

4

GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 115/01.....

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

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

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4. O.A..... *OA 115/01* .....Pg. *1* .....to *1/2*.....
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SECTION OFFICER (Judl.)

*Kalita*  
*7/12/17*

FORM NO.4  
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWHATI BENCH ::::: GUWAHATI

ORDER SHEET  
APPLICATION NO 115 OF 2001

Applicant (s) *Shri Kh. Obetra Singh,*

Respondent(s) *W.G. & Co.*

Advocate for Applicant(s) *Mr. Santu Khaidem, Rangit  
Jumnam.*

Advocate for Respondent(s) *C/S*

Notes of the Registry      Date

Order of the Tribunal

*This application is  
filed in form depositing 23.3.01  
a sum of Rs. 50/- through  
100 in Ho. DR, CAT, GHT.*

*This is in order &  
may be placed before  
the Hon'ble court.*

*22/3/01*

*22/3/01  
SOS*

pg

*NB  
26/3/01*

24.4.01

*Service of Notice  
issued to the  
respondents vide D.No.  
1182-84-Dr. 23-3-01*

lm

28.5.01  
(Imphal)

*No. written statement  
has been filed.*

*23.4.01*

*List for circuit sitting  
at Manipal. 25/11/01*

Application is admitted. Issue  
usual notice. Call for the records.  
Returnable by six weeks.

List on 24.4.01 for written  
statement and further orders.

Pendency of this application  
shall not preclude the respondents  
from disposing of the appeal dated  
20.7.2000 filed by the applicant.

*U. Ushay*  
Member

*[Signature]*  
Vice-Chairman

List on 15.5.01 to enable the  
respondents to file written state-  
ment.

*U. Ushay*  
Member

*[Signature]*  
Vice-Chairman

On application made by the  
learned counsel for the respondents  
the O.A. is stood over in order to  
enable the respondents to file  
written statement.

List on 21.6.01 for order.

*[Signature]*  
By order

29.6.01

Mr. A. Deb Roy, learned counsel for the respondents Nos. 1, 2, and 3 prays for and granted 4 weeks time to file written statement. The applicant will have 2 weeks thereafter to file rejoinder.

List on 3-9-2001.

*K. Ushar*  
Member

*[Signature]*  
Vice-Chairman

mb

3.9.01

Written statement has been filed by the respondents. None is present for the applicant. 2 weeks time is granted to the applicant to file rejoinder.

List on 19/9/01 for further order.

23.8.2001

*w/s has been submitted by the respondents.*

*K. Ushar*

Member

mb

19.9.01

Written statement has already been filed. No rejoinder has been filed so far. None present for the applicant. Post the case for hearing on 9.11.2001. The counsel for the applicant be informed accordingly as to the date of hearing.

*[Signature]*  
Vice-Chairman

trd

19.11.2001

None appears for the applicant. Office note also did not indicate as to whether the learned counsel for the applicant, who are outstation Advocates, were intimated about the date of hearing. Office is now ordered to inform the party as well as the learned counsel for the party about the next date of hearing.

List for hearing on 7.12.01.

*K. Ushar*  
Member

*[Signature]*  
Vice-Chairman

nk m

*Inforem Mr. Santa Khaidun  
Adv. Manikun Bar Association  
Imphal, Manipur by Regd Adv.  
and Director Postal Services  
Imphal, Manipur.*

*20/11/07*

*D/No 4315 to 4316*

*Dtd 21/11/07*

3

3

Notes of the Registry      Date      Order of the Tribunal

7.12.2001

Vide order dated 19.11.2001 the applicant and his counsel were informed about the next date of hearing. On 20.11.2001 Dy. Registrar passed an order to send the notice directly to the applicant by Registered Post as well as to the Advocate and also to the Director of Postal Services. It appears that the notices through Registered Post were not sent to Office to explain and will inform the applicant as well as his counsel by Registered Post about the next date of hearing.

List the case again for hearing on 21.1.2002.

Member (J)

Member (A)

bb

~~21.1.2002 Heard Mr. S. Khaidem, learned counsel for the applicant. Hearing concluded. Judgment reserved.~~

~~9/6 A.R. Fuz 21.1.~~

21.1.2002

Heard Mr S. Khaidem, learned counsel for the applicant. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.

Member

Vice-Chairman

nk m

Pl. Comply order dated 7.12.2001.

W/S 10/7/01

Office order dtd. 19/11/01 communicated vide Despatch No 4315 to 4316 dtd. 24/11/01. and order dtd 1/12/01 communicated to the applicant as well as counsel by Regd A.D.

12/12/01

D/No \_\_\_\_\_  
Dtd \_\_\_\_\_

13.2.2002

Copy of the Judgment has been sent to the Dy. Reg. for filing the same to the applicant as well as to the A/Advocate for the Reg. P.S.

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./XXX. No. 115 . . . . . of 2001

DATE OF DECISION 21.1.2002 .....

Shri Khoirakpam Obitro Singh ..... PETITIONER(S)

Mr. S. Khaidem ..... ADVOCATE FOR THE  
PETITIONER(S)

VERSUS -

The Union of India and others ..... RESPONDENT(S)

Mr A. Deb Roy, Sr. 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 ?

Judgment delivered by Hon'ble Vice-Chairman

Wu  
hi

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.115 of 2001

Date of decision: This the 21st day of January 2002.

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

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

Shri Khoirakpam Obitro Singh,  
Postal Assistant (P.A.),  
V.P. Section, Head Post Office,  
Imphal, Manipur.

.....Applicant

By Advocate Mr S. Khaidem.

- versus -

1. The Union of India, represented by the  
Chief Post Master General,  
Shillong.
2. The Director of Postal Service,  
Imphal, Manipur.
3. The Superintendent of Postal Services,  
Imphal, Manipur.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 assailing the legitimacy of the order of dismissal vide order dated 21.7.2000.

2. The applicant was initially appointed as Extra Departmental Packer and posted at Sub-Post Office, Sekmai. He was promoted to the post of Group 'D' (Peon) in the year 1981 and posted at Head Office, Imphal Branch for one year. The applicant was thereafter promoted to the post of Postal Assistant (P.A. for short). He was last posted in the Head Post Office in Imphal as P.A. in the V.P. Section. While he was serving as such he was served with a Memorandum of Article of Charge for alleged misconduct. The applicant in his written statement of defence dated 18.8.1999 admitted that he realised the amount from the addressees

of the V.P. articles and the amount was not delivered to the MO Issue Branch. The authority decided to hold an enquiry and appointed an Inquiry Officer. It appears that the enquiry was conducted in the presence of the charged official. The Inquiry Officer submitted his report holding the applicant guilty of the charges and the applicant was served with a copy of the enquiry report. The applicant submitted his representation, wherein he admitted that he did not credit the amount of Rs.2,02,827/- and also did not enter the particulars of the V.P. articles in the V.P. Register. The applicant stated that he credited a sum of Rs.78,000/- to the Government by using A.C.G. and that the balance amount would be credited by him as soon as may be possible. However, he requested the authority for mercy. The Disciplinary Authority upon considering his representation held him guilty of the charges and accordingly ordered for his dismissal. Hence this application assailing the legality and validity of the order.

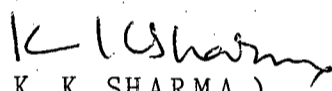
3. Mr S. Khaidem, learned counsel for the applicant, contended that the applicant was denied with a reasonable opportunity for defending his case. But the materials on record did not indicate any such infirmity. Apart from the admission, there are other materials in support of the allegations. The respondent authority upon consideration of the materials on record and considering the nature of the offence passed the impugned order. Mr Khaidem, the learned counsel, also submitted that the impugned order of dismissal on the facts is disproportionate and therefore, violative of Article 14 of the Constitution of India.


4. On consideration of all the aspects of the matter, we feel that the matter may be examined departmentally. Mr Khaidem submitted that the applicant submitted a representation which was also not disposed of. The respondents in para 8 of their written statement contended that they did not receive any representation dated 28.7.2000 from the applicant addressed to the Chief Post Master General, N.E. Circle, Shillong that was enclosed as Annexure A/2 to the application. Upon considering the submission of Mr Khaidem we feel that ends of justice would be met

if.....

if a direction is issued upon the respondents, more particularly the Chief Post Master General, N.E. Circle, Shillong, to dispose of the representation of the applicant. The respondents more particularly the Chief Master General, should examine as to the quantum of punishment in the light of the facts and for that purpose may also hear the applicant in person. It will also be open to the applicant to submit a fresh representation narrating his grievances within a month from the date of receipt of the order. The respondents are accordingly directed to dispose of the representation already submitted by the applicant as well as any such representation submitted by the applicant pursuant to the order, as per law and pass a reasoned order thereto preferably within three months from the date of receipt of the order. of the representation of the applicant whichever is latter.

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

  
( K. K. SHARMA )  
ADMINISTRATIVE MEMBER

  
( D. N. CHOWDHURY )  
VICE-CHAIRMAN

ৰাষ্ট্ৰপতিৰ কাৰ্য্যালয়  
 Central Administrative Tribunal  
 ০০/১  
 ২২ MAR 2001  
 গুৱাহাটী আঞ্চলিক  
 -Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 GUWAHATI BENCH : GUWAHATI.

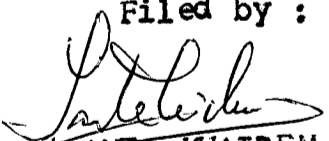
Original Application No. 115 /2001.

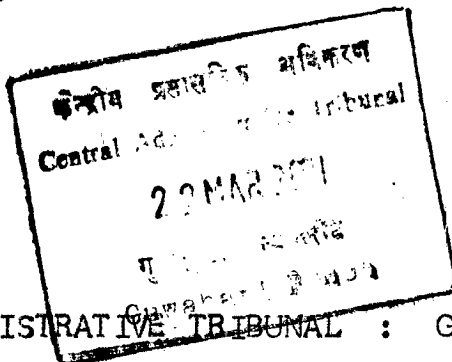
Shri Kh. Obitra Singh... Applicant  
 Versus  
 Union of India & Others Respondents.

I N D E X

S.No.	Particulars	Annexure	Page
1.	Application		1-7
2.	Verification		8
3.	Photocopy & dismissal order of the applicant.		9-12
4.	A true copy of the humble representation of the Applicant		13 & 14
5.	Vakalatname		15

Dated:  
 The 22nd March, 2001

Filed by :  
  
 (SANTA KHAIDEM)  
 ADVOCATE



10

PRESENTED BY:  
Janta Jalandhar  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :  
GUWAHATI.

( An application under Section 19 of the  
Administrative Tribunals Act, 1985 )

Title of the Case : O. A. No. 115/2001

B E T W E E N

Shri Khoirakpam Obitro Singh. ... APPLICANT.

A, N D

The Union of India & Others. ... RESPONDENTS.

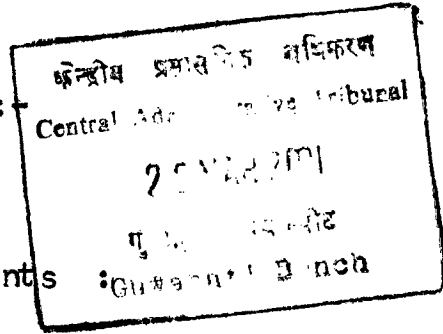
DETAILS OF APPLICATION

1. Particulars of the Applicant :

- (a) Name of the Applicant : Shri Khoirakpam Obitro Singh.
- (b) Name of the Father/  
Guardian. : Late Kh. Jugol Singh.
- (c) Designation and Office : Postal Assistant (P.A.),  
in which employed. V.P. Section, Head Post  
Office, Imphal, Manipur.
- (d) Office Address : Head Post Office, Imphal,  
Manipur.
- (e) Address for service of : Awang Sekmai Awang Leikai,  
all notices. P.S. Sekmai, Manipur.

Contd. ...P/2.

-::( 2 )::-

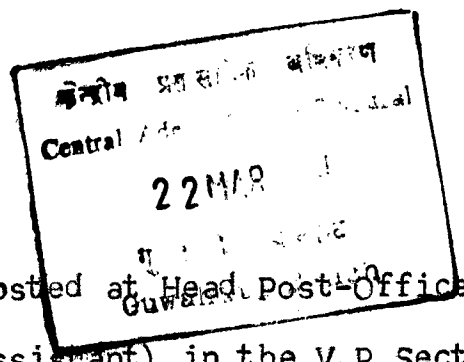


2. Particulars of the Respondents
- (a) Name and/or Designation of the Respondents. : 1. The Union of India, represented by the Chief Post Master General, Shillong -I.
- (b) Office Address of the Respondents. : 2. The Director of Postal Service, Imphal, Manipur.
3. The Superintendent of Postal Service, Imphal, Manipur.
3. Particulars of the Order against which Application is made. : Memo No.F1-1/99-2000/Disc. Dated 21.07.2000. passed by the Director, Postal Services, Manipur Division, Imphal -795001.
- (a) Order No.
- (b) Date.
- (c) Passed by.
- (d) Subject in brief. :

That, the applicant was initially appointed as E.D. (Extra-Departmental) in the year 1973 and posted at Sub-Post-Office, Sekmai. The present applicant was then promoted to the Post of to the post of Group -D (Peon) in the year 1981 and posted at Imphal Head Office for 1(one) year. In 1983, the applicant was posted at Sub-Post Office, Lamphel. After 2(two) years, the applicant was posted at Sub-Post Office, Kangpokpi in the year 1985 and then posted at Jiribam as a Postal Assistant in the year 1988-89 for about 1(one) year and then again posted at Sub-Post Office, Sekmai as Postal Assistant in the year 1990-91 to 1995-96.

Contd. ...P/3.

--:( 3 ):--



The applicant was then posted at Head Post Office, Imphal as P.A. (Postal Assistant) in the V.P. Section, Head Post Office, Imphal, Manipur.

4. Jurisdiction of the Tribunal :

The applicant, as an employee of the Postal Services Department under the Government of India have been working/serving as Postal Assistant in short P.A. and posted at Head Post Office, Imphal, Manipur in the V.P. Section, and thereafter he was terminated in service by an Order dated 21.07.2000 under Office Memo No. Fl-1/99-2000/Disc. The applicant, therefore, declares that the subject matter of the order against which the applicant wants redressal is within the jurisdiction of the Central Administrative Tribunal, Guwahati Bench, Guwahati.

5. Limitation :

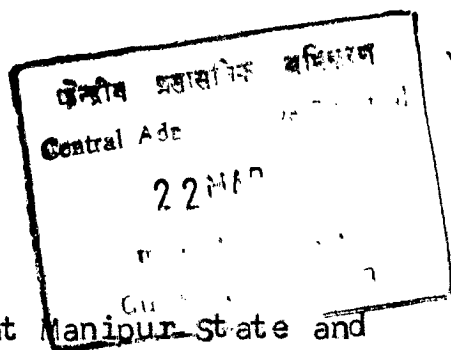
The applicant further declares that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the Case :

(A) That, the applicant Shri Khoirokpam Obitro Singh was appointed as Extra-Departmental in short E.D. Paxker, Sekmai in the year 19<sup>7</sup>1 till date without any break in service and he was posted at

Contd. ...P/4.

-::( 4 )::-



posted at different office at Manipur State and he was posted at Imphal Head Post Office as P.A. (Postal Assistant) of V.P. delivery Branch and serving there till date.

(B) That, while the applicant was initially appointed as Extra-Departmental in short E.D. in the year 1973 and he was posted at Sub-Post Office, Sekmai.

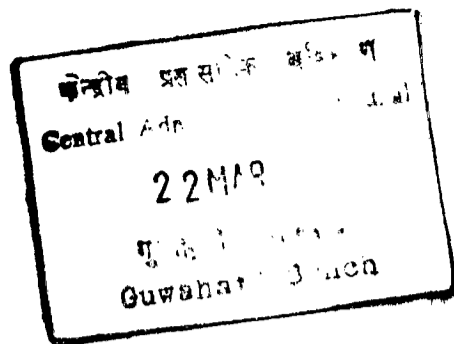
(C) That, the present applicant was promoted to the post of Group -D(Peon) in the year 1981 and posted at Head Office, Imphal Branch, Imphal as he was posted at many places of the Sub-Post-Offices in the State of Manipur.

(D) That, lastly the applicant as an employee of Group -D and posted at Kangpokpi in the year 1985-86, he appeared an interview for promotion to the post of Postal Assistant (P.A.). Accordingly he got promotion to the post of Postal Assistant and posted at Sub-Post Office, Jiribam.

(E) That, the applicant was posted Sub-Post Office, Sekmai in the year 1990-91 as Postal Assistant for about 4(four) years and again transferred at Head Post Office, Imphal as "Postal Assistant".

(F) That, the applicant was posted at Sub-Post Office, Tamei under Tamenglong District as Sub-Post Master in short S.P.M. for about 1(one) year and

Contd. ...P/5/-



and 8(eight) months.

(G) That, the applicant was posted at Head Post Office, Imphal as Postal Assistant and allocated his works at V.P. Section.

(H) That, the applicant challenged the legality of the impugned order under Memo No.F1-1/99-2000/Disc, dated at Imphal 21.07.2000 issued the dismissal order of the applicant in service.

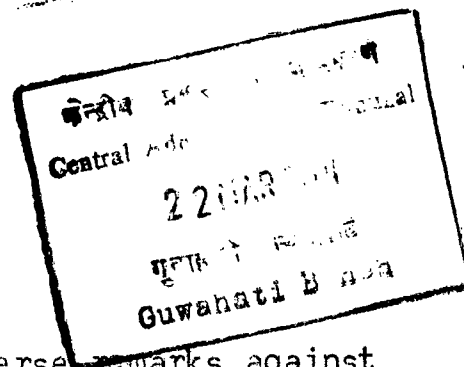
ANNEXURE -A/1 is the true copy of the dismissal order dated 21-07.2000.

(I) That, on 28.07.2000, the applicant preferred a humble representation to the Respondent No.1 for setting aside the dismissal order dated 21.07.2000 issued by the Director of Postal Services, Manipur Division, Imphal and also to reinstate in service according to Service Rules of Extra Departmental Staff in the Postal Department.

ANNEXURE -A/2 is the true copy of the humble representation of the applicant dated 28.07.2000.

G R O U N D S

- 13.1.88 to
7. (A) That, the act of the Respondents violates the applicant's rights under Article 14 and 16 of the Constitution of India.



(B) That, there is no adverse remarks against the applicant, the Respondents arbitrarily and illegally passed the order dated 21.07.2000, under Memo No. F1-1/99-2000/Disc, dismissing the applicant from his service without any opportunity of being heard.

(C) That, the applicant may be allowed to reinstate his post as Postal Assistant, Imphal H.O. in the V.P. Section, Head Post Office, Manipur Division, Imphal, Manipur.

(D) That, the action of the Respondents is one sided and arbitrary, It is to ~~determine~~ the detriment of the applicant.

(E) That, by virtue of the illegal office Memo No. F1-1/99/2000/Disc dated 21.07.2000 is liable to be set aside,

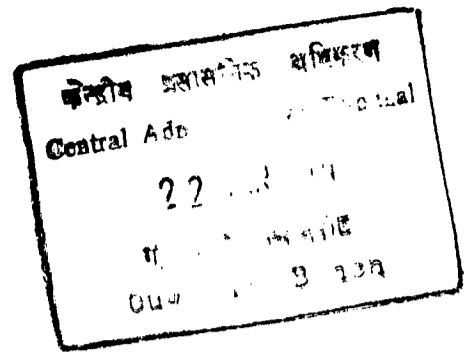
8. Details of the remedies exhausted :

The applicant declares that she availed of all the remedies available to her under the relevant service rules.

9. Matter not pending with any other Court etc. :

No other application has been made and pending before any Court of law or any other authority or any other bench of the Tribunal except this petition.

-::( 7 )::-



10. Reliefs sought :

That the dismissal order of ~~the~~ the applicant from his service issued on 21.07.2000 be set aside being illegal and unconstitutional.

11. Interim order, if prayed for :

Interim order is prayed for *stay up* ~~setting aside~~ the order dated 21.07.2000 issued by the Director of Postal Services, Manipur Division, Imphal.

12. Particulars of Bank/Postal Order in respect of the application fee : 45922 ~~Dr.~~ 22-3-01  
Rs. 50/2

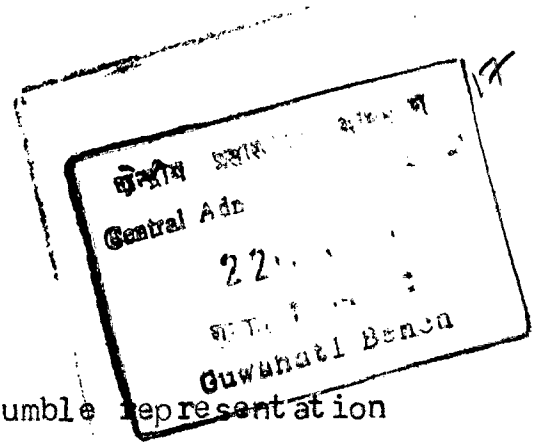
13. Details of Index :

An index in duplicate containing the details of the documents to be relied upon is enclosed.

14. List of enclosures :

- (i) A true copy of the Dismissal Order of the applicant dated 21.07.2000 under Memo No.F1-1/99-2000/Disc.

-::( 8 )::-



Øii) A true copy of the humble representation of the applicant dated 28.07.2000.

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

I, Shri Khoirokpam Obitro Singh, aged about 51 years, S/o late Kh. Jugol Singh of Awang Sekmai Awang Leikai, P.S. Sekmai, Imphal West District, Manipur do hereby verified that the contents in the Paragraph Nos. 1 to 14 of the accompanying petition are all true to the best of my knowledge and belief and that I have not concealed any material facts. This is true to the best of my knowledge and belief.

Dated, Imphal the 22<sup>nd</sup> day of March, 2001.

SIGNATURE OF THE APPLICANT.

*Kw. Obitro Singh*

- 9 -

DEPARTMENT OF POSTS: INDIA  
OFFICE OF THE DIRECTOR POSTAL SERVICES : MANIPUR : IMPHAL-  
795001  
-----

Memo no. FI-1 / 99-2000 / Disc

Dated at Imphal 21.07.2000

It was proposed to hold an enquiry under which Rule -14 of CCS (CCA) Rules, 1965 against Shri Kh. Obitro Singh, PA, Imphal HO vide this office memo of even No. dtd 08.10.99. The substance of misconduct or misbehaviour in support of the charges set out against the said Shri Kh. Obitro Singh runs as under.

Statement of imputations of misconduct or misbehaviour in support of the articles of charges framed against Shri Kh. Obitro Singh, PA, VP delivery Branch of Imphal HO.

Article -I

That the said Shri Kh. Obitro Singh while working as VP delivery PA in Registration Branch of Imphal HO during the period from 15.01.98 to 18.08.99 realised a sum of Rs 2,02,827.00 ( Rs. Two lakhs two thousand eight hundred twenty seven ) only being the value and commission of 504 VP articles realised from the addressees of the VP articles received at Imphal HO on different dates. The said shri Kh. Obitro Singh failed to credit it into Govt. account which caused heavy loss to the Govt. The said shri Kh. Obitro Singh in his written statement dtd. 18.08.99 admitted that he realised the value & commission of the 504 VP articles delivered to the addressees but he had not credited the amount into Govt. account and misappropriated the whole amount violating the provisions of Rule -4 (1) and Rule-103 of Financial Hand Book Vol -I thereby infringed the provisions of Rule -3 (1) (i) & (iii) of CCS conduct Rules, 1964.

Article -II

On 16.08.99 at 1000 hrs Shri N.C Halder, Dy. Supdt. of POs, along with Shri B. Rajbangshi, offg, ASP-1<sup>st</sup> Sub Dn, Imphal and Shri R.Kumar, SDIPOs-3<sup>rd</sup> Sub Dn, Imphal visited Registration Branch of Imphal HO to verify the functioning of VP receipt and delivery section of Registration Branch. Shri Kh Obitro Singh working as VP receipt and delivery PA and he is responsible for proper maintenance of register of VP articles received, issue of VP intimation, delivery of VP articles after realisation of value & commission and remittance VPMOs in respect of VP articles delivered. On verification of the register of VP articles received at Imphal HO it was found that the particulars of VP articles which were shown in Annexure - 'A' & 'B' were not entered in the aforesaid register by the said Shri Kh. Obitro Singh. The said Shri Kh. Obitro Singh did not sign in the register of VP articles received daily. The said Kh. Obitro Singh in his written statement dtd. 18.08.99 admitted the fact.

By this act of non entering the particulars of VP articles in the register of VP articles received, the Department sustained loss to the tune of Rs 2,02,827.00 and contravened the provisions of Rule- 219 (1) of P&T Manual Volume-VI Part-I corrected upto 31<sup>st</sup> March, 1982 and thereby infringed the provisions of Rule -3 (1) (i) & (iii) of CCS Conduct Rules, 1964.

Contd...2/-

TRUE COPY  
*Santosh*  
ADVOCATE

- 10 -

19

-(2)-

Article --III

That during the aforesaid period while working in the aforesaid office, the said Shri Kh. Obitro Singh realised the value and commission of 504 VP articles amounting to Rs 2,02,827.00 ( Rupees two lakhs two thousand eight hundred twenty seven ) only from the addressees of the VP articles received at Imphal HO. The said Shri Kh. Obitro Singh did not made over the amount ( value & commission ) realised from the addressees of VP articles to the MO issue PA under receipt with the VPMOs for remittance to the senders of the VP articles. The said Shri Kh. Obitro Singh, instead of transferring the amount to MO issue Branch pocketed it for his private use and thereby sustained loss to the Govt. to the tune of Rs 2,02,827.00 as shown in Annexure -'A' & 'B'. The said Shri Kh. Obitro Singh in his written statement dtd. 18.08.99 admitted that he realised the amount from the addressees of the VP articles but he did not transferred the same to the MO issue branch. By this act the said Shri Kh. Obitro Singh contravened the provisions of Rule - 227 (1) of P & T Manual Vol -VI Part- I, thereby infringed the Rule -3 (1) (i) & (iii) of CCS Conduct Rules, 1964.

To enquire into the charges framed against Shri Kh. Obitro Singh, Md. Qutubuddin, ASP(HQ), O/o the DPS, Imphal and Shri D.K Bora, SDIPOs 2nd Sub Division, Imphal were appointed as Inquiry officer and presenting officer respectively vide this office memo of even No. dtd. 9.11.99. The I.O fixed the 1st hearing on 29.11.99 and due to absence of P.O and C.O on that day, the hearing was adjourned to 1100 hrs of 16.12.99. The hearings of the case were again fixed on 27.12.99 and 05.02.2000 without any progress. Again the hearing was fixed on 15.02.2000 at 1100 hrs. due to hospitalisation of Md. Qutubuddin, I.O of this case further proceedings could not be held on 15.02.2000 and the I.O suddenly expired on 17.02.2000. As the 1st I.O expired on 17.02.2000 before completion of the enquiry, Shri U. Basumatary, ASP -1<sup>st</sup> Sub Dn, Imphal was appointed as I.O to enquire into the case vide this office memo of even no. dtd. 23.02.2000. After conducting the enquiry, the present I.O submitted his enquiry report under his letter no. A-1 / Disc -1 / Obitro Singh dtd. 08.06.2000 on 09.06.2000. A copy of the I.O report was served to the C.O under this office letter of even no. dtd. 09.06.2000, which was received by the CO on 16.06.2000 and after receipt of the I.O's report, C.O submitted his written representation dtd. 26.06.2000 to this office which was received on the same day. The content of the representation submitted by C.O runs as under :

With due respect and humble submission, I beg to state that enquiry under Rule -14 of CCS (CCA) Rules -1995 against me was completed.

That Sir, in the enquiry of Article no. -1, I categorically admitted during the period from 15.01.98 to 18.08.99. I did not credited a sum of Rupees 2,02,827.00 (Rupees two lakhs two thousand eight hundred twenty seven) only to the Govt. account being the value and commissions of VP articles received by me.

In the article no. 2. I further admitted that while I was working in the VP Branch at Imphal HO, I did not entered the particulars of VP articles received by me in the VP register.

Contd..3/-

-(3)-

In article -III, I again admitted that I did not made over the value and commissions of 504 articles amounting Rs 2,02,827.00 which were delivered to the addressee after realising the value and commissions as shown in annexure A & B to the MO issue PA under receipt due to the lack of knowledge and I was promoted from Group 'D' to PA.

But Sir, I was credited a sum of Rs 78,000/- ( seventy eight thousand ) only to the Govt. by using ACG. The rest Rs 1,24,827/- ( One lakh twenty four thousand eight hundred twenty seven ) only would like to credit which were misappropriated the Govt. money as soon as.

So, I therefore request you may to kindly save my service, otherwise my family and myself not where in Manipur and will in danger. For this act of kindness, I shall ever remain grateful to you for ever.

Yours faithfully  
Sd/-

(Kh Obitro Singh)  
Now, U/S PA, Imphal HO.

Imphal, the 26<sup>th</sup> June 2000

**Findings :-**

I have gone through the whole case enquiry report submitted by the Inquiry Officer and the written representation submitted by the charged official carefully. From the enquiry report submitted by the I.O, written statement of the C.O and other relevant documents it is proved beyond any doubt that the C.O had misappropriated the whole amount of Govt. money to the tune of Rs 2,02,827.00. The past antecedence of the C.O is very bad and it is doubtful. During the period from 13.01.95 to 08.05.95 while C.O was working as SPM, Tamei SO was absented unauthorisedly from his duty and he was punished under Rule -14 of CCS (CCA) Rules, 1965 with the order of stoppage of next increments for 6(six) months without cumulative effect vide this office memo no. A-2 / Kh. Obitro Singh dtd. 30.06.95. The period of absence of the C.O from 01.03.95 to 07.05.95 was treated as dies -non.

Shri Kh. Obitro Singh categorically admitted the articles of charges framed against him. Moreover, he also failed to credit the entire amount of loss sustained to the Govt. The charged official is deserved for a befitting punishment commensurate to his offence considering the huge amount of Govt. loss and such person will spoil the image of this Postal department. He is not at all required to retain in service and this is the 2nd time of committing mistakes. Hence, as the case deserves and to meet the end of justice, I pass the following order.

**ORDER**

I, Shri Lalluna, Director Postal Services, Manipur Division, Imphal hereby order that Shri Kh. Obitro Singh, Postal Assistant, Imphal HO now under suspension be punished with dismissal from his service with immediate effect.

(LALHLUNA)  
Director Postal Service  
Manipur Divn : Imphal -795001  
Contd... 4/-

12  
21  
-(4)-

Copy forwarded for information and necessary action :-

Regd A/D

1. Shri Kh. Obitro Singh, PA, Imphal HO now under suspension.
2. The Postmaster, Imphal HO -795001
3. The DA(P), Calcutta ( through Postmaster, Imphal HO )
4. The P.F. of the official.
5. The CR file of the official.
6. The Punishment register
7. The Vig / Stt - INV.
- 8-10. Spares.

(LALHLUNA)  
Director Postal Services  
Manipur Divn : Imphal -795001

To,

The Chief Post Master General,  
North Eastern Circle,  
Shillong -1.

Subject : Request for allowing for setting aside  
the dismissal order of the Director of  
Postal Service, Manipur dated 21.07.2000.

Sir,

With due respect, I have the honour to request you  
the following few lines for favour of Your Goodself kind con-  
sideration and favourable order in the matter under reference.

That, I am a bonafide citizen of India and a permanent  
resident of Sekmai Awang Leikai under Imphal West District, Mani-  
pur.

That, I was appointed as Extra-Departmental in short  
E.D. Packer Sekmai in the year 1981 till date without any break  
in service. However, I was posted at Imphal Head Office as  
Postal Assistant in short P.A. of V.P. Delivery branch and I  
was serving there with my best level.

That, unfortunately through bonafide mistake, I may be  
used wrongly some deposited amount of the said Post Office. In  
this regard, I had been crediting/depositing a sum of Rs.78,000/-  
(Rupees seventyeight thousand) only to the Government by using  
A.C.G. and the remaining amount of Rs.1,24,827/-(Rupees one lakh-  
twentyfour thousand and eight hundred twentyseven) only may be  
allowed to adjust from my G.P.F. and arrear etc.

Contd. ..2/-

TRUE COPY

*Santelides*  
ADVOCATE

That, I am the only sole earning member of my family and I have 2(two) sons and 3(three) daughters who are now all school going children. I and my family members shall have a great financial hardship and untold miseries if I am terminated in service.

In view of the above facts and circumstances, I, therefore, request Your Goodself be pleased to set aside the dismissal order issued by the Director, Postal Services, Manipur Division, Imphal and allow me to reinstate in service, in the interest of employee.

Dated, Imphal  
The 20th July, 2000.

Yours faithfully,

Sd/-

( Kh. Obitro Singh )  
P.A., Imphal H.O., V.P. Branch, Imphal  
(U/S), (now terminated in service).

....

23 AUG 2001  
গুৱাহাটী স্ৰাৰ্থপোষ্ট  
Guwahati Bench

Filed by

22/8/01  
(A. DEBROTI)

SI. C. P. C.  
C. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :::: GUWAHATI.

O.A. No. 115 OF 2001

Shri Kh. Obitro Singh

- Vs -

Union of India & Others.

- Vs -

In the matter of :

Written Statement submitted by the  
respondents

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

( BRIEF HISTORY OF THE CASE )

The applicant Shri K. Obitro Singh, while  
working as Postal Assistant at Imphal Head Post Office he was  
assigned with duties relating to delivery of Value Payable  
Postal articles received for delivery at Imphal Head Post  
Office during the period from 15.01.1998 , 18.08.1999 with the  
designation of "V.P. Delivery Postal Assistant " ( in short  
called "V.P. Delivery P.A." ). As "V.P. Delivery P.A.", the  
said Shri Kh. Obitro Singh was responsible for maintaining  
the account and custody of Value Payable Packets and Value  
Payable letters received at Imphal Head Post Office for deli-  
very through the office. As "V.P. Delibery P.A.", the said  
Shri Kh. Obitro Singh was also responsible for delivery of

of the value payable prackets and value payable letters to the respective addresses after realizing the value alongwith Money order commission for remitting the value of the articles to the sender of the articles by Value Payable Money Order, and after delivery he had to credit the amount of value and commission so realized on delivery of the Value payable articles in the Govt. Account ( i.e. at Imphal Head Post Office Treasury ) and issue Value Payable Money Order to the sender of the articles without any delay. When the said Shri Kh. Obitro Singh was working as \* V.P.- Delivery P.A\* during the period from 15.01.1008 to 18.08.1999, he did not credit the value and commission of 504 ( Five hundred and four ) Value Payable articles amounting to Rs. 2,02,827/- in the Govt. Account and also he did not issue Value Payable Money Orders to the sender of the the respective Value payable articles. As soon as the departmental offence/irregularity committed by the said Shri Kh. Obitro Singh came to the notice of the disciplinary authority viz. Director Postal Services, Manipur, Imphal, the said Shri Kh. Obitro Singh was placed under suspension with effect from 20.08.99 vide DPS/Imphal Memo No. F1-1/99-2000 Dtd. 19.08.1999 ( Annexure- R/1-A ). The order of suspension was delivered to the official on 19.08.99 under receipt ( Annexure - R/1-B ). Thereafter, a Charge sheet under Rule-14 of CCS(CCA) Rules, 1965 was issued against the said Shri Kh. Obitro Singh vide Memo No. F1-1/99-2000/ Disc. Dated 08.10.99 ( Annexure -R/2 ) and the same was delivered to him on 13.10.99 ( Annexure- R/3 ) vide Imphal Head Post Office Registered letter No. 2161 dated 11.10.99.

In the said charge sheet memorandum it was proposed to initiate disciplinary proceedings under Rule-14 of CCS (CC&A) Rules, 1965 and the applicant was given opportunity to submit any representation he would have wished to make against the said proposal. As the official did not submit any representation or written statement of defence against the proposal departmental proceedings, Inquiry Officer and Presenting Officer were appointed vide Memo No. F1-1-/99-2000/Disc dated 9.11.99 (Annexure-R/8-A & 6B) after affording an extended time for submission of representation/ written-statement -of- defence vide letter No. F1-1/99-2000/ Disc. dated 25.10.99 (Annexure - R/4) which was delivered to the applicant on 28.10.99 (Annexure - R/5) through Imphal Head Post Office Registered letter no. 2640 dated 25.10.99.

But no hearing was held upto February 2000, and Md. Qutubuddin Asstt. Supdt. of Post Offices (HQ), Imphal who was appointed as Inquiry Officer vide Memo No. F1-1/99-2000/Disc dated 09.11.99 also expired on 17.02.2000. Due to the above reason, Shri U. Basumatary, Asstt. Supdt. of Post Offices, Sub-Division, Imphal was appointed as Inquiry Officer vide Memo No. F1-1/99-2000 dated 23.02.2000 (Annexure- R/7), under intimation to the applicant. A copy of Memo. No. F1-1/99-2000 dated 23.02.2000 was endorsed to the applicant and was delivered through Imphal H.P.O Registered letter No. 1789 dated 23.02.2000 on 04/03/2000 (Annexure- R/8). The Inquiry Officer held preliminary hearing on 31.03.2000 (Annexure-R/9). the applicant admitted all the 3(three) charges framed against him and on the basis of admission of charges corroborated by documentary evidences, the Inquiry Officer submitted

his Inquiry Report dated 8.6.2000 ( Annexure -R/10) by concluding that the charges framed against the applicant were established. The Inquiry Officer's report was forwarded to the applicant vide letter No. F1-1/99-2000/Disc dated 9.6.2000 ( Annexure-R/11) under Imphal Head Post Office Registered Letter No.277 dated 12.06.2000 and the applicant received the same on 16.06.2000 ~~and the applicant received the same on 16.06.2000~~ ( Annexure-R/12). The applicant was also given an opportunity to submit any representation/written statement-of-defence that he might have wished to submit against the Inquiry Officer's report and in response the applicant submitted his representation dated 26.06.2000 (Annexure-R/13). In his representation dated 26.06.2000, the applicant, in addition to a prayer that his life ( i.e. services) may be saved for the sake of his family members and also himself, once again admitted that he was responsible for non-credit of value and commission of 504 ( Five hundred and four ) Value Payable articles amounting to Rs. 2,02,827/- ( Rupees two lakh two thousand eight hundred twenty seven ) only. In his above mentioned representation dated 26.06.2000, the applicant also stated that he had already credited a sum of Rs. 78,000/- out of Rs. 2,02,827/- and was willing to credit the remaining amount of Rs.1,24,827/-. But, the applicant did not credit the remaining sum of ₹ Rs.1,24,827/- ( Rupees one lakh twenty four thousand eight hundred twenty seven ) only. The irregularity committed by the applicant, by way of non credit of value and commission of 504 value payable articles amounting to Rs. 2,02,827/-

immediately on realization of the amount, was as such that any punishment less than dismissal from service would not commensurate the gravity of offence. As the applicant had ~~already~~ already come to the adverse notice of the administrative authorities in more than 2(two) earlier occasions, it was not justifiable to take any lenient view than to aware him the penalty in commensurate to the gravity of offence committed by the applicant. Therefore, the applicant was dismissed from service vide Memo No. F1-1/99-2000/Disc. dated 21.07.2000 ( Annexure -R/14 ).

The following comments are furnished by the Respondents are as follows :

1. That with regard to paras 1, 2, 4, 5, 8, 9, 12, 13 and 14 , the respondents beg to offer no comments
2. That with regard to para 3, the respondents beg to state that it is submitted that the particulars of order against which the application is made require no comment.

With regard to other contentions of the applicant in the said para, it is submitted that the applicant was appointed as a regular Group 'D' employee in the Department of Posts & in Manipur Postal Division with effect from 18.06.81 and thereafter after having qualified in the Departmental promotion examination he was promoted to the cadre of Postal Assistants in Group 'C' Category with effect from 23.07.1988. Since then the applicant was continuing in the cadre of Postal Assistant and when he was working as Postal Assistant In Imphal Head Post Office during the period from 14.09.95 to 19.8.99 he committed serious departmental offences for which

he was punished with the penalty of dismissal from service vide DPS/Imphal Memo No. F1-1/99-2000/Disc. dated 21.07.2000 after following the prescribed procedure laid down in CCS (CC&A) Rules, 1965.

3. That with regard to para 6(A), the respondents beg to state that it is submitted that the applicant was initially appointed as Orderly Peon to Inspector of Post Offices, 1st Sub-Division, Imphal in the cadre of Departmental Group 'D' official with effect from 18.06.81 and was continuing as such till he was promoted ~~to~~ to the cadre of Postal Assistant in the Group 'C' category of CCS(CC&A) Rules, 1965 with effect from 23.07.1988. When the applicant was working as Postal Assistant in the Group 'C' category in Manipur Postal Division during the period from 23.07.1988 to 19.08.1999, he was entrusted with the duties relating to receipt and delivery of Value Payable articles with an official designation of "V.P. Delivery Postal Assistant" at Imphal Head Post Office during the period from 15.01.98 to 18.08.99. The above mentioned period during which the applicant was working as "V.P. Delivery Postal Assistant" he delivered 504 ( Five hundred and four ) Value Payable articles to their respective addressees after realizing the value and commission to those Value Payable articles, but did not credit the value and commission so service rendered, as Extra Departmental Agents, are not countable for qualifying service for departmental purposes. Service of a departmental employee who was recruited from Extra Departmental category are counted towards qualifying service for departmental purposes only from the date of entry

in the departmental post, and as such the applicant's services as Extra Departmental Agent has no relevance in this case.

4. That with regard to para 6(B), the respondents beg to state that it is submitted that in the Department of Posts exists a group of employees called "Extra Departmental Agents" whose relation with the Government is only as such of an agent with agency. Normally, recruitments to the cadre of Departmental Group 'D' and Postman in Group 'C' category are ~~done~~ done from the eligible Extra Departmental Agents. At the material time when the applicant was recruited and appointed as departmental Agents having a prescribed minimum length of continuous service had to qualify in the suitability test and the applicant was also appointed as a departmental Group 'D' official after having qualified in the test.

- 8. 30.06.95 - 13.09.95 (Afternoon) - Time Scale Sub Post Master, Motbung Sub Post Office.
- 14.09.95 to 19.08.99 - Postal Assistant, Imphal Head Post Office.

5. That with regard to para 6(C), the respondents beg to state that it is submitted that the applicant was initially appointed in the departmental post as Orderly Peon to Inspector of Post Offices, Ist Sub Division, Imphal in Group 'D' category vide IPOs/Ist Sub-Division, Imphal Memo. No. A-1/Staff dated 14.06.81 with effect from 18.06.1981.

6. That with regard to paras 6(D) to 6(G), the respondents beg to state that it is submitted that the applicant was promoted to the cadre of Postal Assistants in Group 'C' category with effect from 23.07.1988 after having qualified in the departmental promotion examination for promotion of Lower Grade Officials to the Cadre of Postal Assistants held in the year 1987. Since then, the applicant was working in various capacities in the cadre of Postal Assistant in Manipur Postal Division as shown below :

	<u>Period</u>	<u>Post held</u>
23.07.1988	- 10.09.1988	- Postal Assistant, Jiribam Sub Post Office.
12.09.1988	- 28.11.1988	- Postal Assistant, Gularthal Sub Post Office.
14.02.1989	- 25.05.1993	- Time Scale Sub Post Master, Sekmai Sub Post Office.
25.05.1993	- 08.03.1994	- Postal Assistant, Imphal Head Post Office.
09.03.1994	- 04.04.1994	- Time Scale Sub Post Master, Motbung Sub Post Office.
06.04.1994	- 15.07.1994	- Postal Assistant, Imphal Head Post Office.
16.07.1994	- 28.02.1995	- Time Scale Sub Post Master, Tamei Sub Post Office .

realized in the Govt. Account. The value and commission so not ~~an~~ credited by the applicant ran to the tune of

Rs. 2,02,827/- ( Rupees two lakh two thousand eight hundred twenty seven ) only. For that above reason, the applicant was placed under suspension with effect from 20.08.1999 and thereafter a regular departmental enquiry in accordance with the procedure laid down in Rule-14 of CCS(CC&A) Rules, 1965 followed. In the departmental enquiry held on 31.03.2000, the applicant admitted the charges framed against him without disputing anything. On the basis of specific and categorical admission of charges by the applicant, the Inquiry Officer's report, forwarded the same to the applicant for providing an opportunity to submit such representation as the applicant might have wished to make against the I.O's report. The applicant, in his representation dated 26.06.2000 that he submitted after receipt of I.O's report, once again admitted the charges and prayed that his service may be saved ~~from~~ for the sake of his family & himself on the grounds that he had already credited a sum of Rs. 78,000/- ( Rupees seventy eight thousand ) only against the Govt. loss of Rs. 2,02,827/-. As the gravity of offence is much higher than the applicant but for detection of the non credit of value and commission of 504 V.P. articles amounting to Rs. 2,02,827/- would not have credited even a sum of Rs. 78,000/- which he credited after detection of his misdeed and the applicant's antecedents in the department were so bad that he did not deserve any lenient penalty than the one justifiable for the offence committed by him, the Respondent No.2 being disciplinary authority dismissed the applicant vide DPS/Imphal Memo No. F1-1/99-2000/Disc. dated 21.07.2000.

7. That with regard to para 6(H), the respondents beg to state that it is submitted that the applicant committed serious departmental offences/irregularities as narrated in para above and as such the applicant was awarded the penalty of dismissal from service vide DPS/Imphal Memo No. F1/1/99-2000/Disc. dated 21.07.2000 after following the prescribed procedure laid down in Rule-14 of CCS(CCA) Rules, 1985.

8. That with regard to para 6(I), the respondents beg to state that it is submitted that the applicant submitted a representation of the applicant dated 28.07.2000 addressed to the Chief Post Master General, North Eastern Circle, Shillong and enclosed as Annexure - A/2 to the application has not been received at the office of the Respondent No.2 till date.

9. That with regard to paras 7(A) to 7(E), the respondents beg to state that it is submitted that the applicant committed serious departmental offences/irregularities by not crediting the value and commission of 504 V.P-Articles amounting to Rs. 2,02,827/- to the Govt. account. It was not only admitted by the applicant that he was responsible for the non-credit of the afore mentioned amount to the Govt. account, but also documentarily proved beyond any doubt that the applicant committed the said irregularity/departmental offence. The applicant was punished for the departmental offences committed by him after affording the opportunity of being heard in every stage of departmental inquiry and as such the ~~max~~ punishment of dismissal from service awarded to the applicant vide DPS/Imphal Memo No. F1-1/99-2000/Disc dated 21.07.2000 is fully justifiable under all circumstances.

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

I, Shri N. C. Halder

being authorised do hereby verify and declare that the statements made in this written statement are true to my knowledge, information and believe and I have not suppressed any material fact.

And I sign this verification on this 30th day of July, 2001.

Declarant.

*N. C. Halder*  
(N.C. Halder) 30/7/01  
Supdt. of Post Offices  
Manipur Division; Imphal- 795001