

GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 139/2001

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. O.A. 139/2001 Pg. 1 to 2
2. Judgment/Order dtd. 28/05/2001 Pg. No. separate order Disposed
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 139/2001 Pg. 1 to 18
5. E.P/M.P. N/L Pg. to
6. R.A/C.P. N/L Pg. to
7. W.S. N/L Pg. to
8. Rejoinder. Pg. to
9. Reply. Pg. to
10. Any other Papers. Pg. to
11. Memo of Appearance.
12. Additional Affidavit.
13. Written Arguments.
14. Amendment Reply by Respondents.
15. Amendment Reply filed by the Applicant.
16. Counter Reply.

SECTION OFFICER (Judl.)

uitreoo

FORM NO. 4
(See Rule 42)

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

ORDER SHEET

Original

APPLICATION NO ...139... OF 2001.

Applicant (s) Mr. J. S. Tam Khul

Respondent (s) V. O. I. Rom

Advocate for Applicants (s) L. S. Sharma, N. Sharma

Advocate for Respondent (s) case

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

This application is in form
but not in time. Contention
Petition is filed not filed vide
M. P. No. C. F.
for Rs. 50/- deposited vide
IPO/BD No. 24. 648767
Dated 19.2.2001

22.5.01

Heard Mr. L. S. Sharma Learned Counsel for
the applicant. The application is admitted. Call
for records. Mr. A. Deb Roy Sr. C.G.S.C. accept
the notice on behalf of the respondent.

List on 4-7-01 for admission.

Dy. Registrar.

Member

Vice-Chairman

bb

4 b's steps
received.

NS
31/5/01

NS
23/5/01

25/5/01.

28-5-01
(Imphal)

Notice prepared and sent to
DLS for printing the Respondent
No 1 to 4 by Regd AID. vide
D/No.

Present : The Hon'ble Mr Justice Ashok
Agarwal, Chairman &
Hon'ble Mr K.K. Sharma,
Administrative Member.

Applicant and his Advocates are
absent. We have heard Mr A. Deb Roy,
learned Sr. C.G.S.C appearing on behalf
of the respondents and proceed to
dispose of the present O.A. on merits
in terms of Rule 15 of the C.A.T.
(Procedure) Rules 1987.

contd..

28-5-01

The present O.A. contains innocuous prayers ~~and~~ for a direction to the respondents to dispose of the representation at Annexure A/6 which was received by the respondents on 11.1.2000 within the stipulated period. It contains a further prayer to issue a direction to the respondents to initiate and complete the disciplinary proceedings against the applicant also within the stipulated period. The same contains a final prayer for quashing the suspension order dated 4.12.99 at Annexure A/5 on the ground that the same has been issued mala fide, arbitrary and with oblique motives.

In our view the first two prayers deserve to be granted. Accordingly the respondents are directed to dispose of the representation and communicate their decision thereon to the applicant within a period of 3 months from today. The respondents are further directed to initiate and complete the disciplinary proceeding against the applicant within a period of 9 months from today.

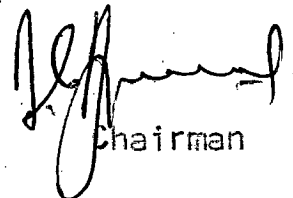
As far as the last prayer is concerned, we do not find that just cause has been made out for revoking the suspension order. The applicant however will be entitled to re-apply for this prayer in case the disciplinary proceeding is not completed within the aforesaid period of 9 months.

The present O.A. is disposed of with the aforesaid directions with no order as to costs.

14.6.2001

Copy of the order has been sent to the Office for issuing the same to the applicant as well as to the L/Adm for the Respd.
H

K. L. Sharma
Member


Chairman

Advocate
Signature of the Counsel on
behalf of the applicant.

PRESENTED BY:-

ADVOCATE ✓

ADVOCATE ✓

PRESENTED BY:-

ADVOCATE ✓

PRESENTED BY:-

PRESENTED BY:-

- PRESENTED BY:-**

PRESENTED BY:-

PRESENTED BY:-

PRESENTED BY:-

- PRESENTED BY:-**

PRESENTED BY:-

PRESENTED BY:-

2) JURISDICTION OF THE TRIBUNAL:

The applicant declares that 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 prescribed in Section 21 of the Administrative Tribunals Act, 1985 in as much as suspension order of the petitioner was passed on 04/12/99 by the authority against which the petitioner submitted his representation without much delay to the authority for revocation or cancellation of the suspension order of which was received by the authority on 11/01/2000 and further against non disposal of the representation as well as delay in completing the disciplinary proceedings this petitioner filed a Writ Petition before the Hon'ble Gauhati High Court, Imphal Bench being Writ Petition (C) No.358 of 2000 on 04/04/2000 and lastly it was withdrawn on 19/03/2001 with liberty to file the case before the Central Administrative Tribunal when he came to know that the Hon'ble High Court had no jurisdiction to try his case.

4) FACTS OF THE CASE:

A) The petitioner was appointed as the Extra Departmental Post Master (in short EDPM) of Phungcham Branch Office vide Memo No.A-1/P.F./Phungcham dated 07/01/83 by the Director of Postal Services, Manipur. (Annexure - A/1)

B) In 1996 on mere allegation of vacating the post of EDBPM by the petitioner the Sub-Divisional Inspector of Postal Services (in short - SDIPO)/Ukhrul appointed one Miss Leiyaphy Khaleng as the Extra Departmental Post Master/Phungcham (in short EDPM) vide his order dated 24/06/1996 in collusion with the father of the said Miss Leiyaphy Khaleng. On challenging the appointment order of Miss Leiyaphy Khaleng as EDBPM/Phungcham by filing representation before the Supdt. of Post Offices, Imphal by the petitioner and since the order of appointment of Miss Leiyaphy Khaleng was wrong, illegal and frivolous it was lastly cancelled and the Senior Supdt. of Post Offices, Manipur Division vide his letter No.A-1/P.F./Phungcham dated 03/12/96 intimated the SDIPO/Ukhrul to handover the charge of Phungcham B.O. to the petitioner and further directed the Post Master, Imphal Head Post Office to release the pay and allowances of the petitioner. (Annexure - A/2)

C) In compliance to the order of Senior supdt., Post Offices, Manipur Division dtd 03/12/96 (Annexure -A/2), the SDIPO/Ukhrul issued a letter to this petitioner to join to his services as EDBPM-Phungcham vide his order No.A-1/Phungcham/Ukhrul dated 01/04/97 (Annexure - A/3).

D) As a revenge to reinstatement into service of the petitioner the father of Miss Leiyaphy Khaleng who has a good relation and right hand man of the then Chief Minister (C.M.), Manipur namely Shri Rishang Keishing lodged a complaint against the petitioner by forging the signature of the Headman of Phungcham Paorei Village (Centre Panchayat Court) complaining that the Branch Post Master of Phungcham is irregular and not functioning in the Office. It was with a motive to enable to reappoint his daughter Miss Leiyaphy Khaleng as the BPM of Phungcham B.O. and not other than that. Over and above this fact on the pressure of the father of Miss Leiyaphy Khaleng the then Hon'ble C.M. of Manipur, Mr. Rishang Keishing also lodged a complaint against the petitioner that the petitioner was appointed as a Pastor of Varangarei Village and he was not functioning properly as Post Master etc. On receipt of the allegations against the petitioner the Dy. Supdt. of Post Offices, Manipur Division, Imphal asked the SDIPO/Ukhrul to make an enquiry and submit his report within 10 (ten) days vide his letter No.A1/PF/Phungcham dtd. 13/08/99. One of the most surprising state of affairs of this letter dated 13/08/99 of Dy. SPDS/Imphal was that a copy of the said letter was given to Miss Leiyaphy Khaleng who is not having any connection with this matter. (Annexure - A/4).

F) Then the Sub-Divisional Inspector of Post Offices (SDIPO)/Ukhrul vide his order Memo No.A1/PF/Phungcham B.O. dtd.04/12/99 placed the petitioner under suspension with immediate effect in contemplation of a disciplinary proceeding against him (Annexure - A/5).

A copy to the suspension order dtd. 04/12/99 was sent to the Director Postal Services, Manipur Division by the SDIPO/Ukhrul for his kind approval by stating further that the charge of the B.P.M was to be handed over to Miss Leiyaphy Khaleng of Phungcham Village as her name was recommended by the Ex-Chief Minister, Rishang Keishing, present sitting M.L.A. and Dr. M. Horam, Chairman Hill Areas Committee, Govt. of Manipur.

F) Soon after receipt of his suspension order from service on 04/12/99 the petitioner submitted a representation to the Director of Postal Services, Manipur dated nil stating inter-alia all the facts of his innocence and the suspension was on false allegations and charges with bias and ulterior motives and requesting the authority to revoke or cancel the said suspension order and the representation was received by the authority on 11/01/2000. (Annexure - A/6).

G) The authority neither disposed of the representation of the petitioner nor expedite and completed the disciplinary proceedings against him as early as possible and accordingly the petitioner filed a Writ Petition before the Hon'ble Gauhati High Court/Imphal Bench being W.P. (C) No.358 of 2000 on 04/04/2000. In latter stage the petitioner came to know that he filed the case before wrong court having no jurisdiction to try his case since he is a Central Govt. employee and accordingly on 19/03/2001, he withdrew the case with liberty to file the case before the court having the jurisdiction to deal with the matter i.e. the CAT. Hence the present case. (Annexure - A/7)

5. GROUND FOR RELIEF WITH LEGAL PROVISION:-

A- Because the suspension order/impugned order was passed in a malafide manner in as much as it was passed in order to enable the authority or SDIPO/ Ukhrul to accommodate Miss Leiyaphy Khaleng whose appointment issued by the said SDIPO/Ukhrul order was once cancelled/revoked as not tenable in earlier occasion.

B- Because the suspension order was passed in colourable exercise of power and on the dictates of the elected leaders and higher authorities and not in accordance with law.

C- Because the authorities failed to act on the representation of the petitioner by disposing it at an early date so as to enable the petitioner to seek his remedies in other forum.

D- Because the authority failed to initiate and dispose of the alleged disciplinary proceedings contemplated against the petitioner at an early date and still the same is pending even without furnishing the charges.

E- Because of the suspension and keeping him out of duty for a long time and in his place appointing a new incumbent by spending huge amount from public exchequer it will amount to miscarriage of justice and will not be a wise policy of the authority.

6. DETAILS OF THE REMEDIES EXHAUSTED:-

The applicant declares that he availed of all the remedies available to him even by submitting representation which was received by the authority i.e. the Director of Postal Services, Manipur, Imphal on 11/01/2000 (Annexure - A/6) after his suspension from service on 04/12/99 thereby requesting the authority either to cancel/revoke the suspension order or to complete the disciplinary proceeding at an early date.

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

The applicant declares that he had filed a Writ Petition being W.P. (C) No.358 of 2000 on 04/04/2000 before the Hon'ble Gauhati High Court/Imphal Bench against his suspension order but afterwards he came to know that he had filed in a wrong court and thereafter, he then withdrew the Writ Petition on 19/03/2001.

8. RELIEF SOUGHT:-

In view of the facts and circumstances submitted above the applicant prays the following reliefs:-

- a) A direction to Respondents to dispose of the representation dtd. nil which was received by the authority on 11/01/2000 (Annexure - A/6);
- b) A direction to initiate the alleged disciplinary proceedings and to complete it within a fixed/limited time;

Contd...6/-

c) Pass an order of cancellation or quashing the suspension order dtd. 04/12/99 (Annexure - A/5) as the same was passed with malafide, bias, arbitrary and oblique motive with the colourable exercise of power,

d) Any other relief or reliefs as the Hon'ble Tribunal may deem fit and proper, and

e) Costs of litigation.

9. INTERIM ORDER IF NAY PRAYED FOR:-

In the interim it is prayed that the impugned suspension order dtd. 04/12/2000 (Annexure - A/5) kindly be stayed/suspended and pending the D.E. the petitioner may be allowed to work as the Branch Post Master/Phungcham Branch Office in view of long lapse of time in initiating the D.E. as so far no charge sheet has ever been issued/furnished for the ends of justice.

10. PARTICULARS OF BANK DRAFT/POSTAL ORDER FILED
IN RESPECT OF THE APPLICATION FEE:-

- (I)
- (II)
- (III)

11. LIST OF ENCLOSERS:-

As indicated in the index.

VERIFICATION

I, L. Shangazan Tangkhul, aged about 54 years S/o Late L. Shriphung, (now under suspension from the post of Branch Post Master/Phungcham Branch Office), a resident of Phungcham Village, P.O. & P.S.- Chingai, District - Ukhul, Manipur do hereby verify that the contents from para Nos.1 to 11 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place : Imphal

Signature of the Applicant.

Date : 26th March, 2001.

L. Shangazan
(L. Shangazan)

To

The Registrar,

ANNEXURE - A/1

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE DIRECTOR POSTAL SERVICES : MANIPUR,
IMPHAL - 795001.

LETTER OF PROVISIONAL APPOINTMENT

Memo No. A-1/PF/Phungcham:

Dated, Imphal the 7th Jan. '83.

Whereas the Post of Extra Department BPM of Phungcham B.O. has become vacant has been newly created and it is not possible to make regular appointment to the said post immediately the DPS Imphal has decided to make provisional appointment to the said post for a period of 6 months from the date of Joining or till regular appointment is made whichever period is shorter.

2. Shri L. Shangazan is offered the Provisional appointment. He should clearly understand that the provisional appointment will be terminated when regular appointment is made and he shall have no claim for appointment to any post.

3. The DPS Imphal also reserved the right to terminate the provisional appointment at any time before the period mentioned in para 1 above without notice and without assigning any reason.

4. Shri L. Shangazan will be governed by the Extra Departmental Agents (conduct & service) Rules, 1964 as amended from time to time and all other rules and orders applicable to Extra Departmental Agents.

5. In case the above conditions are acceptable to Shri L. Shangazan he should sign the duplicate copy of this memo and return the same to the undersigned.

Sd/-

Director Postal Services
Manipur Imphal - 795001.

Copy forwarded to :-

1. Shri L. Shangazan, Phungcham Village (Ukl.).
He should sign the duplicate copy of the Memo enclosed and return the same to this Office immediately.
2. The Postmaster Imphal H.Q.
3. The SDIPOs, Ukhrul.
4. SPM.

Sd/-

Director Postal Services
Manipur Imphal - 795001.

TRUE COPY

ADVOCATE

OFFICE OF THE
SENIOR SUPERINTENDENT OF POST OFFICES
MANIPUR DIVISION, IMPHAL - 795001.

Memo No.A-1/PF/Phungcham:

Dated, Imphal the 3rd Dec. 96.

To

The SDIPO/Ukhrul.

Subj:- Appointment of EDBPM of Phungcham D.P.

Ref:- Letter No.A-1/Phungcham dtd. 23/7/96.

*Please hand over charge of the E.O. to the regular BPM
Shri L. Shangazan immediately and report compliance.*

Sd/-

Senior Superintendent of Post Offices
Manipur Division, Imphal - 795001.

Copy to:-

The Postmaster, Imphal H.Q. for information and necessary action.
He will please release pay and allowance of the BPM.

TRUE COPY

ADVOCATE

Sd/-

Senior Superintendent of Post Offices
Manipur Division, Imphal - 795001.

ANNEXURE - A/ 3

DEPARTMENT OF POST-INDIA
OFFICE OF THE SUB-DIVISIONAL INSPECTOR (P),
UKHRUL : SUB-DIVISION, MANIPUR.

Memo No.A-1/Phungcham/Ukl.:

Dated, Ukhul, the 1st April, 1997.

To

Shri L. Shangazan,
EDBPM, Phungcham
Via - Ukhul.

Subj :- *Reinstatement in service as EDBPM, Phungcham.*

Please refer to this office letter of even No. dated 24/06/96 as to whether you rejoined duty on 01/06/96 and if so send joining charge reports to the undersigned by return of post.

It is mention worthy that you were asked to join back as EDBPM, Phungcham immediately after 31/05/96.

This is most urgent.

Sd/-

(S.B. Hazarika)

Sub-Divisional Inspector (P)
Ukhul Sub-Division, Ukhul.

Copy to :-

1. The Postmaster, Imphal for information.
He is requested to release the pay and allowance of the official from 01/06/96 as ordered by the S.S.P.Os Imphal vide his orders No.A-1/PP/Phungcham, dated 03/12/96, a copy (Xerox) of which is enclosed for ready reference please.

TRUE COPY

ADVOCATE

Sd/-

(S.B. Hazarika)

Sub-Divisional Inspector (P)
Ukhul Sub-Division, Ukhul.

15

-11-

ANNEXURE - A/ 4

**DIRECTOR POST SERVICES,
MANIPUR IMPHAL - 795001.**

Memo No.A-1/PF/Phungcham:

Dated, Imphal the 13/08/99.

To

Shri Ngareophung,
SDIPS/Ukhrul.

**Sub:- *Complain against Shri L. Shangazan EDBPM/Phungcham
BO lodged Headman Phungcham Village Centre Panchayat
Court Mashunrim.***

Shri Hr. Wungnaoyo Headman, Phungcham Paorei Village Centre Panchayat
Court Mashunrim Phungcham lodged complain against the irregularly non-
functioning of BPM.

In this connection Shri Rishang Keishing the than Chief Minister, Manipur
has also lodged the complain against Shri L. Shangazan BPM of Phungcham
B.O. stating that who has been appointed as Pastor of Varangarei Village, Ukhrul
and Miss Leiyaphy Khaleng D/o Mahai Khaleng of Phungcham Village as
appointed as BPM before one year of the C.M. letter and he has requested
that her appointment may be regularised and she will be entitle to regular
pay, but till today no fruitful result.

TRUE COPY

ADVOCATE

Contd...2/-

In the meantime Shri L. Shangazan who was a teacher of Paocham High School, Ukhrul who attend 55 years old and retired from service on superannuation w.e.f 31/07/92 A/N. All the relevant xerox copies of letters are sent to L/W for your immediate enquiry and submit details report within 10 days positively. This may be treated most urgent.

Encl :- As above.

Sd/-

(N.C. Halder)

Deputy Supdt., of Post Offices
Manipur Division Imphal - 795001.

Copy to :-

1. Miss Leiyaphy Khaleng, Phungcham Village, for information.
2. Hd. Man of Phungcham Village, Ukhrul - for information.

Sd/-

(N.C. Halder) 13/08/99

Deputy Supdt., of Post Offices
Manipur Division Imphal - 795001.

TRUE COPY

ADVOCATE

[Ph-cham]

DEPARTMENT OF POST-INDIA
OFFICE OF THE SUB-DIVISIONAL INSPECTOR (P),
UKHRUL : SUB-DIVISION, MANIPUR.

Memo No.A-1/Phungcham B.O.:

Dated, at Ukhrul, 4th December 1999.

O R D E R

Whereas disciplinary proceeding against Shri L. Shangazan Bpm, Phungcham BO is pending.

Now, therefore, the undersigned is exercised of the powers conferred by Rule 9 of P&T Ed. Agents (Conduct & Service) Rules 1964, hereby places the said Shri L. Shangazan under put off duty with immediate effect.

It is, further ordered that during the period that this order shall remain in force, the head quarter of Shri L. Shangazan will be Phungcham Village BO and the said Shri L. Shangazan shall not leave the Hq. without obtaining the prior permission of the undersigned.

Sd/-

(Ng. Ngareophung)

Sub-Divisional Inspector of Post Offices,
Ukhrul Sub-Division, Manipur.

Copy to:-

1. The Director Postal Services, Manipur Division for information and kind approval. It is further intimated that on 18/11/99 the undersigned personally visited the office B.O. and found the Bpm is unauthorised absent since from 1997 and the detail reports will be submitted shortly. Hence the charge of the Bpm is to handover Miss Leiyaphy Khaleng of Phungcham Village as Bpm of the BO as Edda cum Edmc is not fit to hold the charge of Bpm of the BO and as Miss Leiyaphy is recommended Bpm candidate by Ex-Chief Minister Rishang Keishing present sitting MLA and Dr. M. Horam Chairman Hill/area and Committee Govt. of Manipur.
2. Shri L. Shangazan Bpm, Phungcham BO for information.
3. New Bpm Miss Leiyaphy Khaleng of Phungcham Village B.O. for information.
4. The Post Master,, Imphal HQ for information.
5. Office Copy of the S.D.I. Ukhrul.

Sd/-

(Ng. Ngareophung)

Sub-Divisional Inspector of Post Offices,
Ukhrul Sub-Division, Manipur.

[Ph-cham]

TRUE COPY

ADVOCATE

ANNEXURE - A/ 6

To

The Director of Postal Services,
Imphal, Manipur Division.

**Sub:- Prayer for revocation of suspension order under Memo
No.A1/PF/Phungcham B.O. dated at Ukhrul the 4th Dec. 1999.**

Humble submission of L. Shangazan of Phungcham.

—Petitioner.

Hon'ble Sir,

With due respect, the petitioner begs to submit as follows:-

1. That, the petitioner has received the suspension order Memo No. A-1/PF/Phungcham B.O. dated at Ukhrul the 4th Dec. 1999 through a Registered Post on the 9th Dec. 1999 and being aggrieved with the said order, the petitioner begs to prefer this appeal for favour of your kind consideration.
2. That, before the suspension order served to me through a registered Post dtd. 4/12/99, the Deputy Supdt. of Post Officer, Manipur division Imphal has served an information to Shri Ngareophung SD/P.S. Ukhrul dtd. 13/8/99 Memo No.A-1/PF/Phungcham B.O., a copy served to the Headman of Ukhrul directing Ngareophung to hold enquiry on the alleged non-functioning of Phungcham -BPM.

The information further refers (Para II) that as desired by the then Hon'ble Chief Minister, Manipur Shri Rishang Keishing one Miss Leiyaphy Khaleng be appointed BPM Phungcham by removing L. Shangazan from the service. The contents of the information inferred that the post of B.P.M. Phungcham is a political appointment. If it is so the petitioner BPM is bound to seek the intervention and favourable Hon'ble Chief Minister of Manipur for recommendation and favour etc.

TRUE COPY

ADVOCATE

Contd....2/-

3. That, it is further referred that the petitioner is a Pastor of Varangarei Baptist Church and that he has been alleged to be irregular in his task/responsibility in discharging the official duty. To this the petitioner begs to say that Varangarei is only a machet & part and parcel of the mother village - Phungcham and that the village administration of Phungcham-Paorei-Varangarei are carried out by the Original acting Headman H.R. Wungnaoyo according to the Tangkhul Custom. In Phungcham Village, there are two different machet - (1) Paorei (2) Varangarei and both remain under the patta of Phungcham Village where the Original pattadar resides. It would be misunderstood by the Postal Authorities Manipur division that Phungcham Paorei and Varangarei are 3 different and distinct villages, having different village panchayat or jurisdiction. Perhaps, such misconception would tend to lead the authority to come to the conclusion that the postal service of L. Shangazan at Varangarei would have caused irregularities in his official duties as BPM Phungcham. It is to state that both Paorei and Varangarei are situated equidistant from Phungcham Village - 21/2 Kms. from Phungcham. Secondly, the Postoral service is confined to duty specially on Sunday a general holiday in the country. Thirdly, Shri L. Shangazan did not migrate/shift to Varangarei. His house, properties both movables and immovables are all at Phungcham and except on Sunday he is physically at Phungcham and is active in the discharge of his duties as BPM Phungcham. The Headman and his village Authority members do not find fault of his irregularities but Shri Mahai Khaleng and a group of disgruntle persons who are against the religious congregations, village development and a smooth functioning into the village administration are always intended to create problem after problem for his own gain by identifying himself as a political leader in the village and influenced the then Hon'ble C.M. Manipur (Rishang Keishing) for a strong recommendation into the appointment of the daughter as BPM by removing the petitioner from the said post. The petitioner would draw your kind attention as to how the Dy. Supdt. of Post Officer Mr. N.C. Halder directed to hold an enquiry against L. Shangazan BPM Phungcham dtd. 13/08/99. Whereas the whole populace of Phungcham solidly stood behind the Headman, V.As. and L. Shangazan. Shri Mahai Khaleng alone forcible removal of L. Shangazan. 95% of the villagers are solidly behind petitioner (L. Shangazan) that his pastoral service rendered within the village is as convenient as he did so while he was servicing as an Assistant Teacher of Paocham High School. In support of this contention, the Headman of Phungcham H.R. Wungnaoyo, on behalf of Phungcham-Paorei village Centre Panchayat has submitted an application to the Director Postal Services, Manipur Division dtd. 10/10/99 with reference to No.A1/PF/Phungcham dtd. 13/08/99. A photostat copy attached herewith in Annexure (A/1).

TRUE COPY

ADVOCATE

Contd....3/-

4. That, on receipt of the information/order Dy. Supdt. of Postal Service No. A1/PF/Phungcham dtd. Imphal the 13/08/99, the Headman and BPM Phungcham went to Ukhul to met the SBI Post Ukhul on the 17/11/99 whereas the SBI came to Phungcham from his village Tungou Via Tuinem, Phadang, Tolloi to Phungcham and thus they missed him at Ukhul. At Phungcham the SBI/Post asked to sign on a blank paper to L. Kuisang V.A. and P.R. Vaoreithing, a runner Phungcham BPM and on the next day, (18/11/99) the SDI Phungcham for Ukhul. Both of them did not know and understood Vaoreithing submitted an application to the Director Postal Services containing among other the enquiries and his replies to SDI Postal Services Ukhul. The said application is enclosed herewith in Annexure A/2.

5. That, it is presumed that there is a strong evidence to prove that the SDI Postal Services Ukhul and Shri Mahai Khaleng to forcible remove L. Shangazan from his service and thus SDI has submitted on concocted reported to the Director, Postal Service Imphal Manipur division resulting in the suspension order of L. Shangazan for an allotted irregularities into the service. Justice requires as explanation call to L. Shangazan be made and an opportunity of being heard be afforded for his defence before issuing the suspension order dtd. 4/12/99. Such an arbitrary order of the superior officer is subject to judicial review unless revoked with immediate effect. In act of humiliation to the employee by the superior officer shall require to be tested in the court of Justice.

6. Prior to the recent suspension order 4/12/99 as against L. Shangazan, the SDI/Ukhul Post Office (S.B. Hazarika) under Memo No. A1/PF/Phungcham Ukhul dtd. Ukhul 24/06/96, has forcibly removed L. Shangazan from BPM Phungcham and one Miss Leiyaphy Khaleng was appointed into the same post on frivolous charges. To this L. Shangazan made a presentation to the Director Postal Service Manipur Division dtd. 23/10/99- a photostat copy of the SDI/Ukhul has issued an order No. A1/PF/Phungcham/Ukhul for reinstatement of L. Shangazan to the same post. The said order attached in Annexure - A/4.

TRUE COPY

ADVOCATE
L. J.

Contd....4/-

It is most regretted to say that the Central Services Employees have ignored the constitutional right of a citizen "The opportunity of being heard" and employees are under mercy of the "Higher authority" either dismiss or remove or suspend.

Sir, kindly examine the relevant documents submitted in Annexures and may please pass order as may deem fit and proper at your end.

May I request you :-

- i) To revoke the suspension order dtd.. 4/12/99 as arbitrary and unconstitutional and an opportunity of being heard be afforded to the victim for justice.
- ii) Political interference in the matter of appointment and retention in to the Central Postal Services be stopped immediately and justice done.

Yours faithfully,

Sd/-

(L. Shangazan)

Annexures :-

1. No.A1/PF/Phungcham dtd. 13/08/99.
2. Statement of P.R. Vaoreithing, runner Phungcham BPM dtd. 25/11/99.
3. Petition by L. Shangazan to the Director Postal Service Manipur Divn. dtd.. 23/10/96.
4. Order No.A1/PF/Phungcham Ukhrul dtd.. 01/04/97.
5. Order of the Senior Supdt. of Postal Services dtd. 03/12/96.
6. Suspension order 04/12/99.

TRUE COPY

ADVOCATE

IN THE GAUHATI HIGH COURT

(The High court of Assam, Nagaland, Meghalaya, Manipur,
Tripura, Mizoram and Arunachal Pradesh).

IMPHAL BENCH

Writ Petition (C) No.358 of 2000.

Shri L. Shangazan Tangkhul.

—Petitioner.

-VERSUS-

1. The Union of India and 3 (three) others.

—Respondents.

P R E S E N T

THE HON'BLE MR. JUSTICE B.B. DEB

For the petitioner : Mr. L. Sharat Sharma, Advocate
For the respondents : C.G.S.C.
Date of order : 19/03/2001.

O R D E R

Heard Mr. L. Sharat Sharma, learned counsel for the petitioner.

He prays for permission to withdraw this case with liberty to re-file again, it
so advised.

Be that as it may, the petition is allowed to be withdrawn with liberty to re-file
again, if so advised.

Sd/- B.B. Deb. Judge.

TRUE COPY

ADVOCATE