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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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FORM No. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

APPLICATION NO. 347/2001

Applicant (S) S. B. Hazarika

Respondant (S) U.O.I. Govt

Advocate for the Applicant: In Person

Advocate for the Respondant: Case

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in the form of a Petition. It is filed vide M.P. No. <u>X</u> C.F. for Rs. 50/- assessed vide IPO/B2 No <u>79548878</u> Dated <u>27.8.2001</u> <u>Dr. Registrar</u>	31.8.01	Present : Mr. Justice D.N. Chowdhury, Vice-Chairman. Heard Mr. S.B. Hazarika, in person and also Mr. A. Deb Roy, learned Sr. C.G.S.C.. The order dated 8.6.2001 imposing the penalty of reduction of pay by six stages is assailed in this proceeding. Sri Hazarika, who argued his case, strenuously urged that the impugned order of penalty is liable to be quashed as arbitrary and discriminatory and violative of the article 14 of the Constitution of India. I am however, not inclined to go into the merits of the decision at this stage. Since on the own showing, Mr. Hazarika the order assailed here is appealable. I am therefore of the opinion that the ends of justice will be met if a direction is given to the applicant to prefer Statutory Appeal before the competent authority. Sri Hazarika, is accordingly granted three weeks time to prefer an Appeal, if such Appeal is filed the appellate authority shall examine the same and pass a reasoned order preferably within two months from the receipt of the Appeal. The appellate authority is ordered to conclude the same within the period specified preferably within 2 months. Till the completion of the exercise, the penalty imposed on the

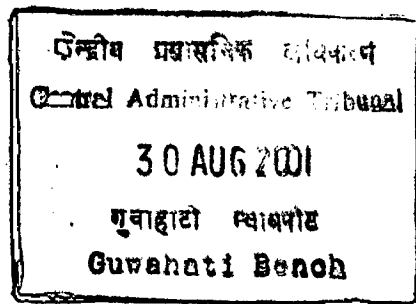
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31.8.01

applicant order dated 8.6.2001 by Director of Postal, Service Nagaland shall remain suspended.

The application thus stands disposed of. There shall however, be no order as to costs.


Vice-Chairman



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWHATI BENCH : GUWHATI-5**

***APPLICATION UNDER SECTION 19 OF
THE CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985***

**Title :- S.B.Hazarika
Vs.
Union of India & Others**

**COMPILATION NO-1
APPLICATION AND THE IMPUGNED ORDER
(WITH INDEX)**

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FORM NO.I
(SEE RULE 4)

**APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT.1985.**

Title of the Case :S.B.Hazarika

Vs.

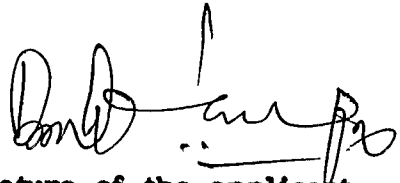
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Signature of the applicant.

FOR USE IN TRIBUNAL'S OFFICE.

Date of filing :-

Date of Report by Post :- Submitted in person.

Registration No. :-

Signature
For Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:::GUWAHATI-5.

Sri S. B. Hazarika
S/o Lt. Khargeswar Hazarika
C.I. (Postal), Divisional Office
Kohima-797001
NAGALAND.

.....Applicant.

-Vs-

1. The Union of India
Represented by
The Director General of Posts
Dak Bhawan
New-Delhi-110001.
2. The Chief Postmaster General
North Eastern Circle,
Shillong-793001.
3. The Director of Postal Services,
Manipur, Imphal-795001.
4. The Director of Postal Services,
Nagaland, Kohima-797001.
5. The Postmaster,
Kohima-797001,
Nagaland.

.....Respondents.

Contd....2.

DETAILS OF APPLICATION

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

Impugned punishment order No. Rule-14/S.B. Hazarika dated Kohima 8.6.2001 passed by the respondent No.4 imposing the major penalty on the applicant that his pay be reduced by 6(six) stages from Rs.6650/- to Rs.5500/- in the time scale of Rs.5500-175-9000/- for a period of 3 years w.e.f. 1.6.2001 with cumulative effect with further direction that the applicant will not earn increments of pay during the period of reduction and that on the expiry of the period, the reduction will have the effect of postponing his future increments of pay.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the order against which he wants redressal is within the Jurisdiction of the 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.

4. FACTS OF THE CASE :

Contd...3.

4.1 That, the applicant joined the Department of Posts on 1.8.72 as Postal Asstt. and was promoted to the post of Sub-Divisional Inspector of Post Offices through Departmental Competitive Examination and worked as such from 1.6.1983. On 29.1.1996 the applicant was posted as Sub-Divisional Inspector of Post Offices (S.D.IPOs for short) at Ukhrul under Manipur Postal division under the administrative control of the Resp. No.3.

4.2 That, on 19.2.98 the Resp. No.3 issued a charge-sheet under Rule 14 of the CCS(CCA) Rules, 1965 against the applicant. The charge-sheet consisted of two Articles of charges viz. Article-I and Article-II.

(1.) In Article-I it was charged that during the period from 29.01.96 to 31.01.98 the applicant had shown to have inspected 54 post offices in the year 1996. But he had not submitted any inspection report in respect of any of the said 54 Post Offices; that the applicant had shown to have inspected 70 Post Offices in the year 1997 but he had not submitted inspection reports in respect of 45 Post Offices to the Resp. No.3 and by the above act the applicant violated some Departmental rules and Rule 3(1) (ii) of the CCS (conduct) Rules, 1964.

(ii) In Article-II it was charged that the applicant while acting as SDIPOs, Ukhrul Sub-Divn. during the aforesaid period he had shown to have inspected 6(six) EDBOs (Extra Departmental Branch Offices) on various dates viz.

Contd...4.

Chingjaroi EDBO	on	25.02.97
Sirarakhang EDBO	on	29.03.97
Kameng Kakching EDBO	on	19.05.97
Shangshak EDBO	on	19.06.97
Nungshang EDBO	on	15.07.97
Pushing EDBO	on	28.07.97

But the applicant in fact, did not inspect the above Offices on any date and, therefore, the applicant violated the Departmental rules and Rule 3(1) (i) & (iii) of the CCS (Conduct) Rules, 1964.

A copy of the Charge-sheet dt.19.2.98 is annexed herewith and marked as Annexure A-1.

- 4.3 That, on 8.5.98 the Resp. No.3 appointed Sri S.C.Das- the Dy. Supdt. of Post Offices, Agartala as Inquiry Officer to inquire into the charges and appointed Sri N.C. Halder- the Dy. Supdt. of Post Offices, Imphal as Presenting Officer to present the case on behalf of the Disciplinary Authority i.e. the Resp. No.3.

A copy of the appointment Order of Inquiry Officer is annexed herewith and marked as Annexure. A-2.

And

A copy of the appointment Order of Presenting Officer is annexed herewith and marked as Annexure. A-3.

Contd...5.

4.4 That, thereafter, the applicant was transferred and posted as C.I. in the Office of the Resp. No.4 and the applicant joined the new incumbancy on 02.02.99 and as per rules the Resp. No.4 became the Disciplinary Authority in place of Resp. No.3.

4.5 That, on 12/23.08.99 while the applicant was working as C.I. in the Office of the Resp. No.4 the Inquiry Officer (I.O. for short) issued notice to attend inquiry at Imphal in the Office of the Resp. No.3 from 15.9.99 to 20.9.99 for evidence on behalf of the prosecution and defence vide his Notice No.INQ/SBH/98-Vol.I dtd. 12/23.08.99, the copies of which were endorsed to all concerned including to the Resp. No.4 with direction to relieve the applicant of his duties to attend inquiry.

A copy of the inquiry Notice dtd.12/23.08.99
is annexed herewith and marked as Annexure.

A-4.

4.6 That, the applicant was neither relieved of his duties nor any order for relief of the applicant was issued by the Resp. No.4 in compliance to the direction of the I.O. for attending the inquiry at Imphal on the appointed dates i.e. from 15.9.99 to 20.9.99.

Contd....6.

4.7 That, the applicant, for being not relieved of his duties by the Resp. No.4, could not attend inquiry on 15.9.99 at Imphal and the I.O. held the inquiry ex-parte and, on that day the listed documents on behalf of the prosecution were produced and brought into records.

A copy of the ex-parte proceedings dtd. 15/9/99 is annexed herewith and marked as Annexure. A-5.

4.8 That, on 16.9.99 i.e. the following day also the I.O. held the inquiry ex-parte and allowed the State Witnesses (SW) to be examined by the Presenting Officer and on that day SW-I, Sri L. Ito Singh was examined in absence of the applicant without ordering for cross-examination by the applicant at a later stage.

A copy of the ex-parte proceeding dtd.16.9.99 is annexed herewith and marked as Annexure. A-6.

And

A copy of the deposition of Sri L.Ito Singh (SW-I) is annexed herewith and marked as Annexure. A-7.

Contd...7.

4.9 That, on 17.9.99 i.e. the following day also the I.O. held the inquiry ex-parte and allowed the P.O. (Presenting Officer) to examine the SWs who attended. On that day 3 SWs Viz-Sri S. Yarnagai-SW-2, Sri V.S. Varecso-SW.3 and Sri O. Dwijamani Singh-SW.4 were examined in the absence of the applicant without ordering for Cross-examination of them by the applicant at a later stage.

A copy of the ex-parte proceeding dtd.17.9.99 is annexed and marked as Annexure. A-8.

A copy of the deposition of SW-2 dtd.17.9.99 is annexed and marked as Annexure. A-9.

A copy of the deposition of SW-3 dtd.17.9.99 is annexed herewith and marked as Annexure. A-10.

A copy of the deposition of SW-4 dtd.17.9.99 is annexed herewith and marked as Annexure. A-11.

4.10 That, on 18.9.99 i.e. the following day also ex-parte hearing was held by the I.O. As the SWs who were summoned for examination on that day did not turn up the proceeding was adjourned.

A copy of the ex-parte proceeding dtd.18.9.99 is annexed herewith and marked as Annexure. A-12.

4.11 That, on 20/9/99 the I.O. issued notice of Inquiry to be held on 21.10.99 at Agartala in the Office of the Director of Postal Services, Agartala the copies of which were endorsed to all concerned including the Resp. No.4 to relieve the applicant of his duties to attend inquiry at Agartala. The Resp. No.4 also issued orders this time on 22/9/99 to attend inquiry on 21/10/99 at Agartala but not at Imphal as maintained by Resp. No.4 in his final order at para 9 (ii) & (iii).

A copy of the I.O.'s Notice dtd. 20.9.99 is annexed herewith and marked as Annexure. A-13.

And.

A copy of the order dtd.22/9/99 of Resp. No.4 is annexed herewith and marked Annexure. A-14.

4.12 That, on 21.10.99 the inquiry was held, but it was adjourned immediately after sitting before the applicant attended the inquiry as the SWs who were summoned for examination did not turn up.

A copy of the proceedings dtd. 21/x/99 is annexed herewith and marked as Annexure. A-15.

4.13 That, on 22/10/99 the inquiry was held again for defence of the applicant who attended the inquiry and submitted his defence. The applicant gave also a list of one defence witness and one additional document to be discovered and produced before the inquiry as there was a possible line of defence.

A copy of the list of defence witness and additional document to be produced as submitted by the applicant on 22.10.99 is annexed herewith and marked as Annexure.
A-16.

4.14 That, the relevancy of the defence witness and the additional document was accepted by the I.O. and decided to summon the Defence witness and call for the additional documents.

A copy of the proceeding dtd.22/x/99 showing the orders of the I.O. is annexed herewith and marked as Annexure. A-17.

4.15 That, on 11.2.2000 the Resp. No.4 appointed one Sri Narayan Das, ASPOs, Agartala (South) as Adhoc Presenting Officer as the regular Presenting Officer Sri N.C. Halder was named as Defence Witness by the applicant and asked the regular Presenting Officer to hand over the document to the Adhoc Presenting Officer who was to represent the case on behalf of the prosecution during examination-in-chief and Cross-examination of the regular Presenting Officer.

A copy of the appointment order of the adhoc Presenting Officer is annexed herewith and marked as Annexure.

A-18.

4.16 That, on 20/4.2000 the I.O. issued notice to attend inquiry on 10.5.00 at Agartala for production of additional documents and examination of the Defence witness.

A copy of the inquiry Notice dtd.20.4.2000 is annexed herewith and ordered as Annexure. A-19.

4.17 That, on 10.5.00 the inquiry was held at Agartala and the applicant attended the inquiry. The adhoc Presenting Officer, Sri N. C. Das also attended ; but the Defence witness who was the regular Presenting Officer did not attend. The additional document as demanded by the applicant and called for by the I.O. was also not produced before the inquiry. The Defence witness was reported to be not willing to appear as such.

A copy of the proceeding dtd. 10/5/00 is annexed herewith and marked as Annexure. A-20.

Contd...11.

4.18 That on 10.5.00 the evidence on behalf of the applicant had to be closed as it was useless on the part of the applicant to press for summoning of the Defence witness and production of additional documents because the Inquiry Officer was not armed with powers of a Civil Judge vested under Section 5 of the Departmental Inquiries (Enforcement of attendance of witnesses and production of documents) Act, 1972 to enforce the attendance of the defence witness and production of additional documents. The Inquiry Officer was appointed simply under Sub-rule (2) of Rule 14 of the CCS (CCA) Rules, 1965 without authorisation of the Central Govt. to exercise the powers specified in Section 5 of the Inquiries Act.

A copy of the Order of appointment of Inquiry Officer is already annexed herewith and marked as Annexure-A-2.

4.19 That, on 12.10.2000 the Resp. No.4 under his endorsement No. Rule-14/S.B. Hazarika dtd. 12.10.2000 forwarded a copy of the inquiry report submitted by the I.O. on 27/9/00 after taking into consideration of the written briefs submitted by both sides and asked the applicant to represent if any, against the inquiry report within 15 days of the date of receipt of the endorsement.

Contd.....12.

A copy of the endorsement dtd. 12.10.2000 is annexed herewith and marked as Annexure. A-21.

4.20 That, as per inquiry report submitted by the I.O. on 27.9.00 the Inquiry Officer found that the Charge under Article-I was not proved but the charge under Article-II was partially proved because in that Article 6 offices were alleged to be ^{not} inspected by the applicant but on inquiry 3 offices were found not inspected.

A copy of the Inquiry Report dtd. 27.9.00 is annexed herewith and marked as Annexure. A-22.

4.21 That, on 25/11/00 the applicant submitted his representation against the Inquiry report and pleaded that the findings of the I.O. in respect of Article-I was correct but the findings in respect of Article-II was not correct because the evidence on the basis of which the charge under Article-II was found to be partially proved was only the oral evidence (deposition) of the SW1, SW2 and SW3 who were examined in absence of the applicant who was at that time working in the office of the Resp. No.4 but was neither relieved of his duties nor was ordered to be relieved by Resp. No.4 for which he could not attend inquiry and thereby he was denied the reasonable opportunity to Cross-examine the State Witnesses which violated the principles of Natural Justice and requested the Resp. No.4 to exonerate the applicant fully.

A copy of the representation against the inquiry report is annexed herewith and marked as Annexure. A-23.

- 4.22 That, on 08/6/01 the final order disposing the disciplinary proceeding was passed by the disciplinary authority i.e. the Resp. No. 4 who disagreed with the findings of the Inquiry Officer in respect of Article-I and agreed with the findings in respect of Article-II and imposed the penalty of reduction of pay of the applicant by 6(six) stages from Rs.6650/- to Rs.5500/- in the time scale of Rs.5500-175-9000 for a period of 3 years w.e.f. 01.6.01 with cumulative effect with further direction that the applicant would not earn increments of pay during the period of reduction and that on the expiry of the period the reduction will have the effect of postponing his future increments of pay.

A copy of the final order dtd.8/6/01 is annexed herewith and marked as Annexure. A-24.

5. Grounds for relief with legal provisions :

(1) Denial of Cross-examination of State Witnesses violates the principles of Natural Justice and vitiates the inquiry.

Contd...14.

The applicant was denied the reasonable opportunity to Cross-examine the State Witnesses which is a valuable right of the delinquent to prove his innocence. The I.O. also did not assign reasons in his orders as to why the proceedings could not be adjourned on 15.9.99, 16.9.99, 17.9.99, 18.9.99 & 20.9.99 till a later date and what miscarriage of justice would have been caused had the proceedings been adjourned without examining the State witnesses. Statutory provisions prescribing the mode of inquiry was, therefore, disregarded which vitiated the entire proceedings ab-initio. The order of penalty is, therefore, bad in law and is liable to be set aside.

LEGAL PROVISIONS RELIED UPON.

- (i) Rule 14(14) of the CCS(CCA) Rules, 1965.
- (ii) The prosecution witnesses must, ordinarily be examined in the presence of the delinquent, so that he may hear their evidence in support of the charge & Cross-examine them before he is called upon to enter into his defence.

-AIR 1963 SC 1719 (1720).

Contd...15.

(iii) The delinquent should be given a reasonable opportunity of Cross-examining the witnesses who are examined for the prosecution for the Departmental inquiry.

-AIR 1958 SC 300.

(iv) The requirement is satisfied if a witness examined in the absence of the delinquent at an earlier stage of the proceeding is offered for Cross-examination at a later stage.

-AIR 1963 SC 375.

(2)

Non-production of additional documents also relied upon & demanded by the delinquent amounts to denial of reasonable opportunity and violates the principles of Natural justice :-

The additional documents relied upon by the applicant was not produced by the Resp. No.3, because, if produced, it would be unfavourable to the prosecution. By not producing the additional documents the applicant was denied the reasonable opportunity to prove his innocence which also violates the principles of Natural justice as the applicant was denied to inspect the documents relied upon by him. The I.O. was also not intimated by the Resp. No.3 that the production

Contd...16.

of the Additional Document would be against the public interest or security of the state. The impugned order of penalty passed by the Resp. No.4, therefore, is malafide and capricious which is liable to be struck down.

LEGAL PROVISIONS RELIED UPON.

- (i) Govt. servant entitled to give notice for the discovery and production of unlisted i.e. additional documents.

-Rule 14 (11) (iii) of the CCS (CCA) Rules, 1965.

- (ii) The I.O. to give requisition to the Custodian of the additional documents for its discovery and production before the I.O.

-Rule 14(12) of the CCS(CCA) Rules, 1965.

- (iii) The Custodian is required to produce the additional document before the I.O. and if the production of the document is considered opposed to public interest or security of the state its reasons for refusal should be intimated.

-Sub-rule(13) of Rule 14 of the CCS(CCA) Rules, 1965.

Contd.,17.

(iv) Raizada Trilok Nath Vs. Union of India 1967(SC)
SLR 959.

(v) State of M.P. Vs. Chintamam Waishanpayan
AIR 1961 SC 1623.

(vi) The delinquent is entitled to inspect even documents not relied upon by the Govt. for purpose of his defence and refusal to let him inspect them vitiates the inquiry. Inspection of such documents or his defence can be insisted upon by him even before filing written statement.

AIR 1971 Delhi 133

(Delhi) 1970 SLR 400.

(3) Refusal of Presenting Officer to be examined by the delinquent amounts to denial of reasonable opportunity :

The Presenting Officer who was summoned as Defence witness refused to attend the inquiry on the ground that he was not willing to appear as such. The willingness of the Presenting Officer to appear as Defence witness is irrelevant and what is relevant is his relevancy of evidence in the inquiry. Being a Departmental employee he cannot refuse to attend the inquiry as it is opposed to discipline. The attendance of the Presenting Officer as Defence witness could

not be enforced as the Inquiry Officer was not vested with powers of a Civil Judge under Section 5 of the Departmental Inquiries (Enforcement of attendance of witnesses and production of documents) Act, 1972 for which the applicant had to be affected adversely. By not vesting the I.O. with the powers under the Inquiries Act, 1972 for enforcing the attendance of the Defence witness in the Inquiry the applicant was denied to inspect the Defence witnesses and the reasonable opportunity to prove his innocence which vitiates the proceeding. The order of penalty is, therefore, a nullity which should be quashed.

LEGAL PROVISIONS RELIED UPON.

- (i) The inquiry authority must take every possible step to secure presence of defence witnesses during the inquiry, specially if they happen to be the employees of that Department.

-Krishna Gopal Vs. Director Telegraphs

60 CWN 692 (1956).

- (ii) It is the duty of the inquiring authority to summon the defence witnesses and for that purpose to write to their employees to direct the witnesses to appear before him for the purpose of examination in the inquiry. It would be highly improper, perverse and unjustified on the part of the Inquiry Officer to expect the delinquent to produce the witnesses on his own responsibility.

Contd...19.

Because it is futile to expect the employees to come forward voluntarily without employer's permission, during the office hours, to appear as witness against their employers and in favour of the delinquent.

-Shiv Dutt - Vs. State

AIR 1962 Punjab 355.

(4) (1)

Punishment has been imposed in the absence of supporting evidence :- As per inquiry report the Inquiry Officer found that the charge under Article-I was not proved as the additional document demanded by the delinquent was neither discovered and produced before the inquiry nor the I.O. was informed of the reason for non-production of the said document though the Custodian of the document i.e. Resp. No.3 was requisitioned by the I.O. repeatedly to produce the same. The I.O. held that the document was not produced because, if produced, the charge under Article-I would not be sustained.

The Disciplinary Authority i.e. the Resp. No.4 did not agree with the findings of the I.O. and held that the charge under Article-I was proved. In support of his finding the Resp. No.4 over emphasized the oral evidence of SW-4 Sri Dwijamani Singh whose deposition was held by him to be crucial in sustaining the charge under Article-I.

Contd...20.

But the Counter finding of the Resp. No.4 is not correct. Because SW-4 was examined on 17.9.99 in absence of the applicant who was at that time working in the Office of the Resp. No.4, but he was neither relieved of his duties nor any order was issued for his relief to attend inquiry by the Resp. No. 4 whereby the applicant was denied the most valuable right to Cross-examine the SW-4 who was not offered for Cross-examination even at a later stage also. The Resp. No.4 has bypassed this point and tried to divert the attention from this point saying in para 9(ii) of his punishment order as follows :

"The C.O. was not debarred from attending the inquiry at any time. In fact, he was directed to attend the hearing at Imphal on 21.10.99 vide DPS, Kohima Memo of even No.dtd.22.9.99".

The above contention of the Resp. No.4 is not at all correct. The DPS, Kohima's memo No.Rule-14/S.B. Hazarika dtd.22.9.99 (Annexure.A-14) was issued to attend inquiry at Agartala on 21/10/99 and not at Imphal where inquiry was held from 15/9/99 to 20.9.99 as per inquiry notice dtd.12/23.08.99 in respect of which no order was issued by the Resp. No. 4 to attend the inquiry. Hence, the evidence of SW-4 is no evidence at all and any finding of guilt on the strength of deposition of SW-4 is not sustainable.

Contd...21.

(11) Similarly, in respect of Article-II the I.O. reported that the charge under Article-II was found partially proved because only 3 EDBOs out of 6 EDBOs were found not inspected by the applicant as out of 6 SWs who were the Branch Postmasters of those Offices only 3 SWs deposed before the inquiry. The Resp. No.4 accepted the findings of the I.O. in respect of this Article. The findings of the I.O. and agreement thereon of the Resp. No.4 was based on the depositions of SW-1, SW-2 and SW-3; but those SWs were also examined in absence of the applicant on 16.9.99 & 17.9.99 vide Annexures, A-6 & A-8 when the applicant were working in the office of the Resp. No.4 but he was ^{not} relieved of his duties by the Resp. No.4 to attend the inquiry at Imphal which is at a distance of about 150 Kms. and thereby the applicant was denied the reasonable opportunity to Cross-examine the SWs even at a later stage of the inquiry. This is the quality of oral evidence deposed by SW-1, SW-2 and SW-3 and on the strength of such evidence the I.O. has found the charge as proved in respect of 3 Offices which was agreed to by the Resp. No.4 i.e. the Disciplinary Authority and the penalty was imposed accordingly.

- (5) The order of punishment is with retrospective effect :- The order of penalty was passed by the Resp. No.4 on 8.6.01 ; but its effect was ordered to be given from 01.06.01 i.e. with retrospective effect which is not permitted by rules. The order of penalty is to take effect either from the date of issue or from a later date but not from

-22-

a date prior to the date of issue of the order. The order of penalty is, therefore, void which cannot operate and is liable to be set aside.

6. DETAILS OF REMEDIES EXHAUSTED,

The application has been submitted without exhausting departmental remedies because of some peculiar circumstances of the case for which remedies could not be exhausted. The case has weight and merits examination.

(1) Firstly, the punishment order was to take effect from 01.06.01. There is no provision in the CCS (CCA) Rules, 1965 to stay the operation of the punishment orders till the disposal of the appeal by the appellate authority if an appeal is preferred against the orders of penalty. As the penalty was imposed during the period of suspension of the applicant in connection with another case against him the penalty could not be effected from 01.06.01 ; but now as the suspension has been revoked and the applicant resumed duties on 10.08.01 the order of penalty would be effected on 31.08.01 by the Resp. No.5 who is the DDO, on resumption of duties by the applicant. By preferring an appeal against the penalty it is not possible to secure an order staying the operation of the order of penalty so early.

Contd...23.

- (2) Secondly, the appellate authorities and revisionary authorities under the CCS(CCA) Rules, 1965 are guided by whims and despotism as if the sky is the limit of powers and not guided by the principles of natural justice and rules of fair play and decide the appeal and revision petitions more in breach than in observance of rules governing the disposal of the appeals etc. Hence, to appeal to the appellate authorities implies appealing to "Just another Julius Caesar".

Therefore, this application has been submitted without exhausting departmental remedies because of its urgent nature and, therefore, unless this application is admitted and an interim order is issued as prayed for in para 9 of this application your humble applicant shall be badly suffering from financial loss because of the impugn order. It is, therefore, earnestly prayed that Your Lordship shall be pleased to admit the application as the penalty has been imposed in utter disregard & total violation of the principles of natural justice.

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

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application.

writ petition or suit is pending before any of them.

In case the applicant had previously filed any such application, writ petition or suit, the stage at which it is pending, and if decided, the list of the decisions should be given with reference to the number of Annexure to be given in support thereof.

8. RELIEF(S) SOUGHT :

In view of the facts mentioned in para 6 above the applicant prays for the following relief(s) :-

It is prayed that Your Lordships would be pleased to admit this application, call for the entire records of the case, ask the opposite parties to show cause as to why the impugned order dtd.8.6.01 (Annexure-A-24) should not be set aside and after perusing the causes shown, if any, and hearing the parties set aside the impugned order and pass such any other order or orders as Your Lordships may deem fit & proper.

And for this act of your kindness your applicant as in duty bound shall ever pray.

GROUND.

For the grounds stated in sub-paras (1) to (5) of para 5 above the order of penalty is a nullity one besides
Contd...25.

being an arbitrary and faulty disposal of the disciplinary proceeding. The order being worse than the worst one that may happen was issued in total disregard of statutory provisions or rules prescribing the mode of inquiry. The principles of natural justice were violated because the State Witnesses, which may be well described as Stock witnesses, were examined in absence of the delinquent official ; because the delinquent was denied the right to Cross-examine the SWs ; because the additional documents i.e. defence documents relied upon and demanded by the delinquent were not supplied by the prosecution ; because the defence witness was not produced for examination by the delinquent ; because the findings of the disciplinary authority was based on no evidence and because the conclusion of the proceeding was so wholly arbitrary and capricious that no reasonable person could have easily arrived at the conclusion. The order of penalty is with retrospective effect and the adequacy of penalty is also malafide. The order of penalty is, therefore, so bad in law that it is commonly uncommon in the history of violation of principles of Natural Justice and so, it is liable to be struck down as defunct and malacious.

LEGAL PROVISIONS RELIED UPON.

- (1) The right to Cross-examination is a very valuable right and, hence, prevention in any way by the inquiry officer of its effective exercise would vitiate the proceedings.

Contd...26.

-Chintamam's Case-AIR 1961 SC 1623

-Kashiprasad's Case-1975 SLJ(Cal.)19.

(ii) One of the reason for adopting the procedure of recording all evidences in presence of the accused employee is that a witness probably might not dare to make the statement which he might make in his absence.

-Madhi Ram Vs. D.F.O.

AIR 1955 Pepsu 172.

(iii) It is essential that evidence of all witnesses should be recorded in the presence of the accused employee.

- Union of India Vs. T.R. Varma

AIR 1957 SC 882.

- S. Nanjundeswar Vs. State

AIR 1960 Mysore 159.

(iv) Request for excess to relevant documents is violative of principles of Natural Justice and ^(the) requirements of article 311(2) of the Constitution of India which vitiates the proceedings.

-State of M.P. Vs. Chintaman Vaishampayan

AIR 1961 SC 1623.

9. INTERIM ORDER, IF ANY PRAYED FOR :

Pending final decision on the application, the applicant seeks the following interim relief(s) :-

-27-

(1) The operation of the impugned order dtd. 8.6.01 (Annexure. A-24) may please be stayed urgently till the final decision on the application and the Resp. Nos.4 & 5 may be directed to keep in abeyance the operation of the impugned order till the final decision on the application preventing the loss caused to the applicant.

OR

(2) The Resp. No. 2 i.e. the appellate authority may be directed to issue an order to Resp. No. 4 and Resp. No.5 staying the operation of the impugned order dtd.8.6.01 under the inherent powers of the appellate authority under Rule 27 of the CCS (CCA) Rules, 1965 within 15 days of the receipt of an appeal preferred by the applicant against impugned order till the final decision on the appeal.

10. DOES NOT ARISE.

11. Particulars of Bank Draft/Postal Order filed in respect of the application fee :

Postal order No.7G-548878 for Rs.50/-

Date of issue 27.8.01

Office of issue : Guwahati G.P.O.

Office of payment : Guwahati-781005.

Particulars of the payee : Registrar, Central Administrative

Tribunal, Gauhati Bench, Guwahati- 5

Contd...28.

12. LIST OF ANNEXURES (ENCLOSURES :

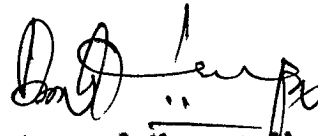
1. The impugned order dtd. 8.6.01.
2. I.P.O No.7G-548878 dtd.27.8.01 for Rs.50/-
3. Annexures. A-I to A-24 in compilation No.2.

VERIFICATION

I, Sri S. B. Hazarika S/o Lt. Khargeswar Hazarika aged about 51 years working as C.I. in the Office of the Director of Postal Services, Nagaland, Kohima, resident of Vill-Bhaluckmari, P.O. Goshalbari, P.S. & Dist- Nowgong (Assam) do hereby verify that the Contents of Paras...!.... to 4 & 7 are true to my personal knowledge and paras 5 to 6 believe to be true on legal advice and that I have not suppressed any material facts.

Date : 30.8.01

Place : Guwahati-5.


Signature of the applicant.

To

The Registrar,
Central Administrative Tribunal
Guwahati Bench
Guwahati-5.

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DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA - 797001

No. Rule 14 S.B. Hazarika

Dated Kohima the 8-6-2001

In the office memo No. Diary/SDIPOs-Ukhrul/97 Dtd. 19.2.98 of DPS Manipur : Imphal, it was proposed to hold an inquiry under Rule 14 of the CCS (CCA) Rules 1965 against Shri. S.B. Hazarika the then SDIPOs, Ukhrul Dn, Ukhrul. A statement of articles of Charges and a statement of imputation of mis-conduct and mis-behaviour in support of the article of charges and a list of documents by which and a list of witnesses by whom the articles of charges were proposed to be sustained were also enclosed with the said memo.

2. Shri. S.B. Hazarika was given an opportunity to submit within 10 days of the receipt of the memo a written statement of defence and to state whether he desires to be heard in person.

Statement of articles of charges framed against Shri. S.B. Hazarika the then SDIPOs Ukhrul-Dn, Ukhrul.

ARTICLE - I

Shri. S.B. Hazarika, while working as SDIPOs Ukhrul Sub- Dn, during the period from 29-01-96 (A/M) to 31-01-98, he had shown to have inspected as many as 54 (fifty four) Post Offices in the year 1996, but had not submitted a copy of the inspection remarks in respect of each of those 54 (fifty four) Post Offices, to the Supdt. of Post Offices, Manipur Division Imphal or any other appropriate authority in place of the Supdt. of Post Offices, Manipur- Dn Imphal. Similarly, the said Shri. S.B. Hazarika, had shown to have inspected as many as 70 (Seventy) Post Offices during the period from 01-01-97 to 31-12-97, but had not submitted a copy of the inspection remarks in respect of 45 (fortyfive) Post Offices, to the Supdt. of Post Offices, Manipur- Dn Imphal or any other appropriate authority in place of Supdt. of Post Offices, Manipur- Dn Imphal. By his above acts, the said Shri. S.B. Hazarika violated the provision of Rule- 300 (2) of P & T Man. Vol VIII read with DEpt. of Posts/ New Delhi letter No 12-1-92 Inspn Dated 12-07-1992, and Rule-3 (1) (ii) of CCS (Conduct) Rules, 1964.

ARTICLE - II

Shri S.B. Hazarika, while working as SDIPOs Ukhrul Sub-Dn, during the period from 29-01-96 to 31-01-98, he had shown to have inspected the following EDBOs in Ukhrul Sub-Dn, on the date noted against each.

Attested
28/90/ab

Name of the EDBO

Date of Inspn. shown by
Shri. S.B. Hazarika

1.	Chingjarai EDBO	25-02-1997
2.	Sirakhang EDBO	29-03-1997
3.	Kamang Kakching EDBO	19-05-1997
4.	Shangshak EDBO	10-06-1997
5.	Nangshong EDBO	15-07-1997
6.	Pushing EDBO	20-07-1997

But in fact, the said Shri. Hazarika did not at all inspect the above mentioned EDBOs either on the date noted against each or on any other date in the year 1997. Therefore, by his above acts, the said Shri. S.B. Hazarika, violated the provisions of Rule 300 (1) of the P & T Man. Vol. VIII. Rule-3 (1) (i) of the CCS (Conduct) Rules, 1964 and Rule-3 (1) (iii) of the CCS (Conduct) Rules, 1964.

3. I have gone through the case carefully. Briefly, Shri.S.B. Hazarika, was charge sheeted under Rule 14 of the CCS (CCA) Rules 1965 vide DPS, Manipur Imphal memo no.Diary/SIPOs Ukhrul/97, dtd. 19.2.98 with the following charges:-

i) While working as SIDI (P) Ukhrul Sub-Divn from 29.1.96 to 31.1.98 he failed to submit inspection reports of 54 Post Offices in the year 1996 and 45 Post Offices in 1997 which were shown to have been inspected by him

ii) For having shown as inspected but did not inspect 6 EDBOs in Ukhrul Sub-Divn between 25.2.97 to 28.7.97.

4. Shri.Sunil Das, the then Supdt. of Post Offices, Agartala Divn, Tripura was appointed as the inquiry officer to inquire into the charges framed against Shri.S.B.Hazarika. After adducing both oral and documentary evidences the inquiry officer submitted his inquiry report vide his letter no.SP-1/TNQ, dtd. 27.9.2000.

5. As per the findings of the inquiry officer Article I of the charge is not proved and Article-II of the charge as partially proved to the strength of 3 EDBOs out of 6 alleged not to have been inspected.

6. A copy of the report of the inquiry officer was supplied to the charged official for making representation, if any. Shri.Hazarika submitted his representation which was sent by RL. NO.3096, dtd. 25.11.2000. While agreeing with the findings of the IO in respect of Article I, Shri.Hazarika disagreed with the findings of the IO in respect of Article-II of the charge on the following grounds:-

i) The BOs alleged not to have been inspected was on the basis of written statements and oral evidence of the BPJs of those three BOs viz. Kameng Kakching, Pushing and Shamshak BOs.

ii) The dates of the examination of those witnesses were fixed from 16.9.99 to 20.9.99 at Imphal when the CO was functioning as C.I in the O/o the DPS Kohima.

iii) The enquiry was held exparte and the state witnesses were allowed to be examined by the PO in the absence of the CO and he was denied the opportunity of cross examination of the state witnesses.

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iv) The IO held regular hearing exparte in a hurry in the absence of the CO and did not record reasons for holding the enquiry exparte.

v) The decision of the IO to hold the enquiry exparte and to allow the examination of the state witnesses in the absence of the CO was unjust, unfair and unwarranted.

vi) Non examination of the state witnesses was objected to by the CO before the IO on 22.10.99 but the IO overruled the objection and did not record the plea and objection of the CO.

The CO, therefore, prayed to the Disciplinary Authority to exonerate him fully of all the charges rejecting the findings of the IO and in respect of 3 EDBOs found to be not inspected by the CO under the charge of Article II.

7. I have examined the chargesheet, deposition of state witnesses, written briefs of the PO and the CO, the inquiry proceedings, report of the inquiry officer and the representation of the CO against the inquiry report. While accepting the findings of the inquiry officer in respect of the article II of the charges, the disciplinary authority disagrees with the IO in respect of IO's findings on Article I of the charge for the following reasons:-

i) Although there are short comings on the part of the then Disciplinary Authority in not including certain important documents in the listed documents on the basis of which the articles of charges were proposed to be proved and the presenting officer in not producing all the witnesses and additional documents as asked by the CO and permitted by the IO during the hearings, sufficient documentary and oral evidences have been produced during the oral inquiry to establish the charge against the CO.

ii) The deposition of SW-4, Shri.O.Dwijamani Singh, the then Dealing Asstt. IR branch, O/o the DPS Manipal, Imphal was crucial in substantiating Article I of the charges SW-4 deposed that he received 25 IRs out of 70 for the year 1997 and none for the year 1996. SW-4 also deposed that the CO did not submit the IRs inspite of repeated reminders. The CO challenged that the deposition of SW-4 was not corroborated by documentary evidence and might have been made on the basis of some records and not from his memory as he was not expected to keep the figures of the IRs submitted / not submitted by the different inspecting authority of the division and non production of documents leads the deposition to be false and fabricated. The plea of the CO was accepted by the IO who concluded that non production of the record is really a deficiency towards sustaining the charge unless and otherwise corroborated by other documentary evidence.

The contention of the IO is not acceptable. SW-4 was a mere witness and he was supposed to answer what he knew to be the truth. He was not supposed to bring the documents along with him until and unless he was asked to do so. He had deposed before the inquiry as he was asked for and it was the duty of the CO to contest what SW-4 deposed during the inquiry.

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by
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(ii) The contention of the CO that SW-4 cannot be expected to keep in memory all the figures of IRs submitted / not submitted by inspecting officers and which has been accepted by the IO is also not convincing. SW-4 had been working in the IR branch for a considerable period and it was not an impossible task to remember the numbers of IRs not submitted by the CO in 1996 and 1997. It was not only one or two but the IRs of all the POs stated to have been inspected by the CO in 1996 were alleged not to have been submitted by the CO. 53 IRs of 1997 were alleged not to have been submitted by the CO. It was, therefore, not a difficult thing for the SW-4 to keep in mind the number of IRs submitted/ not submitted by the CO.

(v) Another point raised by the CO and accepted by the IO is non-production of additional documents like monthly tour TA advance file for the period from July 1997 to March 98. It was argued by the CO that if the additional documents were produced these would be unfavorable to the prosecution. By this documents the CO tried to prove that subsequent TA advance was not granted unless IRs were submitted. This inference was accepted by the IO. The prosecution should have produced the additional documents as asked by the CO and permitted by the IO. However, on perusal of the records it is seen that though the IO in para 3 of his order no. 4 dtd.22.10.99 mentioned that he decided to call the file, he did not specifically ask the PO or the competent authority to produce the documents. Even if the documents as asked for were produced they are not likely to help the defence of the CO in the absence of any specific order which the CO should have produced if there was any. Therefore, in the absence of any specific order in support of the plea of the CO it was wrong to draw any inference due to non-production of certain additional documents.

v) The charge against the CO was that he did not submit some IRs of the POs which he claimed to have inspected in 1996 and 1997. He was given ample opportunities to deny the charge & establish his innocence. However, from the records of the inquiry proceedings it is seen that he did not attend the preliminary and regular hearings and took part in the oral inquiry only after evidence on behalf of the disciplinary authority was closed. For his defence the CO has raised issues like non-production of certain additional documents, non-production of original documents and lacuna in the deposition of state witnesses. But the CO has not produced any documentary or oral evidence to show that he had indeed submitted the IRs of the POs which were stated to have been inspected by him. Copies of the IRs or receipts of registered letters by which the IRs were submitted which are crucial documentary evidence were not produced by the CO to establish his innocence and disprove the charge.

In view of the above, article I of the charge against Shri.S.B.Hazarika is clearly established.

8. As far as Article-II of the charge is concerned the IO has concluded that the charge is partially proved in the extent that out of 6 FDBOs alleged not to have been inspected, non inspection of three BOs namely K. Ananta Chakrabarti, Pushing and Shamshak BOs has been proved. Even though the inspection of the remaining three BOs has not been established the Disciplinary Authority inclines not to dispute with the findings of the IO and hold the Article-II of the charge against the CO as partially proved.

9. The points raised by the CO in his representation against the report of the Inquiry Officer have also been considered:

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i) The oral evidence as well as the written statements of the three BPMs whose offices were alleged not to have been inspected are crucial and sufficient evidence to prove that the three BO were not inspected by the CO in the year 1997. The BPMs are the custodians of all the BO records and as such their oral depositions and written statements as to whether the BOs have been inspected or not cannot be dismissed lightly. The other BO staff like EDDAs and EDMCs may or may not be present at the BOs during inspections. But no inspection of BOs can be carried out in the absence of the BPMs who are responsible for safe custody of the BO records. Therefore, unless contrary is proved, their written statements and oral evidence have to be accepted.

ii) The CO was not debarred from attending the enquiry at any point of time. In fact he was directed to attend the hearing at Imphal on 21.10.99 vide DPS Kohima memo of even no. dtd.22.9.99. But the CO deliberately chose not to attend the enquiry. As such the CO cannot claim that he was not relieved of his duty as CI, in the O.o the DPS, Kohima by the controlling authority and as such could not attend the enquiry. Sufficient opportunity was given but the CO did not avail the opportunity to attend the inquiry and cross examine state witnesses. Therefore, he was not denied but he did not avail the opportunity to cross - examine state witnesses.

iii) As the CO failed to attend the oral hearings fixed by the IO on several dates the enquiry was held exparte upto the completion of the stage of presentation of prosecutions, documents and witnesses. As such non cross examination of State witnesses was due to non attendance of the hearings by the CO on the dates fixed for examination and cross examination of State witnesses.

iv) When the CO deliberately chose not to attend the inquiry on numerous dates fixed for preliminary and regular hearings by the IO and sufficient opportunities afforded to the CO, no specific reason is required to be recorded as to why the enquiry was held exparte.

v) The decision of the IO to hold the enquiry exparte and to allow the examination of State Witnesses was in order. When the CO chose not to attend the previous hearing there was no question of postponing the examination of witnesses due to the absence of the CO. If for any reason the CO could not attend the hearing on a particular date fixed by the IO he could have informed the IO and prayed for a postponement / adjournment. But there was no written communication to the IO from the CO's side.

10. In short sufficient opportunities were given to the CO to deny the charges and establish his innocence. But Shri.S.B.Hazarika just ignored the enquiry upto the stage of presentation of prosecution, documents and witnesses. Apart from pointing out deficiencies in the inquiry, he has not produced any relevant documentary or oral evidence to establish his innocence and disprove the charges. The charges against Shri.S.B.Hazarika are very serious. One of the main duties and functions of a Sub-Divisional Inspector of Post Offices, is the annual inspection of Post Offices. But Shri.Hazarika failed to carry out this main function of an IPO while working as SDI (P) Ukhrul Sub-Division between 29.1.96 to 31.1.98. Such kind of an irresponsible official is not fit to be retained in service. However, considering the facts and circumstances of the case, I feel that Shri.Hazarika should be given another opportunity to reform himself by retaining him in service and impose the following punishment on Shri. S.B. Hazarika :-

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ORDER

Therefore, I Shri.F.P.Solo , Director of Postal Services, Nagaland Kohima and the Disciplinary Authority hereby order that the pay of Shri.S.B. Hazarika, the then SDIPOs Ukhrul Sub-Division now C.I.Divisional Office, Kohima (U/S) be reduced by 6 (six) stages from Rs.6650/- to Rs.5500/- in the time scale of Rs. 5500-175-9000/- for a period of three years w.e.f. 1-06-2001 with cumulative effect. It is further directed that Shri. S.B.Hazarika, C.I.Divl. Office, Kohima (U/S) will not earn increment of pay during the period of reduction and that on the expiry of this period, the reduction will have the effect of postponing his future increments of pay.

sd-

(F.P.Solo)
Director of Postal Services
Nagaland : Kohima - 797001

Copy to :-

1. The CPMG (INV) N.E.Circle , Shillong for information
2. The Postmaster Kohima H.O. for information and n/a.
3. The J.A(P) Kolkata (Through the Postmaster Kohima H.O.)
4. The Director Of Postal services, Manipur : Imphal for information
5. Shri. S.B.Hazarika, C.I. Divl. Office Kohima (u/s)
6. PF of the Official
7. CR of the Official.
8. Office copy.

8/6/01
(F.P.Solo)

Director of Postal Services
Nagaland : Kohima - 797001

Advised
Don't
27/07/01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWHATI BENCH : GUWHATI-5

*APPLICATION UNDER SECTION 19 OF
THE CENTRAL ADMINISTRATIVE TRIBUNAL ACT. 1985*

Title :- S.B.Hazarika
Vs.
Union of India & Others

COMPILATION NO-2
DOCUMENTS RELIED UPON
(WITH IDEX)

42

FORM NO. I
(SEE RULE 4)

APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT. 1985.

Title of the Case : S.B. Hazarika

Vs.

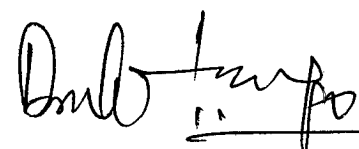
Union of India & Others.

I N D E X

Sl. No	Description of documents relied upon	Page
	<u>COMPILATION NO. I</u>	
1.	Application	1-28
2.	Impugned order dtd. 08.06.01	29-34
	<u>COMPILATION NO. 2</u>	
3.	Annexure. A-I (i-x) Copy of charge-sheet dtd. 19.2.98	35-44
4.	" A-2 Copy of Appointment order of IO	45
5.	" A-3 Copy of Appointment Order of PO	46
6.	" A-4 Copy of Inquiry Notice dtd. 12/28.8.99	47
7.	" A-5 (i-vi) Proceeding dtd. 15.9.99	48-53
8.	" A-6 Copy of Proceeding dtd. 16.9.99	54
9.	" A-7 (i-ii) Copy of Deposition of SW-I dtd. 16/9/99.	55-56
10.	" A-8 Copy of Proceeding dtd. 17.9.99	57
11.	" A-9 Copy of Deposition of SW-2 dtd. 17.9.99	58
12.	" A-10 Copy of Deposition of SW-3 dtd. 17.9.99.	59
13.	" A-11 Copy of Deposition of SW-4 dtd. 17.9.99.	60
14.	" A-12 (i-ii) Copy of Proceeding dtd. 18.9.99	61 - 62
15.	" A-13 Copy of Inquiry Notice dtd. 20.9.99.	63
16.	" A-14 Copy of Order DPS, Kohima dtd. 22/9/99.	64
17.	" A-15 Copy of Proceeding dtd. 21/x/99	65

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Sl. No.	Description of documents relied upon.	Page
17.	A-16 (i-ii) Copy of List of DW & Addl. documents dtd.22.10.99.	66-67.
19.	A-17 Copy of Proceeding dtd. 22.10.99.	68
20.	A-18 Copy of Order of appointment of Adhoc P.O.	69
21.	A-19 Copy of Inquiry Notice dtd.20.4.2000.	70
22. A	A-22 (i-ii) Copy of Proceeding 8.10.5.2000 A-21 Copy of Endorsement furnishing Inquiry Report.	71-72
23.	A-22 (i-xx) Copy of Inquiry Report dtd.27.9.00.	73
25.	A-23 (i-ii) Copy of Representation against Inquiry Report.	74-75
26.	A-24 (i-vi) Copy of Final Order dtd.8/6/01	96-101



Signature of the applicant.

FOR USE IN TRIBUNAL'S OFFICE.

Date of filing :-

Date of Report by Post :- Submitted in person.

Registration No. :-

Signature
For Registrar.

Annexure. A-1/①

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

No. Diary/SDIPOS-Ukhrul/97

Dated at Imphal the 19.2.98

M E M O R A N D U M

The undersigned proposes to hold a inquiry against Shri S.B. Hazarika, SDIPOS-Ukhrul Sub-Dn, Ukhrul . . . under Rule -14 of the Central Civil Services (Classification, Control and Appeal' Rules 1965. The substance of the imputation of misconduct and or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of the imputation of misconduct or misbehaviours in support of each article of charge is enclosed (Annexure -II). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

1. Shri S.B. Hazarika, SDIPOS-Ukhrul Sub-Dn, Ukhrul. is directed to submit within 10 days of the receipt of this memorandum as written statement of his defence and also to state whether he desires to be heard in person.

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

4. Shri S.B. Hazarika, SDIPOS-Ukhrul Sub-Dn, Ukhrul. 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 inquiry authority or otherwise fails or refuses to comply with the provision of Rule -14 of the CCS(CCA) Rules, 1965 or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him EX-PARTE.

5. Attention of Shri S.B. Hazarika, SDIPOS-Ukhrul Sub-Dn, Ukhrul. is invited to Rule 20 of the CCS(Conduct) Rules , 1964, under which no Govt. Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri S.B. Hazarika, SDIPOS-Ukhrul Sub-Dn, . is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule -20 of the CCS(Conduct) Rules 1964.

6. The receipt of the Memorandum may be acknowledged.

Copy to:-

1. Shri S.B. Hazarika
SDIPOS, Ukhrul Sub-Dn,
Ukhrul.

2. Via/Stt.

Name and designation of
competent Authority.

(LALHUNA)

Director Postal Services

Manipur Division, Imphal-795001.

attached
Dm
28/2/98
ABP

(2)

ANNEXURE-I

Statement of article of charges framed against
Shri.S.B.Hazarika, SDIPDs/Ukhrul Sub-Dn., Ukhrul.

Article-I

Shri.S.B.Hazarika, while working as SDIPDs/
Ukhrul Sub-Dn., during the period from 29/01/96(A/N)
to 31/01/98, he had shown to have inspected as
many as 54(Fifty Four) Post Offices in the year
1996, but had not submitted a copy of the Inspection
Remarks in respect of each of these 54(Fifty four)
Post Offices, to the Supdt. of Post Offices, Manipur
Division, Imphal or any other appropriate autho-
rity in place of the Supdt. of Post Offices, Manipur
Division, Imphal. Similarly, the said Shri.S.B.
Hazarika, had shown to have inspected as many as
78(Seventy) Post Offices during the period from
01/01/97 to 31/12/97, but had not submitted a
copy of the Inspection Remarks in respect of
45(Fifty five) Post Offices, to the
Supdt. of Post Offices, Manipur Division, Imphal
or any other appropriate authority in place of
the Supdt. of Post Offices, Manipur Division, Imphal.
By his above acts, the said Shri.S.B.Hazarika
violated the provisions of Rule-388(2) of P&T
Man.Vol.VIII read with Deptt. of Posts/New Delhi
letter No.17-3/92-Inspn. Dated.02/07/1992, and
Rule-3(1)(ii) of CCS(Conduct)Rules, 1964.

Article-II

Shri.S.B.Hazarika, while working as SDIPDs/
Ukhrul Sub-Dn., during the period from 29/01/96
to 31/01/98, he had shown to have inspected the
following EDs in Ukhrul Sub-Dn., on the date
noted against each.

Name of the ED	Date of Inspn. shown by Shri.S.B.Hazarika
1. Chingjarei ED	25-02-1997
2. Sirarakheng ED	29-03-1997
3. Kamang Kakching ED ✓	19-05-1997
4. Shangshak ED ✓	18-06-1997
5. Nungshang ED	15-07-1997
6. Pushing ED ✓	28-07-1997

But, in fact, the said Shri.Hazarika, did not at
all inspect the above mentioned EDs either on
the date noted against each or on any other date
in the year 1997. Therefore, by his above acts,
the said Shri.S.B.Hazarika, violated the provisions
of Rule-388(1) of P&T Man.Vol.VIII, Rule-3(1)(i)
of CCS(Conduct)Rules, 1964 and Rule-3(1)(iii) of
CCS(Conduct)Rules, 1964.

(L.A.H.LUNA)

Director Postal Services,
Manipur:Imphal:795001.

attested
DmB
28/8/09
ADP

Annexure A-1 / (iii) P-37 w

ANNEXURE-II

Statement of imputations of misconduct and/or misbehaviour in support of the articles of charges framed against Shri. S.B.Hazarika, SDPOs/Ukhrul Sub-Dn., Ukhrul.

Article-I

That as many as 66(Sixty six) EDMs and 1(One) S.O in Ukhrul Sub-Dn., were allotted to the share of Sub-Divisional Inspector of Post Offices, Ukhrul Sub-Dn., Ukhrul for inspection during the year 1996 vide SPOs/Imphal letter No.Inspection/Tour Programme/1996 dtd. 19/02/96 alongwith a copy of inspection programme for the year 1996. The said Shri.S.B.Hazarika, took over the charge of SDPOs/Ukhrul Sub-Dn on 29/01/96(A/N) and prior to taking over the charge of the Sub-Dn., by the said Shri.S.B.Hazarika, one Shri.Moba Maring P.A., Imphal H.O was officiating as SDPOs/Ukhrul Sub-Dn from 01/01/96 to 29/01/96(A/N). Of the 66(Sixty six) EDMs assigned to the SDPOs/Ukhrul Sub-Dn., for inspection during the year 1996, the said Shri.Moba Maring already inspected as many as 13(Thirteen) EDMs during the period from 01/01/96 to 29/01/96. Thus, as many as 53(Fifty three) EDMs and 1(One) S.O were remaining for inspection, by the said Shri.S.B.Hazarika, during the year 1996 at the time of taking over the charge of Ukhrul Sub-Dn by the said Shri.Hazarika on 29/01/96(A/N). The said Shri.S.B.Hazarika, in his fortnightly diaries and monthly summaries of the SDPOs/Ukhrul for the period, from 29/01/96(A/N) to 31/12/96, had shown to have inspected all the 53(Fifty three) EDMs and 1(One) S.O which were remaining for inspection by the said Shri.S.B.Hazarika as on 29/01/96(A/N). The list of 53(Fifty three) EDMs and 1(One) S.O shown to have inspected by the said Shri.Hazarika has been enclosed as "ANNEXURE-A".

Similarly, as many as 71(Seventy one) Post Offices ie.69(Sixty nine)EDMs and 2(two) S.Os were assigned to the SDPOs/Ukhrul Sub-Dn.,for inspection during the year 1997 vide SPOs/Imphal letter No.Inspection/Tour Programme/1997 Dtd.29.1.97 alongwith a copy of Inspection programme for the year 1997. Of the 69(Sixty nine) EDMs and 2(Two) S.Os in the Ukhrul Sub-Dn., which were assigned for inspection by the said Shri.S.B.Hazarika as SDPOs/Ukhrul Sub-Dn., he had shown to have inspected all the 69(Sixty nine) EDMs and 1(One) S.O on different date/dates during the period from 01/01/97 to 31/12/97, in his fortnightly diaries and monthly summaries of the SDPOs/Ukhrul submitted by the said Shri.Hazarika, for the aforementioned period from time to time. The list of 69(Sixty nine) EDMs and 1(One) S.O which were shown to have been inspected by the said Shri.S.B.Hazarika during the year 1997 has been enclosed as "ANNEXURE-B".

That, as per Rule-300(2) of P&T Man.Vol.VIII, the said Shri.S.B.Hazarika, SDPOs/Ukhrul had to submit the copy of Inspection Remarks, in respect of each of the EDM and S.O inspected by him, to the Supdt.of Post Offices, Manipur Division, Imphal, and in accordance with Dept.of Posts/New Delhi Letter No.17-3/92-Inspn. Dtd.02/07/92 the time limit for

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submission/issuance of Inspection Remarks/Inspection Reports in respect of EDOs and S.O are 10(Ten) days and 15(Fifteen) days from the date of inspection respectively. But, the said Shri.S.B.Hazarika, had not, all all, submitted the copy of Inspection remarks in respect of 53(Fifty three) EDOs and 1(One) S.O, which were shown to have been inspected by him in 1996, as per ANNEXURE-A, to the Supdt.of Post Offices, Manipur Division, Imphal either within the prescribed time limit as specified above, or on any subsequent date. Similarly, the said Shri.S.B.Hazarika, had not, at all submitted the copy of Inspection remarks in respect of 44 (forty four) EDOs and 1(One) S.O, which were shown to have been inspected by the said Shri.Hazarika on different date/dates during the year 1997. The list of 44 (forty four) EDOs and 1(One) S.O, which were shown to have been inspected by the said Shri.Hazarika in the year 1997, but he did not submit I.Rs has been enclosed as ANNEXURE-C.

Therefore, it is imputed that the said Shri.S.B.Hazarika, by his above acts, violated the provisions of Rule-300(2) of P&T Man.Vol.VIII and orders contained in Deptt.of Posts/New Delhi letter No.17-3/92-Inspn. Dated.02/07/1992, and also failed to maintain absolute devotion to his duties in violation of Rule-3(1)(ii) of CCS(Conduct) Rules, 1964.

Article-II

The following EDOs in Ukhrul Sub-Dn, which were assigned to the SDIPOs/Ukhrul Sub-Dn., for annual inspection for the year 1997 vide SSPOs/Imphal letter No.Inspection/Tour Programme/1997 Dtd.29.01.'97, were shown to have been inspected by the said Shri.S.B.Hazarika as SDIPOs/Ukhrul, on the date noted against each.

<u>Name of the EDO</u>	<u>Date of Inspn.</u>
1. Chingjarai EDO	25-02-1997
2. Sirarakhong EDO	29-03-1997
3. Kamang Kakching EDO	19-05-1997
4. Shangshak EDO	10-06-1997
5. Nungshom EDO	15-07-1997
6. Pushing EDO	20-07-1997

The said Shri.S.B.Hazarika was working as SDIPOs/Ukhrul during the period from 29/01/96(A/N) to 31/01/98 and, he had shown to have inspected the above post offices as mentioned above in his fortnightly diaries pertaining to that period and also in the monthly summaries of the SDIPOs/Ukhrul Sub-Dn., Ukhrul, submitted by the said Shri.Hazarika, for the respective months on which these offices had been shown to have been inspected. But, the EDOs of the above EDOs have intimated, to the Director Postal Services, Manipur, Imphal, in writing that the said Shri.S.B.Hazarika, SDIPOs/Ukhrul did not inspect their respective EDOs in the year 1997 till the time of submission of respective intimations by each of the EDOs of above EDOs in the months of Sept'97/Oct'97/Nov'97. Thus

Therefore, it is imputed that the said Shri.S.B. Hazarika, did not at all inspect the aforementioned EDOs on the dates noted against each and thereby violated the provisions of Rule-300(1) of P&T Man.Vol.VIII. In addition

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Annexure-A-1/cv

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the said Shri. Bazarika, by his act of submission of false information regarding inspection of these above mentioned EDs, failed to maintain absolute integrity and also acted in a manner unbecoming of a Govt. servant, and thereby violated Rule-3(1)(i) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

[Signature]
(LALHLUNA)

Director Postal Services,
Manipur: Imphal: 795001.

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26/8/81
APP

ANNEXURE-III

List of documents by which articles of charges framed against Shri.S.B.Hazarika, SDIPOs/Ukhrul Sub-Dn., Ukhrul are proposed to be sustained.

1. SPDS/Imphal letter No.Inspection/Tour Programme/1996 Dtd.19/02/96 alongwith a copy of inspection programme for the year 1996 (of SDIPOs/Ukhrul Sub-Dn.,)
2. SSPDS/Imphal letter No.Inspection/Tour Programme/1997 Dtd.29.01.97 alongwith a copy of inspection programme for the year 1997 (of SDIPOs/Ukhrul Sub-Dn.,)
3. Fortnightly diary of SDI(P)/Ukhrul for the 1st fortnight of Feb/96 No.A-1/Diary/SDI-UKL/95-96 dt.16/2/96.
4. -do- for the 2nd fortnight of Jan/96 No.A-1/Diary/SDI-UKL/95-96 dt.1/16.1.96
5. -do- for the 2nd fortnight of Feb/96 No.A-1/Diary/SDI-UKL dt.1.3.96
6. -do- for the 1st fortnight of Mar/96 No.A-1/Diary/SDI-UKL/96 dtd.16.3.96
7. -do- for the 2nd fortnight of Mar/96 No.A-1/Diary/SDI-UKL/96 dtd.1.4.96
8. -do- for the 1st fortnight of April/96 No.A-1/Diary/SDI-UKL/96 dtd.17.4.96
9. -do- for the 2nd fortnight of April/96 No.NIL DTD.NIL.
10. -do- for the 1st fortnight of May/96 No.A-1/Diary/SDI/UKL dtd.17.5.96
11. -do- for the 2nd fortnight of May/96 No.A-1/Diary/SDI/UKL dtd.3.6.96.
12. -do- for the 1st fortnight of June/96 No.A-1/Diary/SDI-UKL dtd.17.6.96.
13. -do- for the 2nd fortnight of June/96 No.A-1/Diary/SDI-UKL/96 dtd.1/7/96.
14. -do- for the 1st fortnight of July/96 No.A-1/Diary/SDI-UKL dtd.16/07/96.
15. -do- for the 2nd fortnight of July/96 No.A-1/Diary/SDI-UKL dtd.01/08/96.
16. -do- for the 1st fortnight of Aug/96 No.A-1/Diary/SDI-UKL dtd.19/08/96.
17. -do- for the 2nd fortnight of Aug/96 No.A-1/Diary/SDI-UKL dtd.02/09/96.
18. -do- for the 1st fortnight of Sept/96 No.A-1/Diary/SDI-UKL/96 dtd.16/9/96.
19. -do- for the 2nd fortnight of Sept/96 No.A-1/Diary/SDI-UKL/96 dtd.1/10/96.
20. -do- for the 2nd fortnight of Oct/96. No.A-1/Diary/SDI-UKL dtd.1/11/96.

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21. Fortnightly diary of SDI(P)/Ukhruul for the 1st fortnight of Nov/96
No. A-1/Diary/SDI-UKL dtd. 16.11.96
22. -do- for the 2nd fortnight of Nov/96
No. A-1/Diary/SDI-UKK dtd. 2.12.96
23. -do- for the 1st fortnight of Dec/96
No. A-1/Diary/SDI-UKL dtd. 16.12.96.
24. -do- for the 2nd fortnight of Dec/96
No. A-1/Diary/SDI-UKL dtd. 01/01/97.
25. -do- for the 1st fortnight of Jan/97
No. A-1/Diary/SDI-UKL dtd. 16/01/97.
26. -do- for the 2nd fortnight of Jan/97
No. A-1/Diary/SDI-UKL dtd. 01/02/97.
27. -do- for the 1st fortnight of Feb/97
No. A-1/Diary/SDI-UKL dtd. 16/02/97.
28. -do- for the 2nd fortnight of Feb/97
~~XXXX~~ No. A-1/Diary/SDI-UKL dtd. 1.3.97.
29. -do- for the 1st fortnight of Mar/97
No. A-1/Diary/SDI-UKL dtd. 16.3.97.
30. -do- for the 2nd fortnight of March/97
No. A-1/Diary/SDI-UKL dtd. 1.4.97.
31. -do- for the 1st fortnight of April/97.
No. A-1/Diary/SDI-UKL dtd. 21.4.97
32. -do- for the 2nd fortnight of April/97
~~XX. XXX/XXXXXX/XXXXXX/XXXXXX. No. NIL dt. NIL~~
33. -do- for the 1st fortnight of May/97
No. A-1/Diary/SDI-UKL dtd. 16/5/97.
34. -do- for the 2nd fortnight of May/97
No. A-1/Diary/SDI-UKL dtd. 02/06/97.
35. -do- for the 1st fortnight of June/97
No. A-1/Diary/SDI-UKL dtd. 16/6/97.
36. -do- for the 2nd fortnight of June/97
No. A-1/Diary/SDI-UKL dtd. 1/7/97.
37. -do- for the 1st fortnight of July/97
No. A-1/Diary/SDI-UKL dtd. 16/7/97.
38. -do- for the 2nd fortnight of July/97
No. A-1/Diary/SDI-UKL dtd. 1/8/97.
39. -do- for the 1st fortnight of Aug/97
No. A-1/Diary/SDI-UKL dtd. 16.8.97.
40. -do- for the 2nd fortnight of Aug/97
No. A-1/Diary/SDI-UKL dtd. 1.9.97.
41. -do- for the 1st fortnight of Sept/97
No. A-1/Diary/SDI-UKL dtd. 16.9.97
42. -do- for the 2nd fortnight of Sept/97
No. A-1/Diary/SDI-UKL dtd. 1.10.97
43. -do- for the 1st fortnight of Oct/97
No. A-1/Diary/SDI-UKL dtd. 16.10.97
44. -do- for the 2nd fortnight of Oct/97
No. A-1/Diary/SDI-UKL dtd. 1.11.97
45. -do- for the 1st fortnight of Nov/97
No. A-1/Diary/SDI-UKL dtd. 16.11.97
46. -do- for the 2nd fortnight of Nov/97
No. A-1/Diary/SDI-UKL dtd. 1.12.97

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28/07/97
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Annexure A-1/(viii)

P-42

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47. Fortnightly diary of SDI(P)/Ukhruul for the 1st fortnight of Dec/97
No. A-1/Diary/SDI-UKL dtd. 16.12.97
48. -do- for the 2nd fortnight of Dec/97
No. A-1/Diary/SDI-UKL dtd. 31.01.98.
49. Monthly summary of SDI(P)/Ukhruul for the month of July/96
No. A-1/Summary/SDI-UKL dtd. 1.8.96
50. -do- for the month of Aug/96
No. A-1/Summary/SDI-UKL dtd. 2.9.96
51. -do- for the month of Sept/96
No. A-1/Summary/SDI-UKL dtd. 1.10.96
52. -do- for the month of Oct/96
No. A-1/~~Summary~~ Inspn/Summary/SDI-UKL dtd. 1.11.96
53. -do- for the month of Nov/96
No. A-1/Summary/Inspn/SDI-UKL dt. 2.12.96
54. -do- for the month of Dec/96
No. A-1/Summary/96/Inspn. dtd. 31.12.96.
55. -do- for the month of Jan/97
No. A-1/Summary/Inspn/SDI-UKL dt. 3.2.97
56. -do- for the month of Feb/97
No. A-1/Summary/Inspn/SDI-UKL dt. 3.3.97
57. -do- for the month of March/97
No. A-1/Summary/Inspn/SDI-UKL dt. 1.4.97
58. -do- for the month of April/97
No. A-1/Summary/Inspn/SDI-UKL dt. 1.5.97
59. -do- for the month of May/97
No. A-1/Summary/Inspn/SDI-UKL dt. 2.6.97
60. -do- for the month of June/97
No. A-1/Summary/Inspn/SDI-UKL dt. 1.7.97
61. -do- for the month of July/97
No. A-1/Summary/Inspn/SDI-UKL dt. 1.8.97
62. -do- for the month of Aug/97
No. A-1/Summary/Inspn/SDI-UKL dt. 1.9.97
63. -do- for the month of Sept/97
No. A-1/Summary/Inspn/SDI-UKL dt. 1.10.97
64. -do- for the month of Oct/97
No. A-1/Summary/Inspn/SDI-UKL dt. 1.11.97
65. -do- for the month of Nov/97
No. A-1/Summary/Inspn/SDI-UKL dt. 1.12.97
66. -do- for the month of Dec/97
No. A-1/Summary/Inspn/SDI-UKL dt. 1.1.98.
67. Shri. L. Pamching, BPM, Chingjarei EDO letter dtd. 8/10/97 addressed to SPOs/Imphal.
68. Shri. L. Ita Singh, BPM, Kamang Kakching EDO letter dt. 25.9.97 addressed to SPOs/Imphal.
69. Shri. V. S. Vareise, EDO BPM, Shangbhak EDO letter dtd. 29/09/97 addressed to SPOs/Imphal.
70. Shri. S. Yarngai, BPM, Pushing EDO letter dtd. 09/10/97 addressed to SPOs/Imphal.

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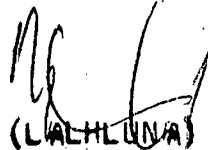
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28/01/08
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Annexure-A-1/
(ix)

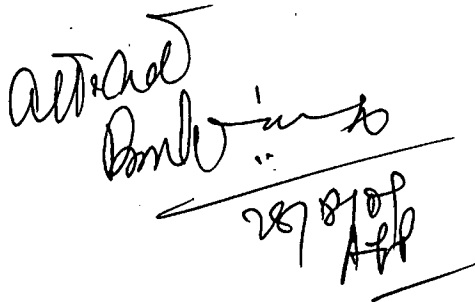
P-43 52

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71. Shri.R.Tuingayung, BPM, Sirarakhong E080 letter dtd.9/10/97 addressed to SPOs/Imphal.
72. Shri.AS.Anderson, BPM, Nungshong E080 addressed to DPS/Imphal received at Divisional office on 04/11/97.



(LALHLUNUA)
Director Postal Services,
Manipur:Imphal-795001.


28/8/97
A-11

ANNEXURE-IV

List of Witnesses by which the articles of charges framed against Shri.S.D.Hazarika, SDIPOs/Ukhrul Sub-Dn., Ukhrul are proposed to be sustained.

- X 1. Shri.L.Pamching, EDBPM, Chingjarei EDBM
2. Shri.L.Its Singh, EDBPM, Kamang Kakching EDBM
3. Shri.V.S.Vareise, EDBPM, Shangshak EDBM
4. Shri.S.Yarngai, EDBPM, Pushing EDBM
- X 5. Shri.R.Tuingayung, EDBPM, Sirarakhong EDBM
- 7 6. Shri.AS.Anderson, EDBPM, Nungshong EDBM
7. Shri.D.Dwijamani Singh,
D.A(IR/VR), Divisional
Office, Imphal.

(LACHUNA)

Director Postal Services,
Manipur: Imphal: 795001.

Att. Secy
Dm. Secy
20/8/07
A.P.P.

Annexure A-2

P-45

41

(9)

Department of Post:India.
Office of the Director Postal Services Manipur:Imphal.
795001.

ORDER RELATING TO APPOINTMENT OF INQUIRING AUTHORITY
(Rule 14 (2) of C.C.S.(CC&A) Rules 1965)

Memo No. Diary/SDIPoS-Ukhrul/97

Dated at Imphal,
the 8.5.98.

Whereas an inquiry under Rule 14 of the Central Civil Services(Classification, Control and Appeal) Rules, 1965 is being held against Shri S.B. Hazarika, SDIPoS, Ukhrul Sub-Division, Ukhrul.

And whereas the undersigned considers that an Enquiry Authority should be appointed to inquire into the charges framed against the said Shri. S.B. Hazarika, SDIPoS, Ukhrul Sub-Dn, Ukhrul.

Now, therefore the undersigned, in exercise of the powers conferred by Sub-Rule (2) of the said rule, hereby appoints Shri S.C. Das, Supdt. of Post offices, Agartala Division, Tripura as he has been nominated for appointment of I/O in this case vide CO No. Staff/8-92/83 dtd. 29.4.98. as the Inquiring Authority to inquire into the charges framed against the said Shri S.B. Hazarika, SDIPoS, Ukhrul Sub-Dn, Ukhrul.

SL/

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

Copy to:-

1. Shri S.C. Das, SPOS, Agartala-799001 for information and necessary action.
2. Shri E.C. Halder, SPOS, Imphal-795001 for information and n/action.
- ✓ 3. Shri S.B. Hazarika, SDIPoS Ukhrul Sub-Dn, Ukhrul for information.
4. The DPS, Agartala Dn, Tripura State for information and necessary action.

SL/

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

Attested
28/5/98
RP

Annexure-A-3,

R-46

(10)

Department of Post:India.
Office of the Director Postal Services:Manipur:Imphal.
795001.

ORDER RELATING TO THE APPOINTMENT OF PRESENTING OFFICER
(Rule 14(5)(c))

Memo No. Diary/SDIPOS-Ukhrul/97

Dated at Imphal,
the 08.05.98.

O R D E R

Whereas an inquiry under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against Shri S.B. Hazarika, SDIPOS, Ukhrul Sub-Division Ukhrul.

And Whereas the undersigned considers that a Presenting officer should be appointed to present on behalf of the undersigned the case in support of the articles of charge.

Now, therefore, the undersigned in exercise of the powers conferred by Sub-rule (5) (c) of Rule-14 of the said rules, hereby appoints Shri N.C. Halder, SPOS-Imphal as the presenting officer.

Sd/-
(LALHUNA)

Director Postal Services
Manipur Divn. Imphal-795001.

Copy to:-

1. Shri N.C. Halder SPOS, Imphal-795001 for information and necessary action.
- ✓ 2. Shri S.B. Hazarika, SDIPOS/Ukhrul Sub-Dn, Ukhrul for information.
3. Shri S.C. Das^(I.O), SPOS, Agartala-799001 for information.



(LALHUNA)

Director Postal Services
Manipur Divn. Imphal-795001.

Attended
Dorab Kumar
28/8/98
Abb

Annexure A-4,

P-47

(27)

Department of Posts, India
O/O the Director Postal Services, Tripura State, Agartala-1
Chamber of the Dy. Supdt. of P.Os, Agartala.

No. INC-1/53H/98-Vol. I Dated at Agartala, the 12.08.99

Sub: Departmental Inquiry under Rule 14 of
C.C.S. (C.C.A.) Rules, 1965 initiated
against Sh. S.B. Hazarika, IPOs (PG), O/O.
the Director Postal Services, Kohima.

The regular hearing in the above mentioned case will be held w.o.f. 15.9.99 to 20.9.99 at 1100 hrs. daily in the office of the D.P.S., Imphal. The first day is fixed for bringing the listed documents on records. On 2nd, 3rd and 4th day evidence on behalf of the Disciplinary Authority shall be adduced and on 5th day evidence on behalf of the Charged official shall be adduced after he submits his written statement of defence.

Summonses for production witnesses duly signed by me are being sent to the P.O. for effecting service in the manner he may like to do. Summonses for defence witnesses who are considered relevant to the defence of the charged official.

(Sunil Das)
Inquiry Officer,

AND

Dy. Supdt. of Post Offices,
O/O the DPS, Agartala-799001

To

1. The Director Postal Services, Imphal for information. He is requested to relieve the presenting officer and the witnesses for attending the inquiry.
2. The Director Postal Services, Kohima for information. He is requested to relieve Shri S.B. Hazarika, IPO (PG), Kohima, the charged official for attending the enquiry.
3. Sri H.C. Helder, Dy. SPOs, Imphal and P.O. for information and to attend the enquiry. He will please find herewith summons issued to the prosecution witnesses and arrange to serve on them in the manner he may like.
4. Sri S.B. Hazarika, IPO (PG), O/O the DPS, Kohima and charged official for information and attending the enquiry.
5. O/C.
6. Spare.

Inquiry Officer,
AND

Dy. Supdt. of Post Offices,
O/O the DPS, Agartala-799001

ATK
28/8/99
Add

Annexure A-5/6

287-48 57

**EXTRACT OF DAILY ORDER SHEET IN THE DEPARTMENTAL INQUIRY
UNDER RULE -14 OF CCS(C & A) RULES, 1965 AGAINST
SHRI. SHANTU DEUSIAN HAZARIKA, THE THEN SDIPO, UKHRUL
SUB DIVISION, UKHRUL UNDER MANIPUR DIVISION.**

ORDER No.8 Dtd.15.9.99

The proceedings are taken up at 1100 Hours in the office of the Director Postal Services, Imphal in the presence of the Presenting Officer. The charged official has not turned up. Nor has he communicated through any source, the intimation of his inability to attend the proceedings and the reasons thereof. The case is, therefore, proceeded Ex-Parte. Documents that listed at Sl.1 to 66 in the annexure-III to the charge sheet and particularised below are produced in original and brought on record duly making them as reflected at the last column against each.

Sl. No.	Particulars of the documents	Exhibit Nos.
1.	SPOs/Imphal letter No. Inspection/ Tour programme/1996 Dtd.19/02/96 alongwith a copy of Inspection Programme for the year 1996(of SDIPOs/Ukhrul Sub-Dn.,)	Ex.S-1(a) to 1(c)
2.	SSPOs/Imphal letter No. Inspection/ Tour Programme/1997 Dtd.29.01.'97 alongwith a copy of inspection programme for the year 1997(of SDIPOs/Ukhrul Sub-Dn.,)	Ex.S-2(a) to 2(d)

Contd. ~~...~~ P.2

attested
Dated 28/9/99
A.B.B.

Annexure A-57(cii)
~~SECRET~~

P-49 3

Sl. No.	Particulars of the documents	Exhibit Nos.
3.	Fortnightly diary for the 1st fortnight of Feb/96 No.A-1/Diary/SDI-UKL/95-96 Dtd.16/2/96.	Ex.S-3(a) to 3(b).
4.	-do- for the 2nd fortnight of Jan/96 No.A-1/Diary/SDI-UKL/95-96 dt.1/16.1.96	Ex.S-4(a) & 4(b)
5.	-do- for the 2nd fortnight of Feb/96 No.A-1/Diary/SDI-UKL dt.1.3.96.	Ex.S-5(a) & 5(b)
6.	-do- for the 1st fortnight of Mar/96 No.A-1/Diary/SDI-UKL/96 dtd.16.3.96	Ex.S-6(a) & 6(b)
7.	-do- for the 2nd fortnight of Mar/96 No.A-1/Diary/SDI-UKL/96 dtd. 1.4.96	Ex.S-7(a) & 7(b)
8.	-do- for the 1st fortnight of April/96 No.A-1/Diary/SDI-UKL/96 dtd. 17.4.96	Ex.S-8
9.	-do- for the 2nd fortnight of May April/96 No.NIL dtd.NIL.	Ex.S-9
10.	-do- for the 1st fortnight of May/96 No.A-1/Diary/SDI/UKL dt.17.5.96	Ex.S-10
11.	-do- for the 2nd fortnight of May/96 No.A-1/Diary/SDI/UKL dtd.3.6.96	Ex.S-11(a) & 11(b).
12.	for -do- for the 1st fortnight of June/96 No.A-1/Diary/SDI-UKL Dtd.17.6.96	Ex.S-12(a) & 11(b)
13.	-do- for the 2nd fortnight of June/96 No.A-1/Diary/SDI-UKL/96 dt. 1.7.96	Ex.S-13(a) & (b)
14.	-do- for the 1st fortnight of July/96 No.A-1/Diary/SDI-UKL dtd. 16.7.96.	Ex.S-14
15.	-do- for the 2nd fortnight of July/96 No.A-1/Diary/SDI-UKL Dt.1.8. 96	Ex.S-15
16.	-do- for the 1st fortnight of Aug/96 No.A-1/Diary/SDI-UKL dtd.19.8.96	Ex.S-16

att & sub
 Bmt
 28/8/96

Annexure A-5/(iii)
~~Annexure A-5/(iii)~~

P. 50 59

~~XXXXXXXXXX~~

Sl. No.	Particulars of the documents	Exhibit Nos.
17.	Fortnightly diary of SDI(P)/Ukhrul for the 2nd fortnight of Aug/96 No.A-1/Diary/SDI-UKL dtd. 02.09.96	Ex.S-17(a) & 17(b)
18.	-do- for the 1st fortnight of Sept/96 No.A-1/Diary/SDI-UKL/96 Dtd.16/09/96.	Ex.S-18(a) & 18(b)
19.	-do- for the 2nd fortnight of Sept/96 No.A-1/Diary/SDI-UKL/96 Dtd.1.10.96	Ex.S- 18 19(a) & 19(b)
20.	-do- for the 2nd fortnight of Oct/96 No.A-1/Diary/SDI-UKL dtd.1.11.96	Ex.S-20(a) & 20(b)
21.	-do- for the 1st fortnight of Nov/96 No.A-1/Diary/SDI-UKL dtd.16.11.96	Ex.S-21(a) & 21(b)
22.	-do- for the 2nd fortnight of Nov/96 No.A-1/Diary/SDI-UKL dtd.2.12.96	Ex.S-22(a) & 22(b)
23.	-do- for the 1st fortnight of Dec/96 No.A-1/Diary/SDI-UKL dtd.16.12.96	Ex.S-23(a) & 23(b)
24.	-do- for the 2nd fortnight, of Dec/96 No.A-1/Diary/SDI-UKL dtd.01.01.97	Ex.S-24
25.	-do- for the 1st fortnight of Jan/97 No.A-1/Diary/SDI-UKL dtd.16.01.97	Ex.S-25(a) & 25(b)
26.	-do- for the 2nd fortnight of Jan/97 No.A-1/Diary/SDI-UKL dtd.01.02.97	Ex.S-26(a) & 26(b)
27.	-do- for the 1st fortnight of Feb/97 No.A-1/Diary/SDI-UKL dtd.16.02.97	Ex.S-27(a) & 27(b)
28.	-do- for the 2nd fortnight of Feb/97 No.A-1/Diary/SDI-UKL dtd.1.3.97	Ex.S-28(a) & 28(b)
29.	-do- for the 1st fortnight of Mar/97 No.A-1/Diary/SDI-UKL dtd.16.3.97	Ex.S-27(a) & 27(b)
30.	-do- for the 2nd fortnight of March/97 No.A-1/Diary/SDI-UKL dt.1.4.97	Ex.S-30
31.	-do- for the 1st fortnight of April/97 No.A-1/Diary/SDI-UKL Dt.21.4.97	Ex.S-31
32.	-do- for the 2nd fortnight of April/97 No.A-1/Diary/SDI-UKL DTD. NIL	Ex.S-32(a) & 32(b)
33.	-do- for the 1st fortnight of May/97 No.A-1/Diary/SDI-UKL dtd.16.5.97	Ex.S-33(a) & 33(b)

all other
Don't
28/9/97
AB

Contd.F/~~Annexure A-5/(iii)~~

Anaure 5/17
~~SECRET~~ *P/4*

P-516

Sl. No.	Particulars of the documents	Exhibit Nos.
34.	Fortnightly diary of SDI(P)/Ukhrul	for the 2nd fortnight of May/97 No.A-1/Diary/SDI-UKL dt. 2.6.97 Ex.S-34(a) & 34(b)
35.	-do-	for the 1st fortnight of June/97 No.A-1/Diary/SDI-UKL dtd. 16.6.97 Ex.S-35(a) & 35(b)
36.	-do-	for the 2nd fortnight of June/97 No.A-1/Diary/SDI-UKL Dt.1.7.97 Ex.S-36(a) & 36(b)
37.	-do-	for the 1st fortnight of July/97 No.A-1/Diary/SDI-UKL dt.16.7.97 Ex.S-37(a) & 37(b)
38.	-do-	for the 2nd fortnight of July/97 No.A-1/Diary/SDI-UKL dtd.1.8.97 Ex.S-38(a) & 38(b)
39.	-do-	for the 1st fortnight of Aug/97 No.A-1/Diary/SDI-UKL dtd.16.8.97 Ex.S-39(a) & 39(b)
40.	-do-	for the 2nd fortnight of Aug/97 No.A-1/Diary/SDI-UKL dtd.1.9.97 Ex.S-40(a) & 40(b)
41.	-do-	for the 1st fortnight of Sept/97 No.A-1/Diary/SDI-UKL dt.16.9.97 Ex.S-41(a) & 41(b)
42.	-do-	for the 2nd fortnight of Sept/97 No.A-1/Diary/SDI-UKL dtd.1.10.97 Ex.S-42(a) & 42(b)
43.	-do-	for the 1st fortnight of Oct/97 No.A-1/Diary/SDI-UKL dtd.16.10.97 Ex.S-43
44.	-do-	for the 2nd fortnight of Oct/97 No.A-1/Diary/SDI-UKL dt.1.11.97 Ex.S-44 (a) & 44 (b)
45.	-do-	for the 1st fortnight of Nov/97 No.A-1/Diary/SDI-UKL dtd.16.11.97 Ex.S-45 (a) & 45 (b)
46.	-do-	for the 2nd fortnight of Nov/97 No.A-1/Diary/SDI-UKL dtd.1.12.97 Ex.S-46 (a) & 46 (b)
47.	-do-	for the 1st fortnight of Dec/97 No.A-1/Diary/SDI-UKL dtd.16.12.97 Ex.S-47(a) & 47(b)
48.	-do-	for the 2nd fortnight of Dec/97 No.A-1/Diary/SDI-UKL dtd.1.1.98 Ex.S-48(a) & 48(b)
49.	Monthly Summary of SDI(P)/Ukhrul	for the month of July/96 No.A-1/Summary/SDI-UKL dtd.1.8.96 Ex.S-49.
50.	-do-	for the month of Aug/96 No.A-1/Summary/SDI-UKL dtd.2.9.96 Ex.S-50

Alt. Shd. Date 28/9/01 ABP

Contd. P/5005...

Sl. No.	Particulars of Documents	Exhibit Nos.
51.	Monthly Summary of SDI (P)/Ukhrul for the month of Sept/96 No.A-1/Summary/SDI-UKL dtd.1.10.96	Ex.S - 51
52.	-do- <i>Inspn</i> for the month of Oct/96 No.A-1/Summary/SDI-UKL dtd.1.11.96	Ex.S-52
53.	-do- <i>Inspn</i> for the month of Nov/96 No.A-1/Summary/SDI-UKL dtd.2.12.96	Ex.S-53
54.	-do- for the month of Dec/96 No.A-1/Summary/ SDI-UKL /96/ UKL Inspn dtd.31.12.96	Ex.S-54
55.	-do- for the month of Jan/97 No.A-1/Summary/Inspn/ SDI-UKL dtd.3.2.97	Ex.S-55
56.	-do- for the month of Feb/97 No.A-1/Summary/Inspn/ SDI-UKL dtd.3.3.97	Ex.S-56
57.	-do- for the month of March/97 No.A-1/Summary/Inspn/SDI- UKL dtd.1.4.97	Ex.S-57
58.	-do- for the month of April/97 No.A-1/Summary/Inspn/SDI- UKL Dtd.1.5.97	Ex.S-58
59.	-do- for the month of May/97 No.A-1/Summary/Inspn/SDI- UKL dtd.2.6.97	Ex.S-59
60.	-do- for the month of June/97 No.A-1/Summary/Inspn/ SDI-UKL dtd.1.7.97	Ex.S-60
61.	-do- for the month of July/97 No.A-1/Summary/Inspn/SDI- UKL dtd.1.8.97	Ex.S-61
62.	-do- for the month of Aug/97 No.A-1/Summary/Inspn/SDI- UKL dtd.1.9.97	Ex.S-62
63.	-do- for the month of Sept/97 No.A-1/Summary/Inspn/SDI- UKL dtd.1.10.97	Ex.S-63
64.	-do- for the month of Oct/97 No.A-1/Summary/Inspn/ SDI-UKL dtd.1.11.97	Ex.S-64
65.	-do- for the month of Nov/97 No.A-1/Summary/Inspn/SDI- UKL dtd.1.12.97	Ex.S-65
66.	-do- for the month of Dec/97 No.A-1/Summary/Inspn/ SDI-UKL dt. xx . 1.1.98	Ex.S-66

2. The original documents in respect of serial No.67 to 72 enlisted in the aforesaid Annexure-III are reported to have been rested with the Circle Office. The Presenting Officer, however, produces the photostat copies of all

Contd.P/666.6..

Att. Secy
28/9/01
ADP

these documents. These documents are the correspondences that made ~~by~~ to the Divisional Office, Imphal by certain EDBPMs, and all these EDBPMs are the enlisted Witnesses. Therefore, the photostat copies of these documents are brought on record, subject to their confirmation to be made by the respective issuing authority in each case, and marked them as noted against each below:-

Sl. No.	particulars of the documents	Exhibit Nos.
1.	Shri.L.Pamching, BPM, Chingjaroi EDBO letter Dtd.1.10.97 addressed to SPOs/Imphal.	Ex.S-67
2.	Shri.L.Ito Singh, BPM, Kameng Kakching EDBO letter dtd.25.9.97 addressed to SPOs/Imphal.	Ex.S-68
3.	Shri.V.S.Vareiso, EDBPM, Shangshak EDBO letter dtd.29.09.97 addressed to SPOs/Imphal.	Ex.S-69
4.	Shri.Yarngai, BPM, Pushing EDBO letter dtd.09/10/97 addressed to SPOs/Imphal.	Ex.S-70
5.	Shri.R.Tuingayang, BPM, Sirarakhong EDBO letter Dtd.9.10.97 addressed to SPOs/Imphal.	Ex.S-71
6.	Shri.A.S.Anderson, BPM, Nungshong EDBO addressed to DPS/Imphal received at Divisional Office on 04.11.97	Ex.S-72

3. The proceedings are adjourned till 1100 Hours of 16.9.99 (ie. tomorrow) and will be resumed at the same place for ~~adducing~~ adducing the evidence on behalf of the disciplinary authority.

4. Extract of this order is endorsed to the P.O and the C.O

Sd/.

P.O

Sd/

INQUIRY OFFICER.

No.INQ-1/S.B.H/98-Vol.I

Dtd,at Imphal 15.09.99.

Copy forwarded to:-

1. Shri.N.C.Halder, Presenting Officer & Dy.Supt.of Post Offices, Manipur Division, Imphal.

2. Shri.S.B.Bazarika, Charged Official & Complaint Inspector, O/o the Director Postal Services, Nagaland, Kohima-797001.

Attest
28/9/01
AOP

INQUIRY OFFICER.

Annexure-A-6

P-55

EXTRACT OF DAILY ORDER SHEET IN THE DEPARTMENTAL INQUIRY
UNDER RULE-14 OF CCS(CCA) RULES, 1965 AGAINST SHRI.
SHANTI BHUSHAN HAZARIKA, THE THEN SDIPOs, UKHRUL SUB-DN
UKHRUL

ORDER No.09

DATED.16.09.99

The proceedings are taken up at 1100 Hours in the office of the Director Postal Services, Imphal in the presence of the P.O. while the C.O did not turn up.

To-day's date is fixed for examination of Shri.L.Ito Singh, EDBPM, Kameng Kakching EDBO and Shri.L.Pamching, EDBPM, Chingjaroi EDBO under Ukhul S.O. Of that, Shri.L.Ito Singh attended the proceedings, and his deposition is recorded as S.W.No.1, while Shri. L.Pamching did not turn up and nor he communicated the reason for his inability to attend the proceedings. The P.O also failed to inform the reason for the non-attendance.

The case will be taken up at 1100 Hours tomorrow in the same place for recording evidence on behalf of the Disc. Authority.

Copy of this order is endorsed to the P.O and the C.O. (under REGD.A/D).

PRESENTING OFFICER

INQUIRY OFFICER

No. INQ-1/S.B.H/98/Vol.I Dtd, at Imphal the 16.9.99

Copy forwarded to:-

1. Shri.N.C.Halder, Present Officer & Dy.Suptd.of Post Offices, Manipur, Imphal for information.
2. Shri.S.B.Hazarika, Complaint Inspector, O/o the Director Postal Services, Nagaland, Kohima-797001 for information. A copy of deposition of S.W.No.1 Shri.L.Ito Singh, EDBPM, Kameng Kakching EDBO is enclosed.

INQUIRY OFFICER

Attested
28/9/99

Annexure - F/CO

R-55-64

DEPOSITION OF-M S.N.No. 1

Deposition of Shri. L. Ito Singh , aged.45-Years
S/o. Late. L. Kanhai Singh, Resident of . Kameng
Kakching village , EDBPM,Kameng Kakching EDBO under
Lamlong Bazar S.O

INQUIRY OFFICER.

PRESENTING OFFICER

I, Shri. L.Ito Singh, EDBPM, Kameng Kakching EDBO
in account with Lamlong Bazar S.O do state that I am
working as EDBPM/Kameng Kakching EDBO with effect from
17-10-1977. In the year 1997, Shri.S.B.Hazarika was
the SDIPOS of Ukhrul Sub-Dn. On 25.9.97, I received
a letter from the Supdt.of Post Offices/Imphal asking
me to intimate whether my office was inspected by the
SDIPOS/Ukhrul, and whether I had received the Inspection
Remarks. In reply, I intimated the said Supdt.of Post
Offices that till that date , the SDIPOS/Ukhrul, Shri.
S.B.Hazarika or anyother SDIPOS had inspected my office
and no Inspection Remarks was received by me. The exhibit
marked. Ex.S-68 , is shown to me and I agree that this
is my letter what I wrote to the Supdt.of Post Offices,
Manipur, Imphal , on 25.9.97.

EXAMINATION IN CHIEF IS OVER.

Question's by the I.O:-

Mr.L.Ito Singh, you have stated that the inspection of
your office for the year ,1997 was not done till 25.9.97.
Whether the office was later inspected by anybody?

Answer :- Within a month of my above communication to
the Supdt.of Post Offices,Imphal, Shri.S.B.Hazarika,
SDIPOS/Ukhrul visited my office and simply signed
the M.O receipt book and did not issue any Inspec-
tion remark in the whole year of 1997. The date
of signing was shown as 19.5.97. He did not sign
on any other record, and even did not count the
cash and stamps in the office.

Question No.2:- Would you please clarify as to why you
did not object the record signed by the
SDIPOS/Ukhrul Shri.S.B.Hazarika by putting
Contd.P/2.....

28/9/97

16/9/99

DEPONENT.

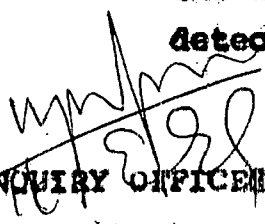
Annexure A-7 (ii)

R-56 65

-- (2) --

the back date?

Answer:- Since the record was examined and scrutinized by a higher authority, I have not gone through the dates etc., and just few days back I could detect that a back date was put.


INQUIRY OFFICER

L. Sh. Singh
16/9/99
DEPONENT (S.N -No.1)


PRESENTING OFFICER

16/9/99
Certified that the deposition was translated and explained ~~in the language in which he deposed~~ to the witness in the language in which he ~~deposed~~ deposed.


INQUIRY OFFICER

Attested
Dated 16/9/99
28/9/1999

Annexure. 4-8 P-57 66

**EXTRACT OF DAILY ORDER SHEET IN THE DEPARTMENTAL INQUIRY
AGAINST SHRI.S.B.HAZARIKA, THE THEN SDIPoS, UKHRUL SUB-DN,
UKHRUL - HELD UNDER RULE-14 OF CCS(CC & A) RULES,1965.**

ORDER No.10

Dated.17.09.99.

The proceedings are taken up at 1100 Hours in the office of the Director Postal Services, Imphal in the presence of the P.O, while the C.O do not turn up.

To-day's date is fixed for examination of S/Shri. Yarngai, EDBPM, Pushing EDBO, Shri.V.S.Vareiso, EDBPM, Shangshak EDBO and Shri.R.Tuingayang, EDBPM Sirarakhong EDBO, and Shri.O.Dwijamani Singh, P.A., Divisional Office, Imphal. Of the above, Shri.R.Tuingayang, EDBPM, Sirarakhong EDBO has not turned up, nor he has communicated ~~xxxxxxx~~ the reason for his inability to attend the proceedings and the reason thereof. The P.O also is not in a position to give any reason for the non-attendance of the said witness.

S/Shri. Yarngai, V.S.Vareiso, & O.Dwijamani ~~xxx~~ Singh are examined as S.W-No.2, No.3 & No.4 respectively. The copies of depositions of these witnesses are endorsed to the P.O and the C.O alongwith the copy of this order.

The proceedings are adjourned. The evidence ~~xx~~ on behalf of the disc.authority shall be adduced and recorded at 1100 Hours tomorrow in the same place.

PRESENTING OFFICER.

INQUIRY OFFICER.

No.INQ-1/S.B.M/98-Vol.I Dtd. at Imphal the 17.09.99

~~ROBEXXOOL~~ 1. Shri.N.C.Halder, Presenting Officer & Dy.Supt. of Post Offices, Manipur Division, Imphal for information alongwith copies of depositions of S.W-2, S.W.No.3 & No.4.

RBOD.A/D. 2. Shri.S.B.Hazarika, Charged Official & Complaint Inspector, O/o the Director Postal Services, Nagaland Kohima-797001 for information alongwith copies of depositions of S.W.No.2, S.W.No.3 & S.W.No.4.

INQUIRY OFFICER.

Annexure-A-9,

P-58 67
281

Deposition of S.W.No.2

Deposition of Shri. S. Yarngai, aged. ~~about~~ 60-years
S/o. Late. Kachuihung, resident of Pushing village
Profession:- EDBPM, Pushing EDBO under Ukhrul S.O

I, Shri. S. Yarngai, EDBPM, Pushing EDBO
in account with Ukhrul S.O under Manipur Division
do state that I am serving as EDBPM/Pushing EDBO
for the last 36(Thirty six) years. Pushing EDBO
is under the jurisdiction of SDIPos/Ukhrul Sub-Dn.,
Ukhrul, and Shri.S.B.Hazarika was the SDIPos/Ukhrul
Sub-Dn., Ukhrul in the year 1997. On receipt of
a letter from the Office of the Director Postal
Services, Manipur asking me to inform whether the
inspection of my office was carried out by the
Sub-Divisional Inspector till then, on 9.10.97
I informed the Director Postal Services, Manipur
that my office was not inspected by Shri.S.B.Hazarika,
Sub-Divisional Inspector,Ukhrul for the year 1997
till then. The Ex.S-70, is the photostat copy of
my letter Dtd.9.10.97 written to the Director Postal
Services, Manipur,Imphal as mentioned earlier.
I further state that Shri.S.B.Hazarika, SDIPos
neither inspected my office during the year 1997,
nor I have not received any Inspection Remark
till date.

EXAMINATION-IN-CHIEF OVER.

No Cross Examination.

No Re-Examination.

Witness
17/9/99
PRESENTING OFFICER.

Certified that the deposition is translated and
explained to the witness in the language in which
he deposited.

Date:-17.09.1999

S. Yarngai

DEPONENT.

17.9.99
INQUIRY OFFICER.

17/9/99
INQUIRY OFFICER.

Attache
Booth
28/9/99
APB

Annexure A-10

P-59 68
32

Deposition of S.W.No.3 Dated:17th Sept'1999

Deposition of Shri. V.S. Vareiso, aged.38 years
S/o. V.S. Shangkahao, resident of Shangshak village.
Profession :- ED-Service (EDBPM /Shangshak EDBO)

I Shri. V.S.Vareiso, EDBPM/Shangshak EDBO under Lamlong Bazar S.O in Manipur Division state that I am working as EDBPM/Shangshak EDBO since 1978. On receipt of a letter from the office of the Director Postal Services, Manipur, Imphal in the month of Sept/1997, asking me to inform whether the inspection of my office was carried out till then for the year 1997, I informed that no inspection of my office was carried out after 7.6.95, and I requested to visit my office and carry out the inspection. Further I add that no inspection was carried out during the year 1997. I do agree that the EX.S-69 ^{is the} photostat copy of my letter stated earlier and I still hold the contents as correct and true.

Examination-in-Chief over.

No Cross-Examination.

No Re-Examination.

V.S. Vareiso BPM
17-9-99.

DEPONENT.

Presenting Officer.
17/9/99

INQUIRY OFFICER.

Attested
DmB
22/9/99
APP

Examinee A-11

P-60

69

33

Deposition of S.W.No.4 Dated.17.9.99

Deposition of Shri. O. Dwijamani Singh, aged.33-years
S/o. Late. O. Modhu Singh, resident of Kwakeithel
~~XXXXXX~~ Moirang Pural Leikai, Imphal

Profession:- Govt.Service.

I, Shri. O. Dwijamani Singh, resident of Kwakeithel Moirang Pural Leikai, Imphal and working as ~~XXXXXX~~ Postal Assistant, Divisional Office, Imphal do state that I am working in the Postal Department since Sept/1994. And, I am working in the Divisional Office ~~XXXXXXXXXXXX~~ since April/1996. I worked in the IR-Branch of the Divisional office from April/1996 to August/1998. The IR-branch of the Divisional office is dealing with the I.Rs of various inspecting authorities and diaries of the inspecting officers/officials and field officers in Manipur Postal Division. During my incumbency in the said branch, although I received the fortnightly diaries and monthly summaries often irregularly from the ~~said~~ SDIPOS/Ukhrul during the year 1996, ~~which~~ I had not received any I.Rs from the said SDIPOS for the year 1996. Similarly, although I received the fortnightly diaries and monthly summaries, often, irregularly, from the said SDIPOS during the year 1997, I received only 25(Twenty five) out of 70(Seventy) Post Offices shown to have been inspected by the said SDIPOS for the year 1997. Shri.S.B.Hazarika was working as SDIPOS/Ukhrul Sub-Dn., Ukhrul during the above period. Under the instructions of controlling authority, several reminders were issued to Shri.S.B.Hazarika for immediate submission of I.Rs, but to no effect.

Examination-in-chief is over.

No Cross Examination.

No-Re-Examination.

PRESENTING OFFICER

DEPONENT.

INQUIRY OFFICER.

Attested by
28/9/99

Annexure - 12/11

35-6/

72

**EXTRACT OF DAILY ORDER IN THE DEPARTMENTAL INQUIRY
UNDER RULE-14 OF CCS(CC & A) RULES, 1965 AGAINST
SHRI. S.B. HAZARIKA, THE THEN SDIPOs, UKHRUL SUB-DN,
UKHRUL HELD ON 18-09-1999**

ORDER No.11

Dated . 18.09.99

The proceedings are taken up at 1100 Hours in the Office of the Director Postal Services, Imphal in the presence of Presenting Officer. The Charged official does, to-day also, not turn up. Nor he communicates the inability of his participation in the proceedings and the reasons thereof through any source. The proceedings are therefore continued ex-parte.

Shri.A.S.Anderson, EDBPM, Nungshong EDBO who was summoned for appearing to-day as prosecution witness, do not turn up. There is neither any intimation to me for the reason of his absence nor the P.O is in a position to give any reason for his absence. The P.O, however, states that his witness and the witnesses those failed to appear earlier viz. S/Shri. L. Pamching, EDBPM, Chingjaroi and R.Tuingma -ayang, EDBPM, Sirarakhong EDBO and 16.09.99 & 17.09.99 respectively, could not attend, might have been due to the fact that they are residing in a remote area and they might not have received the summon. On query he added that the transit time required by them is two days. The reasons adduced in support of their failure to appear on the scheduled date before the I.O is mere presumption and vague term in nature. Residence of the witnesses in the remote area can not stand amidst the way of appearing at the scheduled time and date, as the summons were sent out to them by Regd. Post, before 10-days ahead, while the normal transit is 3-days at the most. It is the duty of the prosecution to see that its witnesses are produced/appeared on the appointed date and time. Generally, a witness who is not able to attend the proceedings on a particular day, should sent direct intimation to the I.O explaining the circumstances in which he is unable to attend the proceedings. In the instant case, there is no such information either directly or through P.O or any other source. It also can not be held that during these 10-days, the summons were not received by the witnesses. The P.O further added that the prevailing unrestness of the state of Manipur is another cause for their non appearance. This point has got certain force and therefore I am inclined to give an opportunity to the prosecution for production of

Attested
Bomb
28/9/99

-- (2) --

these witnesses on the next date positively. The prosecution should note that it is their ~~xxx~~ cause to ensure that their witnesses are attending on the appointed date and time.

There will be no hearing on 20th Sept'99, that ordered by me earlier.

The proceedings will resume on ~~xxxxxx~~ 21-10-99 (Thursday) at 1100 Hours in my chamber in the office of the Director Postal Services, Agartala for adducing further evidence on behalf of the prosecution. On 22-10-99, the evidence on behalf of the Charged Official shall be adduced after he submits his written statement of defence.

Summons to Prosecution witnesses ~~xxxxxx~~ those who failed to attend this time, duly signed by me are made over to the P.O for serving in the manner he may wish to do.

Copies of this order ~~xx~~ are endorsed to the P.O. and the C.O.

Presenting Officer. 18/9/99

INQUIRY OFFICER.

No. INQ-1/S.B.H/98-Vol. I.

Dtd, at Imphal the 18.9.99

Copy forwarded to:-

1. Shri. W.C. Halder, Presenting Officer & Dy. Supdt. of Post Offices, Manipur, Imphal for information. Summons as mentioned above are enclosed.

REGD. A/D----- 2. Shri. S.B. Hazarika, Charged Official & Complaint Inspector, O/o the Director Postal Services, Nagaland, Kohima-797001 for information.

INQUIRY OFFICER.

Attested
by
28/9/99

Annexure A-13

P-63 72

Department of Posts, India.
Office of the Director Postal Services: ~~XXXXXXXX~~ Agartala
799001.

Memo.No.INQ-1/SBH/98-Vol.I. Dtd,at Imphal the 20.09.99

Sub:- Departmental Inquiry under Rule 14 of CCS
(CC&A) Rules, 1965 against Shri.S.B.Hazarika,
the then SDIPOs, Ukhrul Sub-Dn., Ukhrul,
& now, Complaint Inspector, O/o the DPS, Kohima.

Further hearing in the aforesaid case will be held
on 21.10.99 at 1100 Hours daily in the chamber of the under-
signed in the office of the Director Postal Services, Agartala.
On the first day, evidence on behalf of the prosecution shall
be adduced and on the next and subsequent date evidence on
behalf of the charged official shall be adduced after he
submits his written statement of defence.

Summonses for remaining prosecution witnesses have
already been made over to the Presenting Officer for service
in the manner he likes to do.

All concerned are requested to take necessary action
on their part to ensure that the proceedings are attended by
the Presenting Officer, the Charged Official and the Witnesses
on the ~~xxxxx~~ appointed date(s), time and place.

(Sunil Das)
INQUIRY OFFICER.

Dy. Supdt. of Post Offices,
O/o the DPS, Agartala-799001.
Camp at: Imphal.

To.

1. Shri.N.C.Halder, Presenting Officer
& Dy.SPOs, Imphal for compliance.
2. Shri.S.B.Hazarika, Charged Official
& C.I., O/o the DPS, Kohima for compliance.

Copy to:-

1. The DPS, Kohima for kind information. He is requested
kindly to relieve the Charged Official attending the
proceedings.
2. The DPS, Imphal for kind information. He is requested
kindly to relieve & direct the P.O & the witnesses for
attending the inquiry.

INQUIRY OFFICER.

28/9/99

Annexure - A - 14

P-84
35

DEPARTMENT OF POSTS:INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES,
NAGALAND::KOHIMA-797001

NO: Rule 14/S.B.Hazarika

Dated, Kohima the 22.09.99

TO,

W.P.

Shri. S.B.Hazarika
Complaint Inspector
Divisional Office, Kohima.

Sub:-

Departmental Inquiry under Rule-14 of CCS (CC&A) Rules, 1965
against Shri. S.B.Hazarika the then SDIPOs, Ukhrul Sub-Divn & now Com-
plaint Inspector, O/O the Director of Postal Services, Nagaland, Kohima.

Please refer to Shri. Sunil Das IO & Dy. Supdt of POs, O/O DPS, Agartala camp
at Implal memo no. INQ-1/SB11/58-Vol-I dtd. 20.9.99 on the above mentioned subject you are
hereby directed to attend the inquiry on 21.10.99 at 11:00 hrs in the chamber of Dy. Supdt, of Post
Offices, O/O the Director of Postal Services, Agartala without fail.

22/9/99
(F.P.Solo)

Director of Postal Services
Nagaland::Kohima-797001

all the
Bach
22/9/99

Annexure. A-15.

P.B.S. 24

ORDER NO. 13
DATED 21.10.99

(23)

Proceedings are taken up at 1100 hrs. in my chamber. The Presenting Officer attended while the CO neither attended nor inform as to his inability to attend and reasons thereof.

2. S/Shri A.S. Underson, the BPM Nughong EDBO, R. Thuingayang, the EDBPM Sirarakhong EDBO and L. Panching, the EDBPM Chingjarei EDBO were summoned for appearing today as prosecution witnesses have again failed to turn up. There is either any information to me about the reasons of their absence, nor the PO is in a position to give any reasons for their absence. I, therefore, decide not to summons these witnesses any more.

3. Evidence on behalf of the disciplinary authority is closed.

4. The proceeding will be resumed tomorrow at 1100 hours at the same place for hearing defence evidence after the submission of written statement of defence by the CO.

5. Copies of this ordersheet have been endorsed to the PO and the CO.



PRESENTING OFFICER


INQUIRY OFFICER

Department of Posts, India
O/O the Director Postal Services: Tripura State: Agartala-1
No. INQ-1/S.B.H/98-Vol-I. Dated at Agartala, the 21.10.99

Copy forwarded to:-

1. Shri N.C. Halder, Presenting Officer & Dy. SPOs, Manipal, Imphal for information. Summons as mentioned above are enclosed.

REGD.  2. Shri S.B. Hazarika, Charged Official & Complaint Inspector, O/O the Director Postal Services, Nagaland, Kohima -797 001 for information.

AD


INQUIRY OFFICER

attached

Don't

28/10/99

Annexure A-16/11

P-66

(M)

To The Inquiry Officer,
(Dr. Syed. J. Hos, Ahmedabad)

Subj: - Inquiry u/r-14 of the CCS (CCA) Rules, 1965
— Production of document & examination
of Defence witnesses.

Sir,

The proceeding instituted against me is
was actually fabricated by Mr. N.C. Halder,
Dr. Syed. J. Hos, Impud. out of malice & personal
grudge against me. I, therefore, request you
kindly to permit me to examine the following
witness & to examine the following document as
those have a possible line of defence.

Name of the witnesses

1. Mr. N.C. Halder,
Dr. Syed. J. Hos,
Joint Secy, Impud.

Relinquency

As per Annexure - C
the Charge sheet the
documents at S. No.
17 to 21 were addressed
to Mr. Syed. J. Hos,
Impud. (Dr. Syed.)
It is necessary to
ascertain under what
circumstances these
letters were addressed
to him.

Name of Document

2. Monthly four TA, advance
for Mr. Syed. Hos, under
for the month from July/97
to March/98 maintained by
Mr. J. Hos, Impud.

First T.A. Advance was
not released in the
month that the 20th
was submitted, but
later on when the 1st was
submitted, T.A. advance
also was released
subsequently. It is
necessary to ascertain

Attached

Dr. Syed. J. Hos

Copy #2

Appendix A - 12/1/77

P. 17 120

(2)

Under what circumstances the
Team TA. advanced were released
Exclusively.

For partially -

Don't know

22/10/77

(S. B. HAZARDINA)

Alfred
Don't know
28/10/77

Annexure-A-A

R-88

(W)

ORDER NO. 14
DATED 22.10.99

Proceedings are taken up at 1100 hours in my chamber in the office of the IPS, Agartala in the presence of the PO and the CO.

2. Today's date is fixed for hearing defence evidence after the submission of written statement of defence by the CO.

3. The CO submitted his defence statement dated 22.10.99 and prayed for production of monthly tour T.A. advance file for the period from July'97 to March'98 of SDIPOs Ukrol maintained by the DPS Imphal. In support of his prayer he states that the file will enlighten the material fact as to the submission/non submission of IR in questions as the office used to release/sanction of T.A. advance only on submission of IRs. I find that the pleading has got certain force and the file may reflect the actual position. I, therefore, decide to call the file.

4. Further he prayed to produce Shri N.C. Halder, DPOs, Imphal as defence witness to clarify the circumstance under which exhibit exs-67 to exs-71 were received. I find that the witness proposed to be examined as defence witness is likely to enlighten certain material facts and will be summoned in due course.

5. The CO, while asked, desires not to examine himself as defence witness.

6. Since the PO, Shri N.C. Halder, DPOs, Imphal is proposed to be examined as defence witness, the Disciplinary authority Hon'ble DPS Kohima may kindly appoint another Presenting Officer either for the day's deposition of the said Shri N.C. Halder or for the entire period of rest proceedings.

7. Both the PO and the CO pleaded that they will not be available to attend the proceedings during the month of Nov'99 and Dec'99 as they will be badly engaged with inspection works. The position mine also same. As such the date of next hearing will be communicated later on.

8. Copies of this order sheet are endorsed to the PO, the CO and the disciplinary authority.

C.O.

P.O.

I.O.

Department of Posts, India
O/O the Director Postal Services, Tripura State, Agartala-1
No. INQ-1/S.B.H/98-Vol. I Dated at Agartala, the 22.10.99
Copy forwarded to:-

1. Shri N.C. Halder, P.O. & Dy. SPOs, Manipur, Imphal for information.
2. Shri S.B. Hazarika, C.O. & C.I., O/O the DPS, Nagaland Kohima-797 001 for information.
3. The D.P.S., Kohima. I
4. The DPS, Imphal I for kind information.

INCHARGE OFFICE

Annexure-A-18.

CB

R-89

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES
NAGALAND, KOHIMA-797001

No. Rule 14/S.B.Hazarika

Dated Kohima the 11-2-2000

Whereas an inquiry under Rule 14 of CCS (CCA) Rules, 1965 is being held against Shri. S.B. Hazarika, C.I. Divisional office, Kohima.

And whereas the present Presenting Officer Shri. N.C. Halder, Dy. SPOs Manipur, Imphal is unable to function as Presenting Officer, because of being a defence witness in the said case. The undersigned considers that an adhoc PO should be appointed to present the case on behalf of the undersigned.

Now therefore, the undersigned in exercise of the power conferred by Sub-rule 5 (c) of the said Rules, hereby appoints Shri. Narayan Das, ASPOs Agartala, South Sub-division as the Presenting Officer (Adhoc) and he will act as such during the period of examination in chief, cross examination, re-examination and further cross examination of Shri. N.C. Halder.

Sd/-

(F.P. Soto)

Director of Postal Services
Nagaland, Kohima-797001.

Copy to:-

1. Shri. Narayan Das, ASPOs South Sub-Dn, Agartala for inf. and n/a.
2. Shri. N.C. Halder (PO) Dy. SPOs, o/o The DPS Manipur, Imphal. He is requested to hand over the List of documents, if any to the Presenting Officer.
3. Shri. Sunil Das (IO) Dy. SPOs o/o The DPS, Agartala.
4. Shri. S.B. Hazarika (CO) C.I. divnl. office Kohima (At Sabroom Agartala-799145)
5. The DPS Manipur, Imphal for information.
6. Spare.

Advised
Dmd. to
28/2/00
APP.

4/2/00
(F.P. Soto)

Director of Postal Services
Nagaland, Kohima-797001.

Annexure - A-19,

P-70

79

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
TRIPURA STATE : AGARTALA

J. INQ/SBH

Dated at Agartala, the 20.04.2000

Sub : Departmental Inquiry under Rule - 14 of CCS (CCA) Rules, 1965 against Sri Santi Bhusan Hazarika, the then SDIPOs, Ukhral Sub Division, Ukhral, now Complaint Inspector, o/o the D.P.S. Kohima.

Further hearing in the above mentioned case will be held on 10th May, 2000 at 11:00 hrs daily at Agartala in the chamber of the undersigned. Summon for the defence witness has already been despatched under registered post.

All concerned are requested to take necessary action on their part to ensure that the proceedings are attended by the Presenting Officer, the Charged Officer, the defence assistant and the witness on the appointed date, time and place.

Sd/-

(SUNIL DAS)

Inquiry Officer

&

Dy. Supdt. of Post Offices

O/o the D.P.S., Agartala - 799001.

Copy to :

1. Sri S.B.Hazarika, IPOs, PG, o/o the D.P.S., Kohima and the charged official for information and attending the inquiry.
2. Sri S.B.Hazarika, IPOs, PG, o/o the D.P.S., Kohima now residing at Sabroom, Tripura for information and attending the inquiry.
3. Sri Narayan Ch. Das, ASPOs, Agartala South Sub Division and Presenting Officer. He is requested to attend the proceeding and act as Presenting Officer during the period of deposition of Sri N.C.Haldar, Dy. Supdt. of Post Offices, Imphal who is the Presenting Officer of the case barring the time of his deposition.
4. Sri N.C.Haldar, DSPOs, Imphal and Presenting Officer of the case for information and necessary action. He will please bring the additional document requisition by the charged official as mentioned at para 3 of my order no.14 dtd.20.10.99 and also to present the case on behalf of the Disciplinary Authority except the period of his deposition.
5. The D.P.S., Kohima for information with reference of his office no.Rule - 14/SB Hazarika dtd.11.2.2000.
6. The D.P.S., Imphal for information and necessary action. He will kindly refer my letter of even no. dtd. 16.10.99, 12.1.2000 and 23.2.2000 and arrange to send the additional documents either through Sri N.C.Haldar, the Presenting Officer or by Insured Post before the date fixed for. In case the requisitioned additional documents not received in time, the inference would be drawn accordingly.
7. The D.P.S., Agartala for information.
8. o/c.

[Signature]

(SUNIL DAS)

Inquiry Officer

&

Dy. Supdt. of Post Offices

O/o the D.P.S., Agartala - 799001.

A. K. Das
B. K. Das
28/9/00
AKD

Annexure. A-20/
(C)

P-7/

80

ORDER NO.15.

Dated,10-5-2000.

Proceedings are taken up at 1100 hour in my chamber in the office of the DPS,Agartala in the presence of the PO (Shri Narayan Das the adhoc PO) and the CO.

2. Today's date is fixed for production of additional documents and examination of defence witness. The PO, Shri Narayan Das who is appointed as PO for the period of deposition of Shri N.C.Halder, the regular PO as defence witness states that he did not receive the additional documents that requisitioned by me from the disciplinary authority or from the custodian. He further states that he did not receive any communication on this score from the custodian. I have also not received the document despite repeated reminder. Therefore, the inference can be drawn by all concerned.

3. Shri N.C.Halder, the defence witness did not turn up. He also did not communicate his inability to attend today's hearing. The CO also unable to say the reason of non attendance of the defence witness. Shri N.C.Halder in his letter No.Nil dtd,28.2.00 addressed to DPS,Nagaland and copy to me expressed his unwillingness. The CO did not press for further summoning of Shri N.C.Halder as defence witness. Therefore, no further date is fixed for recording the evidence of the said Shri Halder.

4. The CO produced the following particularised documents from his custody as defence evidence and they have been brought into record duly making as noted against each.

Photocopy of :-

- | | |
|---|--------|
| a) Dte. circular No.28-162/62 P.E.-1.
dtd. 5.8.65 fdd. | Exd-1. |
| b) No.Rule 14/S.B.Hazarika.
dtd. 11/2/2000. issued by DPS,Kohima. | Exd-2. |
| c) Letter No. Diary/SDIPOs,Ukhrul/97.
dtd. 4.3.98 issued from office of the
DPS,IMPHAL. | Exd-3. |
| d) Letter No. Diary/SDIPOs-Ukhrul/97
dtd. 16.3.98 issued from DPS,Imphal. | Exd-4. |
| E) Memo No.Diary/SDIPOs-Ukhrul/92
dtd.25.9.92 issued by DPS,Imphal. | Exd-5. |

5. The CO desires to submit argument orally. Since the regular PO did not turn up, it is not come into light whether he also desires to submit argument orally. Therefore, the PO is directed to communicate his view within 25th instant for taking decision on fixation of date of argument.

6. The case is adjourned to a date to be communicated later on.

(P.T.O.)

Alfred
Don't into
29/9/01
APB

Annexure A-20/ (17)

P-72 81

7. Copies of this order sheet are endorsed to the PO(Adhoc PO) the CO and the disciplinary authority.

Sd/-

PRESENTING OFFICER.

Sd/-

C.O.

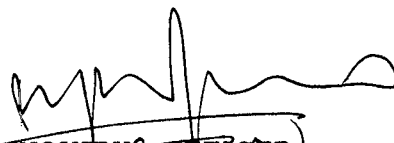
Sd/-

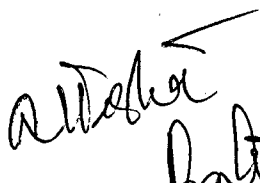
INQUIRY OFFICER.

No. INQ-1/S.B.H./98/Vol.I.Datedat, the 10th MAY,2000.

Copy forwarded to:-

1. Shri N.C.Halder, Present Officer & Dy.Suptd.of Post Offices, Manipur, Imphal for information.
2. Shri S.B.Hazarika, Complaint Inspector, O/O the Director Postal Services, Nagaland, Kohima-797001 for information. ~~A copy of deposition of S.W.No.1 Shri L.Ito Singh, EDBPM, Kameng Kakeching EDBO is enclosed.~~
3. Shri Narayan Das, Designated ASP, Tura, PO(Adhoc PO).
4. The DPS, Kohima for information & necessary action please.
5. Spare.


INQUIRY OFFICER


Sd/-
28/5/00
ASP

Assayure. A-21,
Legal/17
28/10/00
P-78 : 82

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA - 797001

No. Rule 14/ S.B.Hazarika

Dated Kohima the 12-10-2000

To,

Shri. S.B.Hazarika
C.I Divisional Office Kohima (u/s)
At Anandpara P.o:- Sabroom
Tripura (S)

I am directed to forward herewith a copy of the report submitted by the Inquiry Officer. The Disciplinary Authority will take suitable decision, after considering the report. If you wish to make any representation or submission, you may do so in writing to the Disciplinary authority within 15 days of the receipt of this letter.


(K.R.Das)

Supdt. of Posts Office (HQ)
For the Director of Postal Services
Nagaland : Kohima- 797001

Attested
Dated 28/10/00
28/10/00
APP

Annexure. A-22 / (i)

P-84

83

INQUIRY REPORT

In the Case Against
Sri S.B.Hazarika,
Complaint Inspector,
o/o the D.P.S., Kohima

Under Sub-Rule (2) of Rule-14 of CCS(CCA) Rules, 1965, I was appointed by the Director Postal Services, Manipur State, Imphal as the Inquiry Authority to inquire into the charges framed against Sri S.B.Hazarika, the then SDIPOs, Ukul Sub Division, Ukul in Manipur Division, now Complaint Inspector, o/o the D.P.S., Kohima vide his memo no. Diary/SDIPOs-Ukul/97 dt.8.5.98. 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. Presenting Officer :

Sri N.C.Haldar, Dy. Supdt. of POs, o/o the DPS, Imphal was appointed as Presenting Officer except the date 10.05.2000 on which the said Sri N.C.Haldar was summoned to depose as defence witness and Sri Narayan Das, ASPOs, Agartala South Sub Division was appointed as adhoc Presenting Officer for the period of deposition scheduled to be made.

3. Participation by the Charged Officer in the Inquiry and defence Assistant available to him

The C.O. did not participate in the inquiry till completion of the stage of presentation of prosecution's documents and witnesses. He, however, availed the opportunities of producing of defence evidences. He did not nominate any defence assistant to help him in producing the case on behalf of him; although he was apprised of the facilities available to him.

4. Date of hearing of the case :

The case was heard on 25.8.98, 22.9.98, 27.1.99, 15.9.99, 16.9.99, 17.9.99, 18.9.99, 21.10.99, 22.10.99, 10.5.2000 & 14.6.2000.

5.1. Documents Exhibited :

The following particularized documents were exhibited in the inquiry. Of them, the documents that particularized at Sl. No. 1 to 72 were produced on behalf of the Disciplinary Authority while that mentioned at Sl. No.73 to 77 were produced on behalf of the defence. They were brought on records duly marking as indicated against each.

Sl. No.	Particulars of the documents	Exhibit Nos.
1.	SPOs, Imphal letter no. Inspection/Tour Programme/1996 dtd.19.02.1996 along with a copy of inspection programme for the year 1996 (of SDIPOs, Ukul Sub Division)	Ex.S - 1(a) to 1(c)

Attested
Dated 10/10/99
28/9/99
Hed

Annexure - A-22 / (CII)

P-75-84

--(2)--

Sl. No.	Particulars of the documents	Exhibit Nos.
2.	SPOs, Imphal letter no. Inspection Tour Programme/1997 dtd.29.01.1997 along with a copy of inspection programme for the year 1997 (of SDIPOs, Ukul Sub Division)	Ex.S 2(a) to 2(d)
3.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Feb 96 No.A-1/Diary/SDI-UKL/95-96 Dtd.16.2.96	Ex.S 3(a) to 3(b)
4.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Feb 96 No.A-1/Diary/SDI-UKL/95-96 Dtd.16.2.96	Ex.S 4(a) & 4(b)
5.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Feb 96 No.A-1/Diary/SDI-UKL Dtd.1.3.96	Ex.S 5(a) & 5(b)
6.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Mar 96 No.A-1/Diary/SDI-UKL/96 Dtd.16.3.96	Ex.S 6(a) & 6(b)
7.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Mar 96 No.A-1/Diary/SDI-UKL/96 Dtd.1.4.96	Ex.S 7(a) & 7(b)
8.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Apr 96 No.A-1/Diary/SDI-UKL/96 Dtd.17.4.96	Ex.S 8
9.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Apr 96 No.NIL Dtd.NIL	Ex.S 9
10.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of May 96 No.A-1/Diary/SDI-UKL Dtd.17.5.96	Ex.S 10
11.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of May 96 No.A-1/Diary/SDI-UKL Dtd.3.6.96	Ex.S 11(a) & 11(b)
12.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of June 96 No.A-1/Diary/SDI-UKL/96 Dtd.17.6.96	Ex.S 12(a) & 12(b)
13.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of June 96 No.A-1/Diary/SDI-UKL/96 Dtd.1.7.96	Ex.S 13(a) & 13(b)
14.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of July 96 No.A-1/Diary/SDI-UKL Dtd.16.7.96	Ex.S 14
15.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of July 96 No.A-1/Diary/SDI-UKL Dtd.1.8.96	Ex.S 15
16.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Aug 96 No.A-1/Diary/SDI-UKL Dtd.19.8.96	Ex.S 16
17.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Aug 96 No.A-1/Diary/SDI-UKL Dtd.2.9.96	Ex.S 17(a) & 17(b)
18.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Sept 96 No.A-1/Diary/SDI-UKL/96 Dtd.16.9.96	Ex.S - 18(a) & 18(b)
19.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Sept 96 No.A-1/Diary/SDI-UKL/96 Dtd.1.10.96	Ex.S - 19(a) & 19(b)
20.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Oct 96 No.A-1/Diary/SDI-UKL Dtd.1.11.96	Ex.S 20(a) & 20(b)
21.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Nov 96 No.A-1/Diary/SDI-UKL Dtd.16.11.96	Ex.S - 21(a) & 21(b)
22.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Nov 96 No.A-1/Diary/SDI-UKL Dtd.2.12.96	Ex.S - 22(a) & 22(b)

Attested
Dated 28/12/96
[Signature]

Annexure - A - 20/11/97

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Sl. No.	Particulars of the documents	Exhibit Nos.
23.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Dec 96 No.A-1/Diary/SDI-UKL Dtd.16.12.96	Ex.S - 23(a) & 23(b)
24.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Dec 96 No.A-1/Diary/SDI-UKL Dtd.1.1.97	Ex.S - 24
25.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Jan 97 No.A-1/Diary/SDI-UKL Dtd.16.1.97	Ex.S - 25(a) & 25(b)
26.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Jan 97 No.A-1/Diary/SDI-UKL Dtd.1.2.97	Ex.S - 26(a) & 26(b)
27.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Feb 97 No.A-1/Diary/SDI-UKL Dtd.16.2.97	Ex.S - 27(a) & 27(b)
28.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Feb 97 No.A-1/Diary/SDI-UKL Dtd.1.3.97	Ex.S - 28(a) & 28(b)
29.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Mar 97 No.A-1/Diary/SDI-UKL Dtd.16.3.97	Ex.S - 27(a) & 27(b)
30.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Mar 97 No.A-1/Diary/SDI-UKL Dtd.1.4.97	Ex.S - 30
31.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Apr 97 No.A-1/Diary/SDI-UKL Dtd.21.4.97	Ex.S - 31
32.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Apr 97 No. NIL Dtd. Nil.	Ex.S - 32(a) & 32(b)
33.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of May 97 No.A-1/Diary/SDI-UKL Dtd.16.5.97	Ex.S - 33(a) & 33(b)
34.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of May 97 No.A-1/Diary/SDI-UKL Dtd.2.6.97	Ex.S - 34(a) & 34(b)
35.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of June 97 No.A-1/Diary/SDI-UKL Dtd.16.6.97	Ex.S - 35(a) & 35(b)
36.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of June 97 No.A-1/Diary/SDI-UKL Dtd.1.7.97	Ex.S - 36(a) & 36(b)
37.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of July 97 No.A-1/Diary/SDI-UKL Dtd.16.7.97	Ex.S - 37(a) & 37(b)
38.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of July 97 No.A-1/Diary/SDI-UKL Dtd.1.8.97	Ex.S - 38(a) & 38(b)
39.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Aug 97 No.A-1/Diary/SDI-UKL Dtd.16.8.97	Ex.S - 39(a) & 39(b)
40.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Aug 97 No.A-1/Diary/SDI-UKL Dtd.1.9.97	Ex.S - 40(a) & 40(b)
41.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Sept 97 No.A-1/Diary/SDI-UKL Dtd.16.9.97	Ex.S - 41(a) & 41(b)
42.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Sept 97 No.A-1/Diary/SDI-UKL Dtd.1.10.97	Ex.S - 42(a) & 42(b)
43.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Oct 97 No.A-1/Diary/SDI-UKL Dtd.16.10.97	Ex.S - 43
44.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Oct 97 No.A-1/Diary/SDI-UKL Dtd.1.11.97	Ex.S - 44(a) & 44(b)

Attested
 Dated 20/11/97
 [Signature]

Annexure-A-22/ (in)

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Sl. No.	Particulars of the documents	Exhibit Nos.
45.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Nov 97 No. A-1/Diary/SDI-UKL Dtd.16.11.97	Ex.S - 45(a) & 45(b)
46.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Nov 97 No. A-1/Diary/SDI-UKL Dtd.1.12.97	Ex.S - 46(a) & 46(b)
47.	Fortnightly Diary of SDI(P), Ukul. For the 1 st fortnight of Dec 97 No. A-1/Diary/SDI-UKL Dtd.16.12.97	Ex.S - 47(a) & 47(b)
48.	Fortnightly Diary of SDI(P), Ukul. For the 2 nd fortnight of Dec 97 No. A-1/Diary/SDI-UKL Dtd.1.1.98	Ex.S - 48(a) & 48(b)
49.	Monthly Summary of SDI(P), Ukul. For the month of July 96 No. A-1/Summary/SDI-UKL Dtd.1.8.96	Ex.S - 49
50.	Monthly Summary of SDI(P), Ukul. For the month of Aug 96 No. A-1/Summary/SDI-UKL Dtd.2.9.96	Ex.S - 50
51.	Monthly Summary of SDI(P), Ukul. For the month of Sept 96 No. A-1/Summary/SDI-UKL Dtd.1.10.96	Ex.S - 51
52.	Monthly Summary of SDI(P), Ukul. For the month of Oct 96 No. A-1/Summary/SDI-UKL Dtd.2.9.96	Ex.S - 52
53.	Monthly Summary of SDI(P), Ukul. For the month of Nov 96 No. A-1/Summary/SDI-UKL Dtd.2.12.96	Ex.S - 53
54.	Monthly Summary of SDI(P), Ukul. For the month of Dec 96 No. A-1/Summary/SDI-UKL Dtd.31.12.96	Ex.S - 54
55.	Monthly Summary of SDI(P), Ukul. For the month of Jan 97 No. A-1/Summary/SDI-UKL Dtd.3.2.97	Ex.S - 55
56.	Monthly Summary of SDI(P), Ukul. For the month of Feb 97 No. A-1/Summary/SDI-UKL Dtd.3.3.97	Ex.S - 56
57.	Monthly Summary of SDI(P), Ukul. For the month of March 97 No. A-1/Summary/SDI-UKL Dtd.1.4.97	Ex.S - 57
58.	Monthly Summary of SDI(P), Ukul. For the month of Apr 97 No. A-1/Summary/SDI-UKL Dtd.1.5.97	Ex.S - 58
59.	Monthly Summary of SDI(P), Ukul. For the month of May 97 No. A-1/Summary/SDI-UKL Dtd.2.6.97	Ex.S - 59
60.	Monthly Summary of SDI(P), Ukul. For the month of June 97 No. A-1/Summary/SDI-UKL Dtd.1.7.97	Ex.S - 60
61.	Monthly Summary of SDI(P), Ukul. For the month of July 97 No. A-1/Summary/SDI-UKL Dtd.1.8.97	Ex.S - 61
62.	Monthly Summary of SDI(P), Ukul. For the month of Aug 97 No. A-1/Summary/SDI-UKL Dtd.1.9.97	Ex.S - 62
63.	Monthly Summary of SDI(P), Ukul. For the month of Sept 97 No. A-1/Summary/SDI-UKL Dtd.1.10.97	Ex.S - 63
64.	Monthly Summary of SDI(P), Ukul. For the month of Oct 97 No. A-1/Summary/SDI-UKL Dtd.1.11.97	Ex.S - 64
65.	Monthly Summary of SDI(P), Ukul. For the month of Nov 97 No. A-1/Summary/SDI-UKL Dtd.1.12.97	Ex.S - 65
66.	Monthly Summary of SDI(P), Ukul. For the month of Dec 97 No. A-1/Summary/SDI-UKL Dtd.1.1.97	Ex.S - 66

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 22/6/97
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Annexure A-22/ (v)

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Sl. No.	Particulars of the documents	Exhibit Nos.
67.	Photocopy of statement of Sri L. Pameling, BPM, Chingjaroi EDBO letter dtd. 1.10.97 addressed to SPOs, Imphal.	Ex.S - 67
68.	Photocopy of statement of Sri L. Ito Singh, BPM, Kameng Kakching EDBO letter dtd. 25.9.97 addressed to SPOs, Imphal.	Ex.S - 68
69.	Photocopy of statement of Sri V.S. Varciso, EDBPM, Shangshak EDBO letter dtd. 29.9.97 addressed to SPOs, Imphal.	Ex.S - 69
70.	Photocopy of statement of Sri Yarngai, EDBPM, Pushing EDBO letter dated. 09.10.1997 addressed to SPOs, Imphal.	Ex.S - 70
71.	Photocopy of statement of Sri R. Tuingayang, BPM, Siranakhong EDBO letter dtd. 9.10.97 addressed to SPOs, Imphal.	Ex.S - 71
72.	Photocopy of statement of Sri A.S. Anderson, BPM, Nungshong EDBO addressed to DPS, Imphal received at Divisional Office on 4.11.97	Ex.S - 72
73.	Photocopy of Dte. circular No. 28-162/62 P.E.-1 dtd. 5.8.65 fdd.	Exd - 1
74.	No. Rule 14/5, B. Hazanka. dtd. 11.02.2000 issued by D.P.S., Kohima - In original.	Exd - 2
75.	Letter No. Diary/SDIPOs, Ukhrul/97 dtd. 4.3.98 issued from office of the DPS, Imphal.	Exd - 3
76.	Letter No. Diary/SDIPOs-Ukhrul/97 dtd. 16.3.98 issued from DPS, Imphal.	Exd - 4
77.	Memo No. Diary/SDIPOs-Ukhrul/92 dtd. 25.9.92 issued by D.P.S., Imphal.	Exd - 5

5.2. Documents not exhibited :

The charged officer (here under known as C.O.) prayed for production of monthly tour T.A. Adv file for the period from July 97 to March 98 of SDIPOs, Ukhrul Sub Division, maintained by the o/o the D.P.S., Imphal. In support of his claim the C.O. stated that the file would enlight the material fact as to the submission / non-submission of IRs in question as the office used to release / sanction T.A. advance only on submission of IRs. I find that the file might enlight / reflect material fact related to the matter under inquiry and placed requisition for the same before the DPS, Imphal vide my letter no. INQ-1/SBH/98-Vol-I dt. 26.10.99 followed by reminder 12.1.00, 23.2.00 & 20.4.00. The custodian of the document had neither claimed privilege of the document nor forwarded the document. Nor made any communication showing the reason of non-making of the availability of the requisitioned documents.

6.1. The prosecution had desired to examine the following particularised witnesses; among them the witness at Sl. No. 2, 4, 5 & 6 were examined on the date shown against each and their deposition were brought into records as 'Marked' at the last column. The rest

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Annexure - A-22/ (W)

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witnesses did not turn up despite issuance of repeated summons. Neither they had communicate the reasons of their inability to attend, nor the PO could explain the reasons of their non-attendance. It is the duty of the party to ensure attendance of their witness on the appointed date, time and place.

Sl. No.	Name and Particulars of witness	Date of deposition	Deposition marked as.
1.	Sri L. Pamching, EDBPM, Chingjaroi EDBO		Not turn up
2.	Sri L. Ito Singh, EDBPM, Kamang Kakching	16.09.1999	SW-1
3.	Sri A.S. Anderson, EDBPM, Nungshang.		Not known
4.	Sri O. Dwijamani Singh, OA (IR / VR), Divisional Office	17.09.2000	SW-4
5.	Sri V.S. Vareise, EDBPM, Shangshak EDBO	17.09.2000	SW-3
6.	Sri S. Yarngai, EDBPM, Pushing EDBO	17.09.1999	SW-2
7.	Sri R. Tungayang, EDBPM, Sirarakhang EDBO		Not turn up

6.2. The C.O. prayed to produce Sri N.C. Haldar, DSPOs, Imphal and the P.O. of the case to clarify the circumstances under which the exhibit Exs-67 to Exs-71 were received by the office of the DPS, Imphal. I find the witness proposed to be examined as defence witness is likely to enlight certain material fact and he was summoned. In response to the summon the said Sri N.C. Haldar in his letter no. nil dt. 28.02.2000 addressed to DPS, Nagaland, the disciplinary authority and copy to me expressed his unwillingness to depose as defence witness. He did not turn up on the scheduled date and time. The C.O. did not press for further summoning of the said Sri Haldar and virtually dropped.

7. Article of charge and substance of imputation of misconduct or misbehaviour :
The following two articles of charges have been framed against Sri S.B. Hazarika, the then SDIPOs, Ukhrul Sub Division, now Complaint Inspector, o/o the D.P.S., Nagaland.

Article of charge - I

Sri S.B. Hazarika, while working as SDIPOs, Ukhrul Sub Division during the period from 29.01.1996 (A/N) to 31.01.1998, he had shown to have inspected as many as 54 (fifty four) Post Offices in the year 1996, but had not submitted a copy of the Inspection Remarks in respect of each of these 54 (fifty four) Post Offices, to the Supdt. of Post Offices, Manipur Division, Imphal or any other appropriate authority in place of the Supdt. of Post Offices, Manipur Division, Imphal. Similarly the said Sri S.B. Hazarika had shown to have inspected as many as 78 (seventy eight) Post Offices during the period from 01.01.1997 to 31.12.1997, but had not submitted a copy of the Inspection Remarks in respect of 45 (forty five) Post Offices, to the Supdt. of Post Offices, Manipur Division, Imphal or any other appropriate authority in place of the Supdt. of Post Offices, Manipur Division, Imphal. By his above acts, the said Sri S.B. Hazarika violated the provisions of Rule-308(2) of P&T Man. Vol. VIII read with Department of Posts, New Delhi letter No. 17-3/92-Inspn Dated 02.07.1992 and Rule-3(1)(ii) of CCS (Conduct) Rules, 1964.

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Annexure A-22 (vii)

Article of charge - II

Sri S.B.Hazarika, while working as SDIPOs, Ukhrul Sub Division, during the period from 29.01.1996 to 31.01.1998, he had shown to have inspected the following EDBOs in Ukhrul Sub Division, on the date noted against each.

Sl. No.	Name of the EDBO	Date of inspection shown by Sri S.B.Hazarika
1.	Chingjaroi EDBO	25.02.1997
2.	Sirarakhang EDBO	29.03.1997
3.	Kamang Kakching EDBO	19.05.1997
4.	Shangshak EDBO	18.06.1997
5.	Nungshong EDBO	15.07.1997
6.	Pushing EDBO	28.07.1997

But, in fact, the said Sri S.B.Hazarika did not at all inspect the above-mentioned EDBOs either on the date noted against each or on any other date in the year 1997. Therefore, by his above acts, the said Sri S.B.Hazarika, violated the provisions of Rule-308(1) of P&T Man. Vol. VIII, Rule-3(1)(i) of CCS (Conduct) Rules, 1964 and Rule-3(1)(iii) of CCS (Conduct) Rules, 1964.

The Statement of Imputation of Misconduct or Misbehaviour in support of the charges are as follows :

Article - I

That as many as 66 (sixty six) EDBOs and one SO in Ukhrul Sub Division were allotted to the share of Sub Divisional Inspector of Post Offices, Ukhrul Sub Division, Ukhrul for inspection during the year 1996 vide SPOs, Imphal letter No.Inspection/Tour Programme /1996 dtd.19.02.1996 along with a copy of Inspection Programme for the year 1996. The said Sri S.B.Hazarika took over the charge of SDIPOs, Ukhrul Sub Division on 29.01.1996 (A/N) and prior to taking over the charge of the Sub Division by the said Sri S.B.Hazarika, one Sri Moba Maring P.A., Imphal H.O. was officiating as SDIPOs, Ukhrul Sub Division from 01.01.1996 to 29.01.1996 (A/N). Of the sixty-six EDBOs assigned to the SDIPOs, Ukhrul Sub Division, for inspection during the year 1996, the said Sri Moba Maring already inspected as many as 13 (thirteen) EDBOs during the period from 01.01.1996 to 29.01.1996. Thus, as many as 53 (fifty three) EDBOs and one S.O. were remaining for inspection, by the said Sri S.B.Hazarika, during the year 1996 at the time of taking over the charge of Ukhrul Sub Division by the said Sri Hazarika on 29.01.1996 (A/N). The said Sri S.B.Hazarika, in his fortnightly diaries and monthly summaries of the SDIPOs, Ukhrul for the period from 29.01.1996 (A/N) to 31.12.1996 had shown to have inspected all the 53 (fifty three) EDBOs and one S.O. which were remaining for inspected by the said Sri S.B.Hazarika as on 29.01.1996 (A/N). The list of 53 (fifty three) EDBOs and one S.O. shown to have inspected by the said Sri S.B.Hazarika has been enclosed as "ANNEXURE-A".

Similarly, as many as 71 (seventy one) Post Offices, i.e., 69 (sixty-nine) EDBOs and 2 (two) SOs were assigned to the SDIPOs, Ukhrul Sub Division, for inspection during the year 1997 vide SSPOs, Imphal letter no. Inspection/Tour Programme/97 dtd.29.01.1997.

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Annexure A-22P (viii)

along with a copy of Inspection Programme for the year 1997. Of the 69 (sixty nine) EDBOs and 2 (two) SOs in Ukhrul Sub Division, which were assigned for inspection by the said Sri S.B.Hazarika as SDIPOs, Ukhrul Sub Division, he had shown to have inspected all the 69 (sixty nine) EDBOs and 1 (one) S.O. on different date(s) during the period from 01.01.1997 to 31.12.1997, in his fortnightly diaries and monthly summaries of the SDIPOs, Ukhrul submitted by the said Sri Hazarika for the aforementioned period from time to time. The list of 69 (sixty nine) EDBOs and one S.O. which were shown to have been inspected by the said Sri S.B.Hazarika during the year 1997 has been enclosed as "ANNEXURE-B".

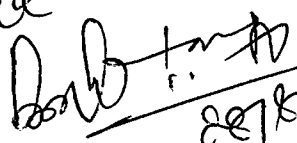
That as per Rule-308(2) of P&T Man. Vol.VIII, the said Sri S.B.Hazarika, SDIPOs, Ukhrul had to submit the copy of Inspection Remarks, in respect of each of the EDBO and S.O. inspected by him, to the Supdt. of Post Offices, Manipur Division, Imphal and in accordance with Deptt. of Posts, New Delhi letter no.17-3/92-Inspn dtd.02.07.1992 the time limit for submission / issuance of Inspection Remarks / Inspection Reports in respect of EDBO and S.O. are 10 (ten) days and 15 (fifteen) days from the date of inspection respectively. But, the said Sri S.B.Hazarika, had not at all submitted the copy of Inspection Remarks in respect of 53 (fifty three) EDBOs and 1 (one) S.O., which were shown to have been inspected by him in 1996, as per "ANNEXURE-A", to the Supdt. of Post Offices, Manipur Division, Imphal either within the prescribed time limit as specified above, or on any subsequent date. Similarly, the said Sri S.B.Hazarika had not at all submitted the copy of Inspection Remarks in respect of 44 (forty four) EDBOs and 1 (one) S.O., which were shown to have inspected by the said Sri Hazarika on different date(s) during the year 1997. The list of 44 (forty four) EDBOs and 1 (one) S.O. which were shown to have been inspected by the said Sri Hazarika in the year 1997, but he did not submit IRs has been enclosed as "ANNEXURE-C".

Therefore, it is imputed that the said Sri S.B.Hazarika, by his above acts, violated the provisions of Rule-308(2) of P&T Man. Vol.VIII and orders contained in Deptt. of Posts, New Delhi letter no.17-3/92-Inspn dtd.02.07.1992 and also failed to maintain absolute devotion to his duties in violation of Rule-31(ii) of CCS (Conduct) Rules, 1964.

Article - II

The following EDBOs in Ukhrul Sub Division, which were assigned to the SDIPOs, Ukhrul Sub Division, for annual inspection for the year 1997 vide SSPOs, Imphal letter no. Inspection/Tour Programme/1997 dtd.29.01.1997 were shown to have been inspected by the said Sri S.B.Hazarika as SDIPOs, Ukhrul, on the date noted against each.

<u>Sl. No.</u>	<u>Name of the EDBO</u>	<u>Date of inspection</u>
1.	Chingjaroi EDBO	25.02.1997
2.	Sirarakhong EDBO	29.03.1997
3.	Kamang Kakchung EDBO	19.05.1997
4.	Shangahak EDBO	18.06.1997
5.	Nungshang EDBO	15.07.1997
6.	Pushing EDBO	26.07.1997.

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Annexure A-22/C12

The said Sri S.B.Hazarika was working as SDIPOs, Ukhrul during the period from 29.01.1996 (A/N) to 31.01.1998 and he had shown to have inspected the above Post Offices as mentioned above in his fortnightly diaries pertaining to that period and also in the monthly summaries of the SDIPOs, Ukhrul Sub Division, Ukhrul, submitted by the said Sri Hazarika, for the respective months on which those offices had been shown to have been inspected. But, the EDBPMs of the above EDBOs have intimated, to the Director Postal Services, Manipur, Imphal, in writing that the said Sri S.B.Hazarika, SDIPOs, Ukhrul did not inspect the respective EDBOs in the year 1997 till the time of submission of respective intimations by each of the EDBPMs of above EDBOs in the months of Sept 97, Oct 97, Nov 97.

Therefore, it is imputed that the said Sri S.B.Hazarika did not at all inspect the aforementioned EDBOs on the dates noted against each and thereby violated the provisions of Rule-308(1) of P&T Man.Vol.VIII. In addition, the said Sri Hazarika, by his act of submission of false information regarding inspection of those abovementioned EDBOs failed to maintain absolute integrity and also acted in a manner unbecoming of a Govt. servant, and thereby violated Rule-3(1)(i) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

8. Case of the Disciplinary Authority :

A. The prosecution in article-I impute that in the year 1996 as much as 66 EDBOs and 1 S.O. were assigned to the SDIPOs, Ukhrul Sub Division for inspection for the said year. The C.O. took over the charge of the SDI, Ukhrul on 29.01.1996 (A/N) and till then the preceding IPOs had already inspected 13 EDBOs. Thereby leaving 53 EDBOs and 1 S.O. for the rest of the year. The C.O. in his fortnightly diary for the period from 29.01.1996 to 31.12.1996 had noted down that all the offices were inspected. The prosecution further mentioned that similarly as many as 69 EDBOs and 2 SOs were assigned to the C.O. for inspection during the year 1997. The C.O. in his fortnightly diary from 01.01.1997 to 31.12.1997 had reported that the inspection work of the offices had been completed. The prosecution further added that the C.O. although reported inspection of all the offices assigned to him during the year 1996 and 1997 did not at all submitted the Inspection Remarks of 53 EDBOs and 1 S.O. in respect of 1996 and 44 EDBOs and 1 S.O. in respect of the year 1997 and thereby violated the provision of the Rule-308(2) of P&T Man.Vol.VIII and Deptt. of Posts, New Delhi letter No.17-3/92-Inspn dtd.2.7.92 according to which the time limit of submission of IR is fixed 10/15 days from the date of inspection and attracted the Rule-3(1)(ii) of CCS (Conduct) Rules, 1964.

In support of the allegation the P.O. pleaded the followings --

- i) Since the C.O. did not attend the proceeding till completion of adducement of evidence on behalf of the prosecution / disciplinary authority, it is clearly proved that he has nothing to say on his defence.
- ii) The P.O. emphasises over the deposition of SW-4, Sri O.Dwijamani Singh, Dealing Assistant, IR Branch, Divnl. Office, Manipur who stated that he

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Annexure A- 27 (x)

received the fortnightly diary and monthly summary of the C.O. often irregularly during the year 1996 & 1997. He added that he received 25 IRs out of 70 for the year 1997 and none for the year 1996 from the C.O. despite several reminders issued to the C.O. under the instruction of the controlling authority. From this deposition the P.O. asserted that the charge is proved and the C.O. neither visited the 54 offices listed to the ANNEXURE "A" to the charge sheet and hence question does not arise about the receipt of the IR of 1996. Similarly he emphasised that the C.O. neither visited the 45 BOs as listed in ANNEXURE "C" of the charge sheet nor inspected during the year 1997 and the question of submission of IR does not arise.

- iii) The P.O. in para 7 of his brief pleaded that despite repeated reminders the C.O. did not submit the IRs and even respond to the reminders.
 - iv) The P.O. asserted that the C.O. being in-charge of a Sub Division, it is his fundamental duty that he should response the letters received from the Higher Authority. Keeping himself mum, it is proved he has nothing to say and neglected the order of the higher authority.
 - v) The P.O. further added that in reply to the question to the fact going against him made by the I.O. The C.O. reply "uncorroborated" which means the official has nothing to say against those points and thereby the charge is proved.
- B. In article-II the prosecution put up that the C.O. in his fortnightly diaries and monthly summaries for the period from 01.01.1997 to 31.12.1997 noted the inspection of the following BOs on the date showing against each.
- | | | |
|----|----------------------|------------|
| a) | Chingjarai EDBO | 25.02.1997 |
| b) | Sirarakhong EDBO | 29.03.1997 |
| c) | Kamang Kadching EDBO | 19.05.1997 |
| d) | Sahgshak EDBO | 10.06.1997 |
| e) | Nungshang EDBO | 15.07.1997 |
| f) | Pushing EDBO | 28.07.1997 |

The EDBPMs of these offices intimated to the Director Postal Services in writing that their offices had not been inspected for the year 1997 by the C.O. till writing of the said communications by each of them and alleged that the C.O. did not at all inspected these offices on the date mentioned against each violating the provision of Rule-308(f) of P&T Man.Vol.VIII and Rule-3(1)(i) & 3(1)(iii) of CCS (Conduct) Rules 1964.

The following pleadings had been put forward by the P.O. toward sustaining of the charge.

- i) That the SW-1, Sri Lito Singh, EDBPM, Kamang Kakching EDBO in his deposition stated that the SDIPOs, Ukhrul, Sri S.B.Hazarika or any other SDIPOs had not visited his office till 25.09.1997 and he did not received any

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Annexure A-22 (xi)

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Inspection Remarks till then and clearly proved that Sri S.B.Hazarika did not visit or inspect the office.

- ii) That the SW-2, Sri S.Yarangai, EDBPM, Pushing EDBO in his deposition stated that his office was not inspected by the C.O. till 09.10.1997 and thereby proved that the C.O. did not visit and inspect his office till then.
- iii) That the SW-3, Sri V.S.Varaiso, EDBPM, Sahgnshak EDBO in his deposition stated that his office was not inspected after 07.06.1995 till September 1997 for the year 1997 and thereby proved that the C.O. did not visit and inspect the office on the year 1997.
- iv) That on direction of the higher authority, the concerned offices had been asked to know the fact whether the office was actually visited and inspected by the C.O. In reply 25 offices intimated non-inspection of their offices and accordingly the report was submitted to the Chief P.M.G., Shillong on 11.12.1997.
- v) That out of 7 enlisted witnesses, 4 were examined. The rest 3 could not attend the hearing due to non-receipt of summons as these offices are situated in hilly and very backward area. Though they were asked again to attend the hearing at Agartala, they could not due to far distance.
- vi) That Sri Anderson, BPM, Nungsang in his letter dtd.14.10.1999 intimated that his health do not permit him to travel the long distance and as far the enquiry he begged to state that he did not know who was Hazarika, Inspector because he (Hazarika) never visited his office.

9. The case of the defendend.

The C.O. denied the charge and hold that the prosecution miserably failed to prove the charges brought against him. He pleaded the following in support of his claim. The points under 'A' are in r/o article of charge No.I and under 'B' in r/o article of charge No.II.

- A. i) Non-submission of written defence in response to the charges and non-attendance to the inquiry cannot be held as nothing to say in defence.
- ii) The plea of the PA that the reminders were issued asking submission of IR is not correct and the P.O. did not produce any such reminder to sustain the plea. The EXS-1 & EXS-2 not at all proved that the IRs were not submitted.
- iii) EXS-3 to EXS-66 are not at all the documents to prove that the IRs were not submitted, they are not transperating the submission / non-submission of IRs. The deposition of SW-4, Sri O.Dwijamani Singh is not corroborated by the documentary evidences. The deposition might have been made on the basis of some records not from memory as it was not expected to keep the figures of IRs submitted / non-submitted by different inspecting authority of the Division in his

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memory. Non-production of the said documents leads the deposition to be false and fabricated.

- iv) Non-production of hand-to-hand receipt book of receipt and despatch branch of the Divisional Office for the period from January 96 to April 98 had failed to show the actual fact as to handing over the IRs to the inspection branch.
 - v) Non-production of additional documents shown by the C.O. viz. Monthly Tour T.A. advance file for the period from July 97 to March 98 of SDIPOs, Ukhrul maintained by the Divisional Office, Imphal and the reasons thereof has interred that the documents if produced be unfavourable to the person who withholds it i.e., prosecution.
- B. i) EXS-68 to EXS-72 are not original ones, but photocopy. Therefore secondary evidence and can only be acceptable when the original destroyed or lost or cannot be produced in reasonable time. In this case no such reasons are explained and hence not admissible.
- ii) The deposition of SW-1, SW-2 & SW-3 are suffered from short coming of (a) the original letter stated to be written by them to SPOs, Imphal were not shown to them at the time of their deposition & (b) the evidences are not conclusive. Inspection of a BO cannot be confirmed only on the basis of oral statement of the BPM who not alone constitute the establishment. There are other staff and they are equally relevant and material.
- iii) Account Book, BO Journal, BO receipt book are the minimum documents, which required to be signed by the inspection authority in course of inspection of a Branch Office. These documents were not produced because, if produced, they would be unfavourable to the charge.
- iv) The veracity of the letter written to the SPOs by those witnesses who did not turn up before the inquiry authority could not be tested & the charge of non-inspection of these offices is dried up.
- v) Examination of Sri N.C.Haldar, DSPOs, Imphal was very essential as he engineered the whole episode in collaboration with SW-1 to SW-4. But he did not turn up & inference goes against the said Sri N.C.Haldar agreeable to the section 114 of Indian Evidence Act third which emphasis that the court may presume if a man refers to answer a question which he is not compelled to answer by law, the answer if given, would be unfavourable to him.

(i) The article of charge-I is for non-submission of IRs in respect of the 54 offices enlisted in ANNEXURE 'A' to the charge sheet reported to have been inspected by the C.O. in the year 1996 as SDPOs, Ukhrul Sub Division, Manipur Divn. Also for non-submission of IRs of 44 offices enlisted in ANNEXURE 'B' to the

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Annexure A-22/(Xiii)

charge sheet reported to have been inspected in the year 1997 to SDIPOs, Ukhrul Sub Division in Manipur Divn. by the C.O. To prove the charge, the following ingredients are to be satiated.

- (1) That the C.O., during the period in question, worked as SDIPOs, Ukhrul Sub Division.
- (2) That the offices enlisted in ANNEXURE 'A' & ANNEXURE 'B' to the charge sheet were allotted to the SDIPOs for inspection during the year 1996 & 1997 respectively.
- (3) That the aforesaid enlisted offices are reported to have been inspected on the date shown against them in the respective annexure by the C.O.
- (4) That the C.O. did not submit the IRs in respect of those offices mentioned in the said ANNEXURE 'A' & ANNEXURE 'B'.
 - (a) The C.O. in no stage of the inquiry denied the fact of his working as SDIPOs, Ukhrul Sub Division, in Manipur Division during the period from 29.01.1996 to 31.01.1998. The EXS-3(a) to EXS-48(b), the fortnightly diaries of the C.O. reflected that the C.O. worked as SDIPOs, Ukhrul during the said period except the period from 05.08.1996 to 18.08.1996 and again from 07.04.1997 to 21.04.1997. On both the occasions he was on EL. In addition, those exhibits manifest the enjoyment of EL and restricted holiday during the period from 06.10.1997 to 17.10.1997 by the C.O. Therefore, it can easily be held that the C.O. worked as SDIPOs, Ukhrul Sub Division to the strength mentioned herein above.
 - (b) The EXS-1 & EXS-2 clearly revealed that the offices particularized in the ANNEXURE 'A' & ANNEXURE 'B' were allotted to the SDIPOs, Ukhrul Sub Division for carrying out inspection for the year 1996 and 1997 respectively. There was no denial of the C.O. on this point nor the documents were in question. Thus it can be easily held that these office were allotted enclosed for inspection by the C.O. during the year 1996 and 1997 as categorized in the said ANNEXURE 'A' & ANNEXURE 'B'.
 - (c) The exhibit EXS-3 to EXS-48 are the fortnightly diaries of the SDIPOs, Ukhrul Sub Division for the period of Feb 96 to Dec 97 submitted to the SPOs, the SSPOs and the DPS, Imphal by the C.O. The EXS-49 to EXS-66 are the monthly summary for the period from July 96 to December 97 submitted by the C.O. in the capacity of SDIPOs, Ukhrul to the Divisional Head. The authenticity of these documents are not questioned, nor disordered them by the C.O. in any stage of inquiry. These documents can be taken into account as

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Annexure. A - 22 / (xiv)

authentic and of CO's. These documents enlightened that the C.O. reported the inspection of the offices enlisted in ANNEXURE 'A' & ANNEXURE 'B' on the date shown against each.

- (d) The P.O. pleaded that the non-attendance of the C.O. clearly proves that the C.O. has nothing to say in his defence. While the C.O. argued that non-submission of written defence in response to the charge and non-attendance to the hearing of the inquiry not at all infer deficiency in defence. The law of the natural justice is that no adverse inference can be drawn for non-submission of written defence statement and non-attendance to the hearing by the C.O. And I don't think this will automatically prove the charge.
- (ii) The P.O. emphasis over the deposition of SW-4. Sri O.Dwijamani Singh, the then Dealing Assistant, IR branch of the Divisional Office, Imphal who has stated that he received 25 IRs out of 70 for the year 1997 and none for the year 1996 from the C.O. From this deposition, the P.O. pleaded that the charge is proved and the C.O. neither visited the offices particularized in ANNEXURE 'A' & 'B' to the charge sheet on the dates shown "gain" each and hence question does not arise about the receipt of the IR. The C.O. averred that the deposition of SW-4 is not corroborated by the documentary evidences and the deposition might have been made on the basis of some records not from his memory as it was not expected to keep the figure of IRs submitted / not submitted by the different inspecting authority of the Division in his memory and non-production of the documents leads the deposition to be false and fabricated. Although the veracity of the deposition of SW-4 was not tested by the C.O. in course of hearing, but putting the above argument, a question mark is invited. One cannot keep in his memory how much what is what unless he maintains a record. Non-production of the record is really a deficiency towards sustaining the charge unless and otherwise corroborated by the other documents produced.
- (iii) The P.O. further pleaded that despite repeated reminders the C.O. did not submit the IRs and even paid no response to the reminders. In course of inquiry no such pleading except in the brief was put forward by the P.O. and not any documentary prove was produced. The allegation was also not brought in the charge sheet or in the statement of imputation therein. It is an extenuous and have no weightage.
- (iv) The C.O. further added that the hand-to-hand receipt book for the period from Jan 96 to April 98 of the receipt and despatch branch is a vital document to the instant charge and non-production of the same has created deficiency in proving the charge. The argument of the C.O. cannot be held as correct. This document is not the vital document or primary document but the secondary. This document is required for corroboration to the truth-ness of maintenance of primary document i.e., the account of receipt of IRs. The C.O. has got the power to recall document / witness in case any lacuna arises on the evidence already adduced. But he cannot call witness or new document unless and otherwise mentioned by the either party

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and dropped later on. Or. name of which not come up in course of inquiry or mention in the statement of imputation or misbehaviour or misconduct. Calling of such document / witness is tantamount to bringing of personal knowledge. Therefore, the register of receipt of IR was not called for.

- (v) The C.O. strongly pleaded that non-production of additional document sought by the C.O. and permitted by the I.O. viz. monthly tour T.A. advance file for the period from July 97 to March 98 of SDIPOs, Ukhrul maintained in the Divnl. Office, Imphal and non-disclose of reasons of non-production has handicapped him in submission of effective defence. He urges to infer that the documents if produced, the unfavourable to the person who withhold it, i.e., prosecution. This argument has got irresistible forces. In course of requisition of the document the C.O. shown the relevancy of the document to the case as "First T.A. advances were not released on the ground that no IRs were submitted. But, later on, when the IRs were submitted T.A. advances were also released subsequently. It is necessarily ascertained under what circumstances the tour T.A. advances released subsequently". This relevancy was accepted by me and requisition for the documents was made followed by several reminders but no effect. Even no reason of withholding of the documents by the custodian was communicated. The P.O. also could not explain the reason of non-discovery of the document either in course of inquiry nor in his brief. The P.O., in his brief is quite silent on this score. And therefore, I can draw the inference that if the document produced, the position of non-submission of IRs would have not been supported what alleged to have.

From what discussed above at para 1(a) to 1(d) it is stood that while the ingredients delineated at para 1(1) to 1(3) are satisfied, the ingredients at para 1(4) is not satisfied and therefore, hardly sustained the article of charge-I

- 10.1. In article of charge No.II it is alleged that the C.O. while working as SDIPOs, Ukhrul during the period from 29.01.1996 to 31.01.1998 had shown inspection of following particularized offices on the date shown against each during the year 1997 in his fortnightly diaries of the year but he had not practically inspected on those dates or any subsequent dates of the year as asserted by the EDBPMs of those offices and thereby violated the provision of Rule-308(1) of P&T Man.Vol.VIII and failed to maintain absolute integrity, exhibited himself in a manner unbecoming of a Govt. servant attracted the provision of Rule-3(1)(i) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

i)	Chingjarai EDBO	on	25.02.1997
ii)	Sirarakhong EDBO	on	29.02.1997
iii)	Kamang Kakching EDBO	on	19.05.1997
iv)	Sahgshak EDBO	on	10.06.1997
v)	Nungshang EDBO	on	15.07.1997
vi)	Pushing EDBO	on	28.07.1997

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10.2. a) To sustain the charge, the following components are required to be sustained.

- (1) That the C.O. worked as SDIPOs during the period from 29.01.1996 to 31.01.1998.
 - (2) That the offices mentioned in the sub-para were allotted to the SDIPOs, Ukhrul for carrying out inspection during the year 1997
 - (3) That the offices were reported to have been inspected by the C.O. on the date shown against each.
 - (4) That the C.O. did not practically inspected these offices on the date shown against each and thereby violated the provision of Rule-308(1) of P&T Man. Vol. VIII and Rule 3(1)(i) & 3(1)(iii) of CCS (Conduct) Rules, 1964.
- b) As observed in sub-para 1(a) supra it is well settled that the C.O. worked as SDIPOs, Ukhrul during the period from 29.01.1996 to 31.01.1998 except the period from 05.08.1996 to 18.08.1996, from 07.04.1997 to 21.04.1997 and from 06.10.1997 to 17.10.1997 during which he was on EI. & CL.
- c) The EXS-2 postulates that the offices particularized in the statement of imputation of misconduct or misbehaviour in support of charge of article-II were allotted to the C.O. for carrying out inspection during the year 1997. There was no denial of the C.O. on this point nor the document is disputed. Therefore, it is stood that these offices were allotted to the C.O. for carrying out inspection in the year 1997.
- d) The exhibits EXS-28(a) & (b), EXS-30, EXS-34(a) & (b), EXS-35(a) & (b), EXS-37(a) & (b) and EXS-38(a) & (b) are the diary of the C.O. for the 2nd fortnight of Feb 97, 2nd fortnight of March 97, 2nd fortnight of May 97, 1st fortnight of June 97, 1st fortnight of July 97 and 2nd fortnight of July 97 reflected that the C.O. reported to have inspected Chingjarai EDBO, Sirarakhong EDBO, Kamang Kachang EDBO, Sa'ngsha' EDBO, Nungshang EDBO and Pushing EDBO on 25.02.1997, 29.03.1997, 19.05.1997, 10.06.1997, 15.07.1997 & 28.07.1997 respectively. The authenticity of the documents were not questioned nor disowned by the C.O. Therefore, these documents can be taken into account as authentic and therefore it can easily be held that the C.O. had reported to the Divnl. Head inspection of these offices on the date shown against each.
- e) (i) The C.O. pleaded that the EXS-68 to EXS-72 are not the originals ones, but photocopy. Therefore secondary evidence and cannot be accepted unless the original is reported destroyed or lost or not able to produce in reasonable time. As no such reasons are explained or disclosed by the prosecution the document cannot be taken into account. He further pleaded that the veracity of the letter written to the SPOs, Imphal by those witnesses who did not turn up before the

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inquiry authority could not be tested and the charge of non-inspection of their offices is dried up. The contention of the C.O. is examined and find that the EXS-68, EXS-70 and EXS-69 were authenticated by the SW-1, SW-2 & SW-3 in course of deposition made before me and hence these documents are authentic documents and can be taken into account without any question. The veracity of EXS-71 to EXS-72 could not be tested nor could be authenticated in course of inquiry due to non-attendance of the respective writer who were summoned in two occasions. Since these documents were submitted beyond the knowledge of the C.O. and these are the photocopies of the reported letters, these documents cannot be entertained as authentic.

- (ii) The P.O. to sustain the charge mainly depend upon the deposition of the SW-1, SW-2 & SW-3 and pleaded that they have categorically stated their office were not inspected by the C.O. on the date shown against each in the imputation of charge of article-II. The C.O. pleaded that the deposition of SW-1, SW-2 & SW-3 are suffered from shortcoming of (a) the original letter stated to be written by them to the SPOs, Imphal were not shown to them at the time of deposition and (b) the evidence are not conclusive. He further added that inspection of a B.O. cannot be confirmed only on the basis of oral statement of a BPM who is not alone constitute the establishment. There are other staff and equally relevant and material. The averment of the C.O. is not at all on correct putting. The photocopy of the letters written by the SW-1, SW-2 & SW-3 were shown to them at the time of deposition made before the I.O. and they admitted that these documents were written by them and sent to the SPOs concerned. It also cannot be held that their evidences are not conclusive as no other staff of the offices is produced as witness. They are being in-charge of the respective offices are mainly concern to the inspection and without them their office cannot be inspected while other staff of the establishment may or may not be present. Unless the veracity of the deposition of a witness is in question no collaborative evidence is necessary. The SW-1, Sri L.Ito Singh, EDBPM, Kamang Kakching EDBO categorically stated that the C.O. did not visit his office till 25.09.1997 and also he did not receive any inspection remark till then. The SW-2, Sri S.Yarangai, EDBPM, Pusling EDBO authenticated that EXS-70 as a photocopy of his letter and categorically stated that his office was not inspected by the C.O. till 09.10.1997. Again SW-3, Sri V.S.Variso, EDBPM, Sahganshak EDBO also authenticated that the EXS-69 as of photocopy of his letter and emphasised that his office was not inspected by the C.O. up to Sept '97. The deposition of all these witnesses have not been questioned nor appeared any doubt on the truth of their deposition. Therefore, the depositions can be taken into account as a fact.

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- (iii) The P.O. further pleaded that the higher authority asked to know the fact whether the offices were actually visited and inspected by the C.O. On query, 25 offices intimated non-inspection of their offices and accordingly a report was submitted to the C.O., Shillong. Nothing is in this sort was enumerated in the charge of statement of imputation nor any document on this behalf was produced during the enquiry. Therefore, it is an extraneous matter and cannot be waited.
- (iv) The P.O. again pleaded that the three enlisted witness could not attend the hearing due to non-receipt of summons as their offices are situated in very backward and hilly area. Although they were summoned again to attend the hearing at Agartala, they did not due to far distance. This is not based on fact. The summons were sent to the P.O. for serving on the prosecution witness under Regd. Post vide Agartala H.O. RL No.234 dtd.24.8.99 with A.O. and the said RL was received by him on 2.9.99 while the date of appearance of these witness was 17.9.99 and there was ample time to reach the summons to the respective witness. The transit can at the best requires 5 days to reach the corner of the Division. However, an opportunity was given to them to attend at Agartala. The distance cannot be a valid reason on the way of attending the proceedings. The P.O. should have ensured that his witnesses were attended on the fixed date and time. It is inactiveness on the part of the prosecution that their witnesses did not attend the hearing despite opportunities are offered.
- (v) The P.O. pleaded that Sri A.S. Anderson, BPML, Nungsang B.O. intimated him in letter dtd.14.10.99 that Sri Anderson could not attend due to his illness and categorically stated he do not know who was Hazarika, Inspector because he (Hazarika) never visited his office. No such letter is received by me, nor this type of document could be taken into account and therefore discarded.
- (vi) The C.O. pleaded that the account book, B.O. Journal and B.O. Receipt book are the minimum documents are required to be signed by the inspecting authority in course of inspection of a B.O. These documents were not produced because if produced they would be unfavourable to the charge. This argument cannot be held a valid one. This document could be produced in support of the allegation but without them the issue can be decided one-way or the other way. These documents are not at all a part of a document or series of documents without which the series will not be completed. As a result these documents are not required to fill up the lacuna or in evidence produced before me. These are other independent set of documents.

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Dated 28/9/99

Annexure A-22/(xix)

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(vii) The C.O. again pleaded that the examination of Sri N.C.Haldar, Dy. Supdt. of POs, Imphal was very essential as he engineered the whole episode in collaboration with SW-1 to SW-4 but he did not turn up and emphasise that the inference may be drawn presuming that if a man refuse to answer question who is not compelled to answer by law, answer if given, would be unfavourable to him agreeable to the section 114 of Indian Evidence Act. The N.C.Haldar, Dy. Supdt. of POs, Imphal was cited as defence witness by the C.O. and summon was issued accordingly. Sri Haldar did not turn up for recording deposition on the date fixed for, instead expressed his willingness to the Disc. Authority endorsing a copy to the I.O. The C.O. did not press for further summoning of Sri N.C.Haldar as defence witness. Therefore, he was dropped. Again the I.O. was got no statutory power unless Govt. of India empower him under the enquiry act and in this instant case this was not done. Unless a person appeared before the I.O. for recording deposition and put question thereof, it cannot be said he did not answer the question and presumption can be drawn that if answered it would be unfavourable to the prosecution. It can be unfavourable to the defence also equally. This depends upon the question what would have been put if attended. The provision of section 114 of India Evidence Act is not applicable. Moreover, the witness was of the defence not of the prosecution. Nowhere in the charge sheet or in the statement of imputation the name of Sri N.C.Haldar or the designation of the Dy. Supdt. or the Supdt. was mentioned and therefore the deposition of the said Sri N.C.Haldar cannot be said material. His deposition was proposed for clarification of circumstances under which the exhibit EXS-68 to EXS-72 were addressed to the Supdt. of POs, Imphal. The circumstance under which the EXS-68, EXS-69 & EXS-70 written by the author of the letters, could have been got clarified by the cross examining them by the C.O., who did not avail the opportunity offered to him. Therefore, the argument mentioned to have made in this para by the C.O. is not sustained.

(viii) Under the conspectus of what discussed in para 10.2 to above, it is established that the C.O. had shown in his fortnightly diaries. EXS-34(a) & (b). EXS-35 (a) & (b) and EXS-38 (a) & (b) had reported inspection of Kamang Kachhingh EDBO, Sahgsahk EDBO and Pushing EDBO on 19.5.97, 10.6.97 & 28.7.97 but he did not actually visit the offices on those dates or any other day till 17.10.97, Sept 97 and 9.10.97 respectively

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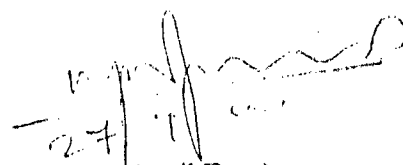
Annexure A-22/ (XX).


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FINDINGS

11. On the basis of documentary and oral evidences adduced in the case before me and in view of the reasons given, I hold that the article of charge-I not proved and article of charge no. II proved to the strength of 3 EDBOs particularised at para 10.2 (e)(vii) out of six alleged to.


(Sunil Das)
Dy. Supdt. of Post Offices
O/o the D.P.S., Agartala
&
Inquiry Officer


A. Das
29/07/1980

Annexure - A-23 / (i)

Sabrom RL No. 3046

B-25/11/2000

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P-9/4

To

The Director of Postal Services,
Nagaland, Kohima-797 001.

Sub:- Representation against the inquiry report
submitted by sri Sunil Das, Dy. Supdt. of
Post Offices, Agartala (Inquiry Officer).

Ref:- Your letter No. Rule-14/S.B. Hazarika Dated, 12.10.00.

Sir,

The representation against the inquiry report submitted
by the Inquiry Officer has been submitted as follows.

1. The I.O. has reported in the findings of his inquiry report
that the charge under Article-I has not been proved and the
charge under Article-II has been partially proved to the extent
of 3 EDBOs out of 6 EDBOs. as those three EDBOs viz. Kameng Kak-
ching, Shamshak and Pushing were found to be not inspected by
the C.O.

2. The findings of the I.O. in respect of Article-I is correct
while the findings of the Article-II in respect of the above 3 E
EDBOs is not correct the reasons for which have been enumerated
below in the succeeding paras.

3. That, the offices mentioned in para-1 above were found to
be not inspected on the basis of written statements and oral
evidences (depositions) of the BPMs of these EDBOs viz.

(1) L. It Singh, EDBPM, Kameng Kakching-	SW-1
(2) S. Yarngai, EDBPM, Pushing	SW-2
(3) V. S. Vareiso, EDBPM, Shamshak	SW-3

4. That, the dates of examination of these witnesses were
fixed first by the I.O. from 16.9.99 to 20.9.99 at Imphal in
the o/e the DPS, Imphal when the C.O. was functioning as C.I.
in the o/e the DPS, Kohima.

5. That, the C.O. was not relieved of his duties by his contro-
lling authority i.e. the DPS, Kohima after attending the inquiry at
Imphal and so the C.O. could not attend the inquiry.

6. That, the I.O. held the inquiry ex-parte and the SWS were
allowed to be examined by the P.O. in the absence of the C.O.
and thereby the C.O. was denied the opportunity to cross examine
the SWS to prove his innocence and thereby the principles of
natural justice were violated.

7. That, the I.O. was appointed by the ^{then} ~~Disciplinary~~ ^{then} ~~Authority~~ ^{then}
i.e. the DPS, Imphal on 8.5.98 and the I.O. held the regular
hearing of the case for examination of the SWS on 16.9.99 to
20.9.99 (15.9.99 for production of documents for bringing into
record). It is seen that the I.O. took more than 1 1/2 yrs time to
fix the first date of examination of the SWS; but he could not
afford even one month's time to the C.O. by adjourning the
hearing. It is not understood why the I.O. was so hurry and
hustle to hold the inquiry ex-parte and to allow to examine
the SWS in absence of the C.O. The I.O. also did not assign

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reasons in his orders dated 15.9.99, 16.9.99, 17.9.99, & 18.9.99 justifying his action in holding the inquiry ex-parte and why the proceedings could not be adjourned till a further date or what miscarriage of justice would have happened had the proceedings been adjourned.

8. That, the decision of the I.O. to hold the inquiry ex-parte and to allow the examination of the SWS in absence of the C.O. was unjust, unfair and unwarranted. Because, total 6 SWS were summoned to be examined during the period from 16.9.99 to 20.9.99 in support of the charges under Article-II out of which only 3 SWS turned up and other 3 SWS did not turn up. If I.O. was just, proper, sparing and upright, then it was his upright duty to disallow the examination of other SWS any more; but the I.O. gave another chance for examination of the SWS who did not turn up, and fixed date 21.10.99 for their evidence and summons to SWS were handed over to the P.O. for service to them. By the above act the I.O. gave more time to the P.O. while the C.O. was denied time for cross-examination of the SWS. The I.O., therefore, acted in a partisan manner giving weightage to the scale in favour of the prosecution. Principles of natural justice demand that justice should not only be done but also should be shown that justice has been done. In this case it has not been seen what justice has been done.

9. That, no appeal could be filed against the decision of the I.O. as no appeal lies against any order passed by an I.O. in the course of an inquiry under Rule-14 as per provisions of Rule-22(iii) of the CCS(CCA) rules, 1965. Nevertheless, this was vehemently objected before the I.O. on 22.10.99 in course of inquiry; but the I.O. did not record the plea and objection of the C.O. in his order dated 22.10.99. Hence, it was felt of no use to raise this issue before the I.O. and it was left to be agitated before the Disciplinary authority in the event of adverse report by the I.O.

10. That, under Rule-15(2) of the CCS(CCA) Rules, 1965 the disciplinary authority may reject the findings of the I.O. on any article of charge if the evidence record is sufficient for the purpose. The following are the sufficient record for this purpose:

I.O.'s Inquiry Notice dated 12/23.8.99; I.O.'s Orders Nos. 8 dated 15.9.99, order No.9 dated 16.9.99, Order No 10 dated 17.9.99; Orders No.11 dated 18.9.99 and inquiry notice dated 20.9.99 and order No.14 dated 22.10.99.

It is, therefore, earnestly prayed that having regards to what has been submitted above you would be just and kind to exonerate fully the C.O. of all the charges rejecting the findings of the I.O. in respect of 3 EDBOs found to be not inspected by the C.O. under the charge of Article-II.

Yours faithfully,

(S.B. HAZARIKA)
C.O.

Date: - 25/11/00
28.8.2000

Attested
28/11/00
A.S.B.

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Hear me. A-24/(1) P-26

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA - 797001

No. Rule 14/S.B. Hazarika

Dated Kohima the 8-6-2001

In the office memo No. Diary/SDIPOs-Ukhrul/97 Dtd. 19.2.98 of DPS Manipur : Imphal, it was proposed to hold an inquiry under Rule 14 of the CCS (CCA) Rules 1965 against Shri. S.B. Hazarika the then SDIPOs, Ukhrul Dn, Ukhrul. A statement of articles of Charges and a statement of imputation of mis-conduct and mis-behaviour in support of the article of charges and a list of documents by which and a list of witnesses by whom the articles of charges were proposed to be sustained were also enclosed with the said memo.

2. Shri. S.B. Hazarika was given an opportunity to submit within 10 days of the receipt of the memo a written statement of defence and to state whether he desires to be heard in person.

Statement of articles of charges framed against Shri.S.B.Hazarika the then SDIPOs Ukhrul- Dn, Ukhrul.

ARTICLE - I

Shri. S.B. Hazarika, while working as SDIPOs Ukhrul Sub- Dn, during the period from 29-01-96 (A/N) to 31-01-98, he had shown to have inspected as many as 54 (fifty four) Post Offices in the year 1996, but had not submitted a copy of the inspection remarks in respect of each of those 54 (fiftyfour) Post Offices, to the Supdt. of Post Offices, Manipur Division Imphal or any other appropriate authority in place of the Supdt. of Post Offices, Manipur- Dn Imphal. Similarly, the said Shri. S.B. Hazarika, had shown to have inspected as many as 70 (Seventy) Post Offices during the period from 01-01-97 to 31-12-97, but had not submitted a copy of the inspection remarks in respect of 45 (fortyfive) Post Offices, to the Supdt. of Post Offices, Manipur- Dn Imphal or any other appropriate authority in place of Supdt. of Post Offices, Manipur- Dn Imphal. By his above acts, the said Shri. S.B. Hazarika violated the provision of Rule- 300 (2) of P & T Man. Vol VIII read with DEpt. of Posts/ New Delhi letter No. 17-3/92- Inspn. Dated 02-07-1992, and Rule-3 (1) (ii) of CCS (Conduct) Rules, 1964.

ARTICLE- II

Shri. S.B. Hazarika, while working as SDIPOs Ukhrul Sub-Dn, during the period from 29-01-96 to 31-01-98, he had shown to have inspected the following EDBOs in Ukhrul Sub-Dn, on the date noted against each.

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Name of the EDBO	Date of Inspn. shown by Shri. S.B. Hazarika
1. Chingjarai EDBO	25-02-1997
2. Sirarakhang EDBO	29-03-1997
3. Kamang Kakching EDBO	19-05-1997
4. Shangshak EDBO	10-06-1997
5. Nungshong EDBO	15-07-1997
6. Pushing EDBO	20-07-1997

But, in fact, the said Shri. Hazarika did not at all inspect the above mentioned EDBOs either on the date noted against each or on any other date in the year 1997. Therefore, by his above acts, the said Shri. S.B. Hazarika, violated the provisions of Rule 300 (1) of the P & T Man. Vol. VIII, Rule- 3 (1) (i) of the CCS (Conduct) Rules, 1964 and Rule-3 (1) (iii) of the CCS (Conduct) Rules, 1964.

3. I have gone through the case carefully. Briefly, Shri.S.B.Hazarika, was chargsheeted under Rule 14 of the CCS (CCA) Rules 1965 vide DPS, Manipur Imphal memo no.Diary/SDIPOs Ukhul/97, dtd. 19.2.98 with the following charges:-

- i) While working as SDI (P) Ukhul Sub-Divn from 29.1.96 to 31.1.98 he failed to submit inspection reports of 54 Post Offices in the year 1996 and 45 Post Offices in 1997 which were shown to have been inspected by him
- ii) For having shown as inspected but did not inspect 6 EDBOs in Ukhul Sub-Divn between 25.2.97 to 28.7.97.

4. Shri.Sunil Das, the then Supdt. of Post Offices, Agartala Divn, Tripura was appointed as the inquiry officer to inquire into the charges framed against Shri.S.B.Hazarika. After adducing both oral and documentary evidences the inquiry officer submitted his inquiry report vide his letter no.SP-1/TNQ, dtd. 27.9.2000.

5. As per the findings of the inquiry officer Article I of the charge is not proved and Article-II of the charge as partially proved to the strength of 3 EDBOs out of 6 alleged not to have been inspected.

6. A copy of the report of the inquiry officer was supplied to the charged official for making representation, if any. Shri.Hazarika submitted his representation which was sent by RL. NO.3096, dtd. 25.11.2000. While agreeing with the findings of the IO in respect of Article I, Shri.Hazarika disagreed with the findings of the IO in respect of Article-II of the charge on the following grounds:-

- i) The BOs alleged not to have been inspected was on the basis of written statements and oral evidence of the BPMs of those three BOs viz. Kameng Kakching, Pushing and Shamshak BOs.
- ii) The dates of the examination of those witnesses were fixed from 16.9.99 to 20.9.99 at Imphal when the CO was functioning as C.I in the O-o the DPS Kohima.
- iii) The enquiry was held exparte and the state witnesses were allowed to be examined by the PO in the absence of the CO and he was denied the opportunity of cross examination of the state witnesses.

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iv) The IO held regular hearing ex parte in a hurry in the absence of the CO and did not record reasons for holding the enquiry ex parte.

v) The decision of the IO to hold the enquiry ex parte and to allow the examination of the state witnesses in the absence of the CO was unjust, unfair and unwarranted.

vi) Non examination of the state witnesses was objected to by the CO before the IO on 22.10.99 but the IO overruled the objection and did not record the plea and objection of the CO.

The CO, therefore, prayed to the Disciplinary Authority to exonerate him fully of all the charges rejecting the findings of the IO and in respect of 3 EDBOs found to be not inspected by the CO under the charge of Article II.

7. I have examined the chargesheet, deposition of state witnesses, written briefs of the PO and the CO, the inquiry proceedings, report of the inquiry officer and the representation of the CO against the inquiry report. While accepting the findings of the inquiry officer in respect of the article II of the charges, the disciplinary authority disagrees with the IO in respect of IO's findings on Article I of the charge for the following reasons:-

i) Although there are short comings on the part of the then Disciplinary Authority in not including certain important documents in the listed documents on the basis of which the articles of charges were proposed to be proved and the presenting officer in not producing all the witnesses and additional documents as asked by the CO and permitted by the IO during the hearings, sufficient documentary and oral evidences have been produced during the oral inquiry to establish the charge against the CO.

ii) The deposition of SW-4, Shri.O.Dwijamani Singh, the then Dealing Asstt. IR branch, O/o the DPS Manipur, Imphal was crucial in substantiating Article I of the charges SW-4 deposed that he received 25 IRs out of 70 for the year 1997 and none for the year 1996. SW-4 also deposed that the CO did not submit the IRs inspite of repeated reminders. The CO challenged that the deposition of SW-4 was not corroborated by documentary evidence and might have been made on the basis of some records and not from his memory as he was not expected to keep the figures of the IRs submitted / not submitted by the different inspecting authority of the division and non production of documents leads the deposition to be false and fabricated. The plea of the CO was accepted by the IO who concluded that non production of the record is really a deficiency towards sustaining the charge unless and otherwise corroborated by other documentary evidence.

The contention of the IO is not acceptable. SW-4 was a mere witness and he was supposed to answer what he knew to be the truth. He was not supposed to bring the documents along with him until and unless he was asked to do so. He had deposed before the inquiry as he was asked for and it was the duty of the CO to contest what SW-4 deposed during the inquiry.

Attached
Dated 28/10/99
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iii) The contention of the CO that SW-4 cannot be expected to keep in memory all the figures of IRs submitted / not submitted by inspecting officers and which has been accepted by the IO is also not convincing. SW-4 had been working in the IR branch for a considerable period and it was not an impossible task to remember the numbers of IRs not submitted by the CO in 1996 and 1997. It was not only one or two but the IRs of all the POs stated to have been inspected by the CO in 1996 were alleged not to have been submitted by the CO. 53 IRs of 1997 were alleged not to have been submitted by the CO. It was, therefore, not a difficult thing for the SW-4 to keep in mind the number of IRs submitted/ not submitted by the CO.

iv) Another point raised by the CO and accepted by the IO is non-production of additional documents like monthly tour TA advance file for the period from July 1997 to March 98. It was argued by the CO that if the additional documents were produced these would be unfavorable to the prosecution. By this documents the CO tried to prove that subsequent TA advance was not granted unless IRs were submitted. This inference was accepted by the IO. The prosecution should have produced the additional documents as asked by the CO and permitted by the IO. However, on perusal of the records it is seen that though the IO in para 3 of his order no. 4 dtd.22.10.99 mentioned that he decided to call the file, he did not specifically ask the PO or the competent authority to produce the documents. Even if the documents as asked for were produced they are not likely to help the defence of the CO in the absence of any specific order which the CO should have produced if there was any. Therefore, in the absence of any specific order in support of the plea of the CO it was wrong to draw any inference due to non-production of certain additional documents.

v) The charge against the CO was that he did not submit some IRs of the POs which he claimed to have inspected in 1996 and 1997. He was given ample opportunities to deny the charge & establish his innocence. However, from the records of the inquiry proceedings it is seen that he did not attend the preliminary and regular hearings and took part in the oral inquiry only after evidence on behalf of the disciplinary authority was closed. For his defence the CO has raised issues like non-production of certain additional documents, non-production of original documents and lacuna in the deposition of state witnesses. But the CO has not produced any documentary or oral evidence to show that he had indeed submitted the IRs of the POs which were stated to have been inspected by him. Copies of the IRs or receipts of registered letters by which the IRs were submitted which are crucial documentary evidence were not produced by the CO to establish his innocence and disprove the charge.

In view of the above, article I of the charge against Shri.S.B.Hazarika is clearly established.

8. As far as Article-II of the charge is concerned the IO has concluded that the charge is partially proved to the extent that out of 6 EDBOs alleged not to have been inspected, non inspection of three BOs namely Kameng Kakching, Pushing and Shamshak BOs has been proved. Even though the inspection of the remaining three BOs has not been established the Disciplinary Authority inclines not to dispute with the findings of the IO and hold the Article-II of the charge against the CO as partially proved.

9. The points raised by the CO in his representation against the report of the Inquiry Officer have also been considered:-

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Annexure - A - 24 / (V)

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i) The oral evidence as well as the written statements of the three BPMs whose offices were alleged not to have been inspected are crucial and sufficient evidence to prove that the three BO were not inspected by the CO in the year 1997. The BPMs are the custodians of all the BO records and as such their oral depositions and written statements as to whether the BOs have been inspected or not cannot be dismissed lightly. The other BO staff like EDDAs and EDMCs may or may not be present at the BOs during inspections. But no inspection of BOs can be carried out in the absence of the BPMs who are responsible for safe custody of the BO records. Therefore, unless contrary is proved, their written statements and oral evidence have to be accepted.

ii) The CO was not debarred from attending the enquiry at any point of time. In fact he was directed to attend the hearing at Imphal on 21.10.99 vide DPS Kohima memo of even no. dtd.22.9.99. But the CO deliberately chose not to attend the enquiry. As such the CO cannot claim that he was not relieved of his duty as CI in the O/o the DPS, Kohima by the controlling authority and as such could not attend the enquiry. Sufficient opportunity was given but the CO did not avail the opportunity to attend the inquiry and cross examine state witnesses. Therefore, he was not denied but he did not avail the opportunity to cross - examine state witnesses.

iii) As the CO failed to attend the oral hearings fixed by the IO on several dates the enquiry was held exparte upto the completion of the stage of presentation of prosecutions, documents and witnesses. As such non cross examination of State witnesses was due to non attendance of the hearings by the CO on the dates fixed for examination and cross examination of State witnesses.

iv) When the CO deliberately chose not to attend the inquiry on numerous dates fixed for preliminary and regular hearings by the IO and sufficient opportunities afforded to the CO, no specific reason is required to be recorded as to why the enquiry was held exparte.

v) The decision of the IO to hold the enquiry exparte and to allow the examination of State Witnesses was in order. When the CO chose not to attend the previous hearing there was no question of postponing the examination of witnesses due to the absence of the CO. If for any reason the CO could not attend the hearing on a particular date fixed by the IO he could have informed the IO and prayed for a postponement / adjournment. But there was no written communication to the IO from the CO's side.

10. In short sufficient opportunities were given to the CO to deny the charges and establish his innocence. But Shri.S.B.Hazarika just ignored the enquiry upto the stage of presentation of prosecution, documents and witnesses. Apart from pointing out deficiencies in the inquiry, he has not produced any relevant documentary or oral evidence to establish his innocence and disprove the charges. The charges against Shri.S.B.Hazarika are very serious. One of the main duties and functions of a Sub-Divisional Inspector of Post Offices, is the annual inspection of Post Offices. But Shri.Hazarika failed to carry out this main function of an IPO while working as SDI (P) Ukhrul Sub-Division between 29.1.96 to 31.1.98. Such kind of an irresponsible official is not fit to be retained in service. However, considering the facts and circumstances of the case, I feel that Shri.Hazarika should be given another opportunity to reform himself by retaining him in service and impose the following punishment on Shri. S.B. Hazarika :-

Attested
Dated 28/10/99
[Signature]

Agreement. A-24/(vi).

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ORDER

Therefore, I Shri.F.P.Solo, Director of Postal Services, Nagaland Kohima and the Disciplinary Authority hereby order that the pay of Shri.S.B. Hazarika, the then SDIPOs Ukhrul Sub-Dn now C.I.Divisional Office, Kohima (U/S) be reduced by 6 (six) stages from Rs.6650/- to Rs.5500/- in the time scale of Rs. 5500-175-9000/- for a period of three years w.e.f. 1-06-2001 with cumulative effect. It is further directed that Shri. S.B.Hazarika, C.I.Divl. Office, Kohima (U/S) will not earn increment of pay during the period of reduction and that on the expiry of this period, the reduction will have the effect of postponing his future increments of pay.

sd-

(F.P.Solo)
Director of Postal Services
Nagaland : Kohima - 797001

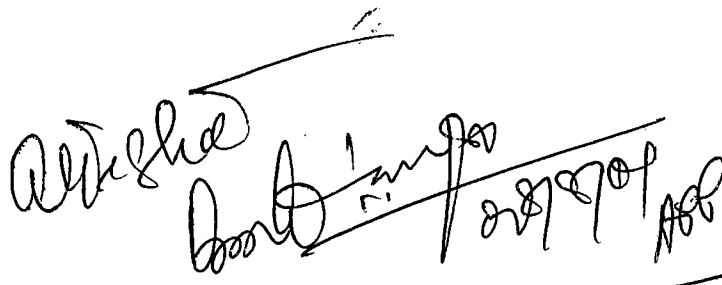
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4. The Director Of Postal services, Manipur : Imphal for information
5. Shri. S.B.Hazarika, C.I. Divl. Office Kohima (u/s)
6. PF of the Official
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The


(F.P.Solo)

Director of Postal Services
Nagaland : Kohima - 797001


28/7/01