copy of written statement of Smt. Rupa Bhattacharjee SA, Tezpur RMS Dtd 13-7-99
- Ex.p-6 Inquiry report of Sri I.Dewri ,DDG(VIG)
- Ex.p-7 Telegram of Sri. Lankeshwar Garman, IR Pa Garobadha coded 01000 A.1.Garobadha 10.34
- Ex.p-8 Written statement of Sri. Hiralal Acherjee, SPM Ampati ,Dtd 17-7-99
- Ex.p-9 Medical certificate issued by Guwahati Medical College Hospital.

IV. LIST OF WITNESSES EXAMINED :-

- SW-1- Sri Lankeshwar Barman, LR P/A Garobadha.

V. PARTICIPATION OF THE C.O IN THE ENQUIRY :-

The hearing of the inquiry was held on 23-12-99, 28.1.200, 18.2.200, 7.3.200 28.3.200. The carged official attended and participated all the hearings. He opted for his defence-assistant and selected Sri T. Kharkonger , APM Mails Shillong as his defence-assistant vide his application Dtd.1-1-2000. He was permitted and he attended all the subsequent hearings being accompanied with his Defence-assistant, Sri T. Kharkonger.

Attested
Samita Das
For: (S)
Advocates.

VI. Case of Disciplinary authority :-

Article-I. The PO on behalf of the Disciplinary authority reiterated the article of charge as framed in the charge-sheet and in support of the article of charge he produced the documentary evidences as exhibited under EXP-1,2,3 & 4. No witness was there.

Article-II. The PO on behalf of the Disciplinary authority presented the article of charge in the same form as in the charge sheet. In support of the article of charge he produced the documentary evidences as exhibited under EXP-1, 2,3,4,5,6, & 8. No witness was there.

Article -III The PO reiterated the article of charge as in the charge sheet and produced the documentary evidences as exhibited under Exp-7 & 8. The SW-1 was also examined in connection with the article of charges.

VII. Case of the Charged official :-

Article-1. The Charged Official stated in his defence statement dtd.24.11.99, that he had been mentally suffering since March'98 and as such what he did during the period he did not know. In support of his statement he submitted a Medical certificate as exhibited under EXD.1.

Article-2. The Charged Official admitted the charge on 23.12.99 and reiterated the fact as for article - 1, above.

Article-3. The Charged official reiterated the fact as he stated in his statement dtd. 17.7.99, that he could not attend Shillong to meet D.D.G.(Vig) on 8.7.99, due to disorder in his stomach. In support of his version he submitted the written statement dtd. 17.7.99, and two Medical Certificates dtd. 6.7.99 & 11.7.99. The statement and both the M/Cs have been exhibited as EX.P.-8.

VIII. I have gone through the Charge sheet, Day to day proceedings, Exhibited documents, Defence statement, Deposition of the SW-1 recorded on 18.2.2000, Briefs of P.O. & C.O. and all other relevant records & circumstances, carefully, and inclined to furnish my observation, analysis and assessment as follows:-

OBSERVATION.

Article-1. The Charged Official indirectly admitted the article of Charge though he stated that he might have done so, due his "Mental illness" and he submitted a Medical Certificate in support of his version that he was suffering from "Nerves-Disorder". The Medical Certificate has been exhibited under EX.D.-1.

Article-2. The Charged official admitted the article of charges on 23.12.99, on the same plea as in case of article-1.

Article-3. The Charged Official indirectly admitted that he did not hand over the charge to his reliever, Sri Lankeshwar Barman, due to his inability to proceed towards Shillong for his stomach-problem. Sri Lankeshwar Barman, the SW-1, has stated in his deposition recorded on 18.2.2000, that he attended Ampati to relieve the C.O. on 9.7.99 at 0930 hrs.

ANALYSIS

Article -1 & 2. Both the articles of charges are co-related and the charged official submitted same statement for both the articles of charges that he might have done so due to his mental illness. On interrogation he stated that though he was on duty during that time, his mental illness did not affect his official duty in any way. It also revealed that Smt. Rupa Bhattacherjee was not related to Sri Acherjee. Under this circumstance it could not be understood on what intention the charged official did all those alleged action as human being can do nothing without any intention behind his/her action. As such the alleged action of the Charged official might be a consequence of his mental illness etc.

Arrested
Samita Ban
Advocate

Article -3. The charged official was directed to attend Shillong to meet D.D.G.(Vig) on 8.7.99. But his substitute, who was directed to relieve him and who was the witness to the case also (SW-1), attended Ampati to relieve him (C.O.) on 9.7.99 at 0930hrs., as the witness stated in his deposition recorded on 18.2.2000. As such, in spite of his stomach problem of the C.O., as he stated, if he would proceed towards Shillong, immediately on his relief, on 9.7.99, from Ampati, he would be too late to meet D.D.G.(Vig) at Shillong, it would be at least 10.7.99.

FINDINGS

Although, the Disciplinary Authority could not produce any witness in support of the articles I & II and to ascertain the authenticity of the documentary evidences produced, owing to direct or indirect admission of the charged official all the charges under Article-I, II & III are proved.

A folder containing the following in page No. 01 to 48, is enclosed.

- (a) Written statement of defence submitted by the charged official on 24.11.99.
- (b) Documentary evidences as exhibited under EX.P.-1 to EX.P.-8 & EX.D.-1.
- (c) Written briefs of the P.O.(No. A1-P.O./99 dtd.28.3.99) and
- (d) Written briefs of the charged official. (No.A-1/DA/99 dtd. 12.4.2000.)"

I have gone through the memo, of charge and articles thereof, report of the I.O. carefully and found that the charges levelled against Shri Hiralal Acharjee are proved. Shri Acharjee was given an opportunity to make representation having supplied a copy of the I.O's reports, vide this office letter of even no. dtd.10-05-2000 within 15-days of receipt of the letter. The letter was delivered to Shri Hiralal Acharjee on 20-05-2000, but he failed to make any representation.

In this circumstance, I record my observations as follows :-

- (i) Against Article - I & II of charges Shri Acharjee admitted the charges but he stated that he did so ^{due} to his mental illness. That the official was suffering from mental ailments was never reported by the official and performed his official day to day works as a normal employee is expected to do. As such I am not inclined to accept the plea of Shri Acharjee that due to mental disorder or ailment he ^{performed} ~~paid~~ all the gross misconduct mentioned in the articles.
- (ii) Against Article -III, Shri Acharjee admitted that he did not hand over the charge to his reliever viz. Shri Lankeshwar Barman on the pretext that he was unable to move to Shillong to meet D.D.G (Vig.) as he was suffering from stomach problem, whatever the reason, it is admitted that he refused to hand over the charge and get himself relieved as ordered by his superior authority.

Attested
Samita D.
Advocate

The nature of misconduct played by Shri Hiralal Acharjee are so grave that it left no scope to take any lenient view in order to maintain the expected sense of discipline amongst the Govt. servants and as such I Shri A.R. Bhowmik ,Sr. Supdt. of Post Offices, Meghalaya Division, Shillong hereby order that :

" Shri Hiralal Acharjee, Ex-SPM, Ampati (Now under suspension) is removed from service with immediate effect which shall not be a disqualification for future employment under the Govt.

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

Copy to :-

1. The Chief P.M.G. (Vig), Shillong - 1
2. The ASP (HQ), Shillong.
3. Shri Hiralal Acharjee, EX-SPM, Ampati.
4. Fraud Branch of Divisional Office.
5. G/C.

42nd
(A.R. Bhowmik)
Sr. Supdt. of Post Offices
Meghalaya Division, Shillong - 793001

*Attn
Somil Das
Advocate*

*Received
on - 11.7.2000*

From:-

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

DEPARTMENT OF POSTS, INDIA

No. B2-430.

Regd/AD.

To,
Shri Hiralal Acharjee
P. O. Madhuban, Antali
West Tripura.
Slg 1, the 10th Aug 2K

Subject :- Returing of Appeal

Your appeal dtd at Agartala the 04/08/2K, is returned here with, as the appeal has not been addressed to the appropriate Appalate Authority.

In the Instant case the Appalate authority is DPS (HQ) O/O the Chief Postmaster general North East Circle Shillong 1.

Enclo : As stated.

Sd/- Illegible

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

Attested
Ranita Dev.
Somita D.
Advocate

To
The Director of Postal Service,
Meghalaya Division,
Office of the Chief Post Master General,
North Eastern Circle, Shillong,
Meghalaya-793 001.

Sir,

Most respectfully, I beg to state that on 4th August, 2000 I sent an appeal as provided by Part-VII of the Central Civil Service(Classification,Control and Appeal) Rules, 1965 from an order passed by the Senior Superintendent of Post Offices, Meghalaya Division, Shillong on 30-6-2000 removing me from service by way of punishment.

2. I have been advised to submit an additional appeal in order to supplement the appeal already filed by me.

3. The ingredient of the additional appeal is that according to the Memo of Proceeding there were as many as 8(eight) documents by which the Articles of charges against me were proposed to be sustained. It appears that during enquiry all these documents were exhibited against me, whereas only one witness, namely, Sri Lankeshwar Barman was examined as witness in support of the charges against me. The said Lankeshwar Barman was nobody to identify and get the documents exhibited. Therefore, there was a deliberate violation of the mandate of the Hon'ble Supreme Court reported in Town Area Committee, Jallabad Versus Jagadish Prasad and others.

4. That since the very begining my defence case was that I was suffering from mental depression of serious type for some period and I was under treatment. There is nothing in the enquiry report nor in the disciplinary order that aspect of the matter has not been taken into consideration.

Attested
Sonita Das
Bimala D's
Advocate

at all and on this count alone the enquiry report and the consequent order of penalty are voidable and void ab-initio and in the eye of law those are non est entity.

5. That I brought allegation, according to the Memo of Proceeding against Sri S. Samant, Chief Post Master General, North Eastern Circle, Shillong and both the Inquiring Officer and the Disciplinary authority are sub-ordinate to him. In the circumstances, the extent of care and caution which should have been taken by the authorities have not been taken at all and mere assertion has been taken as grounds for the order as impugned removing me from service by way of punishment.

6. That it is reiterated once again that the enquiry report and the disciplinary order are cryptic, virtually non-speaking and also lacking in reason. There is no iota of ingredient to say that I directly or indirectly admitted the charges. It is unknown to service jurisprudence to say that some admission has been made directly or indirectly as observed by the Inquiring Officer, whereas according to rule and the Memo of Proceeding, dated 5-11-1999 I was required to admit or deny the charges specifically and there is/was no specific admission of the purported charges against me.

7. On these counts and the grounds taken in the Memo of Appeal, the enquiry and the consequent order of punishment are liable to be quashed, set aside and reversed and I am to be reinstated in service with full benefits for the period I am/was out of office illegally and the period of suspension has to be treated as period spent on duty by me for all purposes and intents.

Attest
Somita D
Advocate

39
4X

Page No-3

8. I pray accordingly.

Dated, Madhuban,
the 21st August, 2000

Yours faithfully,

SS/

(Hiralal Acharjee)
Ex. SPM, Ampati,
Meghalaya.

(new residing at village-Kathaltali)
P.O. Madhuban, P.S. Amtali, Agartala,
Tripura West

Affixed
Signature
Florita D.
Advocate

R 875
21-8-00

DEPARTMENT OF POSTS

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

Memo No. Staff/109-16/2000

Dated Shillong, the 27-10-2000

Shri Hiralal Acharjee, Ex-SPM, Ampati SO has submitted an appeal on 21-8-2000 against the punishment order issued by the Sr. Supdt. of P.Os, Meghalaya Division, Shillong under No. B2-430 dated 30-6-2000 imposing punishment of removal from service with immediate effect. While working as SPM Ampati, Shri Hiralal Acharjee committed certain misconducts for which he was proceeded against under rule 14 of the CCS(CCA) Rules, 1965 vide memo No. B2-430 dated 5-11-99. After the oral inquiry the I.O., submitted his report on 9-5-2000 concluding all the charges under article I, II, III as proved. Taking the inquiry report and the representation of the appellant into consideration, the Disciplinary authority awarded him the punishment of removal from service.

2. In the appeal dated 21-8-2000 Shri Hiralal Acharjee has mainly made the following points :

- (a) That he was suffering from temporary mental illness.
- (b) That the findings of the I.O., are without the application of judicious mind.
- (c) That the representation was not considered properly.
- (d) That the findings of the inquiry report are without evidence.
- (e) That the act of the appellant during the period from 12-5-98 to 31-12-99 was under the spell of a serious nervous illness as per the medical certificate issued by the Guwahati Medical College on 31-12-99 which was marked as Exhibit D-1 in the inquiry.

3. I have gone through the records of the case along with the appeal of Shri Hiralal Acharjee. With reference to the points raised in his appeal, the following observations are made.

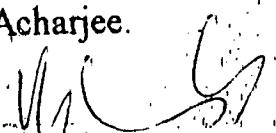
- (a) The medical certificate issued by the Guwahati Medical College on 31-12-99 shows that the appellant was suffering from 'Nervous' disorder from 12-5-98 to 31-12-99.

Amrit
Samita Das
Advocate

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- (b) The findings of the I.O., are supported by observations and analysis.
- (c) The appellant was given opportunity to make representation at the proper stage but he failed to make any representation.
- (d) List of documents by which the articles of charges framed against the appellant was supplied to the appellant along with the charge sheet.
- (e) Same as (a) above.

4. In reference to the records of the case and the observations made above, I find that all the charges as mentioned in the charge sheet stand proved and the appellant deserves punishment for violation of rules as mentioned in the charge sheet. However, taking the medical certificate dated 31-12-99 into consideration and taking a lenient view, I Shri Lalhuna, Director Postal Services (HQ), Shillong do hereby reduce the punishment of Shri Hiralal Acharjee of removal from service with immediate effect to reduction to the lower grade of Postman cadre until he is found fit by the competent medical authority to be restored in the higher grade of Postal Assistant. This disposes the appeal of Shri Hiralal Acharjee.


(LALHLUNA)
Director of Postal Services (HQ)

To (By Registered post)

Shri Hiralal Acharjee,
Vill - Kathaltali,
P.O. - Maduban,
Via - Arundhutinagar.
Agartala, Tripura.

Copy to :-

- 1-2) The Sr. Supdt. of Post Offices, Meghalaya Division, Shillong.
- 3-4) Spare.

Attested
Samita Das
Samita Das
Advocate.

DEPARTMENT OF POSTS

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

Memo No. Staff/109-16/2000

Dated Shillong, the 6-12-2000

CORRIGENDUM

The words "Competent Medical Authority" appearing in the 8th line of para-4 of this office memo of even number dated 27-10-2000 may be read as "Competent Authority".

sdy -

(LALHLUNA)
Director of Postal Services(HQ).

Copy to :-

legd ✓ 1) Shri Hiralal Acharjee, Vill-Kathaltali, P.O. Maduban, via Arundhutinagar, Agartala, Tripura.

2) The Sr. Supdt. of Post Offices, Shillong.

3) O/C.

DD
Director of Postal Services
N.E. Circle, Shillong.

Attested
Samita Das
Samita Das
Advocate

REGISTERED WITH A.D.

To
The Director of Postal Services(HQ),
Office of the Chief Postmaster General,
N.E.Circle, Shillong-793 001.

Sir,

Most respectfully, I invoke your kind attention to the order vide Memo No. Staff/109-16/2000, dated 27-10-2000, whereby the order of punishment of my removal from service has been reduced to a punishment of reduction to the lower grade of Postman cadre until I am found fit by the competent medical authority.

2. That I was being treated at Guwahati Medical College Hospital and on 10-3-2000 the said Medical College Hospital has issued a certificate after examination holding me fit to resume duties.

3. I am appending hereto a photo copy of the said medical fitness certificate duly attested for your kind information and necessary action.

4. That having regard to the such circumstances and according to your kind order under reference I am now eligible to join service as Postal Assistant.

5. That in this connection, I beg to point out that your kind order is silent about the pay and allowances and other service benefits during the interim period of my ~~removal~~ removal from service, dated 30-6-2000 till to-day and also till resumption of duties by me and also regularization of my service during that period.....

6. That be that as it may, I most fervently request to allow me to resume duties as Postal Assistant in view of the medical certificate issued by the Guwahati Medical College Hospital, dated 10-3-2000.

*Alenita
Samaddar*

*Comita Das
Advocate*

7. I also pray to kindly regularise my services for period from 1-10-1999 (date of order of my suspension) till I am allowed to resume duties and also to pass order allowing me all benefits of service during the afore-said period including pay and allowances.

8. And for this act of kindness, I shall remain grateful.

Date:- 15-11-2000

Yours faithfully,

Hiralal Acharyee
(Hiralal Acharyee)
Village- Kathaltali, P.O. Madhuban,
Via-Arundhutinagar, Agartala,
Tripura West.

Registered with A.D.

Copy to :-

The Senior Superintendent of Postal Services,
Meghalaya Division, Shillong. This refers to your
kind order No.B2-430, dated 30-6-2000 imposing the
penalty of removal from service on me.

Hiralal Acharyee
(Hiralal Acharyee)

21256
15/11/00

Arrested
Samir Das

Armita Das
Advocate.

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

No. B2-430.

Dtd at Shillong-1, the 02-01-01.

In pursuance of the Director of Postal Services (HQ) O/O the Chief Postmaster General N.E. Circle memo No. Staff/109-16/2000 dtd 27-10-2000 and subsequent corrigendum vide memo No. Staff/109-16/2000 dtd 6-12-2000, Shri. Hiralal Acharjee ex-SM Ampati S.O. is reverted to the lower grade of Postman cadre in the scale of Rs. 3050-75-3950-80-4590/- and is allotted to the unit of the Postmaster Tura H.O.

Sd/- Illegible

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

Copy to :-

1. The Chief Postmaster General (Staff) N.E. Circle Shillong w.r.t. CO's memo cited above.
2. The Postmaster Tura HO for information and necessary action.
3. Shri. Hiralal Acharjee vill- Kathaltali P.O.- Madhuban Via- Arundhutinagar, Agartala, West Tripura.
4. P/E of the official.
5. O/C. Spare.

Sd/- Illegible

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

Attested
Sanjita Das
Advocate

5146

Registered with A.D.

To. The Chief Post Master General,

N.E. Circle, Shillong,
Meghalaya.

Respected Sir:

Under compelling circumstances I am making this representation for favour of kind consideration and favourable orders :-

1. That because of certain allegation against me, which are completely untrue, an order was passed on 30.06.2000 by the Senior Superintendent of Post Offices, Meghalaya Division removing me from service of Sub- Post Master with immediate effect.
2. That from that order of punishment an appeal was preferred by me on 21.08.2000 to the Director of Postal Services (Headquarter), Office of the Chief Post Master General, N.E. Circle, Shillong and by order dated 27.10.2000 the Director of Postal Services quashed the order of my removal from service and I was directed to be re-instated provided I was found fit by Competent Medical authority.
3. That I was examined by the Medical Officer of the Guwahati Medical College and they issued Certificate after examining me that I was fit to resume duties.
4. That accordingly with the Medical Certificate I went to the Sr. Superintendent of Post Offices, /3. Meghalaya Division with a request to kindly post me

but he did not accept my joining report and intimated that the order would be communicated at my residence at Agartala.

5. That there-after an order has been sent to me by the Senior Superintendent of Post Offices, Meghalaya Division under No. B2-430 dated 02.01.2001 intimating that I have been reverted to the lower grade of Postman cadre and that is said to be in pursuance of the Director of Postal Services Memo dated 06.12.2000. One copy each of the 2(two) concerned orders dated 27.10.2000 and 2.1.2001 are appended hereto as Annexures.

6. That I am advised to submit that this subsequent order, even if any, dated 06.12.2000 is not a valid order and is not sustainable in law because under the Central Civil Services (Classification, control and Appeals) Rules, 1965 once the appellate order is passed the appellate authority becomes functus officio and such appellate authority can not change the appellate order which has been passed, communicated and received by the delinquent government servant. This is exactly what is happening in my case.

7. That since I am out of job for a pretty long time/period and since my families extremely suffering due to financial crunch in these hard days of crisis and high prices, I will be joining in the lower post of Postman subject to my reservation and

Attested
Samita Das
Samita Das
advocate

48
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Page No. 3.

subject to my right to get the re-instatement with all benefits of service including pay and allowances as Sub-Post Master during the period I was out of office, not legally.

I shall be grateful if your kindself see to it and pass orders so that justice is done to me.

Enclo: As stated above.

Yours faithfully,

Dated, Agartala,

The 10th, Jan, 2001.

Hiralal Acharyee

(Hiralal Acharyee)

Vill. Kathal Tali,

P.O. Madhuban,

P. S. Amtali, Agartala,

West Tripura.

Attest
Samita Das

Samita Das
Advocate

373
25/1/2001

Annexure - 'L'.
69

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

No. B2-430 dtd at Shillong the 21-3-2001.

Reay
To
Shri Hiralal Acharjee
Postman Tura HO

The petition dtd 20-1-2001 received under
CEMNG NE circle letter No. Staff/109-16/2000 dtd 14-3-
2001 is sent h/w (in original) for resubmission
correctly addressing it to Member (P) Deptt of Posts.

Dak Bhawan, N. Delhi.

Enclo- As stated.

Sd/- Illegible

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

Attested
Samita Das
Samita Das
Advocate.

16
 (A. R. Bhownik)
 Sr. Supdt. of Post Offices
 Meghalaya Division
 Shillong- 793001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

O.A. NO. 293 OF 2001

Sri Hiralal Acharjee

- Vs -

Union of India & Ors.

- And -

In the matter of :

Written Statements submitted by
the respondents

The respondents beg to submit a brief history
of the case which may be treated as a part of
the written statements

(BRIEF HISTORY OF THE CASE)

Sri Hiralal Acharjee, son of Sri Mamindra -
Acharjee entered in the Department on 27.12.90 in the cadre
of Postman and was posted at Shillong G.P.O. He passed the
Departmental Examination for promotion to P.A. Cadre held in
the year 1996 and joined as P.A., Tura H.O. on 14.03.97. Sub-
sequently he was transferred to Ampati S.O. and joined as
SPM, Ampati S.O. on 04.08.98.

Sri Hiralal Acharjee, while functioning as SPM,
Ampati S.O. made one direct communication to the Chief Post-
master General, N.E. Circle, ^{Shillong} regarding official matters on
26.03.99 with a copy to the SSPO's, Shillong and for that
unauthorised communication he was warned vide this office
letter no. B2-450 dated 12.05.99.

Filed by
 (A. DEBROOP)
 S. C. G. C.
 C. A. T. Guwahati Bench

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

In spite of that he submitted various communications direct to the Chief Postmaster General and D.G. Posts, which were mentioned in the articles of charges vide this office letter No. B2-430 dated 30.06.2000.

Shri Hiralal Acharjee, SPM, Ampati S.O. under Tura H.O. (Meghalaya Division) has sent 3(three) complaints dated 03.02.99 addressed to Secretary, Deptt. of Posts, Member (P) Postal Directorate on 20.02.99 and on 01.03.99 addressed to Communication Minister. In the first two complaints, Shri Acharjee has alleged that Shri S. Samant, the Chief Postmaster General, N.E. Circle, Shillong raped Miss Rupa Bhattacharjee, Sorting Asstt. of Agartala, Sorting RMS Centre and also converted her to Muslim by force against her fundamental right according to Indian Constitution. In the third complaint dated 01.03.99, Shri Acharjee has alleged that he had already lodged complaint with the Communication Minister against corruption in the Department of Post Offices i.e. rape, bribery on 07.06.96 in registered letter No. 760 and on 02.09.94 to the D.G.(P) New Delhi in registered letter No. 2176 and again on 29.06.95 in registered letter No. 4711.

Shri Acharjee has thus alleged that in spite of his complaint they raped Miss R. Bhattacharjee, even in Postal Training Centre in December 1996 at Darbhanga (Bihar). After her posting at Agartala Sorting in 1997, Shri S. Samant, the Chief Postmaster General, Shillong raped her with his men and converted her religion against her will.

In all the 3(three) complaints, the complainant requested to keep his complaint secret as according to him,

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the persons concerned are trying to catch him in their trap and kill him.

Shri I. Dewri, D.D.G(vig), Postal Dte., New Delhi enquired the complaint made by Shri Hiralal Acharjee. According-
ly Shri Hiralal was directed to hand over the charge of the SPM, Ampati S.O. to Shri Lankeswar Barman to attend office of the Chief Postmaster General, Shillong to meet with D.D.G.(Vig.) on 08.07.99 for the purpose of enquiry. But Shri Hiralal - Acharjee refused to hand over the charge of the SPM, Ampati S.O. to his reliever and did not face the enquiry on 08.07.99 on the ground of his stomach problem.

Shri Sr. D.D.G.(Vig.) submitted the report with the observation and finding that the complaint, on the basis of facts available on record, appears to be totally baseless and mischievous with a view to Maligning not only a very Senior Officer of the Department but also to spoil/tarnish the image/ family relation of a female departmental official. The reluctance of the complainant to attend before the vigilance team casts a deep shadow on his motive behind these complaints. It was recommended that stern and exemplary action should be taken against Shri Hiralal Acharjee for filing such a mischievous, baseless and irresponsible complaint.

On receipt of the Inquiry Report of the D.D.G(vig) regarding complaints made by Shri Acharjee forwarded under Chief Postmaster General, N.E. Circle letter no. Vig-1/4/99-2000 dated 30.09.99, with direction to take follow up action on the Inquiry Report including suitable exemplary action, Shri Hiralal Acharjee was placed under suspension under this office memo no. B2-430, dated 05.11.99 and he was removed from service

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A. R. Bhownik
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong- 793001

-4-

memo no. B2-430, dated 01.10.99 with immediate effect and was relieved on 07.10.99.

Disciplinary proceedings under Rule 14 of CCS(CCA) Rules 1965 was initiated against Sri Acharjee vide this office memo no. B2-430, dated 05.11.99 and he was removed from service on finalisation of the disciplinary proceedings vide this office memo no. B2-430, dated 30.06.2000.

The official submitted an appeal against the ~~impugned~~ order on 21.08.2000 to the Director of Postal Services (Appellate Authority). The appeal case was decided on 27.10.2000 with the order of reduction to the lower grade of Postman cadre until he was found fit by the Competent medical authority to be restored to the higher grade of Postal Assistant. The appellate authority further issued a corrigendum vide memo no. Staff/ 109-16/2000, dated 06.12.2000 where the words "Competent Medical Authority" was substituted as "Competent Authority".

Accordingly Sri Acharjee was allotted to the unit of Postmaster, Tura and he joined as Postman on 31.01.2001 at Tura H.O.

The official further submitted a petition dated 20.01.2001 to the Chief Postmaster General, Shillong. As directed by the office of the Chief Postmaster General, Shillong the petition was sent back to the official for resubmission to the Member(P) Postal Services Board, New Delhi through proper channel on 21.03.2001."

NB :- The words "This office" appearing in the above paragraphs mean the office of the Senior Superintendent of Post offices, Meghalaya Division Shillong.

PARAWISE COMMENTS

1. That with regard to para 1, the respondents beg to state that the circumstances under which Shri Hiralal Acharjee was placed under suspension, disciplinary proceedings under Rule 14 of CCS(CCA) Rules, 1965 was drawn, punishment of removal from service and subsequently reverted as Postman has been discussed in the ~~Bux~~ Brief History of the case.
2. That with regard to paras 2 and 3, the respondents beg to ~~s~~ offer no comments.
3. That with regard to para 4, the respondents beg to submit the comments what have already made against the foregoing paragraph 1 above.
4. That with regard to para 4-a, the respondents beg to state that it is a fact that Shri Hiralal Acharjee was ~~akwasaxx~~ placed under suspension vide Sr. Supdt. of Post Offices, Meghalaya Division Shillong memo No. B2-430 dated 1.10.99 as disciplinary proceedings against him was contemplated. The copy of the suspension memo is enclosed as Annexure -1.
5. That with regard to para 4(b), the respondents beg to state that disciplinary proceedings under Rule 14 of CCS(CCA) Rules 1965 was initiated against Shri Hiralal Acharjee vide Sr. Supdt. of POs, Meghalaya Division Memo No. B2-430 dated 05.11.99. The copy of the memo along with the charge sheet is enclosed as Annexure -II.

6. That with regard to para 4(c), the respondents beg to state that it is a fact that the applicant submitted a representation dated 20.04.2000 to the Sr. Supdt. of Post Offices, Meghalaya Division, Shillong requesting revocation of his suspension order. But his prayer was not considered as there was no justification for revocation of his suspension order on merits more particularly the disciplinary proceedings drawn against him was then at the final stage.

7. That with regard to para 4(d), the respondents beg to state that in compliance to Rule 14 of CCS(CCA) Rules, 1965 Shri Santosh Chakraborty officiating ASPOs (Headquarter), office of the Sr. Supdt. of POs Meghalaya Division, Shillong was appointed as Inquiry Officer to enquire into the charges framed against the applicant vide Sr. Supdt. of POs, Meghalaya Division Memo No. B2-430 dated 02.12.99. A copy of the memo is enclosed as Annexure -III. Shri Anil Baran Dutta ASPOs West Garo Hills Sub-Division, Tura was appointed as presenting Officer to present the case on behalf of the disciplinary authority before the Inquiry Officer vide SSPOs Shillong Memo No. B2-430 dated 03.12.99. The copy of memo is enclosed as Annexure -IV. The Inquiry Officer completed his enquiry affording all reasonable opportunity to the applicant and submitted his report on 09.05.2000. A copy of the Inquiry Report is enclosed as Annexure - V.

8. That with regard to para 4(e), the respondents beg to state that it is a fact that the applicant was removed from service vide Sr. Supdt. of POs Meghalaya Division memo No. B2-430 dated 30.06.2000. A copy of the memo is enclosed as Annexure -VI.

9. That with regard to para 4(f), the respondents beg to state that the report of the Inquiry Officer was received by the Sr. Supdt. of POs Meghalaya Division on 10.05.2000 and the copy of the Inquiry Report was sent to the applicant under Sr. Supdt. of POs Meghalaya Division letter No. B2-430 dated 10.05.2000 with direction to submit representation, if any. A copy of the letter is enclosed as Annexure VII. But the applicant did not submit any representation what-soever, though the letter was received by the applicant on 20.05.2000. A copy of the Acknowledgement is enclosed as Annexure-VIII. On examination of the report submitted by the Inquiry Officer it was found that the Inquiry Officer observed in his findings that although the disciplinary authority could not produce any witness in support of the Articles I and II of the charges and to ascertain the authenticity of the documentary evidences produced, owing to direct or indirect admission of the charged official all the charges under Articles I, II and III are proved. In this connection it may be stated that the charges framed were mainly to be substantiated on the basis of documentary evidences listed in Annexure -III of the memo of the charges dated 05.11.99. During the course of proceedings all opportunities as prescribed in the relevant

rules were extended to the applicant and at no stage the applicant challenged the veracity or authenticity of any of the listed documents. Moreover, no witness was also listed in Annexure IV of the memo of charges dated 05.11.99 to substantiate the Articles of charges brought Under Articles I and II (Annexure-II)

As such, while deciding the disciplinary case of the applicant the disciplinary authority applied his mind to the Articles of charges, report of the Inquiry Officer and gravity of offence committed by the applicant and awarded the punishment of removal from service vide Sr. Supdt. of Post Offices memo No. B2-430 dated 30.06.2000 (a copy of which is enclosed as Annexure VI .

10. That with regard to para 4(g), the respondents beg to state that the appellate authority in this case was Director of Postal Services, (HQ) Office of the Chief Postmaster General N.E. Circle, Shillong-793001. So, the appeal dated 04.08.2000 addressed to the Director General of Posts, N. Delhi was returned to the applicant for re-submission, duly addressed, vide Sr. Supdt. of POs Meghalaya Division letter No. B2-430 dated 10.08.2000.

11. That with regard to para 4(h), the respondents beg to offer no comments.

12. That with regard to para 4(i), the respondents beg to state that it is a fact that while deciding the case of the applicant the appellate authority, viz the Director of Postal Services, (HQ) N.E. Circle, Shillong issued the order vide memo No. Staff/109-16/2000 dated 27.10.2000 to the

effect that the punishment order of removal from service of the applicant awarded by the Sr. Supdt. of POs Meghalaya Division Shillong be reduced to the extent of reduction to the lower grade of postman cadre until he is found fit by the competent medical authority to be restored to the higher grade of Postal Assistant. A copy of the memo is enclosed As Annexure IX. The word "Competent Medical Authority" was however rectified as "competent authority" vide Director of Postal Services (HQ) N.E. Circle corrigendum issued under No. Staff/109-16/2000 dated 06.12.2000. A copy of the corrigendum is enclosed as Annexure-X. This corrigendum was issued in consistence with the instruction contained vide G.I. MHA O.M. No.9/13/62-Est(D) dated 10.10.63 and No. 30/63-Est(D) dated 07.02.64. This order has been incorporated as Govt. of India's instructions No. 13 below Rule 11 of CCS (CCA) Rules 1965. In the said instruction there is guidelines to the effect that if the order of reduction is intended for an indefinite period the order should be framed as follows.

" A is reduced to the lower post/grade/service of X until he is found fit by the competent authority to be restored to the higher post/grade/service of Y". A copy of the order is enclosed as Annexure -XI.

13. That with regard to para 4(j), the respondents beg to state that the applicant submitted one medical certificate issued by Guwahati Medical College authority dated 10.03.2000 along with his application for revocation of suspension order dated 20.04.2000 addressed to the Sr. Supdt. of POs. Meghalaya Division, Shillong . Copies of the representation and medical

certificate are enclosed as Annexures XII and XIII respectively.

In the said certificate it was certified that the applicant was treated as an outdoor patient in the Deptt. of Psychiatry of Guwahati Medical College from 12.05.98 to till date i.e. 10.03.2000 and the applicant was certified to be fit to resume his duties. It may be mentioned that the fact that the applicant was suffering from nervous disorder from 12.05.98 and taking treatment at Guwahati Medical College as an outdoor patient was never at any stage brought to the notice of his controlling authority and the applicant never availed of leave on the same ground. When the medical certificate issued on 10.03.2000 certified him to be fit to resume duties, it is evident that the applicant was unfit for duties with effect from 12.05.98 to 09.03.2000. But as per his service record maintained in the office of the Sr. Supdt. of POs, Meghalaya Division the applicant was on duty all along except the following periods -

<u>Kind of leave availed</u>	<u>Period</u>	<u>Ground</u>
1. Earned Leave	18.05.97 to 31.05.97	Family affairs.
2. -do-	01-06-97 to 11.06.97	Medical certificate of sickness due to common cold.
3. -do-	12.06.97 to 14.06.97	Extension without medical certificate
4. -do-	07.05.98 to 09.06.98	Mother serious
5. Commuted leave	10.06.98 to 24.07.98	Medical certificate of sickness other than nervous disorder.

Copies of the medical certificate of sickness referred at Sl. (2) & (5) are enclosed as Annexures XIV and XV respectively.

14. That with regard to para 4(k), the respondents beg to state that the applicant was allowed to join in the lower grade of postman on receipt of corrigendum dated 06.12.00 issued by the appellate authority, vide Sr. Supdt. of POs, Meghalaya Division memo No. B2-430 dated 02.01.2001. A copy of the memo is enclosed as Annexure XVI. The order of the Appellate authority dated 27.10.2000 could not be implemented due to technical defect.

15. That with regard to para 4(l), the respondents beg to state that the conception of the applicant is not correct. Reduction to lower time scale of pay, grade, post or service is a statutory punishment prescribed under Rule-11 of CCS (CCA) Rules, 1965 and his appointing authority, viz, the Sr. Supdt. of POs, Meghalaya Division, Shillong is competent to award the punishment. The punishment was imposed keeping in view the gravity of offences committed by the applicant.

16. That with regard to para 4(m), the respondents beg to state that the petition dated 20.01.2001 addressed to the Chief Postmaster General, N.E. Circle Shillong submitted by the applicant, was received by the office of the ~~Suptx~~ Sr. Supdt. of POs Meghalaya Division Shillong under the Chief Postmaster General N.E. Circle letter No. Staff/109-16/2000 dated 14.03.2000 for re-submission of the same by the applicant, correctly addressed to the member (P) Deptt. of Posts, New Delhi ~~and other~~

and the petition dated 20.01.2001. was returned (in original) to the applicant with the said direction under Sr. Supdt. of POs Meghalaya Division D Shillong letter No. B2-430 dated 3 21.03.2001.

17. That with regard to para 4(n), the respondents beg to state that there is no point of reinstating the applicant in the grade of Postal Assistant with retrospective effect in pursuance of the order of the appellate authority issued on 27.10.2000 (Annexure-IX).

18. That with regard to para 4(o), the respondents beg to state that it has already been discussed that the applicant committed offences of grave nature and deserved deterrent punishment as observed by the Dy. Director General (vig) Deptt. of Posts in his Inquiry Report (A copy of the Inquiry Report is enclosed as Annexure - XVII) for making baseless mischievous D complaints with a view to maligning not only a very senior officer of the Department but also spoiling/ trashing the image and family relation of a female Departmental Official.

It was also observed by the vigilance team that the reluctance of the complainant to appear before the vigilance team casts a deep shadow on his motive behind his complaints. The applicant subsequently took the shelter of his so-called mental ailments to get rid of the offences. This aspect also has been discussed in the punishment order issued by the SSPOs, Shillong wherein it was very clearly discussed that the applicant discharged his duties as SPM

Ampati having all sorts of responsibilities like accounting, handling public and monitory transactions during the period and at no stage the applicant was found to have committed anything wrong in his day to day official works. Had the applicant been a mental patient he could come forward immediately and reported the fact to his controlling officer for necessary action. But at no stage the applicant did so till he was suspended.

19. That with regard to para 4(p), the respondents beg to offer no comments.

20. That with regard to para 5, the respondents beg to state that the applicant was reverted to the grade of postman by the order of the Appellate authority dated 27.10.2000 followed by corrigendum dated 06.12.2000 and therefore his restoration to the higher grade of Postal Assistant does not arise till the competent authority does not find him fit for that.

21. That with regard to paras 6, 7, 8 and 9 to 12. the respondents beg to offer no comments.

Verification.....

-14-

VERIFICATION

I, Shri A. R. Bhowmik ~~S/0 & M. R.K.~~
Bhowmik being authorised do hereby verify
and declare that the statements made in this written statement
are true to my knowledge, information and belief and I have
not suppressed any material fact.

And I sign this verification on this th day
of September, 2001, at Guwahati.

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

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

No. B2-430.

Dtd at Shillong-1, the 1st Oct'99.

Whereas a disciplinary proceeding against
Shri. Hiralal Acharjee SPM Ampati S.O. is contemplated

Now, therefore, the undersigned in exercise
of powers conferred by Sub rule (1) of Rule 10 of the
Central Civil Services (Classification control and Appeal)
Rules, 1965, hereby places the said Shri. Hiralal Acharjee,
SPM Ampati S.O. under suspension, with immediate effect.

It is further ordered that during the period
that this order shall remain inforce the headquarters of
Shri. Hiralal Acharjee should be at Ampati and the said
Shri. Hiralal Acharjee shall not leave the headquarters
without obtaining the previous permission of the under-
signed.

L. L. H. M.
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong-793001

Copy to :-

1. Shri. Hiralal Acharjee SPM Ampati S.O.
2. The Postmaster Tura H.O.
3. P/F of Shri. Hiralal Acharjee.
4. Fraud Branch Divl. Office.
5. O/C / Spare.

L. L. H. M.
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong-793001

DEPARTMENT OF POSTS

MEMORANDUM

N.D. Bz 2-430 dt'd at Shillong (A)

the 5-11-99

1. The President/Undersigned proposed to hold an inquiry against Shri Hirbal Acharyee, SPM Ampelt So under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965. The substance of the imputations of mis-conduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure/I). A statement of the imputations of misconduct or misbehaviour 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 & IV).

2. Shri. Hirbal Acharyee..... is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

4. Shri. Hirbal Acharyee..... is further informed that if he 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 refuses to comply with the provisions of Rule 14 of the C.C.S. (C.C.A) Rules, 1965 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 Shri. Hirbal Acharyee..... is invited to Rule 20 of the Central Civil Services (Conduct) 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 interests in respect of matters pertaining to his service under the Govt. if any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri. Hirbal Acharyee..... 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 20 of the C.C.S. (Conduct) Rules, 1964.

6. The receipt of this memorandum may be acknowledged.

(A.R. Bhattacharjee)
Name & designation of Competent authority.

Mr. Subrata Bhattacharjee
Post Office
Mei Division
Shillong-793001

To

Rgd/MP

Shri. Hirbal Acharyee
..... SPM Ampelt So
(Under suspension)

Copy to -

1. The Asst POS (HQ) Divisional Office, Shillong
2. Financial Branch - do -

Mr. Subrata Bhattacharjee
Post Office
Mei Division
Shillong-793001

O/C

12
Annexure - I

66

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SHRI. HIRALAL ACHARJEE, S.P.M. AMPATI NOW UNDER SUSPENSION.

ARTICLE-I

That Shri. Hiralal Acharjee while functioning as SPM Ampati during the period from 25.7.98 to 1.10.99, submitted reports/complaints, using Deptt. forms (Corr-22) direct to (i) The Secretary, Department of Post on 3.2.99 (ii) to the member (personal) Postal Board on 20.2.99 (iii) To the Communication Minister, Govt. of India, New Delhi on 1.3.99 and (iv) to the Chief P.M.G., N.E. Circle, Shillong on 26.3.99, in violation of the conditions laid down in Rules-614 & 627 of Postal Manual Vol-II.

ARTICLE-II

That during the aforesaid period and while functioning in the aforesaid office the said Shri. Hiralal Acharjee lodged complaints to the Secretary, Department of Post on 3.2.99, to the member(Personal) Postal Board on 20.2.99 and to the Communication Minister, Govt. of India on 1.3.99, against Shri. S. Samant, Chief P.M.G., N.E. Circle, Shillong with a view to demoralize and disgrace the character of Shri. S. Samant and one Smti. Rupa Bhattacharjee and the said complaints were found completely baseless on subsequent enquiry. Thus, Shri. Hiralal Acharjee is alleged to have violated the Provisions of Rule-3 (1)(iii) of CCS (Conduct) Rules 1964.

ARTICLE-III

That during the aforesaid period and while functioning in the aforesaid office the said Shri. Hiralal Acharjee was directed to hand over the charge of SPM, Ampati to one Shri. Lankeshwar Barman, L.R. P/A Garobabda and to get himself relieved and to attend Circle Office, Shillong to appear before the DDG(Vig) on 8.7.99, in connection with enquiry on the complaints lodged by him. But the said Shri. Hiralal Acharjee refused to hand over the charge to Shri. Barman and did not attend the Circle Office, as directed.

By his above action said Shri. Hiralal Acharjee is alleged to have failed to maintain devotion to duty and thus violated the provision of Rule-3(i)(ii) of CCS (Conduct) Rules-1964.

ANNEXURE-III

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SHRI. HIRALAL ACHARJEE, SPM, AMPATI, NOW UNDER SUSPENSION.

ARTICLE-I

That said Shri. Hiralal Acharjee while functioning as S.P.M. Ampati during the period from 25.7.98 to 1.10.99, submitted reports and complaints using Deptt. forms (Corr-22) (i) to the Secretary Department of Post on 3.2.99 (ii) to the member (Personal) Postal Board on 20.2.99 (iii) to the communication Minister, Govt. of India, on 1.3.99 and (iv) to the Chief P.M.G., N.E. Circle, Shillong on 26.3.99. Said Shri. Hiralal Acharjee submitted all the said reports and complaints direct to higher authorities without using proper channel of provisions laid down

Contd...P/2

in Rules-614 & 627 of Postal Manual Vol.II and thus he is considered to have violated the Provisions of Rule-3 (i) (iii) of CCS (Conduct) Rules-1964, also.

ARTICLE-III

That said Shri. Hiratal Acharjee while functioning as SPM, Ampati during the aforesaid period, lodged complaints to the Secretary, Deptt. of Posts on 3.2.99, to the member (Personal) Postal Board on 20.2.99 and to the communication Minister, Govt. of India, on 1.3.99 in which he alleged that " Shri. S. Samant, Chief P.M.G., N.E.Circle, Shillong and his men raped Miss. R. Bhattacharjee, Sorting Asstt. while she was on training at P.T.C. Darbhanga in December'96 and also after her posting at Agartala Stg. in 1997.

Shri. Acharjee also alleged that Mr. Samant converted her into Muslim by force against fundamental rights, etc. On enquiry, the complaints were found completely false and baseless. It also revealed that Miss. R. Bhattacharjee was selected for the post of Sorting Asstt. in RMS "G" Division and was under institutional training at P.T.C. Darbhanga from 23.12.96 to 7.3.97. On completion of the training she joined as Sorting Asstt. at Agartala RMS on 29.3.97 and worked there upto 7.9.98. On 28th February, 1998 she got married with one Shri. Tapan Ranjan Kalita working as P.A. in the Postal Division. Both the couple are Hindu and their marriage ceremony was celebrated/solemnised according to Hindu customs. After marriage Smti. Bhattacharjee was transferred under Rule 46 and joined at Tezpur RMS on 13.10.98. She is living there with her husband happily. Shri. S. Samant Chief P.M.G., N.E. Circle, Shillong joined as PMG, Rupa Bhattacharjee, Tezpur, Date. Bhattacharjee presently working as S.A. Tezpur RMS stated in her statement dtd. 13.7.99, that she was never misbehaved by any officer/official either at Darbhanga or Agartala and she had no grievance against any Officer/official of Assam N.E. Circle. It is also revealed that Shri. Hiratal Acharjee, Mrs. Peps Bhattacharjee and Shri. Tapan Kalita were on training at P.T.C. Darbhanga at the same time during the period from 23.12.96 to 7.3.97 and thus Smti. Bhattacharjee and Shri. Kalita were known to Shri. Hiratal Acharjee and therefore with some ill motive Shri. Acharjee lodged all those false complaints to demoralize and disgrace the character of Shri. S. Samant and Smti. R. Bhattacharjee. And by way of doing so he also undermined the character and dignity of a high level Officer like Chief P.M.G., Shillong. Shri. H. Acharjee also deliberately avoided confronted enquiry when he was asked to attend the enquiry on 8.7.99. By his above action, said (i) (iii) of CCS (Conduct) Rules-1964.

ARTICLE-III

Said Shri. H. Acharjee while functioning in the aforesaid office and during the aforesaid period, was directed to hand over the charge of SPM, Ampati to Shri. Lankeshwar Barman, L.R. P/A Garobadha and to attend the circle office, Shillong on 8.7.99. But said Shri. Acharjee refused to hand over the charge to Shri. L. Barman and willfully avoided to attend Circle Office, Shillong, as directed. By his above action said Shri. Acharjee alleged to have failed to maintain devotion to duty and alleged to have violated the Provisions of Rule 3 (G)(ii) of CCS (Conduct) Rules-1964.

19
- 3 -

ANNEXURE - III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SHRI. HIRALAL ACHARJEE, SPM, AMPATI, NOW UNDER SUSPENSION ARE PROPOSED TO BE SUSTAINED.

1. Photo/copy of complaint of Shri. Hiralal Acharjee, SPM, Ampati dt. 3.2.99 addressed to The Secretary, Deptt. of Posts.
2. Photo-copy of complaint of Shri. Hiralal Acharjee, SPM, Ampati dt. 20.2.99. addressed to the Member (Personal) Postal Board.
3. Photo-copy of complaint of Shri. Hiralal Acharjee, SPM, Ampati dt. 1.3.99 addressed to the Communication Minister, Govt. of India.
4. Photo-copy of report of Shri. Hiralal Acharjee, SPM, Ampati dt. 26.3.99 addressed to the Chief P.M.G., N.E. Circle, Shillong-1.
5. Photo-copy of written statement of Smti. Rupa Bhattacharjee, S.A. Tezpur RMS dtd. 13.7.99.
6. Inquiry report of Shri. J. Dewri, DDG (VIG.).
7. Telegram of Shri. Lankeshwar Barman, L.R. P.A. Garobadha coded 0 1000 A.I. Garobadha. 10.34
8. Written statement of Shri. Hiralal Acharjee, SPM, Ampati, dtd. 17.7.99.

ANNEXURE - IV

LIST OF WITNESS BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SHRI. HIRALAL ACHARJEE, SPM, AMPATI (NOW UNDER SUSPENSION) PROPOSED TO BE SUSTAINED.

1. Shri. Lankeshwar Barman, L.R. P/A Garobadha.

DEPARTMENT OF POSTS, INDIA

(20)

Ex-P-16
28/100

P.M. (Ampali)

रेखा में

To

The Secretary
Dept. of Post

दिनांक

Dated at 3-2-99

DX
28/100
23/11/21
23/11/21
23/11/21
23/11/21

विषय

Subject

An Allegation against
corruption in Shillong G.P.O.High Level
3. (718/10000)
B64
24/11/21

Sir, I have the honour to state that, the
Chief Postmaster General of North east circle
(Mr. S. N. Samman) Shillong, Meghalaya -
Report Miss R. Bhattacharjee Sorting Ass't
of Agartala Sorting, R.M.S. Staff and also
complaint on negligence ~~for~~ with force
against her fundamental right according
Indian Constitution

Kindly enquire the matter if it true
and take necessary action against such
official infat and oblige thereby.

Official staff are trying to caught me
in trap, so keep my letter in secret.

Dated -

1st, 3/2/99.

May kindly make a copy
After 3.2.99

M. A. Ampali.

Yours faithfully,

H. L. Acharya S.P.M.

Ampali S.O.

Meghalaya -

21 (16) 70 (EX-2
Secretary (Posto)
E. P. 1520
Kota

513/89

D. O. Vizianagaram
By No. 6
Date 6/3/1959
A.D. 1959
28/1/1959

78

28/1/1959

शास्त्रीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

प्रक
From S. P. M. (Ampali)

Deff. Vis.

क्रा संख्या

No.

मार्च 1959

Deff. Vis. 1959

मेवा में

To

The Member (Personal)
Postal Development Board

दिनांक

Dated at 20-2-59

विषय

Subject Alleged high leveled
corruption by C. P. M. G. shifting G. P. O.

Sir, I beg to state that, C. P. M. G. of North east circle shifting never R. Bhattacharya of Agartala along with his men and ~~and~~ forcibly converted her, malign against her fundamental right. And keep it secret.

Pl. kindly enquire the matter

as early as possible remove such official to prevent corruption. Keeping my complaint to prevent corruption. Keeping my complaint secret, No man be biased with men against one also.

Yours faithfully

M. P. Acharya S.P.M.
Ampali S.O.

Yours

On 20/2/59

1646
Date...../10/96 / 22/1/96
Dy. No..... /MOG/0:01 /Mond/96

Post/Date..... 11/1/96 / 1/1/96

(1) (4) 1/1/96

71
EX-P-3

Yo

The Communication Minister

Gard of India New Delhi

1/28/100

Subj- Allegation against Corruption in Dep of Post
Specially postman Bkt circle. Shillong. Cr.P.O. 1/28/100
DDO (IGM & F.O.) 1/28/100
Dy. No. 6753
Date..... 1/28/100

1/28/100
I have the honour to state that, I
have complained to your office against
Corruption in Dept of Post Officer - i.e. rap, bribe,
on. 7/8/96 in Register letter NO. 760 and To
the Direction General of Post Officers New Delhi

on. 2-10-97 in Register letter NO. 2176 again

2/6/98 in Register letter NO. 4711, in spite
of my complain they raped. Miss. R. Bhattacharjee
1996 December
in Postal Training Center N. Darjhang
Bihar. after her posting at Agartala Sorting

DDG (U.S) in 1997 Chief Postmaster General of Shillong Cr.P.O.

may kindly Mr. S. N. Samman raped her with his men and
take no. made her muslim against her fundamental

right of it is noted that it was against her will

17-3-99 I kindly enquire the matter keeping my
complain in Secret as they are trying to
conscript me in their trap and kill me.

566/10/99
18/1/99
I hope and hope that your
honour would be kind enough to enquire
the matter sending high level inquirer
authority to take necessary action.

I remain faithfully

H. I. Achhagee, S. I. M.

Writen statement of Ms. Rupa B.
13th March 2000, SA, CRO, Tengn. Ex. P-5
29/1/00

My name is Rupa Bhattacharjee
wife of Bipan Ranjan Kalita
Age 26 years

Before the 4600s (JNV), CO-Guwaahati
I do hereby state that during the training
period at PTC Dibrugarh I was not mis-behaved
by any officers or superiors of the institute.
After completion of the training I joined at Agartala
on 14th March '97 and worked there till 7th Sept.⁹⁷
till 7th Sept. '98, in capacity of SA, Agartala Stg.
Thereafter I was transferred to the unit of the
SSRM, Guwahati and joined at Tengn. RMS on 13th
Oct. '98 and working as such till today.
During my tenure at Agartala as well as the
present at Tengn. I have not been mis-behaved by
my officer/superior. Further I like to state that I
have no any grievance against any senior officer/
staff of Assam/N.E. Circle.

Dated: Tengn.
The 13th July, 2000

Rupa Bhattacharjee
S.A.
Tengn. RMS

INQUIRY REPORT

25 (10) 10
29/12/99
Confidential
182
12/1/00

82
74

One Sh. H.L. Acharjee, SFM, Ampati S.O. under Tura H.O. (Meghalaya Postal Dist.) has sent 3 complaints dated 3.2.99 addressed to Secretary, Deptt. of Posts, dated 20.2.99 addressed to Member(P), Postal Directorate and dated 1.3.99 addressed to Communication Minister. In the first two complaints, the complainant has alleged that Sh. S. Samant, the Chief Postmaster General of N.E. Circle, Shillong raped Ms. R. Bhattacharjee, Sorting Assistant of Agartala, Sorting RMS Centre and also converted her religion with force against her fundamental right according to Indian Constitution. In the third complaint dated 1.3.99, the complainant has alleged that he had already lodged complaint with the Communication Minister against corruption in the Deptt. of Post Offices i.e. rape, bribery on 7.6.96 in the registered letter No. 760 and to the Director General of Posts Offices, New Delhi on 2.9.94 in registered letter No. 2176 and again on 29.6.95 in registered letter No. 47117. The complainant has thus alleged that in spite of his complaint, they raped Ms. R. Bhattacharjee, even in Postal Training Centre in 1996 December at Darbhanga (Bihar). After her posting at Agartala Sorting in 1997, the Chief P.M.G, Shillong Sh. S. Samant raped her with his men and made her Muslim against her fundamental rights against her will. In all the 3 complaints, the complainant requested to keep his complaint secret as according to him, the persons concerned are trying to catch him in their trap and kill him.

2. As ordered by Secretary vide page 2/Corr.; confidential inquiries into above complaints were taken up along with D.O.(Vig.) at Shillong Circle Office on 8th & 9th of July, 1999. This was followed with confidential and fact finding inquiries conducted by me at Guwahati Circle Office, later on.

Contd..2/-

3. On the basis of documents, personal discussions, etc., following facts have emerged during the inquiries:-

(i) The complainant Sh. H.L. Acharyee is presently also posted as SPM, Ampati S.O. under Tura H.O. in Meghalaya Postal Div. The place of posting of the official is far interior in Meghalaya Postal Division, about 450 Kms. away from Shillong. The official is a promotee to the P.A. cadre on passing LGOs Exam, 1996 conducted by SSFOs, Meghalaya. He had undergone departmental training from 17.12.96 to 7.3.97 at Postal Training Centre, Darbhanga, after which he was posted as P.A.

(ii) From a close perusal of 3 applications submitted by the complainant, as available in his personal file (originals placed at pages 17-19/C) and the 3 complaints cited above, it appears that all the 3 complaints have been written by the complainant himself, in his own handwriting.

(iii) Ms. R. Bhattacharjee, whose reference has been made by the complainant in all the 3 complaints, was selected as Sorting Assistant in RMS 'S' Div., Silchar in the year 1996 and she was under institutional training at PIC, Darbhanga from 23.12.96 to 7.3.97. On completion of the training she joined as S.A., Agartala RHS on 29.3.97 and she worked there upto 7.9.98. She passed the confirmation examination held on 2.11.97. The documents further show that this official got married with another departmental official, namely, Sh. Tapan Ranjan Kalita (an Assamese), on 28/1/ Feb., 98. Both Ms. Bhattacharjee (a Bengali of Tripura) and Mr. T.R. Kalita are Hindu and their marriage ceremony was also solemnised according to Hindu rites and customs. Sh. Tapan Ranjan Kalita is working as Postal Asstt. under Darang Postal Division.

(iv) The above stated Sh. Tapan Ranjan Kalita, had also undergone practical training from 31.10.96 to 14.11.96 followed by theoretical training of PIC, Darbhanga for 75 days from 23.12.96 to 7.3.97. He later on joined as P.A., Darang Postal Division on 12.3.97.

(v) Consequent on marriage of Ms. Bhattacharjee with Mr. Kalita on 28.2.98, Ms. Bhattacharjee applied for Rule 38 transfer through proper channel to the Circle Office, Assam for her transfer on deputation from RMS 'S' Dn. Silchar to RMS 'GH' Dn. Guwahati for finally posting at Tejpur RMS. The ground for transfer under Rule 38 was marriage of the applicant with Sh. Kalita working as P.A. under Darang Postal Dn. where Tejpur is located.

(vi) The request of Ms. Bhattacharjee was considered by Circle Office, Guwahati and approval was conveyed vide Assam Circle, Guwahati memo No. Staff/35-131/98/RMS/GH dated 14.8.98. Finally Ms. Bhattacharjee joined at Tejpur RMS on 13.10.98 under RMS 'GH' Dn., Guwahati. Prior to this, she was on leave from 8.9.98 to 12.10.98.

(vii) The inquirers have revealed that Ms. Bhattacharjee is living happily with her husband Sh. Kalita, PA of Darang Postal Dn. after their marriage.

4. Since the handwriting and signatures of the complainant very much resembled his signatures/handwritings available in official records (personal file), the official was summoned to Circle Office, Shillong for taking his statement on his complaint as also to cross-examine him. In spite of the Tura H.O. sending a leave reserve on substitute for Sh.H.L. Acharjee for relieving the official for attending Circle Office, Shillong on 9.7.99, Sh. Acharjee refused to be relieved on the grounds that he was suffering from Dysentery etc. Sh. Acharjee, however, did not give anything in writing. In this connection, the Divisional Office, Meghalaya Division intimation dated 9.7.99 may kindly be perused at page 20/C. Thus, the official deliberately refused to appear before the vigilance team.

5. Since the allegations levelled by the complainant were very serious in nature and could have even jeopardised the marital relation of the late official (recently married), his statement was not recorded confidentially through ASP(Investigation) of Circle Office, Guwahati and his report

Contd., 4/-

dated 14.7.99 along with the written statement dated 13.7.99 of Ms. Bhattacharjee may kindly be perused at page 24-25/C. The lady official has categorically stated that during her training period at PTC, Darbhanga, she was not misbehaved by any officer or supervisor of the Institute; that after completion of the training she worked at Agartala from 14th March, 97 till 7.9.98 in her capacity as S.A., Agartala Sorting; that she was transferred to the Unit of the SSRM, Guwahati and joined at Tejpur RMS on 13th Oct., 98, where she is continuing to work till date. She has further stated that during her tenure at Agartala as well as present posting at Tejpur she was not misbehaved by any officer/supervisor and that she has no grievance against any senior officer/staff of Assam/N.E.Circle.

6. Sh. Samant, presently CPMG, N.E.Circle, joined as CPMG, Shillong on 25.7.97(afternoon) in accordance with the Directorate orders dated 22nd July, 97. As such, he was nowhere in picture at Shillong or Guwahati during Dec., 96 to March, 97 when the lady official was undergoing training at PTC, Darbhanga. Further inquiries revealed that the CPMG had made only two visits to Agartala during his tenure at Shillong. The first visit was on 7th & 8th May, 98 and the second visit was from 26th to 29th Dec., 98. Before both these two visits of the CPMG, the lady official was married during Feb., 98. Besides, during the second visit of the CPMG, the lady official already stood transferred to Tejpur RMS. During discussion, the CPMG denied to know Ms. R. Bhattacharjee. In fact, this official had never an occasion to work under CPMG, N.E. Circle, Shillong as Agartala Sorting is under the administrative control of Assam Circle and she belongs to Assam Circle.

7. The above facts will show that the complainant has lodged a false and baseless serious complaint against the CPMG as well as against the Department. He seems to have deliberately avoided from being examined by the Vigilance Team which had gone all the way from the Directorate to Shillong. Informal inquiries at Shillong revealed that the complainant is somewhat a maniac showing erratic behaviour even in his official correspondence. The facts also show that the complainant might have known

the lady official as well as her husband Sh. Kalita, another Postal Official working at Darang Postal Division, as all of them were under training at PTC, Darbhanga during the same period of time i.e. from Dec., 96 to March, 97. The complainant as well as the lady official are Bengalis belonging to Tripura State whereas the husband of the lady official is an Assamese from Assam. The informal inquiries revealed that the lady official Ms. Bhattacharjee married the Assamese boy, Sh. Kalita, as a consequence of love affair and they are living happily after the marriage. May be the complainant did not like the lady Bengali official marrying an Assamese boy and due to the mental ill health of the complainant, he, with a view to maligning and spoiling the reputation/marriage of the lady official and her husband, has lodged this baseless but serious complaint against a senior officer of the Department.

Conclusion:

The complainant, on the basis of facts available on record, appears to be totally baseless and mischievous with a view to maligning not only a very senior officer of the Department but also to spoiling/tarnishing the image/family relation of a female departmental official. The reluctance of the complainant to come before the Vigilance Team casts a deep shadow on his motive behind these complaints. It is recommended that stern and exemplary action should be taken against the complainant for filing such a mischievous, baseless and irresponsible complaint.


(INDIBAR DEWRI)
DY. DIRECTOR GENERAL(VIG.)

ZCZC ESHSHC0042 PPP ESHSHC
0-1000 A.1 GARODA/HIA 00 14

SHILLONG,

LANUEPHWR BARMAN

COL A 4

EGRTVAD0001

EIGHT AGOON

MINIMA

~~P. Sutur
Surat~~

3)

40

EX-P-8 80

~~88~~ ~~88~~
28/1/00

Yo

The Sr. Supdt of Po's
Meghalaya Division
Shillong-793001ad. 20/1/00
S.D.C.
28/1/00
28/1/00
28/1/00
28/1/00
28/1/00
28/1/00
28/1/00
28/1/00

Sir, I beg to state that, I have been suffering from constipation with liverish pain for few weeks not cured at Amrits' I consulted at Tura Doctor's on 6-7-99 and 11-7-99 causes passing of stool many times in a day. I could not come to Shillong to meet D.D.G (viji) as per your telephone order T/1/115/8 noted by Post master Tura H.G. Now I fell little improved of my illness.

Under the above circumstance I pray and hope that your honour would be kind enough to consider my case and oblige

Dated

11-7-99

{ yours faithfully

H.L. Acharyea S.P.M.

Amrits

Ward Gano Hills.

① Doctor's

Mangnupieng enclosure

Dr. Amalendu Das

BS (Gau), FRSH (London), DPTA (Dartford)
Member - ISUOG (U.K.)
NAMA - State & Central Govt.
M.G.O., MEGHALAYA

32 17 (27) 81
0.32584(R)

Consultations: 7.00 A.M. - 10.00 A.M.
Residence: 4.00 P.M. - 8.00 P.M.
Chamber: Drugs & Remedies,
Tura Super Market
Ground Floor, Near Restaurant.

Date 6-7-81

a. Thick

R

Akhayee

3

1. Capitor T2

1 x 2 1/2 x 5 1/2

2. Newborn B

1 x 2 1/2 x 5 1/2

3. Trussing

2 x 3 x 16 lbs.

4. Keggin 300 10

1 x 2 x 5 1/2

100

Amalendu Das

1. FRSH (London), DPM (Pharm Mgmt).
2. ISUOG (U.K.)
3. State & Central Govt.
4. M.H.O., MEGHALAYA

3258 (HR)

33

18

20

82

Consultations:

Residence: 7.00 A.M. - 10.00 A.M.

Chamber: 4.00 P.M. - 8.00 P.M.

Drugs & Remedies:

Tura Super Market

Ground Floor, Near Restaurant.

90

CH. Achromic

Date: 11/7/99.

R

new Rx

Ch. Gr.

Rx

1. Zopiclone 20 (30) 1-8 P.M.

2. Sphenox 80

2-3g 3-4s glenad
x 1 month

3. Primidone 750mg (14)

1x2-3s glenad x 73

4. Novoflor 2 (8)

1x2-3s glenad x 4 p

5. Vileyazine 500

2-3 2-3 glenad

— Ephedra

2

les

By
83
Annexure - III
91

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

No. B2-430. Dtd at Shillong-1, the 2nd Dec'99.

Whereas an inquiry under Rule - 14 of the Central Civil Services (Classification Control and Appeal) Rules, 1965, is being held against Shri. Hiralal Acharjee Ex-SPM Ampati S.O.

And whereas the undersigned considers that an Inquiry Authority should be appointed to inquire into the charges framed against the said Shri. Hiralal Acharjee.

Now, therefore, the undersigned, in exercise of the powers conferred by sub rule (2) of the said rule, hereby appoints Shri. Santosh Chakraborty Offg. ASPO's (HQ) Shillong, as the Inquiry Authority to inquire into the charges framed against the said Shri. Hiralal Acharjee.

A. R. Bhowmik
(A. R. Bhowmik)

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

Copy to :-

1. Shri. Santosh Chakraborty Offg. ASPO's (HQ) Shillong.
2. Shri. A.B. Dutta ASPO's, West Garo Hills Sub Dn, Tura (PO).
3. Shri. Hiralal Acharjee Ex-SPM Ampati S.O. (under suspension).
- 4-5. O/C / Spare.

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

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84
Annexure - IV
02

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

No. B2-130. Dtd at Shillong-1, the 3rd Dec'99.

Whereas an enquiry under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 is being held against Shri. Hiralal Acharjee Ex-SPM Ampati 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 powers conferred by Sub-Rule (5) (C) of Rule- 14 of the said rules, hereby appoints Shri. Anil Bagan Dutta ASPO's, West Garo Hills Sub-Dn, Tura, as the presenting Officer.

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

Copy to :-

1. Shri. A.B. Dutta ASPO's, West Garo Hills Sub Dn, Tura.
2. Shri. S.Chakraborty Ofc, ASPOs (HQ) Shillong (I.O.)
3. Shri. Hiralal Acharjee Ex-SPM Ampati S.O. (under suspension).
4. O/C.
5. Spare.

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

B6

85
Annexure B
Page 1 of 50
93

INQUIRY REPORT ON DEPARTMENTAL ENQUIRY UNDER RULE 14 OF C.C.S. (C.C.A.) RULES, 1965 AGAINST SRI HIRALAL ACHEJEE, EX-SPM, AMPATI S.O. UNDER TURA H.O.

I, Sri S. Chakraborty, offg. ASPOs (HQ), Shillong, was appointed as Inquiry Authority by the Sr. Supdt. of Pos. Meghalaya Division, Shillong, vide his letter No. B2-430 Dtd. 2-12-99, to inquire into the charges against Sri Hiralal Acherjee, Ex-SPM, Ampati, as framed vide SSPOs, Shillong, letter No. B2-430 Dtd. 5.11.99, under Rule 14 of C.C.S. (C.C.A.) Rules, 1965.

I have since completed the inquiry on the basis of the documentary and oral evidences produced before me and have prepared the Inquiry-report as follows :

II. THE CHARGE-SHEET.

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI HIRALAL ACHEJEE, EX-SPM AMPATI, NOW UNDER SUSPENSION.

Article -1.

That Sri Hiralal Acherjee while functioning as SPM Ampati during the period from 25.7.98, to 1.10.99, submitted reports/complaints, using Deptl. Forms (Corr. 22) direct to (i) The Secretary, Department of Posts, on 3.2.99 (ii) The Member, Personnel, Postal Board on 20.2.99, (iii) The Communication Minister, Govt. of India, New Delhi on 1.3.99 and (iv) The Chief P.M.G., N.E. Circle, Shillong on 26.3.99, in violation of the conditions laid down in Rules-614 & 627 of Postal Manual Vol-II.

Article -2

That during the aforesaid period and while functioning in the aforesaid office the said Sri Hiralal Acherjee lodged complaints to the Secretary, Dptt. Of Post on 3.2.99, to the Member (Personnel), Postal board on 20.2.99 and to the Communication Minister, Govt. of India, on 1.3.99, against Sri S. Samant, Chief P.M.G., N.E. Circle, Shillong, with a view to demoralize and disgrace the character of Sri S. Samant and one, Smt. Rupa Bhattacharjee and the said complaints were found completely baseless on subsequent enquiry. Thus Sri Hiralal Acherjee is alleged to have violated the provisions of Rule-3(i)(iii) of C.C.S.(Conduct) Rules-1964.

Article -3

That during the aforesaid period and while functioning in the aforesaid office the said Sri Hiralal Acherjee was directed to hand over the charge of the SPM, Ampati to one Sri Lankeshwar Barman I.R.P.A., Garobadha and to get himself relieved and to attend Circle Office, Shillong, to appear before the D.D.G.(Vig) on 8.7.99, in connection with enquiry into the complaints lodged by him. But the said Sri Hiralal Acherjee refused to hand over the charge to Sri Barman and did not attend the Circle office as directed. By his above action said Sri Hiralal Acherjee is alleged to have failed to maintain devotion to duty and thus violated the provisions of Rule-3(i)&(ii) of C.C.S.(Conduct) Rules-1964.

Contd.....2.

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR
IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI
HIRALAL ACHERIJI SEM, EX-AMPATI, UNDER SUSPENSION.

Article-1.

That said Sri Hiralal Achterjee while functioning as SPM Ampali during the period from 25.7.98 to 1.10.99, submitted reports and complaints using Deptl. Forms (Corr-22) (i) to the Secretary, Deptt. of Posts, on 3.2.99, (ii) to the Member (Personnel) Postal Board on 20.2.99 (iii) to the Communication Minister, Govt. of India, on 1.3.99, and (iv) to the Chief P.M.G., N.E. Circle, Shillong on 26.3.99. Said Sri Hiralal Achterjee submitted all the reports and complaints direct to higher authorities without using proper channel of the provisions laid down in Rules-614 & 627 of Postal Manual Vol. II and thus violated the provisions of Rule-3(i)(iii) of C.C.S. (Conduct) Rules 1964, also.

Article-2.

That said Sri Hiralal Acherjee while functioning as SPM, Ampali during the aforesaid period lodged complaints to the Secretary, Deptt. of Posts, on 3.2.99, to the Member(Personnel) Postal Board, on 20. 2.99 and to the Communication Minister, Govt. of India, on 1.3.99., in which he alleged that "Sri S. Samant, Chief P.M.G., N.E. Circle, Shillong and his men raped Miss. Rupa Bhattacherjee, Sorting Asstt., while she was on training at P.I.C., Darbhanga in December.96 and also after her posting at Agartala Sig. In 1997. Sri Acherjee also alleged that Mr. Samant converted her into Muslim by force against fundamental rights etc.

On enquiry the complaints were found completely false and baseless. It also revealed that Miss R. Bhattacharjee was selected for the post of Sorting Asstt. in RMS "S" Division and was in institutional training at P.T.C. Darbhanga from 23.12.96 to 7.3.97. On completion of the training she joined as Sorting Asstt. at Agartala RMS on 29.3.97, and worked there up to 7.9.98. On 28th February, 1998, she got married with one Sri Tapan Ranjan Kalita working as Postal Asstt. at Darang Postal Division. Both of the couple are hindu and their marriage ceremony was celebrated/ solemnized according to hindu customs. After marriage Smt. Bhattacharjee was transferred under Rule-38 and joined at Tezpur RMS on 13.10.98. She is living there with her husband happily. Sri S. Samant, Chief P.M.G., N. E. Circle, Shillong, joined as PMG, Shillong, on 25.7.97 and he was nowhere in picture with Smt. Rupa Bhattacharjee. More over, Smt. Bhattacharjee presently working as S.A. Tezpur RMS, stated in her statement dtd. 13.7.99, that she was never misbehaved by any officer/official either at Darbhanga or Agartala and she had no grievance against any officer/official of Assam/N.E. Circle. It is also revealed that Shri Hirakal Acharyya, alias Rupa Bhattacharjee and Shri Tapan Rn. Kalita were on training at P.T.C. Darbhanga at the same time during the period from 23-12-99 to 07-03-97 and thus Smt. Bhattacharjee and Shri Kalita were known to Shri Hirakal Acharyya and therefore with some ill motive Shri Acharyya lodged all those

CONTINUATION 3/3

false complaints to demoralized and disgrace the character of Shri S. Samant and Smti R. Bhattacharjee. And by way of doing so he also assinated the character and dignity of a high level officer like Chief P.M.G. Shillong. Shri H. Acharjee also deliberately avoided contented enquiry when he was asked to attend the enquiry on 08-07-99. By his above action, said Shri Acharjee alleged to have violated the Provision of Rule- 3 (1) (iii) of CCS (Conduct) Rules - 1964.

ARTICLE - III

Said Shri H. Acharjee while functioning in the aforesaid office and during the aforesaid period, was directed to hand over the charge of SPM, Ampati to Shri Lankeshwar Barman, L.R. P/A Garobadha and to attend the circle office, Shillong on 08-07-99. But Shri Acharjee refused to hand over the charge to Shri L. Barman and willfully avoided to attend Circle office, Shillong, as directed. By his above action said Shri Acharjee alleged to had failed to maintain devotion to duty and alleged to have violated the Provisions of Rule - 3 (1) (ii) of CCS (Conduct) Rules 1964.

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SHRI HIRALAL ACHARJEE, SPM, AMPATI, NOW UNDER SUSPENSION ARE PROPOSED TO BE SUSTAINED.

1. Photocopy of complaint of Shri Hirralal Acharjee, SPM, Ampati dt. 03-02-99 addressed to the Sectetary, deptt. of Posts.
2. Photocopy of complaint of Shri Hirralal Acharjee, SPM, Ampati dt. 20-02-99 addressed to the Member (Personal) Postal Board.
3. Photocopy of complaint of Shri Hirralal Acharjee, SPM, Ampati dt. 01-03-99 addressed to the Communication Minister, Govt. of India.
4. Photocopy of report of Shri Hirralal Acharjee, SPM, Ampati dt 26-03-99 addressed to the bief P.M.G. N.E. Circle, Shillong-1.
5. Photocopy of written statement of Smti Rupa Bhattacharjee S.A. Tezpur RMS dtd. 13-07-99.
6. Inquiry report of Shri L. Dewri, DDG (VIG).
7. Telegram of Sri Lankeshwar Barman, L R P.A., Garobadha, coded 01000 A.L. Garobadha, 10.34.
8. Written statement of Sri Hirralal acherjee, SPM, Ampati.dtd.17.7.99.

Contd..... 4/-

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VII
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List of witness by whom the articles of charged framed against Shri Hiralal Acharjee, SPM, Ampati (now under suspension) proposed to be sustained.

1. Shri Lankeshwar Barman, L.R. P/A, Garobadha.

III. LIST OF EXHIBITED DOCUMENTS :-

Ex.p.-1. Photo-copy of complaint of Sri Hiralal Acherjee, SPM, Ampati, dtd.3.2.99
A/t the Secretary, Deptt. of Posts.

Ex.p.-2. Photo-copy of complaint of Sri Hiralal Acherjee, SPM, Ampati, dtd.20.2.99
A/t the Member (personnel), postal Board.

Ex.p.-3. Photo copy of complaint of Sri. Hiralal Acharjee, SPM, Ampati Dtd 1-3-99
A/t the communication Minister, Govt of India

Ex.p-4 Photo copy of report of Sri Hiralal Acherjee, SPM Ampati, Dtd 26-3-99 , A/T
the C.P.M.G, N.E. Circle Shillong-1

Ex.p-5 Photo copy of written statement of Smt. Rupa Bhattacharjee SA, Tezpur
RMS Dtd 13-7-99

Ex.p-6 Inquiry report of Sri I.Dewri .DDG(VIG)

Ex.p-7 Telegram of Sri. Lankeshwar Garman, IR Pa Garobadha coded 01000
A.I Garobadha 10.34

Ex.p-8 Written statement of Sri. Hiralal Acherjee, SPM Ampati ,Dtd 17-7-99

Ex.p-9 Medical certificate issued by Guwahati Medical College Hospital.

IV . LIST OF WITNESSES EXAMINED :-

SW-1.- Sri. Lankeshwar Barman, LR P/A Garobadha.

V . PARTICIPATION OF THE C.O IN THE ENQUIRY :-

The hearing of the Inquiry was held on 23-12-99, 28.1.2000, 18.2.2000, 7.3.2000
28.3.2000. The charged official attended and participated all the hearings. He opted for
his defence-assistant and selected Sri T. Kharkongor , APM Mails Shillong as his
defence-assistant vide his application Dtd.1-1-2000. He was permitted and he
attended all the subsequent hearings being accompanied with his Defence-assistant,
Sri T. Kharkonger.

VI Case of Disciplinary authority :-

Article-I The PO on behalf of the Disciplinary authority reiterated the article of
charge as framed in the charge-sheet and in support of the article of charge he
produced the documentary evidences as exhibited under EXP-1,2,3 & 4. No witness
was there.

Article-II The PO on behalf of the Disciplinary authority presented the article of
charge in the same form as in the charge sheet. In support of the article of charge he
produced the documentary evidences as exhibited under EXP-1,2,3,4,5,6, & 8. No
witness was there.

Article -III The PO reiterated the article of charge as in the charge sheet and
produced the documentary evidences as exhibited under Exp-7 & 8. The SW-1 was
also examined in connection with the article of charges.

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VII. Case of the Charged official:-

Article-1. The Charged Official stated in his defence statement dtd.24.11.99, that he had been mentally suffering since March'98 and as such what he did during the period he did not know. In support of his statement he submitted a Medical certificate as exhibited under EX.D.1.

Article-2. The Charged Official admitted the charge on 23.12.99 and reiterated the fact as for article - 1, above.

Article-3. The Charged official reiterated the fact as he stated in his statement dtd. 17.7.99, that he could not attend Shillong to meet D.D.G.(Vig) on 8.7.99, due to disorder in his stomach. In support of his version he submitted the written statement dtd. 17.7.99, and two Medical Certificates dtd. 6.7.99 & 11.7.99. The statement and both the M/C's have been exhibited as EX.P.-8.

VIII. I have gone through the Charge sheet, Day to day proceedings, Exhibited documents, Defence statement, Deposition of the SW-1 recorded on 18.2.2000, Briefs of P.O. & C.O. and all other relevant records & circumstances, carefully, and inclined to furnish my observation, analysis and assessment as follows:-

OBSEVATION.

Article-1. The Charged Official indirectly admitted the article of Charge though he stated that he might have done so, due his "Mental illness" and he submitted a Medical Certificate in support of his version that he was suffering from "Nerves-Disorder". The Medical Certificate has been exhibited under EX.D.-1.

Article-2. The Charged official admitted the article of charges on 23.12.99, on the same plea as in case of article-1.

Article-3. The Charged Official indirectly admitted that he did not hand over the charge to his reliever, Sri Lankeshwar Barman, due to his inability to proceed towards Shillong for his stomach-problem. Sri Lankeshwar Barman, the SW-1, has stated in his deposition recorded on 18.2.2000, that he attended Ampati to relieve the C.O. on 9.7.99 at 0930 hrs.

ANALYSIS

Article -1 & 2. Both the articles of charges are co-related and the charged official submitted same statement for both the articles of charges that he might have done so due to his mental illness. On interrogation he stated that though he was on duty during that time, his mental illness did not affect his official duty in any way. It also revealed that Smt. Rupa Bhattacherjee was not related to Sri Acherjee. Under this circumstance it could not be understood on what intention the charged official did all those alleged action as human being can do nothing without any intention behind his/her action. As such the alleged action of the Charged official might be a consequence of his mental illness etc.

Article -3. The charged official was directed to attend Shillong to meet D.D.G.(Vig) on 8.7.99. But his substitute, who was directed to relieve him and who was the witness to the case also (SW-1), attended Ampati to relieve him (C.O.) on 9.7.99 at 0930 hrs, as the witness stated in his deposition recorded on 18.2.2000. As such, In spite of his stomach-problem of the C.O., as he stated, if he would proceed towards Shillong, immediately on his relief, on 9.7.99, from Ampati, he would be too late to meet D.D.G.(Vig) at Shillong, it would be at least 10.7.99.

Contd.....6.

FINDINGS

Although, the Disciplinary Authority could not produce any witness in support of the articles I & II and to ascertain the authenticity of the documentary evidences produced, owing to direct or indirect admission of the charged official all the charges under Article-I, II & III are proved.

A folder containing the following in page No. 01 to 48, is enclosed.

- (a) Written statement of defence submitted by the charged official on 24.11.99.
- (b) Documentary evidences as exhibited under EX.P.-1 to EX.P.-8 & EX.D.-1.
- (c) Written briefs of the P.O. (No. A1-P.O/99 dtd.28.3.99) and
- (d) Written briefs of the charged official. (No.A-1/DA/99 dtd. 12.4.2000.)

W.B. Chakraborty
Inquiry Authority.

No. INQ/ Rule-14/1/99, dtd. 9.5.2000,

To : (1/2) the Sr. Supdt. of Po, Meghalaya Dn, Shillong-1 (Disciplinary

Ref. ac. this letter no. B2-430 Dts 2.12. -Authority

Inquiry Authority.

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Annexure - VI
191
Page 1 to 3
A9

DEPARTMENT OF POSTS

OFFICE OF THE SR. SUPDT. OF POST OFFICES :: MEGHALAYA DIVISION
SHILLONG - 793 001.

No. B2 - 400,

Dated Shillong, the 30/6/2000.

In this Office memo of even no. dtd. 5.11.99. it was proposed to take action against Sri. Hiralal Acharjee, Ex. SPM, Ampati under Rule-14 of CCS (CCA) Rules - 1965 and he was asked to submit his representation against the proposal if any within 10 days of receipt of the said letter.

The statement of imputation of misconduct and misbehaviour in support of the articles of charge framed against said Sri. Hiralal Acharjee was as follows :-

ARTICLE - I

That Shri. Hiralal Acharjee, while functioning as SPM Ampati during the period from 25.7.98 to 1.10.99. submitted report/complaints, using Deptl. forms (Corr-22) direct to (i). The Secretary, Department of Post on 3.2.99 (ii) to the member (Personnel) Postal Board on 20.2.99 (iii) to the Communication Minister, Govt. of India, New Delhi on 1.3.99 and (iv) to the Chief P.H.G., H.E. Circle, Shillong on 26.3.99., in violation of the conditions laid down in Rules-614 & 627 of Postal Manual Vol- II.

ARTICLE II

That during the aforesaid period and while functioning in the aforesaid Office the said Shri. Hiralal Acharjee lodged complaints to the Secretary, Department of Post on 3.2.99, to the member (Personnel) Postal Board on 20.2.99. and to the Communication Minister, Govt. of India on 1.3.99, against Shri. S. Samant, Chief P.H.G., H.E. Circle, Shillong with a view to denigrate and disgrace the character of Shri. S. Samant and one Sri. Rupa Bhattacharjee and the said complaints were found completely baseless on subsequent enquiry. Thus, Shri. Hiralal Acharjee is alleged to have violated the Provisions of Rule-3 (C)(iii) of CCS (Conduct) Rules-1964.

ARTICLE-III

That during the aforesaid period and while functioning in the aforesaid Office the said Shri. Hiralal Acharjee was directed to hand over the charge of SPM, Ampati to one Shri. Lankeshwar Barman, I.R. P.A. Garobadha and to get himself relieved and to attend Circle Office, Shillong to appear before the DDG(Vig) on 8.7.99. in connection with enquiry on the complaints lodged by Shri. Rupa Bhattacharjee and the said Shri. Hiralal Acharjee refused to hand over the charge to Shri. Barman and did not attend the Circle Office, as directed.

By this above action said Shri. Hiralal Acharjee is alleged to have failed to maintain devotion to duty and thus violated the provision of Rule-3(i) (ii) of CCS (Conduct) Rules-1964.

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List of documents by which the articles of charges framed against said Shri. Hiralal Acharjee were proposed to be sustained.

1. Photo/Copy of complaint of Shri. Hiralal Acharjee, SPM, Ampati dt. 3.2.99. addressed to the Secretary, Deptt. of Posts.
2. Photo copy of complaint of Shri. Hiralal Acharjee, SPM, Ampati dt. 20.2.99. addressed to the Member (Personal) Postal Board.
3. Photo-copy of complaint of Shri. Hiralal Acharjee, SPM, Ampati dt. 1.3.99 addressed to the Communication Minister, Govt. of India.
4. Photo-copy of report of Shri. Hiralal Acharjee, SPM, Ampati dt. 26.3.99 addressed to the Chief P.M.G, N.E. Circle, Shillong-1.
5. Photo-copy of written statement of Smti. Rupa Bhattacharjee, S.A. Tezpur RMS dtd. 13.7.99.
6. Inquiry report of Shri. I. Dewri, DDG (VIG.).
7. Telegram of Shri. Lankeshwar Barman, L.R. P.A. Garobadha coded o 1000 A.I. Garobadha 10.34.
8. Written statement of Shri. Hiralal Acharjee, SPM, Ampati, dtd. 17.7.99.

List of witnesses by whom the article of charge framed against said Shri. Hiralal Acharjee, were proposed to be sustained.

1. Shri. Lankeshwar Barman, L.R P.A. Garobadha.

In reply, said Shri. Hiralal Acharjee had submitted his representation vide his letter dtd. 24.11.99 which was read as follows :-

I have received the above mentioned Memorandum on 15.11.99. And after going through the same I do hereby humbly submit as follows :-

1. That Sir, since March 1998 I have been suffering mentally for which I was under treatment. Still I am unwell. The medical certificates will be submitted by me if and when required by the authority.

2. That during the said period Smti. Rupa Bhattacharjee a close friend of mine, once rang me and alleged against Mr. S. Sumant about the fact. After that, what I have done during the said period I do not know. Had I been committed any offence during the said period, that was only due to my mental imbalance.

Under the circumstances above I deny all the charges levelled against me under the said Memorandum and also Pray your kindness to condon my wrong, if any, which was done unconsciously and I shall oblige, therefore for ever.

Shri. S. Chakraborty, Offg. ASP (HQ), Shillong and Shri. A.B. Dutta, ASP, Tura were appointed as I.O. & P.O. respectively to enquire into the case vide this Office letter of even no. dtd. 21.12.99, and 3.12.99, as per provisions laid down in Rule 14 of CGB (CCB) Rules - 1965.

The I.O. has submitted his Inquiry report vide his letter no. 100/Rule-14/12/99, dtd. 9.5.2000 which is read as follows :-

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Sri S. Chakraborty, offg. ASPOs (HQ), Shillong, was appointed as Inquiry Authority by the Sr. Supdt. of Pos, Meghalaya Division, Shillong, vide his letter No. B2-430 Dtd. 2-12-99, to inquire into the charges against Sri Hiralal Acherjee, Ex-SPM, Ampati, as framed vide SSPOs, Shillong, letter No. B2-430 Dtd. 5.11.99., under Rule 14 of C.C.S. (C.C.A.) Rules, 1965.

I have since completed the inquiry on the basis of the documentary and oral evidences produced before me and have prepared the Inquiry-report as follows:

II.

THE CHARGE-SHEET.

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI HIRALAL ACHERJEE, EX-SPM AMPATI, NOW UNDER SUSPENSION.

Article -1.

That Sri Hiralal Acherjee while functioning as SPM Ampati during the period from 25.7.98. to 1.10.99, submitted reports/complaints, using Deptl. Forms (Corr.-22) direct to (i) The Secretary, Department of Posts, on 3.2.99 (ii) The Member, Personnel, Postal Board on 20.2.99. (iii) The Communication Minister, Govt. of India, New Delhi on 1.3.99 and (iv) The Chief P.M.G., N.E. Circle, Shillong on 26.3.99, in violation of the conditions laid down in Rules-614 & 627 of Postal Manual Vol.-II.

Article - 2.

That during the aforesaid period and while functioning in the aforesaid office the said Sri Hiralal Acherjee lodged complaints to the Secretary, Dptt. Of Post on 3.2.99., to the Member (Personnel), Postal board on 20.2.99 and to the Communication Minister, Govt. of India, on 1.3.99. against Sri S. Samant, Chief P.M.G., N.E. Circle, Shillong, with a view to demoralize and disgrace the character of Sri S. Samant and one, Smt. Rupa Bhattacherjee and the said complaints were found completely baseless on subsequent enquiry. Thus Sri Hiralal Acherjee is alleged to have violated the provisions of Rule-3(i)(iii) of C.C.S.(Conduct) Rules-1964.

Article - 3

That during the aforesaid period and while functioning in the aforesaid office the said Sri Hiralal Acherjee was directed to hand over the charge of the SPM, Ampati to one Sri Lankeshwar Barman L.R.P.A., Garobadha and to get himself relieved and to attend Circle Office, Shillong, to appear before the D.D.G.(Vig) on 8.7.99, in connection with enquiry into the complaints lodged by him. But the said Sri Hiralal Acherjee refused to hand over the charge to Sri Barman and did not attend the Circle office as directed. By his above action said Sri Hiralal Acherjee is alleged to have failed to maintain devotion to duty and thus violated the provisions of Rule- 3(i)&(ii) of C.C.S.(Conduct) Rules-1964.

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI HIRALAL ACHERJEE SPM, EX-AMPATI, UNDER SUSPENSION.

Article-1.

That said Sri Hiralal Acherjee while functioning as SPM Ampati during the period from 25.7.98 to 1.10.99., submitted reports and complaints using Deptl. Forms (Corr-22) (i) to the Secretary, Deptt. of Posts, on 3.2.99. (ii) to the Member (Personnel) Postal Board on 20.2.99 (iii) to the Communication Minister, Govt. of India, on 1.3.99. and (iv) to the Chief P.M.G., N.E. Circle, Shillong on 26.3.99. Said Sri Hiralal Acherjee submitted all the reports and complaints direct to higher authorities without using proper channel of the provisions laid down in Rules-614 & 627 of Postal Manual Vol. II and thus violated the provisions of Rule-3(i)(iii) of C.C.S. (Conduct) Rules 1964, also.

Article-II.

said Sri Hiralal Acherjee while functioning as SPM, Ampati during the aforesaid period lodged complaints to the Secretary, Deptt. of Posts, on 3.2.99, to the Member(Personnel) Postal Board, on 20. 2.99 and to the Communication Minister, Govt. of India, on 1.3.99., in which he alleged that "Sri S. Samant, Chief P.M.G., N.E. Circle, Shillong and his men raped Miss. Rupa Bhattacharjee, Sorting Asstt., while she was on training at P.T.C., Darbhanga in December,96 and also after her posting at Agartala Stg. In 1997. Sri Acherjee also alleged that Mr. Samant converted her into Muslim by force against fundamental rights etc.

On enquiry the complaints were found completely false and baseless. It also revealed that Miss. R. Bhattacharjee was selected for the post of Sorting Asstt. in RMS "S" Division and was in institutional training at P.T.C. Darbhanga from 23.12.96 to 7.3.97. On completion of the training she joined as Sorting Asstt. at Agartala RMS on 29.3.97. and worked there up to 7.9.98. On 28th February,1998, she got married with one Sri Tapan Ranjan Kalita working as Postal Asstt. at Darang Postal Division. Both of the couple are hindu and their marriage ceremony was celebrated/ solemnized according to hindu customs. After marriage Smt. Bhattacharjee was transferred under Rule-38 and joined at Tezpur RMS on 13.10.98. She is living there with her husband happily. Sri S. Samant, Chief P.M.G., N. E. Circle, Shillong, joined as PMG, Shillong, on 25.7.97 and he was nowhere in pictuo with Smt. Rupa Bhattacharjee. More over, Smt. Bhattacharjee presently working as S.A. Tezpur RMS, stated in her statement dtd. 13.7.99. that she was never misbehaved by any officer/official either at Darbhanga or Agartala and she had no grievance against any officer/official of Assam/N.E.Circle. It is also revealed that Sri Hiralal Acherjee, Miss Rupa Bhattacharjee and Shri Tapan Rn. Kalita were on training at P.T.C. Darbhanga at the same time during the period from 23-12-99 to 07-03-97. and thus Smti Bhattacharjee and Shri Kalita were known to Sri Hiralal Acherjee and therefore with some ill motive Sri Acherjee lodged all those false complaints to demoralized and disgrace the character of Sri S. Samant and Smti R. Bhattacharjee. And by way of doing so he also assassinated the character and dignity of a high level officer like Chief P.M.G, Shillong. Shri H. Acherjee also deliberately avoided confronted enquiry when he was asked to attend the enquiry on 08-07-99. By his above action, said Shri Acherjee alleged to have violated the Provision of Rule- 3 (I) (iii) of CCS (Conduct) Rules - 1964.

ARTICLE - III

Said Shri H. Acherjee while functioning in the aforesaid office and during the aforesaid period, was directed to hand over the charge of SPM, Ampati to Shri Lankeshwar Barman, L.R. P/A Garobadha and to attend the circle office, Shillong on 08-07-99. But Shri Acherjee refused to hand over the charge to Shri L. Barman and willfully avoided to attend Circle office, Shillong, as directed. By his above action said Shri Acherjee alleged to had failed to maintain devotion to duty and alleged to have violated the Provisions of Rule - 3 (I) (ii) of CCS (Conduct) Rules 1964.

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SHRI HIRALAL ACHERJEE, SPM, AMPATI, NOW UNDER SUSPENSION ARE PROPOSED TO BE SUSTAINED.

1. Photocopy of complaint of Shri Hiralal Acherjee, SPM, Ampati dt. 03-02-99 addressed to the Secretary, deptt. of Posts.

2. Photocopy of complaint of Shri Hiralal Acharjee, SPM, Ampati dt. 20-02-99 addressed to the Member (Personel) Postal Board.

3. Photocopy of complaint of Shri Hiralal Acharjee, SPM, Ampati dt. 01-03-99 addressed to the Communication Minister, Govt. of India.

4. Photocopy of report of Shri Hiralal Acharjee, SPM, Ampati dt 26-03-99. addressed to the hief P.M.G, N.E. Circle, Shillong-1.

5. Photocopy of written statement of Smti Rupa Bhattacharjee S.A. Tezpur RMS dtd. 13-07-99.

6. Inquiry report of Shri L Dewri, DDG (VIG).

7. Telegram of Sri Lankeshwar Barman, L R P.A., Garobadha, coded 01000 A.1. Garobadha. 10.34.

8. Written statement of Sri Hiralal acherjee, SPM, Ampati,dtd.17.7.99.

List of witness by whom the articles of charged framed against Shri Hiralal Acharjee, SPM, Ampati (now under suspension) proposed to be sustained.

1. Shri Lankeshwar Barman, L.R. P/A, Garobadha.

III. LIST OF EXHIBITED DOCUMENTS :-

Ex.p-1. Photo-copy of complaint of Sri Hiralal Acherjee, SPM, Ampati, dtd.3.2.99
a/t. the Secretary, Deptt. of Posts.

Ex.p-2. Photo-copy of complaint of Sri Hiralal Acherjee, SPM, Ampati, dtd.20.2.99.
A/t the Member (personnel), postal Board.

Ex.p-3. Photo copy of complaint of Sri. Hiralal Acharjee, SPM, Ampati Dtd 1-3-99
A/t the communication Minister, Govt of India

Ex.p-4. Photo copy of report of Sri Hiralal Acharjee, SPM Ampati, Dtd 26-3-99 , A/T
the C.P.M.G, N.E. Circle Shillong-1

Ex.p-5 Photo copy of written statement of Smt. Rupa Bhattacharjee SA, Tezpur
RMS Dtd 13-7-99

Ex.p-6 Inquiry report of Sri L Dewri, DDG(VIG)

Ex.p-7 Telegram of Sri. Lankeshwar Barman, L R Pa Garobadha coded 01000
A.1 Garobadha 10.34

Ex.p-8 Written statement of Sri. Hiralal Acherjee, SPM Ampati ,Dtd 17-7-99

Ex.p-9 Medical certificate issued by Guwahati Medical College Hospital.

IV. LIST OF WITNESSES EXAMINED :-

SW-1. Sri. Lankeshwar Barman, L.R. P/A Garobadha.

V. PARTICIPATION OF THE C.O IN THE ENQUIRY :-

The hearing of the inquiry was held on 23-12-99, 28.1.200, 18.2.200, 7.3.200 28.3.200. The caged official attended and participated all the hearings. He opted for his defence-assistant and selected Sri T. Kharkonger, APN Meils Shillong as his defence-assistant vide his application Dtd.1-1-2000. He was permitted and he attended all the subsequent hearings being accompanied with his Defence-assistant, Sri T. Kharkonger.

VI. Case of Disciplinary authority :-

Article-I The PO on behalf of the Disciplinary authority reiterated the article of charge as framed in the charge-sheet and in support of the article of charge he produced the documentary evidences as exhibited under EXP-1,2,3 & 4. No witness was there.

Article-II The PO on behalf of the Disciplinary authority presented the article of charge in the same form as in the charge sheet. In support of the article of charge he produced the documentary evidences as exhibited under EXP-1 2,3,4,5,6, & 8. No witness was there.

Article -III The PO reiterated the article of charge as in the charge sheet and produced the documentary evidences as exhibited under Exp-7 & 3. The SW-1 was also examined in connection with the article of charges.

VII. Case of the Charged official :-

Article-1. The Charged Official stated in his defence statement dtd.24.11.99, that he had been mentally suffering since March'98 and as such what he did during the period he did not know. In support of his statement he submitted a Medical certificate as exhibited under EXD.1.

Article-2. The Charged Official admitted the charge on 23.12.99 and reiterated the fact as for article - 1, above.

Article-3. The Charged official reiterated the fact as he stated in his statement dtd. 17.7.99, that he could not attend Shillong to meet D.D.G.(Vig) on 3.7.99, due to disorder in his stomach. In support of his version he submitted the written statement dtd. 17.7.99, and two Medical Certificates dtd. 6.7.99 & 11.7.99. The statement and both the M/Cs have been exhibited as EXP.-8.

VIII. I have gone through the Charge sheet, Day to day proceedings, Exhibited documents, Defence statement, Deposition of the SW-1 recorded on 18.2.2000, Briefs of P.O. & C.O. and all other relevant records & circumstances, carefully, and inclined to furnish my observation, analysis and assessment as follows:-

OBSERVATION.

Article-1. The Charged Official indirectly admitted the article of Charge though he stated that he might have done so, due his "Mental illness" and he submitted a Medical Certificate in support of his version that he was suffering from "Nerves-Disorder". The Medical Certificate has been exhibited under EX.D.-1.

Article-2. The Charged official admitted the article of charges on 23.12.99, on the same plea as in case of article-1.

Article-3. The Charged Official indirectly admitted that he did not hand over the charge to his reliever, Sri Lankeshwar Barman, due to his inability to proceed towards Shillong for his stomach-problem. Sri Lankeshwar Barman, the SW-1, has stated in his deposition recorded on 18.2.2000, that he attended Ampati to relieve the C.O. on 9.7.99 at 0930 hrs.

ANALYSIS

Article -1 & 2. Both the articles of charges are co-related and the charged official submitted same statement for both the articles of charges that he might have done so due to his mental illness. On interrogation he stated that though he was on duty during that time, his mental illness did not affect his official duty in any way. It also revealed that Smt. Rupa Bhattacharjee was not related to Sri Achterjee. Under this circumstance it could not be understood on what intention the charged official did all those alleged action as human being can do nothing without any intention behind his/her action. As such the alleged action of the Charged official might be a consequence of his mental illness etc.

Article -3. The charged official was directed to attend Shillong to meet D.D.G.(Vig) on 8.7.99. But his substitute, who was directed to relieve him and who was the witness to the case also (SW-1), attended Ampati to relieve him (C.O.) on 9.7.99 at 0930hrs., as the witness stated in his deposition recorded on 18.2.2000. As such, in spite of his stomach problem of the C.O., as he stated, if he would proceed towards Shillong, immediately on his relief, on 9.7.99, from Ampati, he would be too late to meet D.D.G.(Vig) at Shillong, it would be at least 10.7.99.

FINDINGS

Although, the Disciplinary Authority could not produce any witness in support of the articles I & II and to ascertain the authenticity of the documentary evidences produced, owing to direct or indirect admission of the charged official all the charges under Article-I, II & III are proved.

A folder containing the following in page No. 01 to 48, is enclosed.

- (a) Written statement of defence submitted by the charged official on 24.11.99.
- (b) Documentary evidences as exhibited under EX.P.-1 to EX.P.-8 & EX.D.-1.
- (c) Written briefs of the P.O.(No. A1-P.O./99 dtd.29.3.99) and
- (d) Written briefs of the charged official. (No.A-1/DA/99 dtd. 12.4.2000.)"

I have gone through the memo, of charge and articles thereof, report of the I.O. carefully and found that the charges levelled against Shri Hiralal Acharjee are proved. Shri Acharjee was given an opportunity to make representation having supplied a copy of the I.O's reports, vide this office letter of even no. dtd.10-05-2000 within 15-days of receipt of the letter. The letter was delivered to Shri Hiralal Acharjee on 20-05-2000, but he failed to make any representation.

In this circumstance, I record my observations as follows :-

- (i) Against Article - I & II of charges Shri Acharjee admitted the charges but he stated that he did so to his mental illness. That the official was suffering from mental ailments was never reported by the official and performed his official day to day works as a normal employee is expected to do. As such I am not inclined to accept the plea of Shri Acharjee that due to mental disorder or ailment he paid all the gross misconduct mentioned in the articles.
- (ii) Against Article -III, Shri Acharjee admitted that he did not hand over the charge to his reliever viz. Shri Lankeshwar Barman on the pretext that he was unable to move to Shillong to meet D.D.G (Vig.) as he was suffering from stomach problem. Whatever the reason, it is admitted that he refused to hand over the charge and get himself relieved as ordered by his superior authority.

The nature of misconduct played by Shri Hirralal Acharjee are so grave that it left no scope to take any lenient view in order to maintain the expected sense of discipline amongst the Govt. servants and as such I Shri A.R. Bhowmik, Sr. Supdt. of Post Offices, Meghalaya Division, Shillong hereby order that:

"Shri Hirralal Acharjee, Ex-SPM, Ampati (Now under suspension) is removed from service with immediate effect which shall not be a disqualification for future employment under the Govt.

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

Copy to :-

1. The Chief P.M.G. (Vig), Shillong - 1
2. The ASP (HQ), Shillong.
3. Shri Hirralal Acharjee, EX-SPM, Ampati.
4. Fraud Branch of Divisional Office.
5. O/C.
6. ~~The Commissioner, Tengnafao~~

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

Sr. Secy. of Post Offices
Meghalaya Division
Shillong-793001

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99
Annexure - VII
10X

NO. B2-430 dttd at Shillong the 10-5-201

Reed [R] Tc

Sir Hiratal Acharya
Ex-SPM Ampati SO.
(not under suspension)

Sub:- Enquiry under Rule 11 of CCS(CCA)
Rules, 1965

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

Encls - Assttled

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

BD-A38 dt-10/6/-

100

Annexure - VII

प्राप्त रक्षीकृति (स्पीद)/आष्टि गति/ACKNOWLEDGEMENT

★ यह - द्वारा प्राप्ति की गई/प्राप्ति की दुआ
★ लेटर/पोस्ट/पोस्ट कार्ड/पैकेट/पार्केट/पार्केट पार्केट
★ Received a Registered Letter/Postcard/Packet/Parcel

क्रमांक

नं.-

No.

13139

16/5-

Himali K. N. C. J.

Ex-SBII Branch

(Not under Suspension)

8/8/115

प्राप्ति की तिथि } Date of delivery } 10

प्राप्ति की दिलाई की तिथि/Signature of addressee

★ अनावश्यक नहीं लिखा जाने/डिलाई नीचे अवश्य लिखा जाने/Score out the matter not required.

★ केवल दीर्घाव के लिए/दीर्घाव के लिए लिखा जाने/For insured articles only.

52

(01) Annexure -17
Page -2
09

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

Memo No. Staff/109-16/2000

Dated Shillong, the 27-10-2000

Shri Hiralal Acharjee, Ex-SPM, Ampati SO has submitted an appeal on 21-8-2000 against the punishment order issued by the Sr. Supdt. of P.Os, Meghalaya Division, Shillong under No. B2-430 dated 30-6-2000 imposing punishment of removal from service with immediate effect. While working as SPM Ampati, Shri Hiralal Acharjee committed certain misconducts for which he was proceeded against under rule 14 of the CCS(CCA) Rules, 1965 vide memo No. B2-430 dated 5-11-99. After the oral inquiry the I.O., submitted his report on 9-5-2000 concluding all the charges under article I, II, III as proved. Taking the inquiry report and the representation of the appellant into consideration, the Disciplinary authority awarded him the punishment of removal from service.

2. In the appeal dated 21-8-2000 Shri Hiralal Acharjee has mainly made the following points :

- (a) That he was suffering from temporary mental illness.
- (b) That the findings of the I.O., are without the application of judicious mind.
- (c) That the representation was not considered properly.
- (d) That the findings of the inquiry report are without evidence.
- (e) That the act of the appellant during the period from 12-5-98 to 31-12-99 was under the spell of a serious nervous illness as per the medical certificate issued by the Guwahati Medical College on 31-12-99 which was marked as Exhibit D-1 in the inquiry.

3. I have gone through the records of the case along with the appeal of Shri Hiralal Acharjee. With reference to the points raised in his appeal, the following observations are made.

- (a) The medical certificate issued by the Guwahati Medical College on 31-12-99 shows that the appellant was suffering from 'Nervous' disorder from 12-5-98 to 31-12-99.

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53

- (b) The findings of the I.O., are supported by observations and analysis.
- (c) The appellant was given opportunity to make representation at the proper stage but he failed to make any representation.
- (d) List of documents by which the articles of charges framed against the appellant was supplied to the appellant along with the charge sheet.
- (e) Same as (a) above.

4. In reference to the records of the case and the observations made above, I find that all the charges as mentioned in the charge sheet stand proved and the appellant deserves punishment for violation of rules as mentioned in the charge sheet. However, taking the medical certificate dated 31-12-99 into consideration and taking a lenient view, I Shri Lalhluna, Director Postal Services (HQ), Shillong do hereby reduce the punishment of Shri Hiralal Acharjee of removal from service with immediate effect to reduction to the lower grade of Postman cadre until he is found fit by the competent medical authority to be restored in the higher grade of Postal Assistant. This disposes the appeal of Shri Hiralal Acharjee.

(LALHLUNA)
Director of Postal Services (HQ)

To (By Registered post)

Shri Hiralal Acharjee,
Vill – Kathaltali,
P.O. – Maduban,
Via – Arundhutinagar.
Agartala, Tripura.

Copy to :-

1-2) The Sr. Supdt. of Post Offices, Meghalaya Division, Shillong.
3-4) Spare.

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

Memo No. Staff/100.16.2000

Dated Shillong, the 6-12-2000

CORRIGENDUM

The words "Competent Medical Authority" appearing in the 8th line of para-4 of this office memo of even number dated 27-10-2000 may be read as "Competent Authority".

(LALHLUNA)

(LALHLUNA)

Director of Postal Services(HQ)

Copy to :-

1) Shri Hiralal Acharyee, 8m-Kathaltali, P.O. Maduban, via Arundhutipagar, Agartala, Tripura.
2) The Sr. Supdt. of Post Offices, Shillong.
3) AGC

Director of Postal Services,
N.E. Circle: Shillong.

55

104

the expiry of this period, the reduction will/will not have the effect of postponing his future increments of pay."

[D.G., P. & T., Letter No. 6/8/70-Disc. I, dated the 16th December, 1970.]

(13) **Reduction to a lower service, grade or post or to a lower time-scale.**—Every order passed by a Competent Authority under sub-rule (2) of Fundamental Rule 29 imposing on a Government servant the penalty of reduction to a lower service, grade or post or to a lower time-scale should indicate—

- (i) the date from which it will take effect and in cases where the reduction is proposed to be imposed for a specified period, the period (in terms of years and months) for which the penalty shall be operative. It should be noted that the reduction may be for an unspecified or an indefinite period and in cases where no period has been specified in the order of penalty, the conclusion is that the penalty is for an unspecified period.
- (ii) the extent (in terms of years and months), if any, to which the period referred to at (i) above shall operate to postpone future increments on restoration after the specified period. The period specified under this sub-clause shall in no case exceed the period specified under sub-clause (i) above.

[G.I., M.F., O.M. No. F. 2 (18)-E. III/61, dated the 7th May, 1961.]

It has been decided in consultation with the Ministries of Law and Finance that in future, an order imposing the penalty of reduction to a lower service, grade or post or to a lower time-scale should invariably specify—

- (i) the period of reduction, unless the clear intention is that the reduction should be permanent or for an indefinite period; and
- (ii) whether on such re-promotion, the Government servant will regain his original seniority in the higher service, grade or post of higher time-scale which has been assigned to him prior to the imposition of the penalty.

If the order of reduction is intended for an indefinite period the order should be framed as follows:—

{ "A is reduced to the lower post/grade/service of X until he is found fit by the competent authority to be restored to the higher post/grade/service of Y."

In cases where it is intended that the fitness of the Government servant for re-promotion or restoration in his original position will be considered only after a specified period, the order should be made in the following form:—

"A is reduced to the lower post/grade/service of X until he is found fit, after a period of years from the date of this order, to be restored to the higher post of Y."

[G.I., M.H.A., O.M. No. 9/13/62-Est. (D), dated the 10th October, 1963 and No. 30/63-Est. (D), dated the 7th February, 1964.]

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P/12/13

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Annexure - XII

113

To,

The Sr. Superintendent of Post Offices
Meghalaya Division, Shillong.

SUBJECT: PRAYER FOR WITHDRAWAL OR REVOCATION OF SUSPENSION ORDER.

Sir,

With due respect and humble submission I have the honour to inform you that I have been discharging my duties with utmost sincerity and devotion since the date of appointment i.e December 1990. Prior to unfortunate incident which occurred in my life due to mental imbalances I have been discharging my duties with the full satisfaction of my superior. There was no complain or dissatisfaction of any officers or staffs irrespect of my service for last 8 years.

That perhaps due to ill luck or whatever I say, I became victim of my own fate or destiny which was beyond my control indeed. I feel sick owing to mental imbalances since March 1998 and took treatment from different Doctors. That during the said period inadvertently I did some wanted things which cost injury to my superiors which was actually unintentional for which now I am really shameful and repentant. My family members took sincere effort to treat me from Guwahati Medical College Hospital and now I am fit to resume my duty.

A copy of Medical Certificate dated 10/3/2000 issued by department of Psychiatry, G.M.C Hospital is enclosed herewith as a matter of record and proof.

That though you have proceeded with departmental proceeding against me at this stage I humbly request you to withdraw all the charges levelled against me for which I am not liable as during those period I was extremely suffering from Nervous Disorder. Had I committed any offence during the said period, that might be out of mind.

That since I was placed under suspension I am facing great financial hardship and my family members are passing the days in half starvation. If I am terminated from service, I shall not only die without food or clothing but my family members also will be the victim of the same punishment for which they have no fault.

Further, I respectfully submit that if one chance is given to me to rectify myself, I promise, that I shall never do such wrong in my life.

Under the above circumstances I humbly pray for your kindness to condon my wrongs which was caused unconsciously and further I pray your honour to withdraw or revoke the suspension order exercising your inherent power and capacity.

And for this act of your greatness I shall be obliged to you.

Encloser :-

1. Medical certificate

Yours Faithfully,

Hiralal Acharjee
20-4-2010

(Hiralal Acharjee, S.P.M.)
Under suspension, Ampati,
West Garo Hills,
Meghalaya.

SX

Annepure-XIII

25/4/2007

জির্কসালগ্র ভিতৰত ধূমপান আৰু তামোল-পান খোয়া নিবেৰ
SMOKING AND CHEWING BETEL-NUT INSIDE THE HOSPITAL PROHIBITED

Gauhati Medical College Hospital

Hosp. No -
74910

Dated Guwahati the 10/3/2000.

Regd. No - 722/93

(MEDICAL CERTIFICATE)

WHOM IT MAY CONCERN

This is to certify that Shri / Smti Shital Chakraborty was treated as an in-door / out-door patient in Dept. of Psychiatry of Medical College Hospital, Guwahati from 12/5/2000 to 17/5/2000 and was / is suffering from Manic Disorder.

He/She was / is advised to take rest for week / days / months with effect from to

Now he / she is fit to resume his / her duties.

Counter signed.

F.C.B.
F. C. B.
Registrar of Department
Gauhati Medical College
Guwahati

Signature

Seal

114

58

107
Annexure-XIV
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11

MEDICAL CERTIFICATE OF ILLNESS
(For Leave or Extension of Leave)

S. R. No. 299

Signature of Applicant ...

I, Dr ... S. M. D. ...

after careful personal examination of the case hereby certify that

Shri/Smti ... Virendra Lal ... Elshya ...

whose signature is given above is suffering from Common Cold

... and I consider that a period of absence from duty 12 days ...

with effect from 1/6/1981 is/was absolutely necessary for restoration of his/her health.

Date :— 1/6/81

Place :— Dehradoon

Signature of Govt. Medical Attendant
or other Regd. Practitioner

Dr. S. M. D. F. S.
1/6/81

MEDICAL CERTIFICATE OF ILLNESS

59

108

Annexure - XIV

Signature ...

I Dr. S. Q. M. C.

... after
careful examination of the case hereby certify that Sri / Smt ... whose signature is given above
is suffering from ... and I consider
that a period of absence from duty of ... days with effect from
... is absolutely necessary for the restoration of
his / her health.

Dated, Agartala,
the 10/6/1998
(MAHIM CLINIC)
Akhaura Road, Jackson Gate,
Agartala, Tripura.

Signature

Designation...

Regd. No.—34083

Telephone No.

Chamber : 22-5447

Resi : 22-6819

60

109

Annexure - XVI

DEPARTMENT OF POST INDIA

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

No. BC-430.

Dtd at Shillong-1, the 02-02-01.

In pursuance of the Director of Postal Services (HQ) 0/0 the Chief Postmaster General N.E.Circle memo No. Staff/109-16/2000 dtd 27-10-2000 and subsequent ~~con~~igendum vide memo No. Staff/109-16/2000 dtd 6-12-2000, Shri. Hiralal Acharjee Ex-SPM Ampati S.O. is reverted to the lower grade of Postman cadre in the scale of Rs.3050-75-3950-80-4590/- and is allotted to the unit of the Postmaster Tura H.O.

J. Kumar
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong-793001

Copy to :-

1. The Chief Postmaster General (Staff) N.E. Circle Shillong w.r.t. CO's memo cited above.
2. The Postmaster Tura HO for information and necessary action.
3. Shri. Hiralal Acharjee vill- Kathaltali P.O. Madhuban ~~Via- Arundhutinagar, Agartala, West Tripura.~~
P/F of the official.
4. *5-6.* O/C. Spare.

J. Kumar
Sr. Supdt. of Post Offices
Meghalaya Division
Shillong-793001