

30/10/  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-246/2001 ordered pg-1

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disposed date-19/11/2001

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O.A/T.A No. 328/2001

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## FORM NO. 4

( See Rule 42 )

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :::: GUWAHATI.ORDER SHEETOriginal APPLICATION NO. 328 OF 2001

APPLICANT (s) Phulsoor Dibath

RESPONDENT (s) U.O. I Gram

ADVOCATE FOR APPLICANT(s) A.C. Boragohain, N. Basu, D. Basu

ADVOCATE FOR RESPONDENT(s) CAFE

Notes of the Registry	dated	Order of the Tribunal
This application is in form but not in the format of a Petition as it has been filed vide M.P. No. 7 C.P. for Rs. 50/- deposited vide IPO/BD No 69 291254 Dated..... 24.7.2001 By Register 21/8/01 DAD	22.9.01 mb 24.9.01	Issue notice to show cause as to why the application shall not be admitted. List on 24/9/01 for admission.  I C Usha Member
Notice prepared and sent to DIB for consideration No 1 to 3 by Regd AD vide D.I. No. 32661/68 dated 29/8/01  26/8/01	3.10.01 mb 10.10.01	None appears for the applicant. List on 3/10/01 for admission.  I C Usha Member
	15.10.01 bb 16.10.01	List on 15.10.2001 to enable the applicant to take necessary steps.  I C Usha Member
	15.10.01 lm	List on 19.11.01 alongwith M.P. No. 246 of 2001 for Admission.  I C Usha Member

19.11.01 O.A. is admitted. Call for the Records. The Respondents have already filed its written statement. List it after two weeks for fixing a date of hearing. In the meantime the applicant may file Rejoinder if any. List on 10.12.2001.

*CC Usha*  
Member

*CC*  
Vice-Chairman

trd

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

20.11.2001

*CC Usha*  
No. of Respondents. No. 1, 2 and 3.

List on 25.1.2002 for hearing.

*CC Usha*  
Member

*CC*  
Vice-Chairman

No. rejoinder has  
been filed.

*CC*  
mb  
25.1.02

Adjourned on the prayer of learned counsel for the parties. List on 19.2.2002 for hearing.

*CC*  
24.1.02

*CC Usha*  
Member

*CC*  
Vice-Chairman

*CC* mb

19.2.2002

List again for hearing on 19.3.2002.

*CC Usha*  
Member

*CC*  
Vice-Chairman

nkm

19.3.2002 List the case on 20.3.2002 before the Division Bench for hearing.

*CC*  
Vice-Chairman

bb

8.4.2002 None appears for the applicant to press the application. List again on 11.4.2002 for hearing.

*CC Usha*  
Member

*CC*  
Vice-Chairman

bb

3  
3  
O.A. 328 of 2001

Notes of the Registry	Date	Order of the Tribunal
	11.4.02	Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court. Kept in separate sheets. applica- tion is disposed of. No costs.  K C Sharma Member

Vice-Chairman

lm

Notes of the Registry	Date	Order of the Tribunal
Notes of the Registry	Date	Order of the Tribunal

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CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./R.A. No. **328 of 2001** of

DATE OF DECISION **11.4.02** .....

**Shri Phuleswar Nath**

APPLICANT(S)

**Mr.A.C.Buragohain , Mr.N.Bora**

ADVOCATE FOR THE APPLICANT(S)

-- VERSUS --

**Union of India & Ors.**

RESPONDENT(S)

**Mr.B.C.Pathak, Addl.C.G.S.C.**

ADVOCATE FOR THE  
RESPONDENTS.

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 ?
5. Judgment delivered by Hon'ble **VICE-CHAIRMAN**

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.328 of 2001

Date of Order: This the 11th Day of April 2002

HON'BLE MR.JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN

HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

Sri Phuleswar Nath,  
S/O Late Kamal Ch. Nath,  
Ex-Postal Assistant  
Vill.: # Chabukdhara  
P.O. Hatighuli, Dist. Sibsagar, Assam. . . . Applicant.

By Advocate Mr. A.C.Buragohain, Mr. N.Bora  
Mr. D.Bora.

- Vs. -

1. Union of India (Represented by the Director,  
Postal Services, Assam Region, Guwahati).

2. The Director, Postal Services, Assam Region,  
Guwahati.

3. The Superintendent of P.O.s  
Sibsagar Division, Jorhat, Assam. . . . Respondents.

By Advocate Mr. B.C. Pathak, Addl. C.G.S.C.

O R D E R

CHOWDHURY, J. ( V.C. ):

The Disciplinary Enquiry under Rule 14 of CCS CCA Rules was conducted against the applicant. The enquiry Officer conducted the enquiry and submitted its . On consideration of report of the enquiry and other connected materials on record, the disciplinary authority dismissed the applicant from service by an order dated 10.2.99. The applicant preferred an appeal before the appellate authority and by the impugned order dated 29.9.99 the appeal was dismissed upholding the order of dismissal dated 10.2.99. We have heard Mr.N.Bora learned counsel appearing on behalf of the applicant and also

contd/-

Mr. B.C.Pathak, learned Addl. C.G.S.C. for the Respondents at length. The numerous issues were raised before us assailing the legality, validity and propriety of the impugned order of removal. We are, however, not inclined to go into those issues at present and decided to remand the case to the Appellate authority for an appropriate decision as per law. The statute has provided appeal against the order of dismissal. As per the statute, the appellate authority is required to consider the appeal in terms of the Rule. In an appeal under Rule 23, the appellate authority is required to address itself as to whether the disciplinary authority, while passing the order observed procedural propriety, <sup>in</sup> merits of the findings of the enquiry officer as well as to the quantum of punishment. The statutory provisions laid down in the Rule is reproduced below :

"(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of Rule 10 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in Rule 11 or enhancing any penalty imposed under the said rules, the appellate authority shall consider :-

- (a) Whether the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice.
- (b) Whether the findings of the disciplinary authority are warranted by the evidence on the record; and
- (c) Whether the penalty or the enhanced penalty imposed is adequate, in adequate or severe;

In the instant case the appellate authority did not address apply its mind to the Clause (a), (b), (c), of Sub Rule (2) of Rule 27, before upholding the order of disciplinary authority. We therefore, set aside and quash the order dated 29.9.99 with direction to the appellate authority to decide the appeal on merit in terms of Rule 27 upon hearing the applicant.

The respondents are directed to complete the exercise and pass the reasoned order as early as possible preferably within 2 months from the date of receipt of this order. The application is accordingly disposed of. There shall however, no order as to costs.

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

*D.N.Chowdhury*  
(D.N.CHOUDHURY)  
VICE-CHAIRMAN

LM

8

Central Administrative Tribunal  
Guwahati Bench

20 AUG 2001

Guwahati Beach

*NS  
20/8/2001*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL :  
GUWAHATI BENCH.

O.A.NO. 328 of 2001.

BETWEEN

Sri Phuleswar Nath, ... Applicant.

-AND -

The Union of India & Ors, ... Respondents.

- I N D E X -

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*20*  
*(NIRAN BARAH)*

Signature of the Advocate.

For use in the Tribunal's Office.

Date of filing :

Registration No. :

Signature.

DISTRICT : SIBSAGAR.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BRANCH .

CA-SE NO. O.A. 328 /2001.

IN THE MATTER OF :

Sri Phuleswar Nath,

S/O Late Kamal Ch. Nath.

" Ex- Postal Assistant ",

Village- Chabukdhara,

P.O. Hatighuli, Dist. Sibsagar, Assam.

**LAST EMPLOYED**

As a Postal Assistant (P.A.) at

**Gaurisagar Post Office under**

### Sibsagar H.O., Assam.

Applicant.

— V8 —

1. The Union of India (Represented by the Director, Postal Services, Assam Region, Guwahati).
2. The Director, Postal Services, Assam Region, Guwahati.
3. The Superintendent of P.O.s, Sibsagar Division, Jorhat, Assam.

... Respondents.

DETAILS OF APPLICATION :

1. Particulars of the Order : (i) Order dismissing the services on 10/2/99 against which the application is made. vide Memo No. F4-7/97-98 dt. 10/2/99 by the Supdt. of P.O.s, Sibsagar Division, Jorhat.

(ii) Order of the Appellate Authority and Director Postal Services, Assam Region, Guwahati dt. 29th Sept., 99 Memo No. Staff-2/25-3/99/R.P.

Annexure -

2. Juridication of the Tribunal. : The application declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation. : The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act, 1985.

Nak  
Jhunwari

4. FACTS OF THE CASE :

a) That, the applicant is a citizen of India and he is permanent resident of Village- Chabuk Dhara in the district of Sibsagar, Assam.

b) That, the applicant has joined the Department of Post on 7/10/95 and was rendering continuous and sincere service to the Department.

c) That, the charges framed against the applicant was that while the applicant functioning as P.S. Gaurisagar S.O. during the period from 8/1/96 to 18/2/98 has accepted deposits from the depositors of Five S.B. Accounts standing at Gaurisagar S.O. alongwith the relevant Pass Books on different dates to deposit against the account. The applicant although noted the transaction in the Pass Book duly realised the amount from the depositor but failed to credit the deposited amount in Govt. A/C leading to discrepancy of Rs.10,400/- through S.B. Deposit. As the case was detected the applicant was placed under suspension vide S.P. Jorhat Memo No.F4-7/97-98 dated 27/2/98 Rs. 5,000/- out of Rs.10,400/- was already recovered from the applicant on 22/2/99 and the C.R. Rs. 900/- Sept., 1996.

( Copy of receipt of recovery of Rs.5,000/- is marked as Annexure-'A' and the Suspension order dt.2/4/98 is annexed as Annexure-'A-1').

d) That, the applicant also has submitted his written representation dt.31.3.99 stating that he assures in writing that the loss of Govt. Money of Rs.10,400/- will be made up by him with interest for by deducting Rs.2000/- every month from his salary with interest thereon till the amount of Rs.10,400/- is net recovered.

( A copy of representation dt.31.3.99 is marked as Annexure - 'B' ).

Phulesion next

*Chulonow Naik*

e) That, the Departmental enquiry was conducted the charges are framed and the Enquiry Report was submitted by the Enquiry Officer. And the applicant was awarded punishment of dismissal from service on 10/2/99 by the Superintendent of Post Offices Sibsagar Division, Jorhat by Memo No. F4-7/97-98.

( i) The Article of charges, ii) The Enquiry Report and the iii) Order of the Disciplinary Authority are annexed as Annexure -C-1, C-2, and C-3 respectively).

*(997)*  
f) That, the applicant has preferred an appeal to the Director Postal Service (D.P.S) Assam Region, Guwahati dt. 30.3.99 against the orders of Supdt. of Post Officers Sibsagar Division Jorhat, Memo No. F.4-7/97-98 dated 10/2/99. And the D.P.S. after going through the Service Book, Disciplinary File, C.R.File and other relevant records found the followings facts :-

i) Rs. 2000/- was recovered from the applicant under SPOS/Jorhat Memo No. F4-11/94-95 dt. 26/10/99 being non credit of value of IVPS.

ii) The applicant was punished for stoppage of one increment which was due a 1/5/87 at the stage of Rs.1180/- for a period of 3 years with cumulative effect and recovery of Rs. 2100.90 in 33 monthly installments of Rs. 80/- per month vide SPOS/Jorhat Memo No. F4-7/94-85/D dt. 30/3/87 for misappropriating value of VP articles.

iii) The applicant was awarded punishment under SPOS/Jorhat Memo No. F4-20/90-91 dt. 19.8.93 for reduction of one stage for 1 year without cumulative effect from Rs.1330/- to Rs.1300/- for misappropriating amount of S.B.Deposit.

Phulbazar Nath

g) That, Sri Nath was awarded punishment under SPOS/Jorhat Memo No. F4-22/94-95 dt. 6.3.97 for recovery of Rs. 5000/- @ Rs.200/- per month from March/1997 for alleged misappropriating SB/RD deposit.

h) That, Rs.5000/- out of Rs. 10,400/- was already recovered from the petitioner/applicant on 21.2.99 and U.C.R. Rs.900/- in Sept., 1996, but these amount of receipt from the applicant is not reflected in the official account.

( Copy of the appellate order dt. 29.9.99  
is annexed as Annexure - 'D' ).

i) That, the applicant has filed representation before the competent authority to consider his case on humanitarian basis as there was no other charges/complaints against him throughout his 35 years of service career and that a portion of the money has already recovered from him and he also prayed for adjustment of the rest amount from his monthly salaries.

( Copies of the representations are annexed  
as Annexure - 'E' & 'F' respectively).

j) That, the applicant also filed a representation before the Member Personal, Department of Posts, India for commutation of punishment dt.27.11.2000. But no reply was received till date.

( A copy of the appeal dt. 27/11/2000  
for commutation of punishment is annexed  
as Annexure - 'G' ).

Chennai or math

k) That, the applicant has completed 35 years of regulars service without any blemish from 7.9.65 to 27.2.98. The Govt. of India had released S.D.A. with effect from 1.1.86 and the ~~xxxx~~ arrear S.D.A. was ~~xxxxxxxx~~ released subsequently in Feb. 1998. The arrear S.D.A. was not paid to me on the plea that I was in suspension during those period. The Arrear S.D.A. is legally due to me, which amounts to Rs.55,000/- And the respondents has illegally deprived me of that amount. The petitioner/applicant was not paid the Bonas and Arrear D.A. and other dues most arbitrarily, during 1997-98, when his other colleagues are paid.

l) That, moreover, the applicant has completed 30 years qualified service and 35 years compulsory service and hence the applicant is entitled to family pension, gratuity and all personary benefits etc. as per law.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION :

5.1. For that, Prima-facie the action on the part of the respondents is illegal so far as dismissing of the service of the applicant is concerned that too without assigning any reason and hence the same is liable to be set aside and quashed.

5.2. For that the denial of benefit of the service to the Personal Assistant whom the applicant represent in the instant case is prima-facie illegal and arbitrary and same is liable to be set aside and quashed.

5.3. For that the discrimination weted to the applicant is not extending the benefit to long service employee is violative of Article 14 & 16 of the Constitution of India.

5.4. For that the issuance of the dismissing order dtd. 10.2.1999 and order dtd. 29.8.99 passed by the Supdt. of Post Office, Sibsagar of the services of the applicant is illegal, arbitrary and violative of the Rules of Natural Justice.

5.5. For that the Dismissal order is illegal and arbitrary in as much as the Respondents has made recovery of Rs.5000/- from the Applicant on 21.2.99, when the petitioner was dismissed from service on 10.2.99.

Phulmonwar Mehta

5.6. For that, in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

5.7. For that, the Respondents have committed illegality by inflicting two punishments on the applicant, (i) dismissal from service and (ii) recovery of the alleged sum of misappropriation from the Applicant from his dues.

5.8. For that, the Respondents have committed illegality by not adjusting the Rs.900/- which the applicant deposited with the competent authority unclaimed fund receipt in the account shown to have misappropriated.

6. DETAILS OF REMEDIES EXHAUSTED :

That, the applicant declares that he have exhausted all the remedies available to her and there is no alternative remedy available to her.

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

That, the applicant declare that the matter is not previously filed or pending in any other Court.

8. RELIEF SOUGHT FOR :

Under the facts and circumstances stated above the following reliefs are soughts -

8.1. To set aside and quashed the impugned order dt. 10.2.99 whereby the respondent has terminate the service of the applicant.

Phulmonwar Mark

8.2. The Respondent be directed to reinstate the petitioner in his post and allow to ~~not~~ continue in the post till the date of any superannuation i.e. 2007.

8.3. To pay the salary and allowances and arrear D.A., Bonus etc with effect from 27.2.98 to 2001.

8.4. To pay compensation for inflicting the Applicant with illegal and non-sustainable termination order.

8.5. To all other ~~xx~~ reliefs that may be granted to the applicant under the facts and circumstances of the case.

8.6. To any other relief that deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR :

9. Pending disposal of this application the applicant pray for an interim order directing the respondents to allow the applicant to reinstate in his post of Postal Asstt. in the Postal Deptt. at Gaurisagar Post Office till the disposal of this Original application.

10. ....

11. PARTICULARS OF I.P.O.

1) I.P.O. No. : 66791754

2) DATE : 24-7-2001

3) PAYABLE AT : GUWAHATI.

12. LIST OF ENCLOSURE :

As stated in the ' INDEX '.

- V E R I F I C A T I O N -

I, Sri Phuleswar Nath, S/O Late ~~Mukund~~ Kamal Ch. Nath, aged about 45 years, 'Ex-Postal Asstt.', resident of Village- Chabukdhara, P.O. Hatighuli, Dist. Sibsagar, Assam, do hereby verify the contents of paragraphs 4(a, b, & (2, ii, iii)) are true to my personal knowledge, and paragraphs 4(c, d, e, g, h, I, J) believe to be true on legal advice and that I have not suppressed any material facts.

And I set my hand on this verification, to-day the 20th July, 2001, at Guwahati.

26/7/01  
X

*Phuleswar Nath*

Signature of the Applicant

ANNEXURE - A

This is to certify that the LGM for Rs.5000/-  
(Five thousand only) was recovered in O/O Phuleswar  
Nath PA Gaurisagar for the month of Feb, 99 in  
S/Bill No. 36 vide Spo's Jorhat Memo No.F-11/22-  
94-95 dtd. Jrt. 6.3.97.

Sd/- Illegible

Postmaster HSG  
Sibsagar

21.2.99

Certified to be true Copy

AB  
Advocate

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE SUPDT. OF POST OFFICES SIBSAGAR DIVN JORHAT 785001

Memo No. F4-7/97-98

Dated at Jorhat the 2-4-98.

Shri Phuleswar Nath, PA Gourisagar SO was placed under suspension under this office memo No. F4-7/97-98 dated 27-2-98. During the 1st 3 (three) months of suspension the official will draw ~~maximum~~ subsistence allowance of the amount equal to leave salary which he would have drawn on half pay or half average pay as the case may be.

The official will however, be allowed to the benefit of H.R.A. as admissible to him on the basis of his pay which he had drawn before the date of his suspension subject to the usual condition. Separate memo for the period beyond 3 (three) months will be issued in due course if necessary.

The drawal and payment to the official is subject to the furnishing by the official a certificate in each month to the effect that he is not engaged in any other employment, business, profession, or vocation during his suspension.

The Head quarters of Sri Phuleswar Nath during suspension will be at Sibsgar and he should not leave Head quarters without obtaining previous permission from the authority concerned.

Sd/- ( N.R. Paul )

Supdt. of Post Offices,

Sibsagar Division Jorhat.

Copy for information and necessary action to :-

1. Shri Phuleswar Nath, PA Gaurisagar SO under Sibsagar HO (Now under suspension).
2. The Postmaster Sibsagar HO. He is requested to deduct GPF ~~maximum~~ contribution and G/S from the subsistence allowance of Sri Phuleswar Nath PA Gaurisagar SO. (Now under suspension).
3. The Director of accounts (Postal) Calcutta.
4. P/F of the official.
5. Spare

Sd/- Illegible,

Supdt. of Post Officers,

Sibsagar Division Jorhat.

Certified to be true Copy

3b

-----  
Advocate

To,

The Director of Postal Services,  
Assam Circle, Gauhati.

Through the Supdt. of Postal, Sibsagar, Division, Jorhat.

31/3/99. Apx

Sub:- Prayer for Re-instatement of Service.

Respected Sir,

With due respect and humble submission beg to lay the following few lines for your kind consideration and suitable action.

That Sir, I had joined the Deptt. of Posts on 07.10.1965 and that after rendering continuous and sincere service to the Deptt. the Supdt. of Posts Offices, Sibsagar District, Jorhat has dismissed my service on 10.2.99 vide his Memo No.F4-7/97-98 dtd. 10.02.99.

That Sir, while I was working as PA, Gaurisagar Post Office under Sibsagar H.O. There became a discrepancy of Rs.10,400/- through in S.B. Deposit. As the case was detected, I was placed under suspension vide S.P. Jorhat Memo No.F4-7/97-98 dt.27.02.98. Rs.5,000/- out of Rs.10.400/- was already recovered from me on 22.2.99 and U.C.R. Rs.900/- September, 1996. (Copy attested).

Under, the above circumstances, I would appeal to your goodself Re-instate me in my post of P.A. or to retire me compulsory consideration of my thirty four years of long service continuous service. The rest amount of Rs.4500/- would be recorded from my pay if reinstated.

Hope your honour will be gracious enough to consider my case sympathetically and reinstate me in the post as prayed for and save my family from starvation and oblige.

Your faithfully,

Sd/- (Phuleswar Nath )

P.A. Gaurisagar, Sibsagar.

Advance copy for information :-

(Assam).

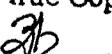
1. B.M.G., Assam Circle, Gauhati.

2. Chief P.M.G., Assam Circle, Gauhati.

3. Mr. Indiver Deori, Director of General of Postal Service,  
New Delhi.

Certified to be true Copy

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Advocate

ANNEXURE - C-1

ANNEXURE - I.

Statement of article of charges framed against Sri Phuleswar Nath P.A. Gourisagar S.O. now under suspension.

ARTICLE - I

That the said Sri Phuleswar Nath while working as P.A. Gourisagar S.O. period from 8-1-96 to 28-2-98 had accepted a sum of Rs.5300/- (Rupees Five thousand three hundred) only from the depositor of five S.H. accounts standing at Gourisagar S.O. along with the relative passbooks on different dates to deposit against the account. Sri Nath had although noted the transaction in the passbook duly realised the amount from the depositor but failed to credit the deposited amount in Govt. account.

Therefore said Sri Phuleswar Nath had violated the provision of Rule 31(2) (ii) (a) of P.O. SB Manual Vol-I and Rule 4(i) of FHB Vol-I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1) (i) (ii) and 3 (1) (iii) of C.C.S. (Conduct) Rule 1964.

ARTICLE - II

That the said Sri Phuleswar Nath while working as P.A. Gourisagar S.O. period from 8.1.96 to 28.2.98 had accepted deposit in r/o five (5) RD accounts in different dates from 12.1.96 onwards amounting to Rs.5100/- (Rupees Five thousand one hundred) only but he had failed to credit the deposited amount in Govt. account on the date of acceptance or in subsequent dates.

Thereby said Sri Nath had violated the provision of Rule 31(2)(ii)(a), 46(1), of PO SB Manual Vol-I and Rule-4(i) of FHB, Vol-I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant and enjoined in Rule 3(1)(i) and 3(1) (ii) and 3 (1) (iii) of C.C.S. (Conduct) Rule 1964.

ANNEXURE - II

Statement of imputation of misconduct or misbehavior in support of the article of charges framed against Sri Phuleswar Nath P.A. Gourisagar now under suspension.

That, the said Sri Phuleswar Nath while functioning as P.A. Gourisagar S.O. during the period from 8-1-96 to 28-2-98 had accepted deposits from the depositor of below particularised five (5) SB account standing at Gourisagar S.O. along with relative

Certified to be true Copy

..... 2.

Sh

Advocate

- 2 -

passbook on different dates to deposits against the aforesaid account amounting to Rs.5300/- (Rupees Five thousand three hundred) only. But Sri Nath although noted the transaction in the relevant passbook duly impressed office date stamp under his dated signature but failed to credit the amount so realised to the Govt. account on the date of acceptance or in any subsequent dates. The details particulars of account are as under -

Sl. No.	Type of A/C	A/C No.	Name of depositor	Date particulars of non credit	Amount misappropriated.
1.	SB	744003	Sri Sobharam Borah	07-06-96	Rs. 500.00
2.	"	747623	Sri Bipul Borah	10-05-96	Rs. 800.00
3.	"	747446	Sri Narayan Ch.Bora	03-06-96	Rs. 1000.00
4.	"			05-07-96	Rs. 1000.00
4.	"	746705	Sri Narayan Hazarika	14-06-96	Rs. 1400.00
5.	"	747895	Mrs Songita Hazarika	09-04-96	Rs. 600.00

(Rupees Five thousand three hundred ) only. Rs. 5300.00

Therefore said Sri Phuleswar Nath P.A. Gourisagar S.O. had violated the provision of Rule 31(2) (ii)(a) of PO SB Manual Vol.I and Rule 4(1) of FHB Vol-I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1) (i) 3 (1) (ii) and 3(1)(iii) of CCS (Conduct) Rule 1964.

#### ARTICLE 3 II.

That the said Sri Phuleswar Nath while functioning as P.A. Gourisagar S.O. during the period from 8-1-96 to 28-2-98 had accepted deposits from the depositors of below particularised five RD accounts on the date mentioned against each account. On receipt of the passbook and amount for Rs.5100/- said Sri Nath had noted the transaction in the passbooks impressed with office date stamp and signed against the entry, but failed to credit the deposited account in to the Govt. a/c. The particulars of RD accounts as under -

Sl. No.	Type of A/C	A/C No.	Name of depositor	Date particulars of non credit	Amount misappropriated.
1.	RD	5958	Smti Dimpimoni Borah	30-06-96	Rs. 500.00
2.	"	6023	Miss Putumoni Kalita	17-01-96	Rs. 200.00
				08-08-96	Rs. 200.00
				10-09-96	Rs. 200.00
3.	"	6196	Sri Kanta Nath Dutta	07-03-96	Rs. 500.00
				24-05-96	Rs. 500.00
				11-07-96	Rs. 500.00
				12-08-96	Rs. 500.00
				10-09-96	Rs. 500.00
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4. RD	6101	Sri Hiten Saikia	12-01-96	Rs. 300.00
			18-05-96	Rs. 300.00
			05-06-96	Rs. 300.00
5. "	6484	Sri Bhudeswar Borgohain	24-03-96	Rs. 300.00
			30-07-96	Rs. 300.00

(Rupees Five thousand one hundred) only. Rs.5100.00

Thereby said Sri Nath had violated the provision of Rule 31 (2) (ii) (a), 46(1) of PO SB Manual Vol I and Rule 4(1) of FHB Vol-I and thus he failed to maintain absolute integrity and exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1) (i), 3(1)(ii) and 3(1) (iii) CCS (Conduct) Rule 1964.

ANNEXURE -III.

List of documents by which the article of charges framed against Sri Phuleswar Nath P.A. Gourisagar now under suspension.

1. Original S.B. Pass book A/c No. 744003, 747623, 747446, 746705, and 747895.
2. Original R.D. pass book a/c No. 5958, 6196, 6023, 6101, and 6484.
3. S.B. long book period from 0-4-96 to 5-7-96.
4. R.D. Journel period from 17-1-96 to 10-9-96.
5. S.O. a/c book of Gourisagar S.O. from Jan/96 to Sept/96.

ANNEXURE -IV.

List of witness by whom article of charges framed against Sri Phuleswar Nath P.A. Gourisagar now under suspension.

1. Sri Dimbeswar Hazarika SDIPO's Sibsagar Sub-Division Sibsagar.
2. Sri P.Deb ASPO(s) (Division) o/o the Supdt. of Post Offices, Sibsagar Divn. Jorhat.

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Advocate

Inquiry Report  
in the case against Shri Phuleswar Nath, PA, Gourisagar under suspension.

1. Under sub-rule (2) of Rule 14 of C.C.S. (CCA) Rules. I was appointed by the Supdt. of Pos. Sibsagar Dn. Jorhat as the Inquiring Authority to inquire into the charges framed against Shri Phuleswar Nath, PA, Gaurisagar S.O. (under suspension) vide his memo no. F4-7/97-98 dt. 28-8-98. I have since completed the inquiry and on the basis of the documentary and oral evidences adduced before me prepared my Inquiry Report as under -

2. Participation by the charged officer in the inquiry.

The charged officer participated in the inquiry from begining to end.

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

The following articles of charge have been framed against S.O. (under suspension).

Article - I

That the said Shri Phuleswar Nath while working as PA., Gaurisagar S.O. period from 8-1-96 to 28-2-98 had accepted a sum of Rs.5300/- (Rupees Five thousand three hundred) only from the depositor of five S.B. accounts standing at Gaurisagar S.O. ~~xxxxxx~~ alongwith the relative pass books on different dates to deposit against the account. Shri Nath had although noted the transaction in the passbook duly realised the amount from the depositor amount in Govt. account.

Therefore said Shri Phuleswar Nath had violated the provision of Rule 31(2)(III)(a) of P.O.SB Manual Vol.I and Rule 4(1) of FHB Vol.I and thus he failed to maintain ~~xxxxxx~~ absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. Servant as enjoined in Rule 3(1)(i)(ii) and 3(1)(iii) of CCS (conduct) Rule, 1964.

Article- II

That the said Shri Phuleswar Nath while working as P.A. Gaurisagar S.O. period from 8-1-96 to 28-2-98 had accepted deposit in respect of five (5) RD accounts in different dates from 12.1.96 onwards amounting to Rs.5100/- (Rupees five thousand one hundred) only but he failed to credit the deposited amount in Govt. account on the date of acceptance or in subsequent dates.

Thereby said Shri Nath has violated the provision of Rule 31(2)(ii)(a), 46(1) of P.O.SB Manual Vol.I and Rule 4(1) of FHB Vol.I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. Servant as enjoined in Rule 3(1)(i) and 3(1)(ii) and 3(1)(III) of CCS(Conduct) Rules, 1964.

Annexure - II

Statement of imputation of misconduct or misbehaviour in support of the article of charges gramed against Shri Phuleswar Nath, PA, Gaurisagar now under suspension.

That the said Sri Phuleswar Nath while functioning as P.A., Gaurisagar S.O. during the ~~pegioid~~ from 8-1-96 to 28-2-98 had accepted deposits from the depositor of below particularised five (5) SB account standing at Gaurisagar S.O. alongwith relative pass book on different states to deposits ~~xxxxxxxxxx~~ against the aforesaid account amounting to Rs.5300/- (Rupees five thousand three hundred) only. But Shri Nath although noted the transaction in the relative

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pass book duly impressed office date stamp under his dated signature, but failed to credit the amount so realised to the govt account on the date of acceptance or in any subsequent dates. The detail particulars account are as under :-

Sl. No.	Type of A/C	No. a/c	Name of depositor	Dated particulars of non credit	Amount misappropriated
1.	SB	744003	Sri Subharam Borah	07-06-96	500.00
2.	"	747623	Sri Bipul Borah	10-5-96	800.00
3.	"	747446	Sri Narayan Ch. Bora	03-06-96	1000.00
				05-07-96	1000.00
4.	"	746705	Shri Narayan Hazarika	14-6-96	1400.00
5.	"	747895	Mrs Sangita Hazarika	09-04-96	600.00

Rs. (five thousand three hundred) only. Rs. 5300.00

Therefore said Shri Phuleswar Nath, PA, Gaurisagar S.O. had violated the provision of Rule 31(2)(ii)(a) of P.O. SB Manual Vol.I and Rule 4(i) of FHB Vol.I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(i), 3(1)(ii) and 3(1)(iii) of CCS(Conduct) Rule 1964.

Article -II

That the said Shri Phuleswar Nath while functioning as P.A. Gaurisagar S.O. during the period from 8-1-96 to 28-2-98 had accepted deposits from the depositors of below particularised five RD account on the dates mentioned against each account. On receipt of the pass book and amount of Rs.5100/- said Shri Nath had noted the transaction in the pass books impressed with office date stamp and signed against the entry, but failed to credit the deposited amount in to the govt a/c. The particulars of RD accounts as under :-

Sl. No.	Type of A/C	No. a/c	Name of depositor	Dated particulars of non credit	Amount
1.	RD	5958	Smt Bimpimoni Borah.	30-6-96	500.00
2.	"	6023	Ms Putumoni Kalita	17-01-96	200.00
				08-08-96	200.00
				10-09-96	200.00
3.	"	6196	Sri Kontonath Dutta	07-03-96	500.00
				24-05-96	500.00
				11-07-96	500.00
				12-08-96	500.00
				10-9-96	500.00
4.	"	6101	Sri Hiten Saikia.	12-01-96	300.00
				18-05-96	300.00
				05-06-96	300.00
5.	"	6484	Sri Budheswar Borgohain	24-03-96	300.00
				30-07-96	300.00

Rs. (five thousand one hundred) only. Rs. 5100.00

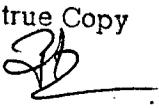
Thereby said Shri Phuleswar Nath had violated the provision of Rule 31(2)(ii)(a), 46(1) of PO SB Manual Vol.I and Rule 4(i) of FHB Vol.I and thus he failed to maintain absolute integrity and exhibited lack of devotion to duty and acted in a manner which is unbecoming of a govt. servant as enjoined in Rule 3(1)(i), 3(1)(ii) and 3(1)(iii) of CCS(conduct) Rules, 1964.

Annexure -III

List of documents by which the article of charges framed against Shri Phuleswar Nath, PA. Gaurisagar now under suspension.

1. Original SB pass book a/c no. 744003, 747623, 747446, 746705 and 747895.
2. Original RD pass books a/c no. 5958, 6196, 6023, 6101 and 6484.

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3. SB long book period from 9-4-96 to 5-7-96.
4. RD journal period from 17-1-96 to 10-9-96.
5. SO a/c bbook of Gaurisagar S.O. from Jan'96 to Sept'96.

ANNEXURE - IV

List of witnesses by whom article of charges framed against Shri Phuleswar Nath, PA, Gaurisagar now under suspension.

1. Shri Dimbeswar Hazarika, SDI of POs, Sibsagar Sub Dn, Sibsagar.
2. Shri P. Deb, ASPOs(Dn), o/o the Supdt. of POs, Sibsagar Dn, Jorhat.

Preliminary Hearing :-

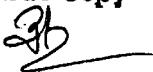
Preliminary hearing was held on 21-12-98 at 11-00 hours in the office of the Supdt. of Post Offices, Sibsagar Dn, Jorhat in which the charged officoc has admitted all the charges framed against him fully.

Findings :-

On the basis of documentary and oral evidence adduced in the case before me, I hold that all the two charges against Shri Phuleswar Nath stands proved.

Sd/- ( S. DEV PURKAYASTHA )  
Inquiry Officer  
&  
Asstt. Supdt. of Pos (HQ)  
Sibsagar Division  
Jorhat-785001.

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Advocate

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**Proceedings of preliminary  
hearing**

The proceedings were taken up by me in the office of the Supdt. of Pos, Sibsagar Dn, Jorhat on 21-12-98 at 11.00 A.M. when the following were also present :-

1. Shri D. Dihingia, Presenting Officer.
2. Shri Phuleswar Nath, Charged Officer.

The C.O. when questioned by the I.O. admitted to have received the charge sheet and to have understood the charges against him fully.

The P.O. as directed appeared before me with all the listed documents which were offered for inspection to the C.O. After inspection thereof the C.O. admitted the documents mentioned in the charge sheet as authentic. He also admitted that he was on duty as P.A., Gaurisagar Post Office from 8-1-96 to 28-2-98.

The charged officer when questioned by I.O. has admitted all the charges framed against him fully. Also the charged officer has added that he will refund the amount of Rs.10,400/- + Intt. thereof loss sustained to the Govt. at an early date and prayed for murcy.

As the charged officer has pleaded guilty unequivocally, the case is thus concluded.

Sd/- Illegible,  
( D. Dehingia )  
21/12/98

Presenting Officer.

Sd/- ( Phuleswar Nath )  
21/12/98

Charged Officer

Sd/- Illegible,  
21/12/98

Inquiry Officer.

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Advocate

DEPARTMENT OF POSTS:INDIA

OFFICE OF THE SUPDT OF POST OFFICES SIBSAGAR DIVN JORHAT 785001

Memo No. F4-7/97-98

Dated at Jorhat the 10-2-99.

1. Sri Phuleswar Nath the then P.A, Gourisagar S.O. (Now under suspension) was informed vide this office memo of even No. 28.8.98 that the Rule 14 enquiry under CCS(CCA) Rules 1965 proposed to be taken against him. On the basis of charges framed against him here under. A memo of imputation of misconduct or misbehaviour in support of articles of charges framed and a list of documents and a list of witnesses by whom the articles of charges are proposed to be sustained were also enclosed thereto. The charges were as follows -

2.

ANNEXURE - I

Statement of articles of charges framed against Sri Phuleswar Nath P.A. Gourisagar S.O. now under suspension.

Article - I

That the said Sri Phuleswar Nath while working as P.A. Gourisagar S.O. period from 8-1-96 to 28-2-98 had accepted a sum of Rs.5300/- (Rupees Five thousand three hundred) only from the depositor of five(5) SB accounts standing at Gourisagar S.O. alongwith the relative pass books on different dates to deposit against the account. Sri Nath had although noted the transaction in the pass book duly realised the amount from the depositor but failed to credit the deposited amount in Govt. account.

Therefore, said Sri Phuleswar Nath had violated the provision of Rule 31(2)(ii) (a) of P.O. SB Manual Vol.I and Rule 4(i) of FHB Vol.I and thus he failed to maintained absolute integrity exhibited lack of devotion of date and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(i) (ii) and 3(1)(iii) of CCS (Conduct) Rules 1964.

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Article - II

Sb That the said Sri Phuleswar Nath while working as P.A. Gourisagar S.O. period from 8-1-96 to 28-2-98 had accepted deposit in r/o five(5) RD accounts in different dates from 12-1-96 onwards amounting to Rs.5100/- (Rupees Five thousand one hundred) only but he had failed to credit the deposited amount in Govt. account on the date of acceptance or in subsequent dates.

Thereby said Sri Nath had violated the provision of Rule 31(2)(ii)(a), 46(1) of PO SB Manual Vol.I and Rule-4(i) of FHB vol.I and thus the failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant and enjoined in Rule 3(1)(i) and 3(1)(ii) and 3(1)(iii) of CCS(Conduct)Rules 1964.

ANNEXURE - II

Statement of imputation of misconduct or misbehavior in support of the article of charges framed against Sri Phuleswar Nath, P.A. Gourisagar now under suspension.

That the said Sri Phuleswar Nath while function as P.A. Gourisagar S.O. during the period from 8-1-96 to 28-2-98 had accepted deposits from the depositor of below particularised five (5) SB accounts standing at gourisagar SO alongwith relative pass book on different dates to deposits against the aforesaid account amounting to Rs.5300/- (Rupees Five thousand three hundred) only. But Sri Nath although noted the transaction in the relevant pass book duly impressed office date stamp under his dated signature, but failed to credit the amount so realised to the Govt. account on the date of acceptance or in any subsequent dates. The dates particulars account are as under :-

Sl No.	Type of A/C	A/C No.	Name of depositor	Dated particulars of no credit	Amount misappropriate.
1.	SB	744003	Sri Sobharam Borah.	07-06-96	Rs. 500.00
2.	"	747623	Sri Bipul Borah.	10-05-96	Rs. 800.00
3.	"	747446	Sri Narayen Ch.Bora.	03-06-96 05-07-96	Rs.1000.00 Rs.1000.00
4.	"	746705	Sri Narayan Hazarika.	14-06-96	Rs.1400.00
5.	"	747895	Mrs Songita Hazarika.	09-04-96	Rs. 600.00

(Rupees Five thousand three hundred) only. Rs.5300.00

Therefore said Sri Phuleswar Nath P.A. Gourisagar S.O. had violated the provision of Rule 31(2)(ii)(a) of PO SB Manual Vol I and Rule 4(1) of FHB Vol. I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(i), 3(1)(ii) and 3(1)(iii) of CCS(Conduct) Rules 1964.

Article - II

That the said Sri Phuleswar Nath while functioning as P.A. Gourisagar S.O. during the period from 8-1-96 to 28-2-98 had accepted deposits from the depositors of below particularised five (5) RD account on the mentioned against each account. On receipt of the pass book and amount for Rs.5100/- said Sri Nath had noted the transaction in the pass books impressed with office date stamp and signed against the entry, but failed to credit the deposited amount in to the Govt. account. The particulars of RD accounts as under -

Sl No.	Type of A/C	A/C No.	Name of depositor	Dated particularised	Amount of non credit.
1.	RD	5958	Smti Dimpimoni Borah.	30-06-96	Rs. 500.00
2.	"	6023	Miss Putumoni Kalita.	17-01-96 08-08-96 10-09-96	Rs. 200.00 Rs. 200.00 Rs. 200.00

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3. RD	6196	Sri Konta Nath Dutta.	07-03-96	Rs. 500.00
			24-05-96	Rs. 500.00
			11-07-96	Rs. 500.00
			12-08-96	Rs. 500.00
			10-09-96	Rs. 500.00
4. "	6101	Sri Niten Saikia.	12-01-96	Rs. 300.00
			18-05-96	Rs. 300.00
5. "	6484	Sri Bhudeswar Borgohain.	05-06-96	Rs. 300.00
			24-03-96	Rs. 300.00
			30-07-96	Rs. 300.00

(Rupees Five thousand one hundred) only. Rs.5100.00

Thereby said Sri Nath had violated the provision of Rule 31(2) (ii)(a), 46(1) of PO SB Manual Vol.I and Rule 4(1) of FHB Vol.I and thus he failed to maintain absolute integrity and exhibited lack of devotion of duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(i), 3(1)(ii) and 3(1)(iii) CCS (Conduct) Rule 1964.

Annexure - III

List of documents by which the article of charges framed against Sri Phuleswar Nath, P.A. Gourisagar now under suspension.

1. Original SB pass book a/c no. 744003, 747623, 747446, 746705 and 747895.
2. Original RD pass books a/c no. 5958, 6196, 6023, 5101 & 6484.
3. SB long book period from 9-4-96 to 5-7-96.
4. RD journal period from 17-1-96 to 10-9-96.
5. SO a/c book of Gourisagar SO from Jan/96 to Sept/96.

ANNEXURE - IV.

List of witness by whom articles of charges framed against Sri Phuleswar Nath PA, Gourisagar now under suspension.

1. Sri Dimbeswar Hazarika, SDIPO's Sibsagar SubDivision, Sibsagar.
2. Sri P. Deb, ASPO's(Dn) o/o the Supdt. of Post Offices, Sibsagar Division, Jorhat.
3. Sri Phuleswar Nath was directed to submit within ten days of receipt of the memorandum a written statement of defence and also to state whether he desire to be heard in person.
4. Sri Phuleswar Nath the then PA, Gourisagar SO (Now under suspension) had received the aforesaid memo on 10-9-98 and submitted his written statement of defence on 18-9-98 which was received by this office on 5 October 1998. His written statement of defence goes as under -

(i) This is to intimate that I have received your memo no. F4-7/97-98 on 9-9-98. As I was affected for flood, the reply is delayed for 4 days, please excuse me.

(ii) I am Sri Phuleswar Nath, P.A. Gourisagar under suspension. Excuse me Sir, I am not willing to file any case against the Deptt.

(iii) I Sri Phuleswar Nath, ~~PA~~ assured you the lost conferred upon me.

SB a/c no. (6) Total Rs. 5300.00

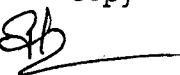
RD a/c no. (5) Total Rs. 5100.00

Total Rs.10400.00

Total Ten thousand four hundred will be deposited to Govt. within 45 days from this date.

(iv) This is my prayer to your honour to kindly allow me to join in service and request you to deduct Rs.2000/- per month with interest.

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5. The Superintendent of Post Offices, Sibsagar Division, Jorhat therefore appointed Sri Parimal Deb, the then ASPO's (Dn) o/o the SPO's Jorhat (Now ASPO's (Dn) Silchar) as Inquiry authority to enquire into the charges framed against Sri Phuleswar Nath and Sri D. Dehingia, SDIPO's Mariani Sub-Division appointed as presenting officer to present the case on behalf of the Disciplinary authority vide memo of even no. dtd. 7-10-98. Subsequently in partial modification of aforesaid memo Sri Sandip Dey Purkayastha, ASPO's (HQ) appointed as I.O. instead of Sri P. Deb the then ASPO's (Division) to enquiry into the charges framed against said Sri Phuleswar Nath vide memo of even no. dtd. 2-12-98 endersing copy to all concerned.

6. Sri Sandip Dey Purkayastha, the Inquiry Authority conducted the enquiry and submitted his inquiry report vide his letter no. Inquiry-1/98-99 dtd. 1-1-99 which was received by this office on 1-1-99 and the same reads as follows -

Inquiry Report

In the case against Sri Phuleswar Nath, PA, Gourisagar under suspension.

1. Under sub-rule (2) of Rule 14 of CCS(CCA) Rules, I was appointed by the Supdt. of POs, Sibsagar Division, Jorhat as the Inquiry Authority to inquire into the charges framed against Sri Phuleswar Nath, PA, Gourisagar S.O. (under suspension) vide his memo no. F4-7/97-98 dtd. 28-8-98. I have since completed the inquiry and on the basis of the documentary and oral evidences adduced before me prepared my Inquiry Report as under -

2. Participation by the charges officer in the inquiry.

The charged officer participated in the inquiry from begining to end.

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

The following articles of charge have been framed against Sri Phuleswar Nath, PA? Gourisagar SO (under suspension).

Article -I

That the said Sri Phuleswar Nath while working as PA? Gourisager SO period from 8-1-96 to 28-2-98 had accepted a sum of Rs. 5300/- (Rupees Five thousand three hundred) only from the depositor of five SB accounts standing at Gourisagar SO alongwith the relative/pass books on differene dates to deposit against the account. Sri Nath had although noted the transaction in the pass book duly realised the amount from the depositor but failed to credit the deposited amount in Govt. account.

Therefore, said Sri Phuleswar Nath had violated the provision of Rule 31(2)(ii)(a) of PO SB Manual Vol. I and Rule 4(i) of FHB Vol. I and thus he failed to maintain absoute integrity exhibited lack of a devotion to duty and acted in a manner which is unbecoming of Govt. Servant as enjoined in Rule 3(1)(i)(ii) and 3(1)(iii) of CCS(Conduct) Rules, 1964.

Article -II

That the said Sri Phuleswar Nath while working as P.A. Gourisagar SO period from 8-1-96 to 28-2-98 had accepted deposit in respect of five (5) RD accounts in different dates from 12-1-96 onwards amounting to Rs. 5100/- (Rupees Five thousand one hundred) only but he failed to credit the deposited amount in Govt. account on the date of acceptanc or in subsequent dates.

Thereby, said Sri Nath had violated the provision of Rule 31(2) (ii)(a), 46(1) of P.O. SB Manual Vol. I and Rule 4(1) of FHB Vol-I and thus he failed to maintain absolute integrity exhibited lack of a devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(i) and 3(1)(ii) and 3(1)(iii) of CCS (Conduct) Rules 1964.

ANNEXURE - II.

Statement of imputation of misconduct or misbehaviour in support of the article of charges framed against Sri Phuleswar Nath, PS, Gourisagar now under suspension.

That the said Sri Phuleswar Nath while functioning as P.A., Gourisagar SO during the period from 8-1-96 to 28-2-98 had accepted deposits from the depositor of below particularised five (5) SB account standing at Gourisagar SO alongwith relative pass book on different dates to deposits against the aforesaid account amounting to Rs. 5300/- (Rupees Five thousand three hundred) only. But Sri Nath although noted the transaction in the relative pass book duly impressed office date stamp under his dated signature, but failed to credit the amount so realised to the Govt. account on the date of acceptance or in any subsequent dates. The detail particulars account are as under -

Sl. No.	Type of A/c.	A/C No.	Name of depositor	Dated particulars of non credit.	Amount misappropriated.
1.	S.B.	744003	Sri Subharam Borah.	07-06-96	Rs. 500.00
2.	"	747623	Sri Bipul Borah.	10-5-96	Rs. 800.00
3.	"	747446	Sri Narayan Ch.Bora.	03-06-96 05-07-96	Rs.1000.00 Rs.1000.00
4.	"	746705	Sri Narayan Hazarika	14-6-96	Rs.1400.00
5.	"	747895	Mrs Sangita Hazarika	09-04-96	Rs. 600.00

(Rupees Five thousand three hundred) only. Rs. 5300.00

Therefore said Sri Phuleswar Nath, PA, Gourisagar S.O. had violated the provision of Rule 31(2)(ii)(a) of PO SB Manual Vol.I and Rule 4(1) of FHB Vol.I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner of a Govt. servant as enjoined which is unbecoming in Rule 31(1)(i), 3(1)(ii) and 3(1)(iii) of CCS(Conduct) Rules 1964.

Articles - II

That the said Sri Phuleswar Nath while functioning as PA, Gourisagar SO during the period from 8-1-96 to 28-2-98 had accepted deposits from the depositors of below particularised five RD accounts on the dates mentioned against each account. On receipt of the pass book and amount of Rs.5100/- said Sri Nath had noted the transaction in the pass books impressed with office date stamp and signed against the entry, but failed to credit the deposited amount in to the Govt.a/c The particulars of RD accounts as under -

Sl. No.	Type of A/C	A/C No.	Name of depositor	Dated particulars of non credit.	Amount	
1.	R.D.	5958	Smt Bimpimoni Borah	30-6-96	Rs. 500.00	
2.	"	6023	Ms Putumoni Kalita	17-01-96 08-08-96 10-09-96	Rs. 200.00 Rs. 200.00 Rs. 200.00	
3.	"	6196	Sri Kantomath Dutta.	07-03-96 24-05-96 11-07-96 12-08-96 10-09-96	Rs. 500.00 Rs. 500.00 Rs. 500.00 Rs. 500.00 Rs. 500.00	
4.	Advocate	"	6101	Sri Niten Saikia.	12-01-96 18-05-96 05-06-96	Rs. 300.00 Rs. 300.00 Rs. 300.00
5.	"	6484	Sri Budheswar Borgohain	24-03-96 30-07-96	Rs. 300.00 Rs. 300.00	

(Rupees Five thousand one hundred) only. Rs.5100.00

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Advocate

34

Thereby said Sri Phuleswar Nath had violated the provision of Rule 31(2)(ii)(a), 46(1) of PO SB Manual Vol.I and Rule 4(i) of FHB Vol.I and thus he failed to maintain absolute integrity and exhibited lack of devotion to duty and acted in a manner which is unbecoming of a govt. servant as enjoined in Rule 3(1)(i), 3(1)(ii) and 3(1)(iii) of CCS(Conduct) Rules 1964.

ANNEXURE - III

List of documents by which the article of charges framed against Sri Phuleswar Nath, PA, Gourisagar now under suspension.

1. Original SB pass book a/c no. 744003, 747623, 747446, 746705 and 747893.
2. Original RD pass books a/c no. 5958, 6196, 6023, 6101 and 6485.
3. SB long book period from 0-4-96 to 5-7-96.
4. RD journal period from 17-1-96 to 10-9-96.
5. SO a/c book of Gourisagar S.O. from Jan/96 to Sept/96.

ANNEXURE - IV

List of witnesses by whom article of charges framed against Sri Phuleswar Nath, PA, Gourisagar now under suspension.

1. Sri Dimbeswar Hazarika, SDI of POs, Sibsagar sub-division, Sibsagar.
2. Sri P. Deb, ASPOs(Dn), o/o the Supdt. of POs, Sibsagar Dn, Jorhat.

PRELIMINARY HEARING :-

Preliminary hearing was held on 21-12-98 at 11-00 hours in the office of the Supdt. of Post Offices, Sibsagar Dn. Jorhat in which the charges officer has admitted all the charges framed against him fully.

Findings :-

On the basis of documentary and oral evidence adduced in the case before me, I hold that all the two charges against Sri Phuleswar Nath stands proved.

7. The said report of the inquiry authority dtd. 1-1-99 was forwarded to Sri Phuleswar Nath, PA, Gourisagar (Now under suspension vide this office memo of even no dtd 8-1-99 to make any representation if any and submit in writing within 15 days of receipt of the aforesaid memo. On receipt of the memo said Sri Phuleswar Nath submitted his written representation dtd. 1-2-99 and the same was received by this office on 3-2-99. His representation goes as under -

This is to state that I am Sri Phuleswar Nath, PA, Gourisagar under suspension. I assured in written that the unwillful loss of Govt. money for Rs.10,400/- will be made up with interest for which the enquiry is going on. But it is a matter of sad that the amount could no be refunded till today because.

1. Now I am under suspension. I am to maintain the family consist of 8 members with my poor subsistance allowance. Moreover, I am flood affected. I have no food to take, no cloth to wear and no shelter to leave and no paddy fud rice in my home. I have four college going sons and daughters who are the candidates of final examination in high standard. I have lost everything with them.

Certified to be true Copy

*Ph*  
Advocate

..... 7.

2. I was suffering from TB for 16 months from 11-9-96 to 17-2-98 All the certificates were submitted in the office and leave also available but it is a matter of sad that I have not received even 16 paise as the pay of 16 months. Therefore, I beg to request you to grant me the leave.

3. Therefore I request your honour to grant me the leave and to request you to withdraw suspension order and let me to join in service. Further I request you to deduct Rs.2000/- in every month to make up Rs.10,400/- with interest thereon. This is my humble ~~xx~~ prayer to you.

OBSERVATION AND ASSESSMENT

I have gone through the inquiry report of the inquiry authority and written statement of defence submitted by the charged official on 5th October 1996 as well as 1-2-99 very carefully and given due consideration it deserves. Now from the report of the inquiry authority it is clear that the charged official had admitted all the charges brough against him on the date of preliminary hearing. Thus it is crystal clear that, Sri Phuleswar Nath has violated the provision of Rule 31(2)(ii)(a), 46(1) of PO SB Manual Vol.I I and Rule 4(i) of FHB Vol.I. Thus the said Sri Phuleswar Nath by his above actes failed to maintain integrity, devotion to duty and acted in a manner which was unbecoming of a Govt. servant as enjoined in Rule 3(1)(i), 3(1)(ii) and 3(1)(iii) respectively of ~~xx~~ CCS(Conduct) Rules 1964. It may therefore be safely concluded that all the charges levelled against Sri Phuleswar Nath the then PA.Gourisagar (Now under suspension) vide this memo of even no dated 28-8-98 stands proved beyond any shadow of doubt.

In view of the lapses committed by Sri Phuleswar Nath and considering the gravity of the case the official deserves deterrent action against him. And accordingly to meet the ends of justice following order has been issued.

ORDER

I Sri S. Das, Supdt. of Post Offices, Sibsagar Division, Jorhat hereby order that Sri Phuleswar Nath, the then Postal Assistant, Gourisagar S.O. (now under suspension) be dismissed from service with immediate effect.

Sd/- ( S.Das )  
Supdt. of Post Offices,  
Sibsagar Division Jorhat.

Copy forwarded to -

1. Sri Phuleswar Nath, PA Gourisagar (Now under suspension ).
2. The Postmaster Sibsagar H.O. for information and necessary action
3. The Staff Branch, o/o the SPO's Sibsagar Division, Jorhat.
4. The CR file of the official.
5. P/F of the official.
6. The Asstt. Director (INV) o/o the PMG, Assam Region, Guwahati w.r.t. CO's file no. INV/RD/SB/21/97-98.
7. Punishment register.
8. Spare
9. O/C.

Sd/- Illegible  
10/2/99  
Supdt. of Post Offices,  
Sibsagar Division Jorhat.

26

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DEPARTMENT OF POSTS: INDIA  
 OFFICE OF THE POSTMASTER GENERAL ASSAM REGION  
 GUWAHATI-781001.

NO. Staff/2/25-3/99/RP

29th Sept/99

Sri Phuleswar Nath, the then P.A. Gourisagar S.O. has preferred an appeal to D.P.S. Assam Region, Guwahati dt. 30.3.99 against the orders of Supdt. of P.Os, Sibsagar Division, Jorhat Memo No. F44-7/97-98 dt. 10.2.99.

Sri Phuleswar Nath was proceeded under Rule-14 of CCS(CCA) Rules, 1965 vide memo No. F4-7/97-98 dt. 28.8.98 on the following charges-

Article -I

That the said Sri Phuleswar Nath while working as P.A. Gourisagar S.O. period from 8.1.96 to 28.2.98 has accepted as sum of Rs. 5300/- (Rupees Five thousand three hundred) only from the depositors of five S.B. accounts standing at Gourisagar S.O. along-with the relevant Pass Books on different dates to deposit against the account. Sri Nath had although noted the transaction in the Pass book duly realised the amount from the depositor but failed to credit the deposited amount in Govt. Account.

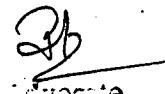
Therefore, said Sri Phuleswar Nath had violated the provision of Rule 31(2)(ii) (a) of P.O. SB Manual Vol. I and Rule 4(1) of FHB Vol. I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. Servant as enjoined in Rule 3(1)(i)(ii) and 3(1)(iii) of C.C.S. (Conduct) Rules 1964.

Article -II

That the said Sri Phuleswar Nath while working as P.A., Gourisagar S.O. period from 8.1.96 to 28.2.98 had accepted deposit in respect of 5(five) R.D. accounts in different dates from 12.1.96 onwards amounting to Rs. 5100/- (Rupees five thousand one hundred only) but he had failed to credit the deposited amount in Govt. Account on the date of acceptance or in subsequent dates.

Thereby said Sri Nath had violated the provision of Rule 31 (2)(ii)(a), 46(1) of P.O. SB Manual Vol. I and Rule 4(1) of FHB Vol. I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. Servant and enjoined in Rule 3(1)(i) and 3(1)(ii) and 3(1)(iii) of CCS(Conduct) Rule 1964.

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Advocate

.... 2.

The memo. was received by Sri Phuleswar Nath on 10.9.98 as intimated by SPM, Gourisagar S.O. under his letter No.187/P.Nath/97-98 dt. 19.9.98. Sri Phuleswar Nath in his written settlement dt. 18.9.98 has stated that he will deposit the defrauded amount of Rs.10,400/- (Rupees ten thousand four hundred only) in respect of S.B. accounts and R.D.accounts as mentioned in the charges. Sri P. Deb, ASPOs, Sibsagar Division, Jorhat was appointed as Inquiry Officer and Sri D. Dehingia, SDIPs, Mariani Sub Division, Mariani as Presenting Officer were appointed By SPOs/Jorhat vide memo No.F4-7/97-98 dt. 7.10.98 to enquire into the charges levelled against the official. Since P.Deb was witness in the case, the I.O. was changed by SPOs Sibsagar Division, Jorhat under his No.F4-7/97-98 dt.2.12.98, and Sri S.D.Purkayastha, ASPOs (HQ) was appointed as I.O. by the same memo. Sri S.D.Purkayastha I.O. has submitted his Inquiry Report under his No.Inquiry/1/98-99 dt. 1.1.99. The preliminary inquiry was held on 21.12.98 and the charged official has admitted the charges. Accordingly, I.O. has submitted the report that the charges levelled against Sri Nath stands proved.

The copy of the Inquiry report of the I.O. was sent to Sri Phuleswar Nath under SPOs/Jorhat memo. No.F4-7/97-98 dt. 8.1.99 to make any representation if he likes within 15 days on receipt of the same. Sri Nath submitted a representation dt. 1.2.99 and stated that he will refund the money of Rs.10,400/- @ Rs.2,000/- per month.

Sri Nath was awardee punishment by the S.P.Os/Jorhat under his memo. No.F4-7/97-98 dt. 10.2.99 awarding the punishment for dismissal from service with immediate effect as all the charges levelled against Sri Nath were proved during the inquiry. Sri Nath in his appeal dt. 30.3.99 stated the following :-

That he entered in the service on 7.9.65 and dismissed from service on 10.2.99 and stated that he will refund the money with interest for a period of 3 years. There is no other material in the appeal to be considered. I have gone through the Service Book, Disciplinary file, C.R. file and other relevant records and found the following -

1. Rs.2000/- was recovered from him under SPOs/Jorhat memo. No.F4-11/94-95 dt. 26.10.94 being non-credit of value of IVPs. ✓

2. Sri Nath was punished for stoppage of one increment which was due on 1.5.87 at the stage of Rs.1180/- for a period of 3 years with cumulative effect and recovery of Rs.2100.90 in 33 monthly installments of Rs.80/- per month vide SPOs/Jorhat Memo. No.F4-7/84-85/D dt. 30.3.87 for misappropriating value of VP articles.

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*Advocate*

3. Sri Nath was awarded punishment under SPPOs/Jorhat memo. No.F4-20/90-91 dt. 19.8.93 for reduction of one stage for one year without cumulative effect from Rs.1330/- to Rs.1300/- for misappropriating amount of SB deposit.

4. Sri Nath was awarded punishment under SPOs/Jorhat memo. No.F4-22/94-95 dt. 6.3.97 for recovery of Rs.5,000/- @ Rs.200/- per month from March/97 for misappropriating SB/RD deposit.

In the present case where Sri Phuleswar Nath preferred appeal I have gone through the entire case and do not find any reasons to interfere with the decision of the Disciplinary Authority as there is no merit of the appeal, therefore, the appeal is rejected.

I Sri B.Selvakumar, D.P.S., Assam Region, Guwahati hereby orders to uphold the orders of the Disciplinary Authority issued under memo. No.F4-7/97-98 dt. 10.2.99.

Sd/- (B.SELVAKUMAR)

Appellate Authority

&

Director Postal Services  
Assam Region, Guwahati-781001.

Copy

Copy to :-

1. Sri Phuleswar Nath, Ex-Postal Asstt., Gourisagar S.O. 2-3-The Supdt. of P.O.s, Sibsagar Division, Jorhat.
4. O.C.
5. Spare.

Sd/- Illegible

Director Postal Services,  
Assam Region:Guwahati-781001.

Certified to be true Copy



Advocate

ANNEXURE

DEPARTMENT OF POSTS, INDIA

~~Copy~~

O/O The Supdt. of Post Offices  
Sibsagar Division, Jorhat.

Memo No. F4-7/97-98      Dated at Jorhat the 8.1.99.

An enquiry was held against Sri Phuleswar Nath P.A. Gaurisagar S.O. (Now under suspension) vide rule 14 of CCS(CCA) Rules 1965.

The report of the enquiry officer is enclosed. The disciplinary authority will take a suitable decision after considering the report. If you wish to make any representation on submission you may do so in writing to the disciplinary authority within 15 days of receipt of this letter.

Enclosed:- As above (5 sheets)

Sd/- ( S.Das )  
Supdt. of Post Offices,  
Sibsagar Division.  
Jorhat-

Copy to -

(Regd)      Sri Phuleswar Nath,  
PA Gaurisagar SO (Now under suspension ).

Sd/- Illegible  
11/1/99  
Supdt. of Post Offices,  
Sibsagar Division,  
Jorhat-

Certified to be true Copy

  
Advocate

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To,

The Hon'ble Member(Personnel),  
Department of Posts, India,  
O/O the Director General(Posts),  
New Delhi-110001.

Dt. 13.11.99.

Sub:- Prayer for commutation of Punishment.

Sir,

Most respectfully, I beg to lay the following few lines for favour of kind consideration and sympathetic orders.

That Sir, I entered the department on 7.9.65 and have been dismissed from service on 10.2.99 vide Superintendent of Posts, Sibsagar Division, Jorhat(Assam) Memo No. F4-7/97-98 dtd. 10.2.99 for having failed to credit an amount Rs.10,400/- (Rupees Ten thousand four hundred) only being deposits in respect of SB and RD accounts. My appeal to the Hon'ble Director of Postal Services, Assam Region, Guwahati-781001 have been turned down vide his Memo No. Staff/2/25-3/99/RP dtd. 29th Sept. '99.

I, therefore, beg to request your honour kindly to consider my case most sympathetically and commute my punishment to one that would allow me to draw the pensionery benefits had I proceeded ~~on~~ on leave on 10.2.99, after adjusting the pecuniary loss incurred by the department.

I remain, Sir.

Yours faithfully,

Sd/- (Phuleswar Nath )

Ex-PA, Gaurisagar C.O.

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Certified to be true Copy

  
Advocate

ANNEXURE - G

To,

The Hon'ble Member (Personnel),  
Department of Posts, India.  
Office of the Director General (Posts),  
New Delhi-110001.

Dated the 27 Nov. 2000.

Sub:- Prayer for commutation of Punishment.

Sir,

Most respectfully I beg to lay the following few lines for favour of kind consideration and sympathetic orders.

That Sir, I entered the department on 7/9/65 and have been dismissed from service on 10/2/99 vide Superintendent of posts, Sibsagar Division, Jorhat (Assam) Memo No. F4-7/97-98 Dtd. 10/2/99 for having failed to credit an amount Rs. 10,400/- (Rupees Ten thousand Four hundred) only being deposit in respect of SB and RD accounts. My appeal to the Hon'ble Director of Postal Services, Assam Region, Guwahati-781001 have been turned down vide his Memo No. Staff/2/25-3/99/RP Dtd. 29th Sept. '99.

I, therefore, beg to request your honour kindly to consider my case most sympathetically and commute my punishment to one that would allow me to draw the pensionary benefits had I proceeded on leave on 10/2/99, after adjusting the pecuniary loss incurred by the department.

I remain, Sir.

Yours faithfully,

Sd/ (PHULESWAR NATH )

Ex-P.A. Gaurisagar,

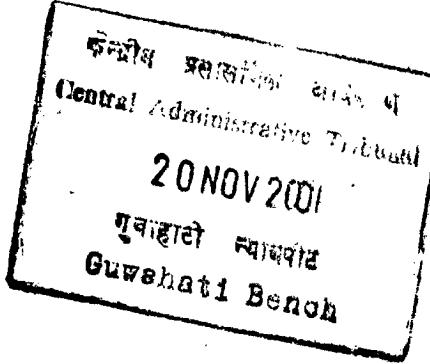
Sibsagar (Assam).

27.11.2000.

Certified to be true Copy

  
Advocate

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( B. C. Pathak )  
Addl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI

O.A. NO. 328 OF 2001.

Sari Phuleswar Nath

..... Applicant.  
- Vs -

Union of India & Ors.

..... Respondents.

( Written Statements for and on behalf of the  
respondent No. 1, 2 and 3 )

The Written Statements of the abovenoted respondents  
are as follows :-

1. That a copy of the O.A. No. 328/2001 ( referred to as the "application" ) has been served on the respondents. The respondents have gone through the same and understood the contents ~~thoroughly~~ thereof. The interest of all the respondents being similar, common written statements are filed for all the respondents.
2. That the statements made in the application, which are not specifically admitted, are hereby denied by the respondents.
3. That with the statements made in para 1 of the application, the answering respondents state that these being matter of records, the respondents rely upon to the extent of such records.

-2-

4. That the respondents have no comment to offer against para 2 and 4(a) of the application.

5. That with regard to the statements made in para 3, the respondents state that the application is barred by the law of limitation, and hence, the statements are incorrect and misleading. In this regard, it is also humbly submitted that the applicant has filed a Misc. Case for condonation delay viz M.P. No. 246/2001, knowing well that the matter is hopelessly barred by limitation. Hence the grounds shown in the said M.P. No. 246/2001 cannot sustain in law as "sufficient cause" for delay.

6. That with regard to para 4(b), the respondents state that Shri Phuleswar Nath, Ist joined in service as Class-IV on 7.10.65 in Tinsukia Postal Division vide SP, Upper Assam - Division, memo no. B1/Class IV/Pt.II dated 2.6.65. Then he was promoted to postman cadre vide SP/Tinsukia memo no. B1/Exam/ Deptl-Postman/70 dated 28.1.71 and joined as Postman Parbatpur P.O. on 8.2.71. Further he was promoted to clerical cadre and joined as clerk, Khonsa (Arunachal Pradesh) on 29.5.76. Thereafter, he was transferred to Sibsagar Postal Division and he joined in this Department on 7.10.65 as mentioned above. ( The extract of his service book showing date of joining in the Department, promotion to postman cadre and clerical (postal Asstt.) cadre date of joining in Sibsagar Postal Division are Annexed as R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub> and R<sub>4</sub> respectively.).

-3-

7. That with regard to the statements made in para 4(c), the respondents state that it is a fact that Sri Phuleswar Nath was charged under Rule-14 of CCS(CCA) Rules, 1965 for misappropriation of Govt. money to the tune of Rs.10,400/- while he was functioning as P.A. Gourisagar during the period from 8.1.96 to 28.2.98 vide this office memo no. F4-7/97-93 dated 28.8.98. During his functioning as such, he accepted SB deposits from the depositors of SB pass book, but failed to credit the said amount to the Govt. account. Although total amount involved in this case was Rs. 34,547.40 for 67 SB/RD pass books, only 10SB/RD pass books for Rs.10,400/- was mentioned in that chargesheet to prove his violation of provisions of Departmental Rules leading to his misconduct.

It is not correct that an amount of Rs. 5000/- out of Rs. 10,400/- was recovered from him on 22.2.99. The amount of Rs.5000/- was ordered to be recovered from him vide this office memo no. F4-22/94-95 dated 6.3.97 in connection with Demow fraud case, where he was charged under Rule-16 of CCS(CCA) Rules, 1965 as subsidiary offender in another loss and fraud of Demow Sub Post Office for his failure to maintain Binder chart, Index to ledger card and special error book etc while he was working as ledger assistant No.1 of Sibsagar R.O. during the period from 3.7.94 to 26.8.94. Therefore, his statement is misleading and not correct.

The case of misappropriation was detected on 5.2.98, but Sri Phuleswar Nath claimed to have deposited Rs.900/- during Sept/96, in c/w this case, which is not true.

Copy of charge sheet is marked as Annexure R<sub>2</sub>  
and copy of Inquiry report as Annexure R<sub>3</sub> and  
copy of memo dated 6.3.97 marked as Annexure R<sub>4</sub>.

8. That with regard to the statements made in para 4(d), the respondents state that Sri Phuleswar Nath, while working as PA, Gourisagar S.O. did not account for the Govt./ public money of his collection from respective SB/RD depositors and defalcated the money on Head of accounting for in Govt. A/C. Thus his representation dated 31.3.99 though received it could not be considered as there was so such provision in the Department of posts.

9. That with regard to the statements made in para 4(e), the respondents state that the Departmental Inquiry was conducted as per Rule-14 of CCS(CCA) Rules, 1965, giving ample scope and reasonable opportunity to defend his case and finally the Inquiry Officer submitted his report stating all the charges framed against Shri Phuleswar Nath as proved. The Inquiry report and relevant documents were taken into consideration and awarded punishment of dismissal from service on 10.2.99.

10. That with regard to statement made in para (f)(i), (ii) and (iii), the respondents state that these are matters of records.

It is a fact that Shri Phuleswar Nath while functioning as Sub Postmaster, Kamalabari S.O. he defalcated collection of 1 VPs. As such a sum of Rs.2000/- was recovered from Sri Phuleswar Nath vide this office memo no. F4-11/94-95 dated 26.10.94

-5-

being non-credit of value of IVPs when he was functioning as Sub Postmaster, Kamalabari S.O. on 8.12.88. Sri Nath was found involved in loss and fraud case of Kamalabari S.O.

Copy of SPOs/Jorhat letter marked as Annexure- ~~Rs~~ 5

Shri Phuleswar Nath while functioning as PA, Sibsagar H.O. he was punished with stoppage of one increment due on 1.5.87 for 3 years with cumulative effect on his future increment and recovery of Rs. 2801.90 from his pay in 36 instalments @ Rs.80/- P.M. vide SPOs/Jorhat memo no. F4-7/84-85/D dated 30.3.87 for misappropriating value of V.P. articles from 4.12.81 to 15.5.85.

Copy of the above memo is annexed as Annexure - ~~Rs~~ 6.

Shri Phuleswar Nath was awarded punishment vide SPOs/Jorhat memo no. F4-20/90-91 dated 19.8.93 for reduction of one stage from Rs. 1330/- to Rs.1300/- for one year for misappropriating amount of SB deposit, while he was working as PA/SPM, Kamalabari S.O. during the period from 9.8.89 to 27.12.89.

Copy of the said memo marked as Annexure - ~~Rs~~ 7.

Thus from above fact it is crystal clear that the service career of Sri Phuleswar Nath, applicant was cloudy through at his service life.

11. That with regard to the statements made in para 4(g) and 4(h), the respondents re-assert and re-iterate the foregoing statements made herein above.

The contention of the applicant is not correct. Because Annexure-E is a letter from SP0s/Jorhat no. F4-7/97-98 dated 8.1.99 to Sri Phuleswar Nath asking him to submit representation against the Inquiry report. This is his representation as stated. Moreover Annexure -f is a representation to Hon'ble Member (P), New Delhi.

12. That with regard to the statements made in para 4(j), the respondents state that the applicant's representation dated 27.11.2000 addressed to the Member Personnel, Deptt. of Post, India was sent to the Asstt. Director (INV). O/O the Postmaster General, Assam Region, Guwahati-1 vide this office letter No. F4-7/97-98 ( P. Nath ) dated 10.12.99 for necessary action, which is now under process in that office.

Copy of the letter annexed as Annexure- R~~129~~ .

13. That with regard to the statements made in para 4(k), the respondents state that the applicant has completed 35 years of unblemished service from 7.9.65 to 27.2.98 is not correct in view of self admitted statement of the applicant stated in para 4(f)(i) to para 4(f) (iii) of this O.A. Where he (applicant) was found involved in loss and fraud cases in several occasions. Thus his statement is quite contradictory in view of several irregularities committed by him for which the Department had to initiate several disciplinary proceedings as mentioned in foregoing para 4(c)9Eo(f)(i)(ii)(iii) and he was also placed under suspension twice vide SP0s/Jorhat memo no. F4-7/84-85/D dated 2.5.85 and memo no. F4-7/97-98 dated 2.4.98.

As regard non-payment of SDA to the applicant, the Govt. of India had not released Finance totally discouraged the payment of SDA to the employees of Department the payment of SDA to the employees of Department of Posts in N.E. Region via Ministry of Finance, Deptt. of Expenditure OM No. F No. 11(3)/2000 E 11(9) dated 13.6.2001. No such request for payment of arrear SDA was received from Sri Phuleswar Nath. Moreover, Bonus is not payable when the employee remain on suspension as per existing rules of the Department. Therefore, his allegation is not based on facts. Moreover, this application is hit by the provisions of Rule 10 of the CAT, (Procedure) Rules, 1987 and is liable to be dismissed with cost.

The suspension orders and SDA orders are Annexure as Annexure R<sup>9</sup>, R<sup>10</sup>, and R<sup>11</sup> respectively.

14. That with regard to the statements made in para 4(1), the respondents state that the contention of the applicant is not correct. He was dismissed from service, no family pension, gratuity and pensionary benefits are admissible to him as per provisions laid down in Rule of CCS (pension) Rules, 1972.

15. That with regard to the statements made in para 5.1 to 5.8, the respondents state that as the *prima facia* case against the applicant was established, after exhaustive Inquiry under Rule-14 of CCS(CCA) Rules, 1965, his dismissal from service was quite justified. All procedure enjoined in Rule-14 of CCS(CCA) Rules 1965 were followed in to as follows :

-8-

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(i) Chargesheet under Rule-14 of CCS(CCA) Rules, 1965 was issued to Sri Phuleswar Nath, PA, Gourisagar vide SP/Jorhat memo no. F4-7/97-98 dated 28.8.98 ( Annexure-E ) vide the above memo he was directed to submit within 10 days of the receipt of the said memorandum a written statement of defence and accordingly he submitted a written defence on 18.9.98 ( Annexure R 12 ) assuring to deposit entire money within 345 days.

(ii) But he did not deposit money upto 1.12.98, Sri S.D.- Purkayastha, ASPOs(HQ) was appointed as I.O. vide SP/Joint memo no. F4-7/97-98 dated 2.12.98 ( Annexure-R 13 ) and Sri D. Dihingia, SDIPOs, Mariani was appointed as presenting Officer vide SP/Jorhat memo no. F4-7/97-98 ( Annexure- R 14 ).

(iii) After completion of Inquiry the said I.O. submitted his Inquiry Report vide no. Inquiry-1/98-99 dated 1.1.99 ( Annexure- R 15 ) . The said Inquiry report was sent to Sri Phuleswar Nath vide SP/Jorhat memo no. F4/-7/97-98 dated 8.1.99 ( Annexure R 16 ) for submission of his further defence representation if any. On receipt of the ~~is~~ said report, he submitted a representation on 1.2.99 ( Annexure - R 17 ). After careful consideration of his representation and Inquiry report final dismissal order was issued by the completent Disc. Authority vide SP/Jorhat memo no. F4-7/97-98 dated 10.2.99 ( Annexure - R 18 ).

As the case was finalised as per Departmental Rules and procedure, the contention of the applicant is unjustified.

The respondents also state that no benefit was denied to the applicant. As such, plea of the applicant is not acceptable.

All benefits due during his service life was given to him and there was no violation of Article 14 and 16 of the constitution of India. As such proof of the applicant is not acceptable.

For the above the issuance of the dismissal order by the S. Posts, Jorhat dated 10.2.99 and order dated 29.8.99 were quite justified and legal.

The dismissal order was quite justified in view of his blemished service as mentioned above and as the amount of Rs. 5000/- was recovered from him for other irregularities, not related to the Gourisagar case, his ground is quite misleading and this not acceptable.

The punishment orders issued by the SP0s/Jorhat was quite justified and it was issued as per existing rules of the Department of Posts. As such contention of the applicant is not acceptable.

One punishment i.e. dismissal was awarded vide SP/Jorhat memo no. F4-7/97-98 dated 10.2.99 (Annexure 18) for misappropriating amount of SB deposit while he was working as PA at Gourisagar P.O. after initiative of Rule-14 proceedings based on quasi judicial in nature preponderance of probability.

But the amount of Rs. 5000/- was ordered to be recovered from him vide SP/Jorhat memo no. F4-22/94-95 dated 6.3.97 for sub-sidiary offender in Demow fraud case, while he was working as ledger Asstt. No. 1 at Sibsagar H.O. since both the cases are different, Sri Phuleswar Nath, by his above statement, trying to mislead the honourable Tribunal. It can be proved from his representation dated 18.9.98 ( Annexure-II ) that he did not credit to the Govt. a single pie of the misappropriated money of Rs. 10.400/- upto 18.9.98.

As no documents in support of credit of Rs. 900/- could be produced by Sri Phuleswar Nath, that cannot be taken as a recovery of that particular cases, which may be the recovery for other case. Hence it is not tenable here.

16. That with regard to the statements made in para 6, the respondents state that the applicant submitted a representation to the Member (P). Department of Posts, which is under process and final decision yet to come. Therefore, his contention that he has exhausted all the remedies available with the Department of Posts, is not correct.

17. That with regard to the statements made in para 7, the respondents state that the case of Misappropriation of SB/RD deposits by Sri Phuleswar Nath, PA, Gourisagar was reported to Gourisagar Police Station by the Sub-Divisional Inspector of POs, Sibsagar vide his letter no. BC-1/Gourisagar S0/98 dated 5.6.98 which was registered under Gourisagar PS case no. 36/96 u/s 409 IPC, which is still under R 23 investigation by the Police

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Annexure R/92. The case has been registered at Sibsagar Court under GR case No. 540/98. Hence it is not correct that no case is pending against him in the court.

18. That with regard to the statements made in para 8.1 to 8.6 and 9, the respondents state that in view of the facts and circumstance discussed in reply to para 1 to 7 of this OA, this OA has no merit in the eye of law. The OA should be dismissed at the admission stage itself with cost. The question of his re-instatement in service does not arise as he has already been dismissed from service after initiation/ finalisation of his disciplinary case observing all due provision of the Departmental rules and law.

In the premises aforesaid it is, therefore prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall also be pleased to dismiss the application with cost.

Verification.....

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VERIFICATION

I, Shri Sukleswar Das, presently as the Superintendent of Post Offices, Sibsagar Division, Jorhat, being duly authorised and competent to sign this verification, do hereby solemnly affirm and state that the statements made in para/fo 5, 8, 9, 11, 14, 16, 18 are true to my knowledge and belief, those made in para 6, 7, 10, 12, 13, 15, 17 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal, I have not suppressed any material facts.

And I sign this verification on this 19 th day of November, 2001 at Guwahati.

Sukleswar Das,  
Superintendent of Post Offices,  
Sibsagar Division,  
Jorhat-785 001

## Service Roll.

[For inferior servants other than members of the constabulary and for those superior servants for whom no service books are maintained.]

1. Name Phulcharan Nath

2. Race, sect and caste Hindu Jogi (original caste)

3. Native place [with name of District, Village, Thana and Post Office] Vill. Chabur (Dhara), Thana Amravati, P.O. Halighat

4. Father's name and residence Sri Icamalch Nath

5. Date of birth by Christian era as nearly as can be ascertained 23-7-47

6. Exact height by measurement 5 ft 3 inch

7. Personal marks for identification One mole on fore head

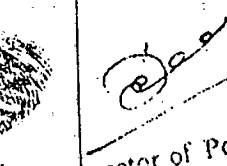
8. Signature or mark of Government servant (with date) Signature of Phulcharan Nath

9. Signature with date and year and designation of the attesting officer 25. 9. 70

Note.—The above entries should be renewed or re-attested at least every five years and the signature in lines 3 and 9 should be dated.

*(Signature)*  
Inspector of Post Offices  
South Sub-Div. Tinsukia.

## Left hand thumb and finger impressions.

Thumb.	Fore finger.	Middle finger.	Ring finger.	Little finger.	Signature and designation of officer before whom impression is taken.	Date.
					<i>(Signature)</i> Inspector of Post Offices South Sub-Div. Tinsukia.	25. 9. 70

Note.—To avoid trouble about pension, take great care, in the following circumstances, that the Service Roll clearly answers the following question :—

## Circumstances.

## Questions.

(1) When substantive inferior servants, e. g., Dafries, Jemadars, etc., are appointed to act in the superior grade on pay exceeding Rs. 10.

What is the nature of vacancy? Is there a full vacancy, or is any other officer count the same time for pension in the same appointment? (Article 371, C. S. R.)

(2) When service commences as—

Ditto

Ditto

Ditto

(a) "acting" ;

Is it in a probationer's appointment specially allotted? (Article 373, C. S. R.)

(b) "on probation" ;

Is the temporary appointment eventually made permanent? (Article 76, C. S. R.)

(c) "acting in a temporary appointment."

Is the period ordered to count for leave and pension?

(3) Upon reinstatement after suspension.

What rate of leave allowance was drawn?

During all leave other than leave on average pay.

(such as promotion,  
transfer,  
dismissal etc.)

ruptions in service. It suspends  
hether period of suspension will  
nt towards leave and pension with  
signature of the attesting officer.

14 : Annex - B

Leave	Postmaster Tinsukia	12.3.68 to 18.3.68	Service from 7-10-65 To 31-3-68	Verified The rolls of Tinsukia H.O.
Transfer	Asstt. Postmaster (Accts.) Tinsukia	extra ordinary leave entitled day from 19/3/68 to 29/3/68	Postmaster Tinsukia	POSTMASTER
Leave	Asstt. Postmaster (Accts.) Tinsukia			
Increment	Asstt. Postmaster (Accts.) Tinsukia			
Leave	Asstt. Postmaster (Accts.) Tinsukia	Ent AP on office from 4.3.64 to 22.3.64	Leave will commence backwards under FR 26(b)(ii)	Service from 1-4-66 To 31-3-64 Verified The rolls of Tinsukia H.O.
Transfer	Asstt. Postmaster (Accts.) Tinsukia	Asstt. Postmaster (Accts.) Tinsukia		POSTMASTER
Leave	Asstt. Postmaster (Accts.) Tinsukia	Ent AP on office from 11.3.68 to 9.4.68	The period of leave will counts towards increment	Appointed before ed candidate is Class A cadre
Increment	Asstt. Postmaster (Accts.) Tinsukia			Grade 5.9.64
Leave	Asstt. Postmaster (Accts.) Tinsukia			Division memo no 3.1/Class 1/1
Leave 2.9.68 2.9.69	Asstt. Postmaster (Accts.) Tinsukia			It stated 2.6.68 (iii)
Increment	Asstt. Postmaster (Accts.) Tinsukia			Asstt. Postmaster (Accts.) Tinsukia
Leave	Asstt. Postmaster (Accts.) Tinsukia	Ent AP on office from 29.3.68 to 14.4.68 and H.A.P. on office from 18.9.68 to 24.9.68		
Transfer Leave 20.6.70 to 20.9.70	Asstt. Postmaster (Accts.) Tinsukia		The period of leave will counts towards increment	



Name of appointment and Establishment.	Officiating, and whether per- manent or temporary.	Where state substantive appointment if any.	Substan- tive appointment.	Substan- tional pay for officiating	Amounts falling under the term of pay	Date of appointment.	Attestation officer in attestation of columns 1 to 7.	Date of termination of appointment.
Mailman Juliajan.	Officer	Officer	76	-	21.9.70	(Acccts.) Tinsukia	10.70	
50		"	75	-	18.10.70	(Acccts.) Tinsukia	1.71	
Trainee at Civil Office TBN		"	75		19.1.71	(Acccts.) Tinsukia	2-71	
Postman Gorakhpur		"	75		8.2.71	(Acccts.) Tinsukia	5-3-71	
"	"		75.00		13.3.71	(Acccts.) Tinsukia	14-4-71	
"	"		75.00		19.4.71	(Acccts.) Tinsukia	8-8-71	
"	"		75.00		12.8.71	(Acccts.) Postmaster. (Acccts.) Tinsukia	22-8-71	
"	"		77.00	19.7.71	27.9.71	(Acccts.) Postmaster. (Acccts.) Tinsukia	14-11-71	
"	"		77.00		16.11.71	(Acccts.) Postmaster. (Acccts.) Tinsukia	7-2-72	
"	"		78.00		8-2-72	(Acccts.) Postmaster. (Acccts.) Tinsukia	13-6-72	
"	"		78.00		18.7.72	(Acccts.) Postmaster. (Acccts.) Tinsukia	15.10.72	
"	"		78		18.10.72	(Acccts.) Postmaster. (Acccts.) Tinsukia	7-2-73	
"	"		79		8-2-73	(Acccts.) Postmaster. (Acccts.) Tinsukia	11-2-73	
"	"		78		18.2.73	(Acccts.) Postmaster. (Acccts.) Tinsukia	23-3-73	

Requirement	Asstt. Postmaster (Accs.) Tinsukia	Services
Leave	Leave 15/7/73	To 31.3.68 Verified From The A. Rolls of Tinsukia H. O.
Leave (Leave 6-3-71 to 12-3-71)	Leave 15/7/73	Asstt. Postmaster (Accs.) Tinsukia
Leave (Leave from 15-4-71 to 18-4-71)	Leave 15/7/73	ELAP on wife from 12-1-69 to 15.1.69
Leave (Leave from 9-8-71 to 11-8-71)	Leave 15/7/73	The period of Leave will count towards increment.
Leave & Pay raised wif. 1-9-71	Leave 15/7/73	1. h. 68
Leave from 23-8-71 to 26-9-71	Asstt. Postmaster (Accs.) Tinsukia	To 31.3.69 Verified The A. Rolls of Tinsukia H. O.
Leave	Leave 15/7/73	Asstt. Postmaster (Accs.) Tinsukia
Leave (Leave from 14-6-72 to 17-7-72)	Leave 15/7/73	ELA on wife from 1.8.69 to 23.8.69 & HAF from 24.8.69
Leave (Leave from 16-8-72 to 1-10-72)	Leave 15/7/73	to 1.9.69. The Period of Leave will count towards increment under rule FR 26
Leave (Leave for 12-2-73 to 15-3-73)	Leave 15/7/73	b) (ii)
Leave & HAF (Leave from 23-4-73 to 9-5-73)	Leave 15/7/73	Asstt. Postmaster (Accs.) Tinsukia

Name of appointment and Establishment	Whether substantive or officiating, and whether permanent or temporary	If officiating, here state substantive appointment	Pay in substantive appointment	Additional pay for officiating	Amounts falling under the term	Date of appointment	Initials of attesting officer in attestation of columns	Date of termination of appointment
		18						
P. C. Darbhanga Bihar. Off 18. 268						25 $\frac{2}{3}$ 6	14 $\frac{5}{7}$ 6	
							2nd Postmaster (Accounts) Tinsukia-786125	
							Jo.	
Clerk Khowra	Off 1/c	268			29 $\frac{5}{7}$ 6	Grable 30 $\frac{3}{7}$ 7		
			EL 1.4.73 to 10.5.77			Asst. Postmaster (Accounts) Tinsukia-786125		
					11 $\frac{5}{7}$ 7	Grable 31 $\frac{3}{7}$ 8		
						Asst. Postmaster Tinsukia-786125		
SPM, Chhatarpur	"	268 SP 20			16-1-78	Asst. Postmaster (Accounts) Tinsukia-786125	7 $\frac{2}{7}$ 8	
						Asst. Postmaster Tinsukia-786125		
Clerk (Khowra)	"	268			23-2-78	Asst. Postmaster (Accounts) Tinsukia-786125	7 $\frac{2}{7}$ 8	
						Asst. Postmaster Tinsukia-786125		
Clerk (Khowra)	"	276			1 $\frac{2}{7}$ 6	Asst. Postmaster (Accounts) Tinsukia-786125	28 $\frac{2}{7}$ 8	
						Asst. Postmaster Tinsukia-786125		
Clerk (Khowra)	"	276			22-2-78	Asst. Postmaster (Accounts) Tinsukia-786125	8-1-9-78	
						Asst. Postmaster Tinsukia-786125		
Clerk (Khowra)	"	276			16 $\frac{9}{10}$ 0	Asst. Postmaster (Accounts) Tinsukia-786125	30 $\frac{4}{7}$ 9	
						Asst. Postmaster Tinsukia-786125		
Clerk (Khowra)	"	284			4-6	Asst. Postmaster (Accounts) Tinsukia-786125	16 $\frac{7}{9}$ 9	
						Asst. Postmaster Tinsukia-786125		



	20				
Postmistress	281	-	26-7-80	281	27-7-80
Clerk Along	281	-	28-7-80	281	29-7-80
	EL 281	-	3-9-80	EL	1-10-80
	281	-	2-10-80	281	15-10-80
EL.K. Along	281	-	16-10-80	281	31-10-80
	292	-	1-11-80	292	16-11-81
Trumbil-	292	-	12-1-81	292	12-1-81
Clerk old- Sibasagar	292	-	12-1-81	292	5-4-81
	EL 292	-	6-4-81	292	20-4-81
	292	-	21-4-81	292	5-5-81
Clerk Along	292	-	6-5-81	292	31-10-81
	300	-	1-11-81	300	30.11.81
Postmome. S/ M. B. P. Nath Date - 12-12-81	300		11281	Postmome. Assist. Post Master Date - 12-12-81	3.12.81
Clerk Sibasagar	300		4.12.81	Postmome. Assist. Post Master Date - 12-12-81	10.4.82

transfer,  
dismissal etc.)

attestation of  
columns  
9 and 10.

of the attesting  
offices. *Annex D*

whether per. rec'd or paid  
count towards leave and pension with  
signature of the attesting officer.

54

		21
Leave	AFM 1 A/C 5	
Leave	AFM 1 A/C 5	
Leave	AFM 1 A/C 5	
Leave	AFM 1 A/C 5	

Service From	1-1-73
To	31-3-75
Verified From	The A. Rolls of Tissukia H.O.
	6th January B.C. Order
	1973/2021/1-1-73. Rec'd
	500/- at 5m 20/-
	AFR 210/- 200/-
	8.2.73 Accrued
	Journal 1-1-73 to
	31-12-73 Actual
	Balance 8.4.73 22/-

Pay revised	AFM 1 A/C 5
Refrn	AFM 1 A/C 5
Leave	AFM 1 A/C 5
Leave	AFM 1 A/C 5
Leave	AFM 1 A/C 5

Service	1-1-73
To	31-3-75
Verified From	The A. Rolls of Tissukia H.O.
	6th January B.C. Order
	1973/2021/1-1-73. Rec'd
	500/- at 5m 20/-
	AFR 210/- 200/-
	8.2.73 Accrued
	Journal 1-1-73 to
	31-12-73 Actual
	Balance 8.4.73 22/-

Leave revised	AFM 1 A/C 5
Transferred	AFM 1 A/C 5
Leave ends	AFM 1 A/C 5
Leave	AFM 1 A/C 5
Leave	AFM 1 A/C 5

Service From	1-1-73
To	31-3-75
Verified From	The A. Rolls of Tissukia H.O.
	6th January B.C. Order
	1973/2021/1-1-73. Rec'd
	500/- at 5m 20/-
	AFR 210/- 200/-
	8.2.73 Accrued
	Journal 1-1-73 to
	31-12-73 Actual
	Balance 8.4.73 22/-

## DEPARTMENT OF POSTS INDIA

No E4-7/97-98

Dated at Jaipur the 28.8.98.

## MEMORANDUM

The President/undersigned possess to hold an inquiry against Shri Dheeswar Nath P. Gourisingh under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set put in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each articles of charge is enclosed (Annexure-II). A list of documents by which and a list of witness by whom the articles of charges are proposed to be sustained are also enclosed (Annexure III & IV).

2. Shri Dheeswar Nath is directed to submit within 10 days of the receipt of this Memorandum a written statement of the 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 these articles of charge as are not admitted. He should therefore specifically admit or deny each articles of charge.

4. Shri Dheeswar Nath 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 CCS (Conduct) Rules 1965 or the orders/ directions issued in pursuance of the said rules, the inquiring authority may hold the inquiry against him ex parte.

5. Attention of Shri Dheeswar Nath is invited of Rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If the any representation received on his behalf from another person in respect of any matter dealt with these proceeding it will be presumed that Shri Dheeswar Nath is aware of such representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules 1964.

6. The receipt of this memo may be acknowledged

To  
Shri Dheeswar Nath  
P.D./  
P. A. Gourisingh  
(Proc. under Suspension)

25/8/98  
31.8.98

SDW 28/8/98  
(S. Das)

(Disciplinary authority)

Off. Address  
Suptd. of Post Office  
Jaipur  
Subsagar Division  
Jaipur-786001

## ANNEXURE - I

Statement of article of charges framed against Sri Phuleswar Nath P.A Gourisagar S.O. now under suspension.

## ARTICLE - I

That the said Sri Phuleswar Nath while working as P.A Gourisagar S.O. period from 8-1-96 to 18-2-96 had accepted a sum of Rs. 5300/- (Rupees Five thousand three hundred) only from the depositor of five S.B accounts standing at Gourisagar S.O. along with the relative passbooks on different dates to deposit against the account. Sri Nath had although noted the transaction in the passbook duly realised the amount from the depositor but failed to credit the deposited amount in Govt. account.

Therefore said Sri Phuleswar Nath had violated the provision of Rule 31(2) (ii) (a) of P.O SB Manual Vol-I and Rule 4(i) of FMB Vol-I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3 (1) (i) (ii) and 3 (1) (iii) of C.C.S (Conduct) Rule 1964.

## ARTICLE - II

That the said Sri Phuleswar Nath while working as P.A Gourisagar S.O. period from 8-1-96 to 28-2-96 had accepted deposit in r/o five (5) RD accounts in different dates from 12-1-96 onwards amounting to Rs. 5100/- (Rupees Five thousand one hundred) only but he had failed to credit the deposited amount in Govt account on the date of acceptance or in subsequent dates.

Thereby said Sri Nath had violated the provision of Rule 31 (2) (ii)(a) , 46(1), of PO SB Manual Vol-I and Rule -4 (i) of FMB Vol-I and thus he failed to maintain absolute intergrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt servant and enjoined in Rule 3(1) (i) and 3 (1) (ii) and 3 (1) (iii) of C.C.S (Conduct) Rule 1964.

## ANNEXURE - II

Statement of imputation of misconduct or misbehavior in support of the article of charges framed against Sri Phuleswar Nath P.A. Gourisagar now under suspension.

That the said Sri Phuleswar Nath while functioning as P.A Gourisagar S.O. during the eriod from 8-1-96 to 18-2-96 had accepted deposits from the depositor of below particularised five(5) SB accounts standing at Gourisagar S.O. along with relative passbook on different dates to deposits against the aforesaid account amounting to Rs.5300/- (Rupees Five thousand three hundred) only . But Sri Nath although noted the transaction in the relevant passbook duly impressed office date stamp under his dated signature , but failed to credit the amount so realised to the Govt account on the date of acceptance or in any subsequent dates . The dates particulars account are as under .

SL. No.	Type of A/C	A/C No.	Name of depositor	Dated particulars of non credit	Amount misappropriated
1.	SB	744003	Sri Sobharam Borah	07-06-96	Rs. 500.00
2.	"	747623	Sri Bipul Borah	10-05-96	Rs. 800.00
3.	"	747446	Sri Narayan Ch Bora	03-06-96 08-07-96	Rs.1000.00 Rs.1000.00
4.	"	746705	Sri Narayan Hazarika	14-06-96	Rs.1400.00
5.	"	747895	Mrs Songita Hazarika	09-04-96	Rs. 600.00
(Rupees Five thousand three hundred) only .					Rs. 5300.00

Therefore said Sri Phuleswar Nath P.A Gourisagar S.O. has violated the provision of Rule 31(2) (ii)(a) of PO SB Manual Vol. I and Rule 4 (1) of FHB Vol I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt servant as enjoined in Rule 3(1) (i) 3(1)(ii) and 3(1) (iii) of CCS (Conduct) Rule 1964 .

#### ARTICLE - II

That the said Sri Phuleswar Nath while functioning as P.A Gourisagar S.O. during the period from 8-1-96 to 18-2-96 had accepted ~~depositor~~ deposits from the depositors of below particularised five RD accounts on the mentioned against each account . On receipt of the passbook and amount for Rs. 5100/- said Sri Nath had noted the transaction in the passbooks impressed with office date stamp and signed against the entry , but failed to credit the deposited account in to the Govt a/c . The particulars of RD accounts as under .

SL No.	Type of A/C	A/C No.	Name of depositor	Dated particulars of non credit	amount of non credit
1.	RD	5958	Sati Bimpimoni Borah	30-06-96	Rs. 500.00
2.	"	6023	Miss Putumoni Kalita	17-01-96 08-08-96 10-09-96	Rs. 200.00 Rs. 200.00 Rs. 200.00
3.	"	6196	Sri Konta Nath Dutta	07-03-96 14-05-96 11-07-96 12-08-96 10-09-96	Rs. 00.00 Rs. 500.00 Rs. 500.00 Rs. 500.00 Rs. 500.00
4.	"	6101	sri Hiten Saikia	12-01-96 18-05-96 05-06-96	Rs. 300.00 Rs. 300.00 Rs. 300.00
5.	"	6484	sri Phuleswar Borgohain	24-03-96, in. 30-07-96	Rs. 300.00 Rs. 300.00
(Rupees Five thousand one hundred) only .					Rs. 5100.00

Theraby said Sri Nath had violated the provision of Rule 31(2)(ii)(a), 46(1) of PO SB Manual Vol I and Rule 4 (1) of FHB Vol I and thus he failed to maintain absolute integrity and exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt servant as enjoined in Rule 3 (1) (i) , 3(1) (ii) and 3(1) (iii) CCS (Conduct) Rule 1964 .

.....3/-.....

## ANNEXURE - III

List of documents by which the article of charges framed against  
Sri Phuleswar Nath O.P.A. Gourisagar now under suspension.

1. Original S.B pass book a/c No. 744003 , 747623 , 747446 ,  
 746705 , and 747895 .
2. Original R.D pass books a/c No. 5958 , 6196 , 6023 , 6101 ,  
 and 6484 .
3. S.B long book period from 9-4-96 to 5-7-96 .
4. R.D. Journel period from 17-1-96 to 10-9-96 .
5. S.O a/c book of Gourisagar S.O. from Jan/96 to Sept/96 .

## ANNEXURE - IV

List of witness by whom article of charges framed against Sri  
Phuleswar Nath P.A. Gourisagar now under suspension.

1. Sri Dimbeswar Hazarika SDIPO's Sibsaagar Sub-Division Sibsagar.
2. Sri P. Deb ASPO's (Division) o/o the Supt of Post Offices,  
 Sibsagar Dvn Jorhat .

Printed at the M.L. Press, Dibrugarh, Assam.

in the case against Shri Phuleswar Nath, PA, Gavisagar under suspension.

1. Under sub-rule (2) of Rule 14 of C.C.S (CCA) Rules, I was appointed by the Superintendant of Posts, Libsagar Dr. Goshal, as the Inquiring Authority to inquire into the charges framed against Shri Phuleswar Nath, PA, Gavisagar S.O. (under suspension) vide his memo no. F4-7/97-98 dt- 28-8-98. I have since completed the inquiry and on the basis of the documentary and oral evidences adduced before me prepared my Inquiry Report as under—

2. Participation by the charged officer in the inquiry.

The charged officer participated in the inquiry from beginning to end.

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

The following articles of charge have been framed against Shri Phuleswar Nath, PA, Gavisagar S.O. (under suspension).

#### Article - I

that the said Shri Phuleswar Nath while working as PA, Gavisagar S.O. period from 8-1-96 to 28-2-98 had accepted a sum of Rs. 5300/- (Rupees five thousand three hundred) only from the depositors of five S.B. accounts standing at Gavisagar S.O. along with the relative pass books on different dates to deposit against the account. Shri Nath had although noted the transaction in the passbook duly realised the amount from the depositor but failed to credit the deposited amount in Govt. account.

Therefore said Shri Phuleswar (60) Nath had violated the provision of Rule 31(2) (ii) (a) of P.O. SB Manual Vol I and Rule 4(1) of FHB Vol-I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted ~~in~~ in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(i) (ii) and 3(1)(iii) of CCS (conduct) Rule, 1964.

### Article-11

That the said Shri Phuleswar Nath while working as PA, Gaurisagar S.O. period from 8-1-96 to 28-2-98 had accepted deposit in respect of five (5) RD accounts in different dates from 12-1-96 onwards amounting to Rs. 5100/- (Rupees five thousand one hundred) only but he failed to credit the deposited amount in Govt. account on the date of acceptance or in subsequent dates.

Thereby said Shri Nath had violated the provision of Rule 31(2) (ii) (a), 46(1) of P.O. SB Manual Vol I and Rule 4(1) of FHB Vol I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(i) and 3(1)(ii) and 3(1)(iii) of CCS (conduct) Rules, 1964.

### Annexure-II

Statement of imputation of misconduct or misbehaviour in support of the article of charges framed against Shri Phuleswar Nath, PA, Gaurisagar now under suspension.

That the said Shri Phuleswar Nath while functioning as PA, Gaurisagar S.O. during the period from 8-1-96

to 28-2-98 had accepted deposits from the depositors of below particularised five (5) SB account standing at Gaurisagar S.O. along with relative pass book on different dates to deposits against the aforesaid account amounting to Rs. 5300/- (Rupees five thousand three hundred) only. But Shri Nalk although noted the transaction in the relative pass book duly impressed office date stamp render his dated signature, but failed to credit the amount so received to the a/c account on the date of acceptance or in any subsequent dates. The detail particulars account are as under:-

Sl. No.	Typd. Acct No.	Name of depositor	Dated passbook	Amount misappropriated
			dated puri- culars of non credit	
1.	SB 744003	Sri Subharam Borah	07-06-96	500.00
2.	" 747623	Sri Bipul Borah	10-5-96	800.00
3.	" 747446	Sri Narayan Ch. Bora	03-06-96 05-07-96	1000.00 1000.00
4.	" 746705	Shri Narayan Hazarika	14-6-96	1400.00
5.	" 747895	Mrs. Laxmi Hazarika	09-04-96	600.00

Rs (five thousand three hundred) only. Rs 5300.00

Therefore said Shri Phuleswar Nalk, PA, Gaurisagar S.O. had violated the provision of Rule 31(2)(ii)(a) of PO-SB Manual vol. I and Rule 4(1) of FHB vol I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. Servant as enjoined in Rule 3(1)(i), 3(1)(ii) and 3(1)(iii) of CCS (conduct) Rule 1964.

#### Article-II

that the said Shri Phuleswar Nalk while functioning as P.A,

Govt. of S.O. during the period from 8-1-96 to 28-2-98 had accepted deposits from the depositors of below particularised five RD accounts on the dates mentioned against each account. On receipt of the pass book and amount of Rs. 5100/- said Shri Nath had noted the transaction in the pass books impressed with office date stamp and signed against the entry, but failed to credit the deposited amount in to the govt a/c. The particulars of RD accounts as under:-

Sl. No.	Typed No.	Name of depositor	Date of deposit	Amount non-credit
1.	RD 5958	Smt. Bimpimoni Borah.	30-6-96	500.00
2.	6023	Ms. Putumoni Kalita	17-01-96 08-08-96 10-09-96	200.00 200.00 200.00
3.	6196	Sri Kanta Nath Sutta	07-03-96 24-05-96 11-07-96 12-08-96 10-9-96	500.00 500.00 500.00 500.00 500.00
4.	6101	Sri Hellen Saikia.	12-01-96 18-05-96 05-06-96	300.00 300.00 300.00
5.	6484	Sri Budheswar Borgohain	24-03-96 30-07-96	300.00 300.00

(Rs. five thousand one hundred) i.e. Rs. 5100.00

thereby said Shri Phuleswar Nath had violated the provision of Rule 31(2)(11)(a), 46(1) of P.O. S.I.B. Manual Vol I and Rule 4(i) of F.H.B. Vol I and thus he failed to maintain absolute integrity and exhibited lack of devotion to duty and acted in a manner which is unbecoming of a govt servant as enjoined in Rule 3(1)(i), 3(1)(II) and 3(1)(III) of C.C.S (Conduct) Rules, 1964.

Annexure - II

List of documents by which the article of charges framed

against Shri Phuleswar Nath, PA,  
Gaurisagar now under suspension.

1. Original SB pass book a/c no. 744003, 747623, 747416, 746705 & 747895.
2. Original RD pass books a/c no. 5958, 6196, 6023, 6101 and 6484.
3. SB long book period from 9-4-96 to 5-7-96.
4. RD journal period from 17-1-96 to 10-9-96.
5. SO a/c book of Gaurisagar S.O. from Jan '96 to Sept '96.

#### Annexure - IV

List of witnesses by whose article of charges framed against Shri Phuleswar Nath, PA, Gaurisagar now under suspension.

1. Shri Dineshwar Hazarika, SDI J-Pos, Sibsagar Sub Dn, Sibsagar.
2. Shri P. Deb, ASPoS (Dn), of the Supt J-Pos, Sibsagar Dn, Jorhat.

#### Preliminary Hearing:-

Preliminary hearing was held on 21-12-98 at 11-00 hours in the office of the Supt J-Pos-Offices, Gaurisagar Dn, Jorhat in which the charged officer has admitted all the charges framed against him fully.

#### Findings:-

On the basis of documentary and oral evidence adduced in the case before me, I hold that all the two charges against Shri Phuleswar Nath stands proved.

(S. DEO PURKAYASTHA)  
 Inquiring officer

(64) 23

Proceedings & preliminary hearing

The proceedings were taken up, by me in the office of the Subdtl & F.O. Sibtagarh Dr, Jorhat on 21-12-98 at 11.00 A.M. when the following were also present :-

1. Shri D. Dihingia, Presenting officer.
2. Shri Phuleswar Nath, Charged officer.

The C.O. when questioned by the D.O. admitted to have received the charge sheet and to have understood the charges against him fully.

The P.O. as directed appeared before me with all the listed documents which were offered for inspection to the C.O. After inspection thereof the C.O. admitted the documents mentioned in the charge sheet as authentic. He also admitted that he was on duty as P. A. Gauribagan Post office from 8-1-96 to 28-2-98.

The charged officer when questioned by D.O. has admitted all the charges framed against him fully. Also the charged officer has added that he will refund the amount of Rs. 10400/- + Intt there of & sustained by the Govt. at an early date and required for me.

As the charged officer has pleaded guilty unequivocally, the case is thus concluded.

*Shri D. Dihingia*  
Presenting officer.

*Shri Phuleswar Nath*  
Charged officer.

*Shri Phuleswar Nath*  
Inquiry officer.

Phuleswar Nath

ANNEXURE - R4/65

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DEPARTMENT OF POST : INDIA  
OFFICE OF THE SUPERINTENDENT OF POST OFFICES SIBSAGAR DIVN JORHAT 785001

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Memorandum No 74-22/94-95 dated at Jorhat the 0-3-97.

Read this office memo of even. no dated 5-10-96  
wherein it was proposed to take action against Sri Phuleswar Nath  
P.A. Courisagar SO under Rule - 16 of C.C.S. (CCA) Rules 1964  
bringing out the charges as follows -

That Sri Phuleswar Nath while working as ledger  
assistant No-1 of Sibsagar HO during the period from 5-7-94 to  
20-3-94 he had failed to maintain Binder chart, Index to ledger  
card and special Error book.

That Sri Phuleswar Nath had failed to do the regrouping of binders and also not noted the full name & full address of depositor's in SB-72 (ledger card).

Thereby Sri Nath has violated the provision of Rule 121,  
14(1), 17(1), 17(2), 120 of P.C. Small Savings Scheme Val=2 and  
Rule 16 of P.C. SB Man. Val=1.

By the aforesaid act Sri Phuleswar Nath had exhibited  
lack in devotion to his duties by which violated the provision of  
Rule 5(1), (ii) of C.C.S. (conduct) Rules 1964.

The above memo was received by aforesaid Sri Nath on  
21-11-96 and he did not submit any representation till this date.

#### Observation .

I have gone through the charges brought against the  
officials and found justified. Further non submission of defence  
statement implies admission of guilt. Therefore it is established  
that the charges brought against the officials stands proves and  
accordingly to meet the ends of Justice issue the following order-

#### ORDER

I Shri N.R. Paul SPO's Sibsager Division Jorhat therefore  
order that a sum of Rs. 5000/- (Rs five thousand only) be recovered  
from the pay of Sri Phuleswar Nath PA Courisagar SO at the rate  
of Rs. 200/- (Rs two hundred) per month commencing from the pay-bill  
of March 1997 and hope this will meet the ends of Justice.

S/R  
( N.R. Paul )  
Superintendent of Post Offices -  
Sibsager Division, Jorhat.

Contd.

(2)

Copy forwarded to

1. Srim. Phuleswar Nath PA Gourisagar S.O.
2. The Postmaster Sibsagar HO he is requested to intimate recovery particulars.
3. The DA(P) Calcutta.
4. The APMC (vij) O/O the PMG Guwahati.
5. CR file 6, PF file, 7 punishment register.
6. O/C

Supdt. of Post Offices  
Sibsagar Division Jorhat.

## ANNEXURE - G

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DEPARTMENT OF POSTS : INDIA  
O/O Supt. OF POST OFFICES SIBAGAR DIVN. JORHAT-785001.

Shri Phuleswar Nath,  
PA, Sibagar H.O.

No. X4-11/94-95

Dated at Jorhat the 26th Oct/94.

Sub:- Alleged mis-appropriation of Rs. 1,000/- while issuing I.V.Ps No. 51 IVP 28/9 854416 & 854419 of Rs. 1,000/- each. Registration No. 68 dated 8-12-88.

It appears from the note on the body of the aforesaid I.V.Ps that maturity value of the same have been shown by you in words and figures as Rs. 2,000/- only while the said value of the same is Rs. 500/- each.

The Investor one Sri Mahendra Baru stated that he paid Rs. 2,000/- to you for issue of I.V.Ps. Instead of issuing I.V.Ps with maturity value of Rs. 4,000/- you issued the aforesaid I.V.Ps the maturity value of which is Rs. 2,000/- only but at the place of due date of payment you added the figure of Rs. 2,000/- both in words and figure in each of the I.V.Ps and handed over to the Investor.

It is therefore, appears that a sum of Rs. 1,000/- had not been utilised for issue of I.V.Ps by you while holding the charge of SPM Kamalnabi S.O. on 8-12-88. The Investor therefore suffers a loss of Rs. 1,000/- + 1,000 = 2,000/- at the time of maturity.

Please therefore, credit a sum of Rs. 2,000/- immediately and intimate date of credit.

( M. R. BAUL )  
Supt. of Post Offices,  
Sibagar Division Jorhat

Copy to :

1. The Postmaster Sibagar H.O. for information. He will please intimate date of credit of Rs. 2,000/- by Smt. Phuleswar Nath, PA of his office.
2. The S.P.M. Kamalnabi for information. He will examine the records of his office and intimate the said amount credited in r/o aforesaid I.V.Ps at Kamalnabi S.O. on 8-12-88.
- 3-5. Sparus.

Supt. of Post Office  
Sibagar Divn. Jorhat

35  
OFFICE OF THE SUPT OF POST OFFICES

APPENDIX ANNEXURE - R 6 (68)

Memo No F4-7/84-85/D Dated at Jorhat the 30.5.85.

In this office memo no F4-7/84-85/D dtd 15.5.85 Shri Phuleswar Nath P.A. Sibsagar under suspension at Sibsagar was informed of the action proposed to be taken against him under Rule 14 of CCS(OGA)1965 on the basis of the memo of allegation and articles of charge, list of documents and list of witness enclosed therein. Shri Phuleswar Nath was also directed to submit written within 10 days of receipt of the memorandum a written statement of his defence and also to state whether he desires to be heard in person.

On receipt of this office memo of even no dtd 15.5.85 Shri Phuleswar Nath in his letter no nil dtd 27.5.85 prayed for extension of 10 days time to submit his representation. In this office letter of even no dtd 30.5.85 Shri Phuleswar Nath was allowed (10) ten days time with effect from 31.5.85 to 9.6.85 to submit his representation. On receipt of this office letter of even no dtd 30.5.85, Shri Phuleswar Nath vide his written representation dtd 6.6.85 denied the charges and therefore, an Inquiry authority was required to be appointed and Shri N. Bhattacharjee ASP (Complaint) Office of the PMG N. B Circle Shillong was appointed as Inquiry officer vide this office memo no F4-7/84-85/D dtd 10.6.85 and Shri Atul Chandra Bora IPOs(G)O/O the Supdt of Post offices, Sibsagar Division, Jorhat was appointed as Presenting officer vide this office memo no F4-7/84-85/D dtd 10.6.85 But Shri N. Bhattacharjee who was appointed as Inquiry Authority was unable to conduct the enquiry due to some administrative reason. So Shri A.K. Dewri IPOs(G)O/O the Supdt of Post offices, Dibrugarh Dn Dibrugarh was subsequently appointed as Inquiry Authority under this office memo no F4-7/84-85/D dtd 20.5.85.

The Inquiry Authority held the enquiry on different days and submitted his enquiry report vide his no AL/Enquiry/2/86 dtd 9.2.87.

2. The case and the charges in brief is that....

ANNEXURE I  
Statement of article of charges framed against Shri Phuleswar Nath P.A. Sibsagar HO.

ARTICLE I

That the said Sri Phuleswar Nath while functioning as Postal Ass'tt. Sibsagar HO during the period from 4.1.84 to date received the Calcutta GPO VPL No 1771 dtd 13.1.84 for Rs 965/- addressed to Sital General Store Sibsagar on 17.1.84 originally entered it in VP Register as VP 1771 on 17.1.84 and subsequently corrected as 8784 for Rs 185/- and shown returned on 1.2.84 but neither 1771 nor corrected number 8784 was actually returned on 1.2.84 and 4.2.84. The

-2-

The VP MO 1771 was found re-entered on 21.1.84, 28.1.84 and 4-2-84 by Phuleswar Nath P.A. The addressee stated the VP article 1771 dtd 13.1.84 for Rs 965/- was taken delivery by him on 23.1.84. by making full payment of value and commission of the VP article at PO counter. Thus Sri Phuleswar Nath P.A VP counter clerk in possession of VP article No 1771 above received the value and commission of the VP article No 1771 aforesaid and did not credit the amount of Rs 965/- + 29.10 = Rs 994.10P realised to Govt account, thereby violated rule 4(1) of P&T Manual Volume VI and exception below Rule 227(1)P&T Manual Volume VI and part I violating rule 3(1)(1) of CCS(Conduct rule 1964.

### ARTICLE II

During the aforesaid period and while working in the aforesaid office the said Sri Phuleswar Nath received the Calcutta VPL No 1032 dtd 5.3.84 for Rs 1000/-addressed to Temple view stores Sibsagar on 7.3.84 and originally entered as VPL 1032 in the VP register on 7.3.84 and subsequently corrected the numbers as 0852 for the same amount of Rs 1000/-. The corrected VPL No 0852 for Rs 1000/-was shown delivered on 26.3.84 Sri Kheliluddin Ahmed APM noted on 7.3.84 in the Regd abstract that VPL 1032 was transferred to VP clerk Sri Phuleswar Nath VPL counter clerk. Addressee of the VP letter No 1032 stated that he took delivery of the VPL No 1032 on 19.3.84 from PO counter by making full payment of Rs 1030/-Sri Phuleswar Nath P.A VP counter who was in possession of the VP article no 1032 for Rs 1000/-did not credit the amount of value and commission of VPL No 1032 for Rs 1000/- + 30/- = 1030/-realised from the addressed to the Govt on 19.3.84 or on subsequent date. Sri Phuleswar Nath thereby acted in contravention of Rule 4(1) of P&T Vol I and exception below Rule 227(1) of P&T Manual Vol VI part I thereby violating rule 3(1)(1) of CCS(Conduct)Rules 1964.

### ARTICLE III

During the above said period and while working in aforesaid office, the said Sri Phuleswar Nath P.A Sibsagar reserved (a) at 1/ Strand Road VPL No 28 dtd 25.5.84 for Rs 630/-addressed to Gauahar Gunabhi Ram Dajkowa Sibsagar on 29.5.84 (b) Allahabad VPL No 557 dtd 8.5.84 for Rs 125/-a/to Anwar Hussein Mysore Sibsagar on 22.5.84. Both the VP articles were entered in VP register by Sri P. Nath on the respective date of receipt by him and shown in deposit on 1.6.84 Sri Phuleswar Nath made over charge of VP branch to Srimati Anjali Gogoi on 2.6.84 but those VP articles were not actually made over to her as it appears from the re-entry made by Srimati Anjali Gogoi on 2.6.84 as per dictation of Sri P. Nath as per articles were actually in deposit but the VP MO forms were left with Srimati Anjali Gogoi. The addressees of the VP articles stated that they took delivery of the VP article on (a) 29.5.85 (b) on or before 29.5.85, respectively from Sri Phuleswar Nath P.A who was VP counter clerk in possession of the VP articles in question from the date of receipt to date of delivery as stated by addressees Sri Phuleswar Nath did not credit the value and commission of the VP articles Rs 630/- + MO com. 18.90 and Rs 125/- + MO com 3.90 = Rs. 777.80P after their delivery to the Govt account in rule 227(1) thereby violating Rule 3(1)(1) of CCS(Conduct)Rules 1964.

Annexure II

Statement of imputation of misconduct and Misbehaviour in support of article of charges framed against Sri Phuleswar Nath PA Sibsagar HO.

ARTICLE I)

That the said Sri Phuleswar Nath while working as PA Sibsagar from 4.11.81 to date received the Calcutta QO VPL No 1771 dtd 15.1.84 for Rs 965/- addressed to Sital General Store SBS sent by Sikit Khan Calcutta was received at Sibsagar HO on 17.1.84 through Jorhat sorting Set 1 A/List dtd 15.1.84 at SI 1/1/17 by R/C I and was transferred to VPL clerk Sri Phuleswar Nath alongwith 19 articles and was found entered at SI 65 of the VP register. The number was subsequently corrected as 8784 for Rs 164/- and shown returned to sender on 1.2.84. Neither the corrected VPL No 8784 nor the VP article 1771 actually was returned by Sri Nath on 1.2.84. The VPL 1771 was shown in re-entry on 21.11.84, 28.1.84 and 4.2.84 by Sri Phuleswar Nath. The addressee A/S Sital General stores stated that he actually received the VP article on 23.1.84 from Sibsagar HO counter on full payment of value and commission of the VP articles. Sri Phuleswar Nath was the VPL counter clerk of Sibsagar HO in possession of the VP article in question did not credit the value and commission Rs 965/- + 29.10 = 994.10 realised from the addressee on 23.1.84 or on any subsequent date in Govt account.

(ARTICLE II)

That the said Sri Phuleswar Nath PA Sibsagar HO while working in the aforesaid office during the aforesaid period received the Calcutta VPL No 1032 dtd 5.3.84 for Rs 1000/- addressed to K/S temple View stores Sibsagar sent by Mitra Stores Gal-1 cn 7.3.84 from R/C I of Sibsagar HO. The VPL No 1032 was received at Sibsagar HO through Jorhat sorting Regd list dtd 6.3.84 with entry at SI 12/22. VPL clerk Sri Phuleswar Nath entered the VPL No 1032 in VP register on 7.3.84. The VP No-102- 1032 dtd 5.3.84 for Rs 1000/- so entered was subsequently corrected as 0852 for the same amount of Rs 1000/- and the corrected VPL No 0852 was shown delivered on 26.3.84. The APM Sri Khaliluddin Ahmed while checking the correct transfer of VP articles by R/C I to Sri Nath has noted in registered abstract that VPL No 1032 correctly transferred to Sri Phuleswar Nath on 7.3.84 and stated that he found the correct entry of VPL 1032 in VP Register on 7.3.84. The addressee stated that he took delivery of VPL no 1032 for Rs 1000/- on 19.3.84 from Sibsagar HO VP counter after payment of full value and commission of Rs 1000/- + 30.00 = 1030/- Sri Phuleswar Nath was VP counter clerk in possession of the VPL No 1032 for Rs 1000/- did not credit the value and commission of the VPL for Rs 1030/- on 19.3.84 or any date in Govt Account.

Calcutta I, No 0852 for Rs 1000/- addressed to the same and sent by the same sender was received at Sibsagar HO on 6.1.84 but it was not entered in VP register. The addressee stated that he has taken delivery of the VPL No 0852 on 12.1.84 by making full payment of value and commission but no such credit of Rs 1030/- if available in Govt account.

.....4

ANNEXURE III

During the aforesaid period and while working in the afore said office Sri Phuleswar Nath received (a) strand Road VPL No 28 dtd 25.5.84 for Rs 630/- addressed to Sri Gunabhiram Rajkhowa Sibsagar on 29.5.84 (b) Allahabad VP Pkt no 557 dtd 8.5.84 for Rs 125/- to Anwar Hussain advocate on 22.5.84. Both the above VP articles were entered in the VP register on the respective date of receipt by Shri Phuleswar Nath. He continued to show them in re-entry upto 1.6.84. Sri Phuleswar Nath made over charge of VPL Branch to Smti Anjali Gogoi PA on 2.6.84. Before making over charge to Sri-mati Anjali Gogoi on 2.6.84 Sri Phuleswar Nath dictated the numbers of the VP articles those were actually in deposit and Srimati Gogoi noted them as re-entry. The two VP article no 28 and 557 and also one 1845 were not there although those were in re-entry on 5.6.84. Smti Anjali Gogoi stated that the VPMO forms were found by her in the bundle and originally re-entered those numbers 28, 557 and also 1845 on 2.2.84 although they were not in deposit and subsequently scored it out VPMOs taken out. Since the re-entries on 2.6.84 were made by Smti Gogoi from the actual article in deposit and the VP article no 28, 557 and also one 1845 were not found in deposit by the APM Sri Kheliluddin Ahmed and made over a note in VP register, Sri Phuleswar Nath therefore could not establish that he actually handed over the VP No 28 and 557 to Srimati Anjali Gogoi on 2.6.84 when made over charge of VP branch on 2.6.84. Further the addressees stated that the (a) Strand Road VPL No 28 dtd 25.5.84 for Rs 630/- was taken delivery from Sri Phuleswar Nath after making full payment of value and commission Rs 630/- and MOC 18.90= Rs 648.90 on 29.5.84 and (b) Allahabad VPPKT no 557 dtd 8.5.84 for Rs 125/- after payment of value and commission Rs 125/- + 3.90= Rs 128.90 on or before 29.5.84. As Sri Phuleswar Nath was in possession of VP articles on the date of delivery of the VP Nos 28 and 557 as stated by the addressees it is evident that Sri Phuleswar Nath actually realised the value and commission of both the VP articles to the tune of Rs 630/- + 18.90 + 3.90= 777.80 and did not account for them by credit in Govt account.

ANNEXURE IIIAANNEXURE III

List of documents by which the articles of charges framed against Sri Phuleswar Nath PA Sibsagar are proposed to be sustained.

1. VP Registers of registration branch the for the period from 6.1.84 to 5.6.84.
2. Registered abstract from 17.1.84 to 5.6.84.
3. Registered receipt lists of 17.1.84, 7.3.84, 6.1.84, 22.5.84, 29.5.84, 1.6.84.
4. Written statement of proprietor Sital General stores, Sibsagar dtd 21.8.84 addressee of the VPL No 1771 dtd 15.1.84 for Rs 965/-
5. Statement of partner Temple view stores Sibsagar dtd 27.9.84. addressee of VPL N's (1) 1032 dtd 5.3.84 for Rs 1000/- (ii) 0852 dtd 6.1.84 for Rs 1000/-
6. Statement of Partner Temple view stores Sibsagar dtd 27.9.84 addressee of (1) Calcutta-1 VPL No 1032 dtd 5.3.84 and (b) 0852 dtd 6.1.84 for Rs 1000/- each.
7. Statement of Sri Gunabhiram Rajkhowa Sibsagar dtd 13.8.84 addressee of Strand road VP No 28 dtd 25.5.84 for Rs 630/-
8. Statement of Sri Anwar Hussain, Advocate Sibsagar dtd 25.7.84 addressee of Allahabad VPL No 557 dtd 8.5.84 for Rs 125/-

contd.....5

ANNEXURE IV

List of witnesses by whom the articles of charge against Sri Phuleswar Nath PA Sibsagar is proposed to be sustained.

1. Sri Khaliluddin Ahmed APM Sibsagar HO.
2. Smt. Anjali Gogoi, PA Sibsagar.
3. Proprietor M/S Sital General Stores Sibsagar.
4. Partner M/S Temple view stores Sibsagar.
5. Sri Gunabhiram Rajkhowa C/O B.C Rajkhowa, Phukan nagar.
6. Sri Anwar Hussain Advocate, Sibsagar.

3. In the enquiry report the Inquiry Authority has reported as under.

INQUIRY REPORT

On  
The Departmental Inquiry held Against Shri Phuleswar Nath P.A  
Sibsagar HO.

1. Under Sub-rule(2) of rule 14 of CCS(CCA)Rules I was appointed by the Supdt of Posts Sibsagar Division Jorhat as the Inquiry Authority to inquire the Charges framed against Shri Phuleswar Nath PA Sibsagar HO vide his memo no F4-7/84-85/D 20.8.85. I have since completed the inquiry and on the basis of the documentary & oral evidences adduced before me prepared my enquiry report as under:-

2. The charged official participated in the inquiry from beginning to end. No defence assistant was appointed by the CO to assist him. So he himself defence throughout the inquiry Proceedings.

3. The Full and brief history of the case mentioned in Annexure-I to the statement of article of charges framed against Shri Phuleswar Nath PA Sibsagar HO under Article No I II and III, Annexure II Statement of imputation of misconduct and misbehaviour in support of the article of charges framed against Shri Phuleswar Nath P.A Sibsagar HO and under article I,II and III, Annexure III list of documents by which the article of charge framed against Shri Phuleswar Nath PA Sibsagar Proposed to be sustained and Annexure IV list of witnesses by whom the articles of charge against Shri Phuleswar Nath PA Sibsagar HO is proposed to be sustained.

4. The accused Govt servant Shri Phuleswar Nath PA Sibsagar HO being summoned on 20.8.85 but the CO was absent on that day and again summoned on 4.10.85 and appeared before me and preliminary hearing stated.

5. The CO straightly denied the charges framed against him.

6. And, hence the inquiry started.

7. Shri Atul Ch Bora CI(P) Jorhat was the presenting officer.

8. The prosecution side based upon the following documents to embody the charges as set forth in the Annexure III to the Supdt of Posts Memo No F4-7/84-85/1 dtg 20.5.85 and these were allowed to examined to the CO. ....6

(1) VP registers of regn. branch for the period from 19.1.84 to 5.6.84.

(2) Registered abstract from 17.1.84 to 5.6.84.

(3) Registered receipt lists 17.1.84, 7.3.84, 9.1.84, 22.5.84 and 28.5.84.

(4) Written statement of proprietor Sital General Stores Sibsagar dtd 21.8.84. addressee of the VPL No 1771 dtd 13.1.84 for Rs 965/-.

(5) Statement of Partner Temple view store Sibsagar dtd 27.9.84 addressee of Calcutta-1 WPL No 1032 dtd 5.3.85, 5.3.84 and 0852 dtd 6.1.84 for Rs 1000/-.

(6) Statement of Shri Gunabhiram Rajkhowa Sibsagar dtd 13.8.84 addressee of Strand Road VP No 28 dtd 25.5.84. for Rs 630/-.

(7) Statement of Anwar Hussain advocate Sibsagar dtd 25.7.84. addressee of Allahabad VPPKT No 557 dtd 8.5.84 for Rs 125/-

Annexure IV.

List of witnesses by whom the articles of charge against Shri Phuleswar Nath PA Sibsagar HO proposed to be sustained.

(1) Sri Khaliluddin Ahmed APM Sibsagar HO.

(2) Miss Anjali Gogoi PA Sibsagar HO.

(3) Proprietor Sital General Stores Sibsagar.

(4) Partner M/S Temple view stores Sibsagar.

(5) Sri Gunabhiram Rajkhowa C/O B.C Rajkhowa Phukanagar Sibsagar.

(6) Anwar Hussain Advocate Sibsagar.

9. The Defence side did not produce any documents and witnesses

10. Both the prosecution and defence side examined the 6(six) witnesses as mentioned in Annexure IV above.

11. Date of regular hearing - 4.10.85, 28.10.85, 9.12.85, 24.2.86 6.3.86, 7.3.86 17.3.86 and 29.8.86.

12. Date of submission of the brief by the PO - 8.10.86.

13. Date of submission of the brief by the CO - 5.11.86.

14. Analysis and assessment- assessment of brief:-

Evidence adduced by Khaliluddin Ahmed APM Sibsagar HO-

SW I. Shri Khaliluddin Ahmed stated that the written statement given by his own and it is true to the best of his knowledge.

Shri Khaliluddin Ahmed who was working as APM (regn branch) Sibsagar HO stated that Postmaster Sibsagar HO verbally ordered Miss Anjali Gogoi to take the charge of the R.C III from Shri Phuleswar Nath without his knowledge on 1.6.84. Miss Anjali Gogoi took the charges of the branch on 2.6.84 afternoon. After closing the day's work the VPL received register placed at his table by Shri Phuleswar Nath R.C III. As the day was a saturday and the charge of the branch handed over to other official so he physically count the articles and found 112. Then he counted the VP Memos and found 115. Then he compared

compared VP Memos with the articles in deposit and found-

(1) Allahabad VPKT No 557 dtd 22.5.84 for Rs. 125/-

(2) Cal-7 VPL No 28 dtd 25.5.84 for Rs 630/-

(3) Bombay-21 VPL No 1845 for Rs 13/-

Then he noted in the error book and brought to the notice of the Postmaster. On the next day as stated by K. Ahmed he contacted some of the addressee and they reported to him that they took delivery of those VP articles. He further stated that on 17.1.84, the VP No 1771 for Rs 965/- was actually received not the No. 8784 for Rs 165/- somebody may corrected it after his checking same is the case of VPL No 1032 for Rs 1000/- as stated by K. Ahmed

In course of Cross examination Shri Khaliluddin Ahmed stated that he was not present when Shri Phuleswar Nath handed over the charge to Miss Anjali Gogoi. He also stated that he signed on the VPL register that all the articles found correct But it were corrected after-wards at after his checking.

Evidence of Miss Anjali Gogoi-Miss Anjali Gogoi who joined as PA Sibsagar HO on 14.1.83 and joined as PA VPL branch on 2.6.84. Miss Anjali Gogoi stated that he did not work in VPL branch so, she did not know how to take charge of that branch. when she took the charge Shri Phuleswar Nath dictated the NOS and she noted it on the VPL register. She did not compare the VP memos with the articles in deposit on good faith But when she physically count the articles in deposit she found short three articles namely VPL No 28, VPKT 557 and 1845. She reported this to the APM concerned K. Ahmed She also stated that she did not made re-entry of those articles on 5.6.84 as these articles were short.

In course of cross examination Miss Anjali Gogoi stated that he did not compare the articles with those VP Memos, in deposit as she did not know that it should be compared.

Evidence of Shri Gunabhiram Rajkhowa:- Shri Gunabhiram ~~Baruah~~ addressee of the VPL No 28 dtd 25.5.84 for Rs 630/- stated that the statement which was given by him on 13.8.84 is his own. He also stated that he took the delivery of the article on 29.5.84 from the Sibsagar HO VP counter clerk. He also stated that he took the article on full payment including the commission from Nath (He does not know the full name but he knows as Nath).

In course of cross examination Shri Rajkhowa stated that he received the intimation from the Postman and he took the article from Sibsagar HO and Nothing.

Evidence of Shri Anwar Hussain Advocate-Shri Anwar Hussain stated that the statement given by him is his own - The Allahabad VPKT no 557 dtd 8.5.84 for Rs 125/- took delivery on or before 29.5.84 paying full amount including the commission.

Evidence of Shri Ratanlal Kedia proprietor of Sital General store:-

Shri Ratanlal Kedia addressee of Cal. VPL No 1771 dtd 13.1.84 and the proprietor of Sital General Stores, Stated that he took the delivery of the article on 23.1.84 on paying full amount.

In course of cross examination he stated that he actually forgot the figure of the person from whom he took the delivery of the article. But it is true that he took the delivery of the article.

Arguments:- The presenting officer in his brief stated that Shri Phuleswar Nath PA Sibsagar HO while functioning as a PA Sibsagar HO during 4.11.81 received the Calcutta GPO VPL No 1771 dtd 13.1.84 for Rs 965/- a/o to Sital General stores on 17.1.84. Originally entered the VP received register as VP 1771 on 17.1.84 for Rs 185/- and shown returned on 1.2.84, but neither 1771 nor corrected no 8784, but neither 1771 nor corrected no 8784 was shown and subsequently corrected as 8784 for Rs 185/- and shown and returned on 1.2.84, but neither 1771 nor corrected no 8784 was actually returned on 1.2.84.

-8-

On the day of inquiry on 29.8.86 Shri Ratanlal Kediai, the PO of the Sital General stores in front of the PO, Shri Phuleswar Nath that he had taken delivery of the said VPL letter no 1771 dtd 17.1.84 paying the full amount in the post office counter on which date Shri Phuleswar Nath was the counter clerk and he could not defend it that the amount was not actually taken by him.

Shri Phuleswar Nath during the period working as PA Sibsagar HO received the Calcutta VPL No 1032 dtd 5.3.84 for Rs 1000.00 addressed to Temple view stores Sibsagar on 7.3.84 and subsequently corrected the nos as 0852 for the same amount of Rs 1000/-

As per deposition of the Partner Temple view stores Shri Ghose on 17.3.86 the said article was actually taken delivery of the article from the post office counter on which date Shri Phuleswar Nath was the counter clerk. On cross examination by Shri Nath he rather tried to go away from the actual point which proves that the charges brought by Supdt of Posts Jorhat is genuine.

During the period working as PA Sibsagar HO Shri Phuleswar Nath received strand road VPL No 28 dtd 25.5.84 for Rs 630/- addressed to Gunabhiram Anjkhowa, Sibsagar on 28.5.84. Both the articles were entered in the VP register by Shri Nath and shown on deposit on 1.6.84. But on handing over the charge to Smti Anjali Gogoi actually not handed over to Smti. Anjali Gogoi by which Shri Nath violated the breach of trust taking the privilege of ignorance of a new clerk Smti. Anjali Gogoi. On cross examination to Shri Moti Gogoi he could not actually proved.

On the day of hearing dtd 7.3.86 Shri Phuleswar Nath Cross examined to Gunabhiram Anjkhowa Shri P. Nath could not prove that the VPL was not delivered to Shri Gunabhiram before handing over the charge to Smti. Gogoi of the VPL branch. Rather Shri Nath tried to avoid the charge without any legitimate prove.

Also the VPL No 557 (Allahabad) dtd 8.5.84 for Rs 125/- was actually delivered from the counter before 29.5.84 from the VPL counter by Shri Phuleswar Nath and he could not defend it, thereby violated the rule 4(i) of FHB Vol I and exception below 227(1) with rule 3(1)(i) of CCS conduct Rules 1964.

Shri Phuleswar Nath PA Sibsagar HO in his defence brief dtd 1.11.86 stated that he was not at Sibsagar HO on 4.11.81 as mentioned in PO brief, but actually he joined at Sibsagar HO on 9.12.81.

The PO submits in the brief that I corrected the no of VPL No 1771 to 8784 and lower the value from Rs 965.00 to Rs 185/- actual position is that I never received any VPL bearing no 1771 on 17.1.84 which can be verified from VP register of particular date and it is definitely clean from the record that I received only VPL No 8784 on 17.1.84, so correction of the same does not arise and question of manipulation or misappropriation of deptt. money in con. with VPL No 1771.

That the PO contents of the PO regarding the statement of Shri Ratanlal Kediai is quite opposite to the actual facts. Shri Ratanlal Kediai never stated that he took the VPL No 1771 from me, brief of the PO regarding VPL No 1771 in all false and manipulated. At the time of enquiry the PO failed to produce and unable to show me the following records which contents the require important documents.

- (1) Postman VPL intimation delivery book.
- (2) Error book of VPL branch.
- (3) Claimed letter of the party who send concerning VPL in the following date. As such in respect of above circumstances I have not violated the rules as framed against me.

In the second place VP register clearly shows that I rece-

that I received only one VPL No 6852 dtd 5.3.84 address to Temple view stores Sibsagar Value of the article Rs 1000/- and said article was properly delivered. That the VPL 1032 not received by me in the said particular date.

At the time of enquiry the PO failed to produce and unable to show me the following records which contents the required important documents.

- (1) Postman VPL intimation delivery book.
- (ii) Error book of VPL branch.
- (iii) Claimed letter of the part who send concerning VPL in the following date.

As such in respect of above circumstances I have not violated the rules as mentioned therein.

Then regarding the other three VPL No 28 for Rs 630/- VPKT No 557 for Rs 125/- and VPKT No 1845 for 13/- I beg to submit that I was not at Sibsagar HO from 2.6.84.

I properly handed over my charges to Miss Anjali Gogoi, on 2.6.84.

That all the three articles are in re-entry upto 5.6.84, so, for all these articles I am not guilty at all.

So the statement of address VPL No 28 can never be admissible. Again after giving my charge on 2.6.84 the PM Sibsagar HO intimated under his letter no Nil/84-85 dtd 28.6.84 who mentioned VPL which were not received by these cause of remind me after so long be also genet doubtful (Copy of the letter Photostate attested enclose herewith).

Moreover, I have submitted A C/A case in no 895/84 to these conspiracy created against me by present PO (Mr. A.C. Bora) and the A.M.I Mr. Khaliluddin Ahmed (Photostate copy of the case enclosed).

That in the honourable enquiry officer to go through the witness statement, office record, brief summary of PO all find that there is no honogan or uniformities and from which it can be safes and right denied that I am not all guilty to the charges and request the hon'ble authority to release me early.

Yours faithfully,  
Sd/- Phuleswar Nath PA Sibsagar  
HO.

The presenting officer in his brief stated that Shri Phuleswar Nath PA Sibsagar HO while working as PA Sibsagar HO w.e.f 4.11.81 received (a) Calcutta VPL No 1771 for Rs 965/- on 17.1.84.

(b) Calcutta VPL No 1032 dtd 7.3.84 for Rs 1000/-

(c) Strand Road VPL No 28 for Rs 630/- on 28.5.84.

(d) Allahabad VPL No 557 for Rs 125/- on 22.5.84 respectively and delivered all the articles before 29.5.84 as stated by the addressees of all articles during the course of inquiries. So the charges framed against Shri Phuleswar Nath are proved.

Shri Phuleswar Nath PA Sibsagar HO in his defence brief on 1.11.86 stated that he joined as PA Sibsagar HO on 9.12.81 not 4.11.81.

Shri Phuleswar Nath charged official also stated in his defence brief that he received VP No 8784 for Rs 185/- not the VPL No 1771 for Rs 965/- on 17.1.84.

Again Shri Phuleswar Nath stated that regarding other three articles ie VPL No 28 for Rs 630/- VPKT No 557 for 125/- and VPL No 1845 Rs 13/- stated that he was not at Sibsagar HO from 2.6.84 So the charges framed against him are not justified. Moreover, some of the documents wanted by him not supplied to examine him.

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Findings:- Before arriving to the conclusion, following points have to be examined.

(1) Whether or not Shri Phuleswar Nath was at Sibsagar HO from 17.1.84 to 2.6.84.

(2) Whether or not Shri Phuleswar Nath delivered all the articles to the respective addressees during the period from 17.1.84 to 2.6.84.

(3) Whether or not Miss Anjali Gogoi <sup>count</sup> cast all the articles in deposit and compared them with the VP memos or not.

(4) Whether or not it can be prove the charges framed against Shri Phuleswar Nath PA Sibsagar HO without production of the documents as wanted by him which he mentioned in his brief.

As regards(1) above Shri Phuleswar Nath was working as VPL counter clerk during that period.

As regards(2) above Shri Phuleswar Nath Delivered all the articles during his period i.e VP No 1771 on 17.1.84, VP No 1032 on 7.3.84, VPL No 28 on 29.5.84 and VPPKT No 557 on or before 29.5.84.

As regards(3) above Shri Anjali Gogoi did not count the articles physically stated she only count the VP memos which were dictated by Shri Phuleswar Nath.

As regards (4) above this can be proved with the VP register received list without the production of other document as the addressees of those articles stated that they had taken delivery of all articles paying full amount from the VPL counter.

Now elaborate discussion of the fact on the basis of the evidence recorded as well as the arguments placed before me by both the prosecution and defence side-we can easily arrived at the conclusion findings-

On 17.1.80 Calcutta VPL No 1771 for Rs 965/- received by Shri Phuleswar Nath who was working as VPL counter clerk. Shri Phuleswar Nath in his defence brief stated that he received only the VPL No 8784 for Rs 185/- not the VPL 1771 for Rs 965/- on my examination to the register received list of Jorhat Stg dtd 15.1.84 which was received on Sibsagar HO on 17.1.84, no article bearing the no 8784 was found entry in that register list. Cal VP No 1771 was found entry. In the VPL received register also the No 8784 was over written, and the amount was also made correction. Moreover, the addressee of the article stated that she received the VPL No 1771 for Rs 994.10 (including commission).

Regarding VPL No 1032 for Rs 1000/- received at Sibsagar HO on 7-7-7.3.84 through Jorhat stg Regd. list dtd 6.3.84 with entry under Sl No 12/22. No article bearing the no 0852 was found received from Jorhat stg on 7.3.84. The article was also found corrected as 0852 on the VPL register. The article bearing the no 1032 for Rs 1000/- was taken delivery by the addressee on 9.3.84 paying full amount including commission. On that day Shri Phuleswar Nath was the VPL counter clerk. So the charges framed against Shri Phuleswar Nath stands proved.

Regarding strand Rd VP. No 28 dtd 25.5.84 for Rs 630/- a/ to Shri Gunabhiram Rajkhowa-No such articles was received on 29.5.84. So, the charges framed against Shri Phuleswar Nath could not be proved. However, the addressee stated that he had taken delivery of the article.

Regarding Allahabad VPPKT No 557 dtd 8.5.84 for Rs 125/- addressed to Anwar Hussain Advocate-The addressee Anwar Hussain stated that the office bearer was taken delivery of the article on or before 29.5.84 for Sibsagar HO VPL counter paying full amount.

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Although Shri Phuleswar Nath handed over the charges of VPL branch to Miss Anjali Gogoi on 2.6.84 Miss Anjali Gogoi had to check all the articles in deposit with the VP memos in hand. But Miss Anjali Gogoi did not count physically and compared these with the VP memos in deposit for which she also found responsible. But Miss Anjali Gogoi did not do this with good faith for which Shri Phuleswar Nath took the advantages. I also found lack of supervision of the APM Regn. Khaliludeen Ahmed in this respect.

Moreover, all the articles were delivered during the period of Shri Phuleswar Nath i.e. on or before 29.5.84, which was found on the basis of oral and documentary evidence during my enquiry.

So, on the basis of the documentary and oral evidences adduced in the case before me and view of the reason given above I hold that the charges framed against Shri Phuleswar Nath PA Sibsagar HO vide S. Posts Jorhat letter No F4-7/84-85/D dtd 15.5.85 stands proved.

#### 4. Observation.

I have gone through the case very carefully and given due consideration it deserves. From the enquiry report of the Inquiry Authority it is found that Shri Phuleswar Nath PA Sibsagar HO during the period from 4.11.81 received the Calcutta GPO VPL No 1771 dtd 13.1.84 for Rs 965/- addressed to Sital General Stores on 17.1.84 and it was originally entered in the VP receive register as VPL No 1771 on 17.1.84 and subsequently it was remembered as 8784 for Rs 185/- and also shown as returned on 1.2.84. But actually neither no 1771 nor No 8784 was returned on 12.1.2.84 but the VPL was delivered to the addressee after realising full value of the VPL and thus misappropriated the amount of Rs 994.00 paise including VPMO Commn as it revealed during the cross examination of the addressee.

Shri Phuleswar Nath while working as PA Sibsagar during the afore said period he received the VPL No 1032 for Rs 1000/- on 7.3.84 through Jorhat stg Regd list dtd 6.3.84 with entry under serial no 12/22. But no article bearing no 0852 was found received from Jorhat stg on 7.3.84. The article was also remembered as 0852 in the VPL register. This article was also taken delivery by the addressee on 9.3.84 after paying full amount including VPMO commn to Shri Phuleswar Nath who was working as VPL clerk Sibsagar on that day. The charges framed against Shri Phuleswar Nath therefore, proved.

Regarding starnd road VP No 28 dtd 25.5.84 for Rs 630/- addressed to Shri Gunabhiram Dejkhowa it also revealed during enquiry that the addressee took delivery of the said VP article after paying its value and commission in full from the VPL counter clerk.

During enquiry it also came to light that the addressee of Allahabad WPKT No 557 dtd 8.5.84 for Rs 125/- took delivery of the VP Pkt through his messenger after paying its full value and commn on or before 25.5.84 from the VPL counter clerk of Sibsagar HO. Shri Phuleswar Nath was working as VPL counter clerk at Sibsagar HO during the aforesaid period and he did not account for the said amount and misappropriated.

It also revealed during enquiry that the charge of VPL counter of Sibsagar HO was handed over by Shri Phuleswar Nath to Miss Anjali Gogoi on 2.6.84. But Miss Anjali Gogoi did not physically counted the VP articles in deposit with the VP MOs in hand at the time of taking over charge of VPL Branch from Shri Phuleswar Nath on good faith. Shri Phuleswar Nath took advantages.

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It also transpired during the enquiry that all the articles were delivered to the respective addressees during the period of on or before 29.5.84 by Shri Phuleswar Nath while he was working as VPL counter clerk at Sibsagar HO and the value and comm. of all the VP article realised from the addressees were not credited to Govt and thereby Shri Phuleswar Nath acted upon in contravention of Rule 4(1) of F.M.b Vol I and exception below Rule 227(1) of P&T Man. Volume VI part I and thereby Shri Phuleswar Nath violated the provision of Rule 3(1)(i) of COS conduct rules 1964 for which the Department had to suffer a loss to the tune of Rs 2801.90 (Rupees two thousand eight hundred one and ninety paise) only being the value and commission in respect of the above stated VP articles and the charges brought against him stands proved by doubt.

Now in view of the fact what has been discussed above I find that all the charges brought against Shri Phuleswar Nath having thus proved which are serious in nature and reflects the nature of his character, I consider that Shri Phuleswar Nath deserve severe punishment. But considering all aspects of the case, I am taking a lenient view and accordingly to meet the end of justice I issue the following orders.

Q U E E N

I Shri L.K Baruah, Superintendant of Post offices, Sibsagar Division, Sorkhali hereby award the punishment of stoppage of next increment of Shri Phuleswar Nath PA Sibsagar HO and now PA Kamalabari SO due on 1.5.87, at the stage of Rs 1180/- at the scale of pay of Rs 975-25-1150-EB-30-1660 for a period of 3(three) years with cumulative effect on his future increment and recovery of Rs 2801.90(Rupees two thousand eight hundred and one rupee ninety) only from the day of Shri Phuleswar Nath in 36 monthly instalment of Rs 80.00 P.M. and the last instalment being Rs 1.90 paise with immediate effect.

Sd/- L.Kost offices,  
Sibagor division.

Copy forwarded for information and necessary action to:-

Re: gd

1. Shri Phuleswar Nath PA Kamalnbari.

U/R  
2. The Postmaster Jorhat.

3. The Director of Accounts (Postal) Calcutta.

4. P/R of the official.

5. C/R of the official.

6. Punishment Register.

7. The Postmaster General, N.S Circle, Shillong with ref to  
CO No

8. The Addl. Postmaster General Assam Guwahati.

9-10. Spare.

Supdt of Post offices,  
Siberian Division.

ANX-7

DEPARTMENT OF POSTS INDIA  
OFFICE OF THE SUPERVISOR OF POST OFFICES: SIBSAGAR DIVISION: JORHAT  
Memo No. F4-20/90-91

Dated at Jorhat the 19.8.93

Shri Phuleswar Nath, the then PA/SPM Kamalabari S.O. and new PA Sibsagar HO has been informed vide this office memo of even No. dated 8.4.93 that it is proposed to take action against him under Rule 16 of CCS(COA) Rules, 1965 on the basis of memo of imputation of misconduct and misbehaviour enclosed. Shri Phuleswar Nath submitted his written representation dated 23.4.93 which was received by this office on 4.5.93.

The case in brief is that Shri Phuleswar Nath P.A. Sibsagar HO while working as PA/SPM Kamalabari S.O. during the period from 9.8.89 to 27.12.89, accepted SB deposits from depositors as particularised below, date stamped in the pass books entered in the SO SB ledger but did not note in the SO SB Long Book and Transaction List of Kamalabari S.O. on the date of deposit or on any subsequent date. The amount so deposited as below, therefore not accounted for in the Govt. A/c by Shri Phuleswar Nath in any way.

SB A/c No.	Name of depositor	Date of deposit	Amount not accounted for
1. 482247	Kamal Bora	17.11.89	2000/- 00
2. 483174	Amanta Ghose	9.8.89	300/- 00
3. 484090	Sushil Ghose	27.12.89	350/- 00
Total. Rs. 2650/- 00			

On query Shri Phuleswar Nath New PA Sibsagar HO in his written statement dated 29.11.90 admitted non-credit of Rs. 2650/- to the Govt. account and credited Rs. 1000/-, Rs. 1000/-, Rs. 500/- and Rs. 150/- on 31.5.91, 19.6.91, 2.8.91 and 14.8.91 respectively at Sibsagar HO. Shri Phuleswar Nath is therefore found that he did not observe the provisions of the following rules.

Rule 31(2)(ii) of PO SB Manual Vol. I.

Rule 46(6) of PO SB Manual Vol. I.

Rule 3(1)(ii) and 3(1)(iii) of CCS(Conduct) Rules 1964.

In his written representation dated 8.4.93, the official has stated as follows.

While he was at Kamalabari PO PA and LSG SPM, due to shortage of staff of the office he had to look after 5 tables singlehandedly as there was no Class III official or LSG official in the office at PO Kamalabari. Whole matter reported to SPOs Jorhat by Xp follows your explanation call by name of Phuleswar Nath, SPM Kamalabari, request to check the office records. SPOs Jorhat failed to supply the staff to Kamalabari SO within 100% days. Follows your office records.

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Received the pass book a/c No. 482247, 483174 and 48409 that it was ill-luck for him, in this connection he has stat that he entered the the amount of deposits in the pass book and ledger, but due to heavy pressure of works perhaps the amount of each pass book mentioned above were not fully taken for the parties. So that the amount is not entered long book, that could not be entered in the Daily a/c. Now admits his faults and he requests to take the case leniently.

In his written representation dated 21.4.93 Shri Phuleswar Nath PA Sibsagar HO has inter alia stated that there was shortage of staff at Kamalabari SO and he had to manage the whole works single handedly and regarding shortage of staff he referred the matter to the Supdt. of Post Offices, Jorhat. And that he received the pass book a/c No. 482247, 483174, 484090 but due to heavy pressure of work the deposits so entered in the pass books perhaps not realised from the depositors therefore not accounted for in the Govt. Account. The official at last admitted his faults and requested to take the case leniently.

Not from the above discussions, it is clear that he showed a gross negligence while performing duty at Kamalabari S.O. by non-crediting the JB deposits so realised from the depositors. He also voluntarily credited the amounts so realised at Sibsagar HO on various dates while the case came to light. By his above act as discussed above, it is crystal clear that Shri Phuleswar Nath failed to refute the charges brought against him under Rule 31(2)(ii) and Rule 46(6) of PO JB Manual Vol. I which automatically proves his failure to maintain the provision of Rule 3(1)(ii) and 3(1)(iii) of CCS (Conduct) Rules 1964.

Having thus failed to refute the charges as discussed above Shri Phuleswar Nath deserves punishment. But considering the gravity of the case and to meet the ends of justice I issue the following orders.

#### ORDER

I Shri P.V. Sugunan, Supdt. of Post Offices, Sibsagar Division Jorhat hereby order that the pay of Shri Phuleswar Nath the then PA/SPM Kamalabari and now PA Sibsagar HO be reduced by one stage from Rs. 1350/- to Rs. 1300/- in the time scale of pay of Rs. 975/- 1660 for a period of one year without cumulative effect.

S.  
(P.V. Sugunan)  
Supdt. of Post Offices,  
Sibsagar Division, Jorhat.

Copy for information and necessary action to:-  
 1. Shri Phuleswar Nath PA Sibsagar.  
 2. The Postmaster Sibsagar.  
 3. The Director of Accounts (Postal) Calcutta.  
 4.5. GR/P.P.  
 6-10 Spare.

21/4/93  
Supdt. of Post Offices,  
Sibsagar Division, Jorhat

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DEPARTMENT OF POSTS & INDIA  
OFFICE OF THE SUPDT OF POST OFFICES SIBSAGAR DIVN JORHAT 785001

To:-

The Asstt. Director (INV),  
o/o the Postmaster General  
Assam Region, Guwahati-781001.

Date at Jorhat the 10-12-99.

Sub:- Appeal case of Sri Phuleswar Nath the then PA, Gourisagar  
who was dismissed from service on 10-2-99.

Ref:- RO file mark INV/RD/SB21/97-98.

The appeal case received from Sri Phuleswar Nath,  
the then PA, Gourisagar S.O. who was dismissed from service.

Ministry of Posts, India  
o/o the Director General (Posts)

New Delhi - 110001 with parawise comment  
is forwarded herewith for favour of further necessary action.  
The Disc file, Service Book, CR file and other relative documents  
were sent to Sri P. Nath, Asstt Director of Postal Services,  
Assam Region, Guwahati on 16-6-99 vide Jorhat HO Ins. P. No. 249  
dtd. 11-6-99.

R.D.

Para 1 - No comment.

Para 2 - The appeal made to the Director of Postal Services,  
Assam Region, Guwahati was ordered to uphold the orders  
of the disciplinary authority issued under memo no.  
F4-7/97-98 dtd. 10-2-99.

Para 3 - No comment.

Para 4 - No comment.

Enclosed: As above

*Mr. Dinesh*  
( S. Dinesh )  
Supdt. of Post Offices  
Sibsagar Division Jorhat

99

## OFFICE OF THE SUPERINTENDENT OF POST OFFICES: SIBSAGAR DIVISION:

Memo No F4-7/84-85/D dtd Jorhat the 2.5.85.

ORDER

Whereas a disciplinary proceeding against Sri Phuleswar Nath P/A Sibsagar is contemplated.

Now therefore the undersigned, in exercise of the powers conferred by Sub rule (1) of rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules 1965, hereby places the said Sri Phuleswar Nath under suspension with immediate effect.

It is therefore ordered that this order shall remain in force the headquarters of Sri Phuleswar Nath shall be Sibsagar and the said Sri Phuleswar Nath shall not leave the previous permission of the undersigned.

Sd/- J.A. Bhattacharjee,  
Superintendent of Post Offices,  
Sibsagar Division.

## Copy to:-

1. Sri Phuleswar Nath P/A Sibsagar. Order regarding subsistence allowance admissible to him during the period of his suspension will be issued separately.
2. The Postmaster Sibsagar for information and necessary action. He should relieve the official immediately and the date of relief should be intimated for this office.
3. P/P of the official.
4. Punishment Register.
- 5-7. Spare

*J.A. Bhattacharjee*  
Superintendent of Post Offices,  
Sibsagar Division.

DEPARTMENT OF POSTS : INDIA  
OF THE SUPDT OF POST OFFICES SIBSAGAR DIVN JORHAT 785001

Memo no.- F4-7/97-98

Dated at Jorhat the 2-4-98 .

Shri Phuleswar Nath, PA Gourisagar SO was placed under suspension under this office memo no. F4-7/97-98 dated 27-2-98 . During the 1st 3(three) months of suspension the official will draw subsistence allowance of the amount equal to leave salary which he would have drawn on half pay or half average pay as the case may be .

The official will however be allowed to the benefit of H.R.A. as admissible to him on the basis of his pay which he had drawn before the date of his suspension subject to the usual condition. Separate memo for the period beyond 3(three) months will be issued in due course if necessary .

The drawal and payment to the official is subject to the furnishing by the official a certificate in each month etc the effect that he is not engaged in any other employment, business, profession, or vocation during his suspension.

The Head quarters of Sri Phuleswar Nath during suspension will be at Sibsagar and he should not leave Head quarters without obtaining previous permission from the authority concerned .

*Sch*

( N. R. Baul )  
Supdt. of Post Offices  
Sibsagar Division Jorhat .

Copy for information and necessary action to -

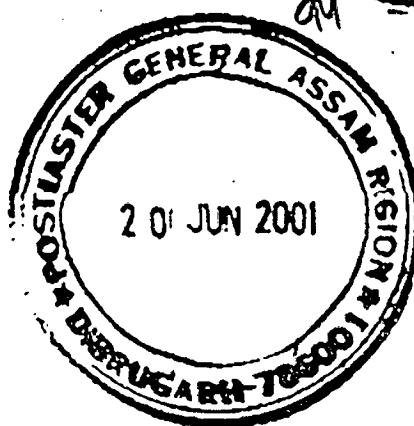
1. Shri Phuleswar Nath, PA Gaurisagar SO under Sibsagar HO (Now under suspension) .
2. The Postmaster Sibsagar HO. He is requested to deduct GPF contribution and G/S from the subsistence allowance of Sri Phuleswar Nath PA Gourisagar SO .(Now under suspension)
3. The Director of accounts (Postal) Calcutta .
4. P/F of the official .
5. Spare

*✓*  
Supdt. of Post Offices  
Sibsagar Division Jorhat .

52

(A6)

20/06/2001  
Post Master General  
Assam Region  
Dibrugarh-786001  
Circular  
Copy  
to  
all  
Branch  
Offices  
in  
Assam  
Region



Government of India  
Ministry of Communications  
Department of Posts  
New Delhi-110001

No. 5-2/98-PAP/ Vol.II(Pt)

Dated 18-6-2001

The Chief Postmaster General  
Assam Circle/N.E. Circle.

Sub: Admissibility of Special Duty Allowance of Postal Employees on  
their posting in NE region.

Sir,

I am directed to forward herewith a copy of Department of Expenditure, Ministry of Finance O.M. No.11(3)/2001/EU(B) dated 13<sup>th</sup> June 2001 on the above subject for guidance and necessary action.

These orders may be followed scrupulously and receipt of the same may please be acknowledged.

Yours faithfully  
Rakesh Kumar  
Asstt. Director General (Estt)

Incl. O.M. no. 11(3)/2001/EU(B) dated 13.6.2001

Copy: As per Standard List  
All Heads of Circles

Section Officer (PAP)

(A6-1)  
F No. 11(3)/2000 EII(B)  
Government of India  
Ministry of Finance  
Department of Expenditure

out. level is  
vis. of (E)  
text & action  
or part 2  
or part 1  
or part 3  
or part 4

(86)

New Delhi, the 13 June, 2001

OFFICE MEMORANDUM

Sub:- Regarding grant of Special Duty Allowance to the employees of Department of Post on their posting in N.E. Region.

The undersigned is directed to refer to your D.O. letter No. 5-2/98-PAP II (Pt) dt 19.4.91 and D.O letter No. 5-2/98-Vol III dated 17.4.01 and to say that Special Duty Allowance is granted to the Central Government employees having 'All India Transfer Liability' as clarified in Finance Ministry O.M.No.11(3)/95-E.II(B) dt 12.1.96 on their posting to NE Region from outside the region. Since Special Duty Allowance is given as an incentive to attract talented officers to serve in NE Region from outside the region, it cannot be granted to Group A&B officers belonging to NE and posted in NE Region.

As regards judgment dt. 22.12.2000 which directs the respondents of Ordnance Depot worker and Postal employees & 16 CAS from other department for waiving the recovery of Special Duty Allowance till 31.1.99. Since the issue of waiving of recovery of Special Duty Allowance has already been settled by the Supreme Court judgment dt. 20.9.94, the decision of CAT Guwahati Bench for its further waiving have an error. In case of Department of Posts, it is seen that the payment of Special Duty Allowance from Dec. 1983 to Nov. 1998 has not been made to their employees. It seems that the payment of Special Duty Allowance to ineligible employees have been made from Dec. 1998 onwards. If so, it is likely against the orders issued by Ministry of Finance on 12.1.96, and the directions of the Apex Court in judgment dt. 20.9.94. It is further seen the Department of Posts have already advised their regional office to file an appeal in the High Court of Guwahati against the CAT judgment dt. 22.12.2000. Therefore Department of Post is advised to vigorously follow up the appeal case in Guwahati High Court, wherein attention of the court may be drawn to the Supreme Court judgment dt. 20.9.94 and the orders issued by Ministry of Finance on 12.1.96 based on that judgment of Supreme Court.

It is further clarified that there is no bar in eligibility of Special Duty Allowance for the officers belonging to the NE region if they satisfy the criteria that their appointment in service/post is made on All India basis and the promotion is also done on the basis of All India Column Seniority. However, it will be admissible when they are posted in NE Region from outside the region.

Sd/-

(N.P. Singh)

Under Secretary to the Government of India

Ms. Jyotsna Dilesh  
By: Director General (T&E)  
Department of Post  
Ministry of Telecommunication  
Post Division, New Delhi-1

## ANNEXURE - I



2000 super of 5000 SBS arrived 1978 after 402

at Gauisiger on 18th Sept 1904  
SIBSA

Replies - S/Paul of SOS DIV. Fort Meade no -  
F-4-7/97/98

Sigma

① পুরুষ পুরুষ এবং মহিলা মহিলা এবং পুরুষ মহিলা এবং মহিলা পুরুষ।

SB - A/C 40 ⑥ 20 501 - 5300.00

BD - " (6) " 5100.00

200 32-27678 81/2-1-6-1 80-10,400.00

(IV) 54/54 2154 & 3623 3462 01/2/21-02/3/21 62-  
218 01/2/21 52- 2000 2000 13/2/21-01/03  
25/63 2157/21 2000 2000 13/2/21-01/03

३१(२१)८७२ <sup>१</sup> *सुन्दरी*) —

— 375 —

$\text{CH}_3\text{COO}^- + \text{H}_3\text{O}^+ \rightarrow \text{CH}_3\text{COOH}$

1916 (1916) 151: 221-246 (1916)

13  
OK  
21

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE SUPDT OF POST OFFICES SIBSAGAR DIVN JORHAT 785001

Memo No. - F4-7/97-98

Dated at Jorhat the 2.12.98 .

In partial modification of this office memo of even no dated 7.10.98 through which Sri Parimal Deb ASPOs (Dn) was appointed as I.O. to enquire into the charges brought against Sri Phuleswar Nath PA Gourisagar (Now under suspension) under Rule-14 of CCS (CCA) Rules 1965, is hereby cancelled and Sri Sondip Dey Purkayastha ASPOs (HQ) appointed as I.O. to inquire into the charges framed against said Sri Phuleswar Nath PA Gourisagar S.O. (Now under suspension)

*28/12/98*  
( S. Das )  
Supdt of Post Offices  
Sibsagar Divn Jorhat .

Copy forwarded to :-

*ab*

- 1). Shri Parimal Deb, ASPOs (Dn) for his information w.r.t. to his letter no P-3/98-99 dated 2.12.98 .

*ab*

- 2). Sri S.D. Purkayastha, ASPOs (HQ), O/O the S. POs Sibsagar Divn Jorhat for information and necessary action . The original copy of charge sheet of even no dated 28.8.98 along with defence statement received from Sri P.Nath dated 18.9.98 and attested copy of delivery slip of aforesaid ~~manuscript~~ are enclosed h/w.

*per*

- 3). Sri D. Dehingia (D.O. of the case), SDIPOs Mariani Sub Division for information .

*per*

- 4). Sri Phuleswar Nath PA Gaurisagar (Now under suspension) for information .

*28/12/98*  
Supdt of Post Offices  
Sibsagar Divn Jorhat .

*OK*

AO  
(15)

89

DEPARTMENT OF POSTS : INDIA  
OFFICE OF THE SUPDT OF POST OFFICES SIBSAGAR DIVN JORHAT 785001

Memo No.- F4-7/97-98

Dated at Jorhat the 7-10-98 .

ORDER

Whereas an inquiry under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965 is being held against Sri Phuleswar Nath, P.A. Gourisagar (Now under suspension).

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

Now therefore, the undersigned in exercise of the powers conferred by Sub-Rule(5)(c) of Rule - 14 of the said Rules, hereby appoints Sri D. Dehingia SDIPO's Mariani Sub-Dn. Mariani as the presenting officer .

10/10/1998  
( S. Das )

Supdt. of Post Offices  
Sibsagar Division Jorhat .

## Copy to -

1. Sri D. Dehingia, SDIPO's Mariani Sub-Dn. Mariani .  
A copy c/s is also enclosed h/w.

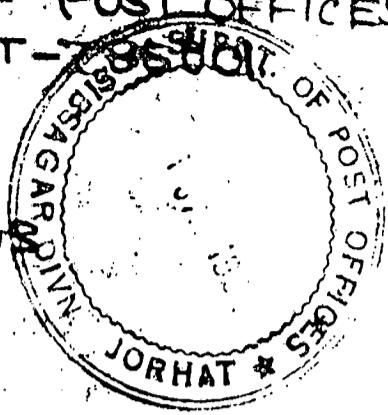
2. Sri Phuleswar Nath P.A. Gourisagar (Now under suspension).

3. Sri Parimal Deb, ASPO's(Dn) o/o the SPO's Sibsagar Dn. Jorhat for information .

10/10/1998  
Supdt. of Post Offices  
Sibsagar Division Jorhat .

RECORDED

DEPARTMENT OF POSTS: INDIA  
 OFFICE OF THE SUPDT OF POST OFFICES  
 SIBSAGAR DN: JORHAT - 785001



To

The Supdt of Pos  
 Sibsagar Dn,  
 jorhat - 785001.

No. Inquiry - 1/98-99. dt Jorhat, 1-1-99.  
 Sub:- Departmental inquiry re�due  
 Rule 14 3- the CCS (CES)  
 Rules, 1965 against Shri  
 Phuleswar Nath.

Sir,

I was appointed by you  
 under your memo no. F 4-7/98-98  
 dt 2-12-98 as the Inquiring  
 Authority to inquire into the charges  
 framed against Shri Phuleswar  
 Nath, PA, Gauvisagar (re�due Susp).  
 I have since completed the inquiry  
 prepared my inquiry report, two  
 copies 3- which are forwarded  
 to you for further necessary  
 action.

A copy 3- Proceedings 3-  
 preliminary hearing is also enclosed.

Receipt 3- the letter may  
 kindly be acknowledged.

yours faithfully

(S. DE) PURKAYASTHA  
 Inquiry officer

Asst Supdt Of Pos (HO)  
 Berger Division  
 Perhat-785001

DEPARTMENT OF POSTS, INDIA

O/o the

(34)

28.1.1999

Memo No FAT/97-98 Dated at Jorhat the 8.1.99.

An enquiry was held against Sri Phuleswar Nath PA Gaurisagar S.O. (now under suspension) vide rule 14 of CCS (CCA) Rules 1965.

The report of the enquiry officer is enclosed. The disciplinary authority will take a suitable decision after considering the report. If you wish to make any representation on submission you may do so in writing to the disciplinary authority within 15 days of receipt of this letter.

Enclosed - As above (5 sheets)

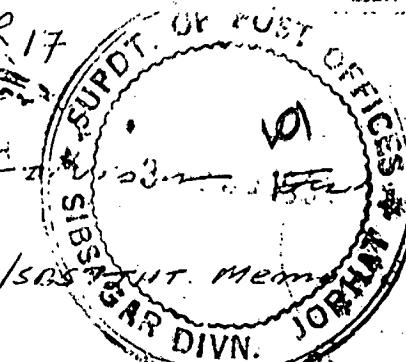
(S.D.S) 11/1/99

Copy to -

(Rogd)

Sr Phuleswar Nath  
PA Gaurisagar S.O (now under suspension)

11/1/99  
S.D.S  
Post Officer  
Gaurisagar  
Post Office  
Division  
Jorhat



To the super of Post office, Jaunagar  
dt 6/2/94 - 15/2/94.

Sub:- Request against s/Posto/ISRO/MT. Meena F-4-7/97-98  
dt 6/1/99.

Sir - Please do ex. of the following letter, for the following

Guarantee letter 1/2010/30123 - F-4-7/97-98 for (1) 112  
Lakhs - (2) 112 Lakhs - (3) 112 Lakhs - (4) 20,800 Lakhs  
EGD Letter. Sir kindly do the following - 1. Copy  
of the letter (2) 2. Copy of the letter (3) 3. Copy  
of the letter (4) 4. Copy of the letter (5) 5. Copy of the letter (6)

(7) No 20212. Date 19/01/98 - 19/01/98 - 20/01/98  
Date 19/01/98 - 19/01/98 - 19/01/98 - 19/01/98 - 19/01/98  
Date 19/01/98 - 19/01/98 - 19/01/98 - 19/01/98 - 19/01/98  
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Date 19/01/98 - 19/01/98 - 19/01/98 - 19/01/98 - 19/01/98

(8) No 20212. Date 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98  
Date 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98  
Date 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98  
Date 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98  
Date 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98

(9) No 20212. Date 26/1/98 - 26/1/98 - 26/1/98  
Date 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98  
Date 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98  
Date 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98  
Date 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98 - 26/1/98

Yours faithfully

Phulswar Ram

P. A. Jaunagar

under suspension

P2

DEPT. OF POSTS & TELEGRAMS  
OFFICE OF THE AGENT OF POST OFFICE & TELEGRAMS DAVV JORHAT - 786001

Mem no. - P4-7/97-98

dated at Jorhat the 10-2-99.

1. / Sri Phulchand Nath the Ex. Cash. P.O. (Now under suspension) was intimated via letter dated 06.02.1999 that the Rule 14 enquiry under CCA (CCA) Rules 1964 proposed to be taken against him. On the basis of charges framed against him here under A copy of imputation or of misconduct or misbehavior in support of articles of charges framed and a list of documents and a list of witnesses by whom the articles of charges are proposed to be sustained were also enclosed thereto. The 2 charges were as follows -

ANNEXURE - I

2. Statement of articles of charges framed against Sri Phulchand Nath, Cashier P.O. DAVV JORHAT. P.M. 1998-99.

Article - I

That the said Sri Phulchand Nath while working as P.O. Cashier P.O. period from 0-1-96 to 20-2-98 had accepted a sum of Rs. 500/- (Rupees Five thousand three hundred) only from the depositor of five(5) an account standing at Cashier P.O. along with the relative pass books on different dates to deposit against the account. Sri Nath had although noted the transaction in the pass book only credited the amount from the depositor but failed to credit the deposited amount in Govt. account.

Therefore, said Sri Phulchand Nath had violated the provision of Rule 31(2) (11) (a) of P.O. & Manual Vol. I and Rule 3(1) of P.M. Vol. I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(1) (ii) and 3(1) (111) of CCA (Conduct) Rules 1964.

Article - II

That the said Sri Phulchand Nath while working as P.O. Cashier P.O. period from 0-1-96 to 20-2-98 had accepted deposit in 2/o five(5) 10 accounts in different dates from 12-1-96 onwards amounting to Rs. 5100/- (Rupees Five thousand one hundred) only but he had failed to credit the deposited amount in Govt. account on the date of acceptance or in subsequent dates.

Therefore said Sri Nath had violated the provision of Rule 31(2) (11)(a), 46(1) of P.O & Manual Vol.-I and Rule-4(1) of P.M. Vol.-I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(2) and 3(1)(11) of CCA (Conduct) Rules 1964.

ANNEXURE - II

Statement of imputation of misconduct or misbehavior in support of the article of charges framed against Sri Phulchand Nath, P.O. DAVV JORHAT. P.M. 1998-99.

That the said Sri Phulchand Nath while function as P.O. Cashier P.O. during the period from 0-1-96 to 20-2-98 had accepted deposits from the depositor of below particularised five (5) 10 accounts standing at Cashier P.O. along with relative pass book on different dates to deposit. In the aforesaid account

amounting to Rs. 330/- (Rupees Five thousand three hundred) only. But Sri Nath although noted the transaction in the relevant pass book duly impressed office date stamp along his dated signature but failed to credit the amount so recorded to the Govt. account on the date of acceptance or in any subsequent dates. The details particulars account are as under :-

Sl. No.	Type of A/C	No. of Depositor	Dated particulars	Amount of non credit	Receipt Date
1.	SD	746003	sdg Adhikarikar Narsimha.	Rs. 300.00	07-06-96
2.	"	747623	Sri Bipul Datta.	Rs. 300.00	10-06-96
3.	"	747446	Sri Narayan Ch Datta.	Rs. 1000.00	03-06-96
4.	"	746305	Sri Narayan Datta.	Rs. 1000.00	03-07-96
5.	"	747395	sdg Bongita Bhattacharya.	Rs. 1000.00	03-04-96
				Rs. 3000.00	

(Rupees Five thousand three hundred) only.

Therefore said Sri Phulmukhi Nath P.A. Comptroller S.O. had violated the provision of Rule 31(2) (ii)(a) of PO on Manual Vol. I and Rule 4(1) of PIB Vol. I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(1) 3(1)(ii) and 3(1)(III) of O.C.O (Contract) Rules 1964.

#### Article - II

That the said Sri Phulmukhi Nath while functioning as P.A. Comptroller S.O. during the period from 01-06 to 30-09-96 had accepted deposits from the depositors of below particularized five (5) P.I. accounts on the mentioned against each account. On receipt of the pass book and amount for Rs. 300/- said Sri Nath had noted the transaction in the pass books impressed with office date stamp and signed against the entry, but failed to credit the deposited amount a/c to the Govt. account. The particulars of 50 accounts as under :-

Sl. No.	Type of A/C	No. of Depositor	Dated particulars	Amount of non credit
1.	SD	5953	sdg Dipaknath Datta.	Rs. 300.00
2.	"	6023	Sri Putumoni Malita.	Rs. 200.00
3.	"	6196	SRI Kanta Nath Datta.	Rs. 200.00
4.	"	6101	SRI Nitin Saitia.	Rs. 200.00
5.	"	6434	SRI Bhudebbar Burjorai.	Rs. 200.00
				Rs. 1000.00

(Rupees Five thousand one hundred) only.

Therefore said Sri Nath had violated the provision of Rule 31(2)(ii)(a), 46(1) of PO on Manual Vol. I and Rule 4(1) of PIB Vol. I and thus he failed to maintain absolute integrity and exhibited lack of a devotion of duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(1) 3(1)(ii) and 3(1)(III) O.C.O (Contract) Rules 1964.

#### Article - III

List of documents by which the article of charges framed against Sri Phulmukhi Nath P.A. Comptroller S.O. are supported.

1. Original on pass book a/c no. 746003, 747623, 747446, 746795 and 747395.
2. Original on pass books a/c no. 5953, 6196, 6023, 6101 & 6434.

1. An Long book period from 3-4-98 to 5-7-98 . NO4  
 2. An Journal period from 17-1-98 to 20-9-98 .  
 3. An a/c book of Couriers 50 from Jan/98 to Sept/98 .

APPENDIX - IV

List of witness by whom articles of charges framed against  
SRI PHULESWAR NATH PA, COURIERS 50 UNDER SUSPENSION .

1. Sri Dineshwar Maasika, ANPO's Vibesgar Sub-Division, Vibesgar .  
 2. Sri P. Deb, ASP's (B) o/c the super. of Post Offices,  
 Vibesgar Division, Jorhat .

3. Sri Phuleswar Nath was directed to submit within ten days  
 of receipt of the memorandum a written statement of defense and also  
 to state whether he desire to be heard in person .

4. Sri Phuleswar Nath the then PA, Couriers 50 (Now under  
 suspension) had received the aforesaid memo on 18-9-98 and submitted  
 his written statement of defense on 18-10-98 which was received by  
 this office on 5 October 1998. His written statement of defense goes  
 as under -

(i) This is to intitiate that I have received your memo no.  
 20-7/97-98 on 9-9-98. As I was affected for flood, the reply is  
 delayed for 4 days, please excuse me .

(ii) I am Sri Phuleswar Nath, P.A. Couriers 50 under suspension.  
 Excuse me Sir, I am not willing to file any case against the Deptt.

(iii) I Sri Phuleswar Nath assured you the list confirmed upon  
 me

SB a/c no. (6) Total Rs. 5100.00
RD a/c no. (8) Total Rs. 5100.00
<b>Total Rs. 10200.00</b>

Total Ten thousand four hundred will be deposited to  
 Govt within 45 days from this date .

(iv) This is my prayer to your honour to kindly allow me to  
 join in service and request you to deduct Rs. 2000/- per month  
 with interest .

5. The Superintendent of Post Offices, Vibesgar Division,  
 Jorhat therefore appointed Sri Parimal Deb, the then ASP's (B)  
 o/c the PO's Jorhat (Now ASP's (B) Vibesgar) as Inquiry Authority  
 to enquire into the charges framed against Sri Phuleswar Nath and  
 Sri D. Dehingia, ANPO's Naxami Sub-Division appointed as representing  
 presenting officer to present the case on behalf of the Disciplinary  
 authority vide memo of even no. dttd 7-10-98. Subsequently in  
 partial modification of aforesaid memo Sri Bandip Dey Purkeyothe,  
 (Apo's (B)) appointed as I.O. instead of Sri P. Deb the then ASP's  
 (Division) to enquire into the charges framed against said Sri  
 Phuleswar Nath vide memo of even no dttd. 2-12-98 enclosing copy  
 to all concerned .

6. Sri Bandip Dey Purkeyothe, the Inquiry Authority conducted  
 the enquiry and submitted his Inquiry report vide his letter no.  
 Inquiry-1/98-99 dttd. 1-1-99 which was received by this office on  
 1-1-99 and the same reads as follows -

INQUIRY REPORT

In the case against Sri Phuleswar Nath, PA, Couriers 50 under  
 suspension .

1. Under column (2) of Rule 14 of CCA (CCA) Rules, I was  
 appointed by the super. of POs, Vibesgar Division, Jorhat as the  
 Inquiry Authority to enquire into the charges framed against  
 Sri Phuleswar Nath, PA, Couriers 50. (under suspension.)

Wide file no. 14-7/97-30 C.C. 23-1-98. I have since completed the Inquiry and on the basis of the documentary and oral evidences adduced before me prepared my Inquiry Report as under -

3. **Participation by the chargee officer in the Inquiry.**

The chargee officer participated in the Inquiry from beginning to end.

3. **Article of charge and substance of imputation of misconduct or misbehaviour.**

The following articles of charge have been framed against Sri Phuleswar Nath, M.A., Guardager 30 (under suspension).

Article - I

That the said Sri Phuleswar Nath while working as M.A., Guardager 30 period from 0-1-98 to 28-2-98 had accepted a sum of Rs. 5300/- (Rupees Five thousand three hundred) only from the depositor of five (5) accounts standing at Guardager 30 alongwith the relative pass books on different dates to deposit against the account. Sri Nath had although noted the transaction in the pass book duly credited the amount from the depositor but failed to credit the deposited amount in Govt. account.

Therefore, said Sri Phuleswar Nath has violated the provision of rule 31(2)(11)(a) of P.O. & M. Manual Vol. I and Rule 4(2) of P.M. Vol. I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(1)(11) and 3(1)(111) of C.C. (Conduct) Rules, 1964.

Article - II

That the said Sri Phuleswar Nath while working as M.A., Guardager 30 period from 0-1-98 to 28-2-98 had accepted deposit in respect of five (5) ID accounts in different dates from 10-1-98 onwards amounting to Rs. 3100/- (Rupees Five thousand one hundred) only but he failed to credit the deposited amount in Govt. account on the date of acceptance or in subsequent dates.

Therefore, said Sri Nath has violated the provision of Rule 3(2)(11)(a), 30(1) of P.O. & M. Manual Vol. I and Rule 4(1) of P.M. Vol. I and thus he failed to maintain absolute integrity exhibited lack of devotion to duty and acted in a manner which is unbecoming of a Govt. servant as enjoined in Rule 3(1)(1) and 3(1)(11) and 3(1) of C.C. (Conduct) Rules 1964.

Annexure - I

Statement of imputation of misconduct or misbehaviour in support of the article of charge framed against Sri Phuleswar Nath, M.A., Guardager now under suspension.

That the said Sri Phuleswar Nath while functioning as M.A., Guardager 30 during the period from 0-1-98 to 28-2-98 had accepted deposits from the depositor of below particularised five (5) ID account standing at Guardager 30 alongwith relative pass book on different dates to deposits against the aforesaid account amounting to Rs. 5300/- (Rupees Five thousand three hundred) only. But Sri Nath although noted the transaction in the relative pass book duly impressed office date stamp under his dated signature, has failed to credit the amount so received to the Govt. account on the date of acceptance or in any subsequent dates. The detail particulars account are as under.

No.	Type of A/c	No. Name of depositor	Dated Period	Amount
1.	A/c	746003 SRI Subbarao Parvula	07-06-96	Rs. 500.00
2.	"	747023 SRI Gopal Mohan	10-6-96	Rs. 500.00
3.	"	747446 SRI Hemayati K. Datta	03-06-96	Rs. 1000.00
4.	"	748706 SRI Hemayati K. Datta	14-6-96	Rs. 1000.00
5.	"	747393 SRI S. C. J. M. Datta	09-07-96	Rs. 1400.00

7. Three Five enclosures are runned only

Rs.500.00

Therefore said SRI Paulose & Sons, M/s. Couriers & C. Co. had violated the provision of Rule 31(2)(ii)(a) of P.C. on Normal Vol. I and Rule 4(1) of P.C. Vol. I and thus be liable to sustain absolute integrity, exhibited lack of devotion to duty and occur in a manner which is unbecoming Rule 31(2)(i), 3(2)(ii) and 3(1)(xxx) of C.C. (Control) Rules 1966.

#### Article - IX

10. The said SRI Paulose & Sons were functioning as P.C. Couriers in carrying the period from 3-2-96 to 27-2-96 had accepted deposit from the depositors of below particularised five A/c accounts on the dates mentioned against each account. On account of the pass book and amount of Rs. 5100/- said SRI Paulose & Sons like transaction in the pass books agreeed with office date stamp and signed against the entry, but failed to credit the deposited amount in to the post. a/c. The particulars of A/c accounts as under -

No.	Type of A/c	No. Name of depositor	Dated Period	Amount
1.	A/c	3958 SRI P. Paulose & Sons	10-6-96	Rs. 500.00
2.	"	6023 SRI Putukoni Kalita	27-02-96	Rs. 200.00
3.	"	6196 SRI Kantaresh Datta	03-06-96	Rs. 200.00
			10-06-96	Rs. 200.00
			07-06-96	Rs. 500.00
			24-06-96	Rs. 500.00
			31-07-96	Rs. 500.00
			12-08-96	Rs. 500.00
			19-08-96	Rs. 500.00
			12-01-97	Rs. 300.00
			18-08-96	Rs. 300.00
			05-06-96	Rs. 300.00
4.	"	6101 SRI Nitin Sarker	12-01-97	Rs. 300.00
5.	"	6404 SRI Radheshwar Borgohain	24-03-96	Rs. 300.00
			30-07-96	Rs. 300.00

7. Three Five enclosures are runned only

Rs.150.00

Therefore said SRI Paulose & Sons had violated the provision of Rule 31(2)(ii)(a), 4(1) of P.C. on Normal Vol. I and Rule 4(1) of P.C. Vol. I and thus be liable to sustain absolute integrity and exhibited lack of devotion to duty and occur in a manner which is unbecoming of a post. servants as enjoined in Rule 31(2)(i), 3(2)(ii) and 3(1)(xxx) of C.C. (Control) Rules 1966.

#### Article - X

List of documents by which men the article of direction issued against SRI Paulose & Sons, M/s. Couriers & Co under sub-para 1.

- Original 10 pass books w/c no. 746003, 747023, 747446, 748706 and 747393.
- Original 10 pass books a/c no. 3958, 6196, 6023, 6101 and 6404.
- 10 long book period from 3-2-96 to 4-7-96.
- 10 journal period from 17-1-96 to 10-8-96.
- 10 a/c book of M/s. Sarker.

APPENDIX - IV

List of documents by which officials charged against  
SRI PHALESWAR RATH, P. O. MULGAONKE DOWA UNDER PROVISION  
3. SRI PHALESWAR RATH, SRI OF POC, MULGAONKE SUB-DIVISION,  
SILHOUETTE.  
2. SRI P. H. ASPECTH, C/o the super. of POC, MULGAONKE IN, DODHAT.

Preliminary Hearing :-

Preliminary hearing was held on 21-12-98 at 11-00 hours in the office of the Super. of Post Office, Silhouette D.O. DODHAT in which the charged officer has admitted all the charges framed against him fully.

Reasons :-

On the basis of documentary and oral evidence adduced in this case before me, I hold that all the two charges against Sri Phaleswar Rath stands proved.

1. The said report of the Inquiry Authority dtd. 1-1-99 was forwarded to Sri Phaleswar Rath, P. O. Gourisagar (Now under suspension) via this office memo of even no dtd 8-1-99 to make any representation vis-a-vis this office upto or even as late as 8-1-99 to make any representation to any end submit in writing within 15 days of receipt of the aforesaid memo. On receipt of the memo said Sri Phaleswar Rath submitted his written representation dtd. 1-2-99 and the same was received by this office on 3-2-99. His representation goes as under :-

This is to state that I am Sri Phaleswar Rath, P. O. Gourisagar under suspension. I assured in written that the illegal loss of Govt. money for Rs. 10,000/- will be made up with interest for which the company is going on. But it is a matter of fact that the amount could not be returned till today because .

2. Now I am under suspension. I am to maintain the family consist of 8 members with my poor subsistence allowance. Moreover I am flood affected. I have no food to take, no cloth to wear and no shelter to live and no packy food like rice in my home. I have son & daughter going son & daughter who are the candidates of final examination in high standard. I have lost everything with them.

3. I was suffering from TB for 16 months from 11-8-98 to 17-2-99. All the certificates were submitted in the office and leave also available but it is a matter of fact that I have not received even 16 paise as the pay of 10 months. Therefore, I beg to request you to grant me the leave.

Therefore I request your honour to grant me the leave and to request you to withdraw suspension order and let me to join in service. Further I am request you to deduct Rs. 200/- in every month to make up Rs. 10,000/- with interest thereon. This is my humble prayer to you.

OBJECTION AND ARGUMENT

I have gone through the Inquiry report of the Inquiry Authority and written statement of defence submitted by the charged official on 3rd October 1998 as well as 1-8-99 very carefully and given due consideration it deserves. Now it is seen the report of the Inquiry Authority it is clear that the charged official has admitted all the charges brought against him on the date of preliminary hearing. There is no crystal clear that, Sri Phaleswar Rath has violated the provision of rule 31(3)(a), 31(3)(b) of P.M. Code Manual Vol. I and rule 41(1) of P.M. Vol. I. Thus the said Sri Phaleswar Rath by his above acts failed to maintain Integrity, devotion to duty and respect in a manner which was unbecoming of a Govt. servant as enjoined in rule 31(1)(1), 31(1)(11) and 31(1)(111) respectively of C.R.C (Contract) Rules 1986. It may therefore be safely concluded that all the charges levelled against Sri Phaleswar Rath the true &

\*\*\*7/-

Subbaogar (Now under suspension) vice date above or until no detail  
23-4-30 provide proper pay and my sick pay or both.

In view of the charges committed by Smt. Shukla & H. in the  
concerning the gravity of the case the official receives deterrent  
action against him and is accordingly to meet the cost of Justice  
following order has been issued.

Official  
Communication

I Smt. S. D. D., Super. of Post Offices, Silbagan Division,  
Jorhat hereby order that Smt. Shukla & H. in the case noted  
against Subbaogar S.O. (Now under suspension) be dismissed from  
service with immediate effect.

Scd/-

( S. D. D. )  
Super. of Post Offices  
Silbagan Division Jorhat.

Copy forwarded to -

1. Smt. Shukla & H. in Subbaogar (Now under suspension).
2. The Postmaster Silbagan H.O. for information and necessary  
action.
3. The Head Office, o/o the H.O's Silbagan Division, Jorhat.
4. The C.M. H.O. of the official.
5. R/V of the official.
6. The Asstt. Director (MM) o/o the P.M.O. Agartala, Darjeeling  
H.O. C.M. H.O. date no. 381/10/21/97-29.
7. Punishment register.
8. S.P.O.
9. O/H

80107299  
Super. of Post Offices  
Silbagan Division Jorhat.

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100

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The Officer Incharge,  
Gawisagar Police Station  
Gawisagar.

Ex-1/gawisagar S0198

dated the 5th. June 1988.

Sub:- Misappropriation of Govt. Money  
in S.B. / R.D. deposits at Gawisagar  
Sub Post office by Sri Phulswar Nath  
P.A. Gawisagar S.O.

Sic;

This is for favour of your information  
that Sri Phulswar Nath, Postal Assistant of Gawisagar Sub Post office  
while functioning in the capacity of P.A. in the office from  
8.1.96 to 28.2.98 misappropriated a sum of Rs 25,000/-  
(Twenty five Thousand) in S.B. and R.D. deposits of different  
numbers of accounts in different time and dates from the  
Gawisagar Post office detected before. The Misappropriation  
amount may be increase in future also as the case has  
still under verification and investigation.

Therefore, you are requested kindly to  
enquire the case at an early date so that the accused person may  
be detained for interrogation from your end.

Name and Home Address  
of the accused person.

Sri Phulswar Nath.  
S/o Karmal Ch. Nath.  
Chabukdhawla Village  
P.O. Gidighuli  
P.S. gawisagar  
Dist. Sibygarh.

Now's faithfully.

D. Mohapatra

16/6/88

(DIMBESWAR HARRIKA).

Subdivisional Inspector  
of Post offices,  
Sibygarh Subdivision  
Sibygarh - 755640