

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 147/2001

R.A/C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

uitrecoo

FORM NO.4
(See Rule 42)

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

ORDER SHEET
APPLICATION NO147...OF 2001.

Applicant (s) D.K. Deoni

Respondent (s) U.O.I. Form

Advocate for Applicants (s) Mr. P. Gogoi, Mr. P.K. Boruah

Advocate for Respondent (s) case.

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

This application is in form
but not in the form of a
Petition is filed vide 18.4.01
N.P.
for S. 133 Cr.P.C.
IPC/B. 60 792214
Dated 9.4.2001

He Dy. Registrar 11/4/2001

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

Admit. Issue notice. Returnable by six
weeks. Call for the records.

List on 11.6.2001 for further orders.

Vice-Chairman

trd

11/4/2001

11.6.2001

Mr.A.Deb Roy, learned Sr.C.G.S.C.

for the respondents prays four weeks time
to file counter reply.

Prayer allowed. The applicant may
file rejoinder, if any, within two weeks
thereafter.

List on 2-8-2001 for orders.

Member

Vice-Chairman

① Service report are
still awaited.

bb

22/8.01

Reminds p

Receipt received.

20.4.2001

Service of Notice
issued to the
respondents vide
No. 1502 W. 1503 dtd 26/4/07.

Boo

(2)

2.8.01

List on 4.8.2001 to enable the respondents to file written statement.

No written statement has been filed.

IC Ushan
Member

Vice-Chairman

mb

4.9.01

Mr. A. Deb Roy, learned Sr. C.G.S.C. prays for 4 weeks time to file written statement.

List on 8/10/01 for further order.

By
3.9.01

No written statement has been filed.

IC Ushan

Member

mb

8.10.2001

Further four weeks time is allowed to the respondents to file written statement as prayed by Mr. B. C. Pathak, learned ~~xxxxx~~ Addl. C.G.S.C. for respondents.

List on 21.11.2001 for further orders.

By
5.10.01

No written statement has been filed.

IC Ushan
Member

Vice-Chairman

bb

21.11.01

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

List on 3/1/2002 for hearing.

By
20.11.01

20.11.2001

WFS submitted by the respondents.

mb

pad

IC Ushan
Member

Vice-Chairman

No rejoinder has been filed.

3.1.2002

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is allowed. No order as to costs.

By
2.1.02

16.1.2002

Copy of the Judgment has been sent to the Dy. Sec. for issuing the same to the applicant as well as to the R.C.S.C. for the Respondent.

IC Ushan
Member

Vice-Chairman

nk m

By 16/1/02

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./W.X. No. 147 of 2001

DATE OF DECISION 3.1.2002

Shri Dinesh Kumar Deori.

PETITIONER(S)

Mr P. Gogoi and Mr P.K. Boruah

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

The Union of India and others

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENTS

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

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

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman

No.

5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.147 of 2001

Date of decision: This the 3rd day of January 2002

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

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

Shri Dinesh Kumar Deori,
Ex-Sub-Postmaster, Roing,
Resident of Postal Colony,
Naharlagun, Itanagar,
Arunachal Pradesh.

.....Applicant

By Advocates Mr P. Gogoi and Mr P.K. Boruah.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Communication,
Department of Posts,
New Delhi.

2. The Director of Postal Services,
Arunachal Pradesh Division,
Itanagar.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 assailing the legality and validity of the order dated 14.11.2000 dismissing the applicant from service in the following circumstances:

The applicant was appointed as a Postal Assistant under the Postal Department in Arunachal Pradesh. While he was posted as Postal Assistant in the Office of the Sub-Post Master, Naharlagun, Itanagar he was sent to Roing as Sub-Post Master, Roing and he joined the post on 3.8.1999. While the applicant was serving as such a disciplinary proceeding under Rule 14 of the CCS (CCA) Rules, 1965 was initiated against him vide Memo dated 12.4.2000 for alleged misconduct resulting in shortage of cash amounting to Rs.43,228/-. The applicant submitted

his explanation. The department appointed an Inquiry Officer to conduct an enquiry. During the enquiry the Inquiry Officer did not examine any witness nor referred to any documents. The Inquiry Officer, however, in his report, dated 31.8.2000 mentioned that the whole amount of Rs.43,228/- involved in the charge was credited. IN his report the Inquiry Officer stated that charge No.7 was not proved since all other charges were admitted by the applicant fully and unequivocally and further stated that he did not want to proceed further. Accordingly the Inquiry Officer closed the hearing and forwarded the report to the Disciplinary Authority. The Disciplinary Authority by the order dated 14.11.2000 held that the charges were proved and accordingly ordered the applicant's dismissal from service. The applicant submitted an appeal before the Appellate Authority. In the appeal the applicant, inter alia mentioned about the deposit of the entire amount and prayed for lenient view on the basis of his past antecedent. By order dated 13.3.2001 the appeal was also dismissed. Hence this application assailing the legality and validity of the impugned orderd.

2. The respondents contested the claim of the applicant and submitted their written statement. In the written statement the respondents contended that the applicant was provided with all reasonable opportunity before passing the impugned order. According to the respondents the applicant admitted his guilt and accordingly in due course, on the basis of materials on record he was dismissed from service. The Appellate Authority considered his appeal and his appeal was also dismissed.

3. We have heard Mr P. Gogoi, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. at length. From the materials on record it appears that no witnesses were examined, nor had the Inquiry Officer referred to any document. In the report the Inquiry Officer mentioned that the charged official pleaded guilty in respect of charge Nos.1 to 6 and 8 fully and admitted these charges unequivocally. The Inquiry Officer in his report also mentioned that the whole amount involved in the charges was deposited by the applicant and the same was credited in the department. The Inquiry Officer accordingly held

that.....

that the charge of burning of office records mentioned in article 7 of the charges was not specific and could not be proved as all the other charges were admitted fully and unequivocally. The Inquiry Officer concluded his report with the following observation:

"The charge of burning of office important documents of Roing SO in article No.07 is not specific and can not be proved. As all other charges have been admitted fully and unequivocally, I do not think to proceed further. The hearing is hereby closed and no any further hearing is necessary."


The Inquiry Officer did not give any finding to any charge, save and except his affirmation that the applicant admitted the charges 1 to 6 and 8 fully and unequivocally. In what manner the applicant admitted his guilt has not been made known to us. At any rate the Inquiry Officer himself recorded that the applicant deposited the amount involved in the charge. The Inquiry Officer did not give any finding as to whether he found the applicant guilty. The Disciplinary Authority, however, in his report stated that the Inquiry Officer held the charges against the applicant as proved. This observation of the Disciplinary Authority is patently perverse. The Disciplinary Authority on his own also considered the documents which were, however, not considered by the Inquiry Officer and on consideration of the documents the Disciplinary Authority held that the applicant did not deposit the money and thus the applicant misappropriated the amount, though, in fact on the own finding of the Inquiry Officer it was stated that the amount was deposited by the applicant. The Disciplinary Authority did not consider this aspect of the matter as regards the deposit of the amount by the applicant and the effect of the same. The Disciplinary Authority even while imposing the penalty of dismissal did not take into consideration that the amount in question was already deposited. The Appellate Authority also failed to take note of these aspects of the matter. Among the charges, the official was charged for his failure to deposit then and there the amount of Rs.3000/- at the time of handing over of charge of SPM, Roing to one Shri P.K. Roy on 17.9.1999. Similarly, the applicant was charged for drawing excess pay in his favour for the month of August 1999. Though the said amount was later on deposited by the applicant, the Disciplinary

Authority.....

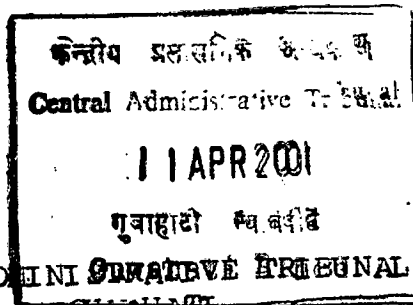
Authority as well as the Appellate Authority failed to take note of all these facets of the material issues which caused grave miscarriage of justice.

4. Considering all the aspects of the matter we are of the opinion that the impugned order dated 14.11.2000 dismissing the applicant from service passed by the Director of Postal Services, Arunachal Pradesh Division, Itanagar as well as the appellate order dated 13.3.2001 are not sustainable in law and accordingly both the orders are set aside and quashed. The respondents are directed to reinstate the applicant in service forthwith. He shall, however, not be entitled to the back wages. The applicant shall, however, be given all other service benefits including seniority other than the back wages.

5. The application is allowed. There shall, however, be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN



C.A. No. 147/2001

(An application U/S. 19 of the Central Administrative Tribunal Act, 1985).

- B E T W E E N -

Shri Dinesh Kumar Deori

.... Applicant.

- VERSUS -

Union of India & others.

.... Respondents.

I N D E X

Sl.No.	Description of documents relied upon.	Page No.
1.	Application 1 to 8
2.	Verification 9
3. X	Annexure - 1(1) Receipt No.089 dt. 10-2-2000	... 10 to 14
	1(2) Receipt No.092 dt.18-2-2000..	
	1(3) Receipt No.020 dt.25-3-2000..	
	4(4) Receipt No.038 dt. 29-4-2000..	
	1(5) Receipt No.040 dt. 3-5-2000...	
4.	Annexure- 2 Memo No.F-2/D.K. Deori dt. 12-4-2000 15 to 23
5.	Annexure-3 Memo No.F-2/ D.K.Deori dtd. 14-11-2000 24 to 31
6.	Annexure-4 Departmental Appeal...	32 to 33
7.	Annexure-5 Memo No.Staff/109 -21/2000 dtd. 13-3-2001 34 & 35
8.	Vakalatnama

For use in Tribunal Office

Date of filing -

Registration No.

Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

Filed by
Grand
(P.K. Baskin)
Advocate
Sri Dinesh K. Deori.

Shri Dinesh Kumar Deori,
son of Late Lokendra Deori
Ex-Sub-Postmaster, Roing,
resident of Postal Colony,
Naharlagun, Itanagar,
Arunachal Pradesh.

.... Applicant.

- Versus -

1. Union of India
represented by the Secretary to
the Govt. of India, Ministry of
Communication, Department of Posts,
New Delhi.
2. Director of Postal Services,
Arunachal Pradesh Division,
Itanagar- 791 111.

.... Respondents.

DETAILS OF APPLICATION :

1. Particulars of the order :- Order of dismissal from service
against which the appli- passed by Shri R.K.B. Singh,
cation is made. Director of Postal Services,
Arunachal Pradesh, dismissing
the applicant from service,

communicated in his Memo.

No.F-2/DK. Deori/99-2000 dated
14-11-2000.(Annexure-3).

2. Jurisdiction of the:- The applicant declares that the court. subject matter of the order against which redressal is sought is within the jurisdiction of the Tribunal.

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

4. Facts of the case :- (1) That the applicant joined as Postal Assistant under the Postal Department in Arunachal Pradesh while he was posted as Postal Assistant in the Office of the Sub-Post Master, Naharlagun, Itanagar, Arunachal Pradesh he was sent to Roing as Sub-Post Master, Roing and he joined the post on 3-8-1999. During his tenure as Sub-Post Master, Roing there was some irregularities, resulting in shortage of cash amounting to Rs.43,228/- (Rupees Forty three thousand two hundred and twenty eight) only. The applicant made up the entire shortage of cash by depositing the same in cash in 5(five) instalments which was duly received and receipts furnished to the applicant.

contd.... 3

sri Dinesh K. Deori

Xerox copy of the receipts are annexed hereto
as Annexures- 1(1), 1(2), 1(3), 1(4) & 1(5).

ii) That inspite of making up the entire shortage
of cash by depositing as aforesaid a departmental enquiry
was instituted against the applicant
/ by serving on him a Memorandum and Articles of charges
under No.F.2/D.K.Deori dated Itanagar the 12th April, 2000.

Copy of the Memorandum and Articles of charges
are annexed hereto as Annexure- "2".

iii) That the disciplinary authority appointed
Shri D. Mazumdar, ASP(C), Itanagar and Shri M.A. Malai
Officer
S.D.I.(W), Itanagar as Inquiry ~~Authority~~ and presenting
Officer but the applicant was not afforded the equal
opportunity of assisting him during the enquiry by an
Officer of his choice. The enquiry was therefore, tainted
with bias against the applicant.

iv) That the Inquiry ~~Authority~~ Officer
has not examined
a single witness nor exhibited any documents to substantiate
the articles of charges and closed the enquiry stating
that the applicant admitted the charges from 1 to 6 and 8
fully and unequivocally. The applicant never admitted the
articles of charges from 1 to 6 and 8 fully and unequivocally.
He only admitted the shortage of cash amount of
Rs.43,228/- (Rupees forth three thousand two hundred and
twenty eight) only which he deposited as aforesaid. The
charge brought on this ground abates on making up shortage

5
Shri Dinesh K. Deori.

of money. The applicant, therefore, deserves to be leniently dealt with, if not fully exonerated. But the Disciplinary Authority dismissed the applicant from service.

A copy of the final order dismissing the applicant from service is annexed hereto as Annexure- Xx "3".

Officer

v) That the Inquiry ~~authority~~ and also the Disciplinary Authority have discussed and relied upon the documentary evidence not exhibited during the enquiry and awarded the applicant the highest punishment of dismissal from service. The departmental enquiry being a quasi-judicial proceedings, the principles followed in judicial proceedings must be followed in departmental enquiry as well. The Inquiry ~~authority~~ ^{Officer and} also the Disciplinary Authority have committed gross illegality in discussing and relying upon documentary evidence not exhibited during the enquiry.

vi) That the applicant has not been furnished with a copy of the enquiry report and the findings of the Inquiry Authority which is mandatory. Punishment awarded to the applicant is therefore illegal and arbitrary.

vii) That the applicant preferred a departmental appeal to the Chief Post Master General, N.E. Circle, Shillong which was rejected by the appellate authority.

Sri Dinesh K. Deare.

Copy of the Departmental Appeal and the order of the appellate authority are annexed hereto as Annexures 4 and 5 respectively.

viii) That the applicant is a tribal person from Assam-Arunachal Border and he has nothing to fall back upon after he has been dismissed from service. He deserves to be leniently dealt with in the instant case.

5. Grounds for relief with legal provisions :-

The applicant prefers this application among others on the following grounds :-

Officer
i) For that the Inquiry ~~Authority~~ has not examined a single witness nor exhibited any document relied upon to substantiate the ~~articles~~ of charges. The charges, therefore remained not proved.

Officer
ii) For that the Inquiry ~~Authority~~ as well as the Disciplinary Authority have discussed and relied upon the documentary evidence not exhibited during the enquiry in utter violation of the principles followed in Judicial and Quashi judicial proceedings.

iii) For that the applicant has not been furnished with a copy of the enquiry report and the findings of the Inquiry Officer which is mandatory (Union of India -Vs- Md. Ramzan Khan (AIR 1991 SC 471). This has violated the entire proceedings of the Departmental enquiry.

Sri Dinesh K. Deori

iv) For that the Disciplinary Authority committed error of facts and error of law in awarding the applicant the highest punishment of dismissal from service on an incomplete enquiry Report.

v) For that though the disciplinary authority appointed a presenting officer the applicant was not given the equal opportunity of assisting him during the inquiry by an officer of his choice and thereby violated article 14 of the constitution of India. The enquiry was also tainted with bias against the applicant.

vi) For that the impugned order is arbitrary and bias against the applicant and violative of article 14 and 21 of the Constitution of India.

vii) For that the appellate authority wrongly rejected the Departmental appeal preferred by the applicant.

viii) For that the punishment awarded is disproportionate to the offence committed.

ix) For that in any view of the matter, the impugned order and the impugned appellate order are bad in law and liable to be set aside and quashed.

x) For that the applicant being a tribal person from Assam Border Arunachal Pradesh and having nothing to fall back upon for his sustenance and the sustenance of his wife and children after his dismissal from service deserves to be leniently dealt with by awarding a lesser punishment.

sri Lingeswari. Deard.

6. Details of the remedies exhausted :

The applicant declares that he has availed of ~~all~~ all the remedies available to him under the relevant service rules by submitting an appeal to the Chief Post Master General, N.E. Circle, Shillong which was rejected by him. (Vide Annexure- 3 and 4).

7. Matters ~~of~~ 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 the application has been made, before any Courts 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.

8. Relief Sought :-

In view of the facts stated in paragraph 4 and 5 above, the applicant prays for the following reliefs :-

- i) to set aside and quash the impugned order bearing memo No.F-2/D.K.Deori/99-2000 dated 14-11-2000 (Annexure-3) passed by the Disciplinary authority dismissed ~~by~~ the applicant from service.
- ii) To set aside and quash the impugned appellate order bearing Memo. No.Staff/109-21/2000 dated 13-3-2001, upholding the order of dismissal of the applicant from service.

9.
Sri Dinesh M. Deori

iii) To re-instate the applicant in Service with effect from the date of dismissal from service.

9. Interim relief :- No interim order is prayed for.

10. Particulars of I.P.O. :

- i) I.P.O. No. :- 66⁹72214
- ii) Date of issue :- 9-4-2001
- iii) Payable at Guwahati.

12. List of enclosures :-

1. Receipts No.089 dated 10-2-2000
Receipts No.092 dated 14-2-2000
Receipts No.020 dated 25-3-2000
Receipts No.038 dated 29-4-2000
Receipts No.040 dated 3-5-2000.
(Annexures- 1(1), 1(2), 1(3), 1(4) and 1(5)).
2. Memo No.F-2/D.K. Deori dated 12-4-2000 (Annexure-2.
3. Memo No.F-2/D.K. Deori/ 99-2000 dated 14-11-2000
(Annexure- 3)
4. Departmental appeal (Annexure-4)
5. Memo No.Staff/109-21/2000 dated 13-3-2001
(Annexure- 5).

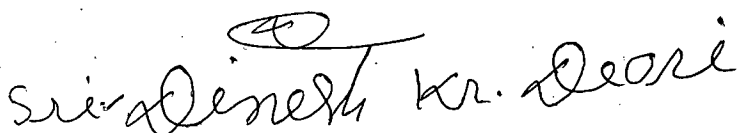
contd... Verification

sri dinesh k. deori.

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

I, Shri Dinesh Kumar Deori, son of Late Lokendra Deori, aged about 40 years, Ex-Sub-Post Master, Roing, Arunachal Pradesh, resident of Naharlagun, Itanagar, Arunachal Pradesh, do hereby verify that the contents of paragraphs 1, 2, 3, 4(1), 4(ii), 4(iii), 4(iv), 4(v), 4(vi), 4(vii), 4(viii), 5(i), 5(ii), 5(iii), 6, and 7 are true to my personal knowledge and paragraphs 5(iii), 5(iv), 5(v), 5(vi) and 5(vii) believed to be true on legal advice and that I have not suppressed any material facts.

I sign this Verification on this 10th day of April, 2001 at Guwahati.


Signature.

पं.सी.जी.०-67

C.G.-67

मूल

Original

भारतीय डाक विभाग
DEPARTMENT OF POST, INDIA

[डाक-तार वित्त पुस्तिका खण्ड I के नियम 8, 154, 159 और 160 तथा डाक-तार वित्त पुस्तिका खण्ड VII (आधुनिक) द्वितीय संस्करण के नियम 100 देखें प्रथम संस्करण (पुनःमुद्रित)]

See Rules 8, 154, 159 and 160 of Posts and Telegraphs Financial Handbook, Volume I Second Edition and Rule 100 of P. & T. Financial Handbook, Vol. III (Part I), First Edition (Reprint)

पुस्तक संख्या

Book No.

GA 255857

रसीद संख्या

Receipt No.

089

Received from... S.D.K. Deon..... से

रु०/Rs. 10,000/- रुपये/Rupees Ten thousand

on account of... Use appropriation मद पाये।

of govt. money, vide

स्थान
Place

letter no P-2/Dic. Dept.

हस्ताक्षर
Signature

99-2000. Matrat

दिनांक
Date

9th Aug 13/12/19

Designation

प्रधानमन्त्री/Minister (P.M.) San: - 1 Postal/97

(SFS/8-12/19)

29-1-97-11-11-11 00 003 2

10/2/2002

GAO. N. 11/11/11

GAO. N. 11/11/11

Annexure - 1(2)

सी०जी०-67
G.-67मूल
Originalभारतीय डाक विभाग
DEPARTMENT OF POST, INDIA[डाक-तार वित्त पुस्तिका खण्ड I के नियम 8, 154, 159 और 160 तथा डाक-तार वित्त पुस्तिका खण्ड II (मूल) द्वितीय संस्करण के नियम 100 देखें]
(पुनःमुद्रित)

See Rules 8, 154, 159 and 160 of Posts and Telegraphs Financial Handbook, Volume I Second Edition and Rule 100 of P. & T. Financial Handbook, Vol. III (Part I) First Edition (Reprint)

पुस्तक संख्या
Book No.

CA 255857

रसीद संख्या

Receipt No.

092

Received from... *Dr. D. K. Datta*.....से₹/Rs... *200000/-* रुपये/Rupees *Two Lakhs*on account of... *for app. & p.m. & c. for the* नद पाये।*Gold. Money vide DPC HR No*स्थान
Place*P-2 101C Datta 199-2000*हस्ताक्षर
Signature

दिनांक

Date

*14-2-2000*पद
Designationप्रशासक सन्त/MCIF (FU) Sant - 1 Postal/97 (SFS/S) *14/2/2000*

29-1-97-18-11-97-1,00,000 Bks.

Postmaster
*R.S.G. TANAGAN**From: S.*
Receipt & C. 14/2/2000

ए०सी०जी०-67
A.C.G.-67मूल
Originalभारतीय डाक विभाग
DEPARTMENT OF POST, INDIA[डाक-तार वित्त स्तिकाग्रण्ड I के नियम 8, 154, 159 और
160 तथा डाक-तार वित्त स्तिकाग्रण्ड III (भाग I)
द्वितीय संस्करण के नियम 100 इन्हे प्रथम संस्करण
(पुनर्नवित्त)See Rules 8, 154, 159 and 160 of Posts and Telegraphs Finan-
cial Handbook, Volume I Second Edition and Rule 100 of
P. & T. Financial Handbook Vol. III (Part I) First Edi-
tion (Reprint)पुस्तक संख्या
Book No.रसीद संख्या
Receipt No.

020

170814

Received from: Dr. D. K. Deora.....

₹/Rs.....5000/- रुपये/Rupees Five thousand

on account of. Minappopra Sidera
Govt. Money rule DPC AL NOस्थान
Place

P-2/DK. Deora 199-200

44 Anagpur 13/4/99

Signature

दिनांक

Date

25/03/2000

Destination

प्रमाण संस्त/MGHS FU-Sant.

Postal 97-1 SFS, S-1

19-1-97-18-11-97 2,00,000 Bks.

25/03/2000

STAMPED
13/4/99
44 Anagpur

ए० टी०-67
A.T. 67

मूल
Original

भारतीय डाक विभाग
DEPARTMENT OF POST, INDIA

[डाक-तार वित्त स्तिका ग्रुप I क नियम 8, 154, 159 और 160 तथा डाक-तार वित्त स्तिका ग्रुप III (भाग I) द्वितीय संस्करण के नियम 100 (प्रथम संस्करण) (पुनःमद्रित)

See Rules 8, 154, 159 and 160 of Posts and Telegraphs Financial Handbook, Volume I Second Edition and Rule 100 of P. & T. Financial Handbook Vol. III (Part I) First Edition (Reprint)

पुस्तक संख्या
Book No. CA

रसीद संख्या
Receipt No. 038

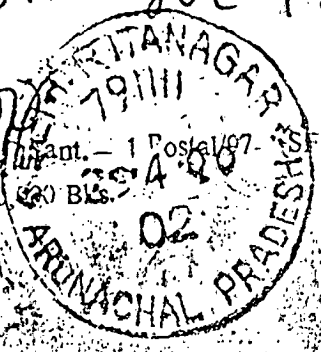
Received from D. K. Desai

₹ 800/- रुपये/ Rupees
on account of house rent of Govt Money.

स्थान
Place Dtd. Jhamsar - 13/12/99

दिनांक
Date 29/11/00
Signature
पद
D. K. Desai

संत/ MGH Fulant. - 1 Postal/97-
18-11-97 200 000 BLS



ए.सी.जी. 67

A.C.G. 67

मूल
Original

भारतीय डाक विभाग
DEPARTMENT OF POST, INDIA

[डाक-तार वित्त स्तिका खण्ड I के नियम 8, 154, 159 और 160 तथा डाक-तार वित्त पुस्तिका खण्ड III (भाग I) द्वितीय संस्करण के नियम 100 देखें। प्रथम संस्करण (पुनःमुद्रित)]

See Rules 8, 154, 159 and 160 of Posts and Telegraphs Financial Handbook, Volume I Second Edition and Rule 100 of P. & T. Financial Handbook Vol. III (Part I) First Edition (Reprint)

पुस्तक संख्या
Book No.

CA

रसीद संख्या

040

Receipt No.

Received from

170814 K. Deau

₹/Rs.

228/2

₹/Rupees

Two hundred

for account of

Misc Use of Govt Money.

स्थान
Place

vide Memo no - P-21 D.K.

दिनांक
Date

8/5/00

Des.

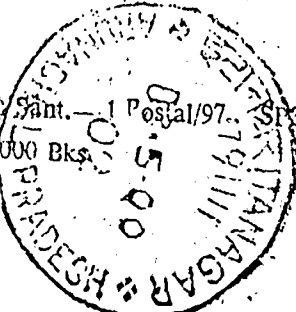
Signature

ममालम सन्त/MGA (FU) Sant.

Postal/97.

S/S-1/4/14

97-18-11-97 4,00,000 Bks.



DEPARTMENT OF POSTS: INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES: ARUNACHAL PRADESH
ITANAGAR - 791 111

No.F-2/D.K.Deori

Dated at Itanagar the 12-4-2000.

MEMORANDUM

The President/undersigned proposes to held an inquiry against Shri D.K. Deori, P.A. Itanagar, H.Q. under Rule 14 of the Central Civil Services (classification, Conduct and Appeal) Rules 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-1). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures- III and IV).

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

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

contd...2

- 2 -

Annexure- 2.

4. Shri D.K. Deori is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rules 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 D.K. Deori is invited to Rule 20 of the Central Civil Services (conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If 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 D.K. Deori 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.

(R.K.B. SINGH)
Director of Postal Services
Arunachal Pradesh Divn
Itanagar- 791 111

To,

Shri D.K. Deori
PA (Now under suspension)
PO. Itanagar HO.

XXXXXXX

Sd/- Illegible,
Director of Postal Services
Arunachal Pradesh Divn
Itanagar- 791 111

contd... 3

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Annexure- 2.

ANNEXURE- 1

Statement of article of charge framed against
Shri D.K. Deori, PA Itanagar HO.

Article - I

Shri D.K. Deori, while working as the SPM Roing SO during the period w.e.f. 3-8-99 to 17-9-99 misappropriated postal cash amounting to Rs.3000/- (Three thousand) only from the SO a/c of Roing SO and thus violated the provision of Rule 23 (2) of P&T Manual Vol.VI Part-I and Rule 3(1)(i) (ii) (iii) of CCS (conduct) rule 1964.

Article - II

Said Shri D.K. Deori while working as SPM Roing has shown Rs.1628 twice as MO paid. Once on 6-8-99 and again on 7-8-99 whereas the MO was actually paid on 7-8-99. Thus Shri Deori misappropriated Rs.1628/- shown as MO payment on 6-8-99 and violated the provision of Rule 29 and 38 of P&T Manual Vol.VI Part-III and also the provision of Rule 3(1)(i) (ii) (iii) of CCS (conduct) Rule 1964.

Article-III

Said Shri D.K. Deori while working as the SPM Roing SO misappropriated Rs.30000/- by showing the amount fraudulent by as Bank Remittance on 8-9-99 and thus violated the provision of Rule 38 and 104 of P&T Manual Vol.VI Part-III and also the provision of Rule 3(1)(i) (ii) & (iii) of CCS (conduct) Rule 1964.

contd... 4

- A -

Annexure- 2.

Article - IV

Said Shri D.K. Deori while working as the SPM Roing SO has lost one 6 yrs NSC having No.1900-116100 for Rs.5000/- and thus violated the provision of rule 23(2) of P&T manual Vol.VI Part-I and Rule 3(1)(i) (ii) (iii) of CCS (conduct) rule 1964.

Article - V

Said Shri D.K. Deori during his working as SPM Roing took Rs.600/- excess over the pay drawn i/r/o him for the month of Aut'99 on A.C.G - 17 and violated the provision of Rule 16 of FHB vol I and Rule 3(1)(i) (ii) (iii) of CCS (conduct) Rule 1964.

Article-VI

Said Shri D.K. Deori during his working as SPM Roing received Rs.1500/- as BO remittance from Koronu BO on 18-8-99. He did not acknowledged the remittance over and above showed a sum of Rs.1500/- as remittance to Koronu BO from Roing SO on 18-8-99 in the transit column of BO summary and thus the discrepancy with the Koronu BO a/c amounted to Rs.3000/- which was mis-appropriated by him violating the provision of Rule 67 & 74 of P&T manual vol.VI Part-III and Rule 3(1)(i) (ii) (iii) of CCS (conduct) Rule 1964.

Article - VII

Said Shri D.K. Deori during his working as the SPM Roing has burnt some important office records. He also delayed issuance of BO MO which is unbecoming of a govt.

Annexure- 2.

servant and thus violated the provision of Rule 69(4) of P&T manual Vol.VI part III and Rule 3(1)(i) (ii) (iii) of CCS (conduct) Rule 1964.

Article-VIII

Said Shri D.K. Deori during his working as SPM Roing received Rs.4200/- from 2 Nos of Bos under Roing so on 30-8-99 but acknowledged the receipt on 12-9-99 and thus he temporarily misappropriated the amount violating the provision of Rule 66 & 67 of P&T manual Vol.VI Part-III and also the provision of Rule 3(1)(i) (ii) (iii) of CCS (conduct) Rule 1964.

ANNEXURE-2

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri D.K. Deori, PA Itanagar HO.

Article - I

Shri D.K. Deori worked as the SPM w.e.f. 3-8-99 to 17-9-99. During his handing over of charge of the SPM Roing to Shri P.K. ROY on 17-9-99 (A/N), Rs.3000/- was found short which Shri D.K. Deori could not deposited then and there and thus violated Rule 23(2) of P&T manual Vol.VI part I and also the provision of Rule 3(1)(i) (ii) (iii) of CCS (conduct) Rule 1964.

Article - II

Said Shri D.K. Deori during his working as the SPM Roing has prepared SO daily a/c of Roing SO in a very irresponsible and fraudulent manner. In the daily a/c dtd. 6-8-99 has charged Rs.1628/- as MO paid i/r/o Itanagar MO No.408.

But did not ~~forw~~ forward the voucher. Again in the daily a/c dtd. 7-8-99 he charged the same amount as HO paid & forward the MO paid voucher. He intentionally showed the amount in the D/A twice and thus misappropriated the amount of Rs.1628/- violating the provision of Rule 29 and 38 of P&T manual volume VI and part III and also the provision of Rule 3(1)(i) (ii) (iii) of CCS (conduct) Rule 1964.

Article-III

Said Shri D.K. Deori while working as the SPM Roing SO prepared the daily a/c dtd. 8-9-99 in which he showed Rs.30000/- as Bank remittance to SBI Roing. But along with the daily a/c he did not forward the required documents. After works in scrutiny it reveals that he did not remit the cash amounting to Rs.30000/- (thirty thousand) only to SBI but misappropriated the ~~wa~~ while amount violating the provision of Rule 38 & 104 of P&T mannual vol.VI part-III and also the provision of Rule 3(1)(i) (ii) (iii) of CCS (conduct) Rule 1964.

Article - IV

Said Shri D.K. Deori during his handing over of charge of the SPM Roing could not produce one 6 yrs. NSC bearing the No.1900 - 116100 for Rs.5000/- and could not handed over to the new SPM Roing SO. Thus he failed to maintain devotion to duty and violated the provision of Rule 23(2) of P&T manual Vol.VI part-I and also the provision of Rule 3(1)(i) (ii) of CCS (conduct) 1964.

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Annexure- 2.

Article - V

Said Shri D.K. Deori during his working as SPM Roing SO took payment of Rs.600/- in excess of the pay drawn in favour of him for the month of August'99 on ACG-17 and thus

Article - VI

Said Shri D.K. Deori during his working as SPM Roing received Rs.1500/- as BO remittance from Koronu BO on 18-8-99. He did not acknowledge the remittance over and above had shown a sum of Rs.1500/- as remittance to Koronu BO from Roing SO on 18-9-99 in the BO summary. Ultimately discrepancy in a/c with Koronu BO came to Rs.3000/- which was misappropriated by Shri D.K. Deori violating the provision of Rule 67 & 74 of P & T manual Vol.VI Part-III and also the provision of Rule 3(1) (i) (ii) (iii) of CCS (conduct) Rule 1964.

Article - VII

Said Shri D.K. Deori, while working as the SPM Roing has delayed issuance of BO MO SO. He did not issue BO MO received w.e.f. 3-8-99 to 13-9-99 and also has burnt some important official documents which was unbecoming of a Govt. Servant and thus violated provision of Rule 69(4) of P&T manual vol. VI part III and also the provision of Rule 3(1) (i) (ii) (iii) of CCS (conduct) Rule 1964.

Article - VIII

Said Shri D.K. Deori during his working as SPM Roing received Rs.200/- from Hunli BO on 30-8-99 through the o/s mail and Rs.4000/- from santipur BO on 30-8-99 as BO remittance

contd... 8

- 8 -

Annexure- 2.

But he did not take those amount into a/c on that day but both the amount was take-n into a/c on 12-9-99 and this misappropriated the amount temporarily violating the provision of Rule 66 & 67 of P&T manual Vol.VI part-III and the provision of Rule 3(1) (i) (ii) (iii) of CCS (conduct) rule 1964.

ANNEXURE- 3

List of documents by which the articles of charge framed against Shri D.K. Deori, PA Itanagar HO.

1. Report from the SDI POs (E) Jairampur dtd. 7-10-99
2. Report from the SPM Roing dtd. 15-11-99.
3. Roing SO D/A dtd. 6-8-99 & 7-8-99.
4. MO paid voucher of Itanagar MO No.408 dtd. 28-7-99.
5. MO paid list of Roing SO dtd. 7-8-99.
6. D/A Roing SO dtd. 8-9-99.
7. Report of SPM Roing dtd. 18-9-99.
8. Report of the postmaster Itanagar HO by (XXP/1100/25-9-99.
9. Report of the postmaster Itanagar HO dtd. 22-9-99.
10. Statement of Shri D.K. Deori recorded on 15-10-99.
11. Xerox copy of receipt given to the BPM Koronu BO by Shri D.K. Deori.
12. BO summary of Roing SO for the working period Shri D.K. Deori.
13. SO summary of Roing SO w.e.f. 21-5-98 to 1-12-99.
14. ACC-8 Book of Roing SO w.e.f. 13-1-99 to 27-12-99.

contd... 9

ANNEXURE - 4

List of witness by whom the article of charge framed
against Shri D.K. Deori PA Itanagar HO.

1. Shri K. Pandit, SDI (E) Jairampur.
2. Shri P.K. Roy, SPN Roing.
3. Shri S.K. Aich, PM Itanagar HO.

Sd/- Illegible.

DEPARTMENT OF POSTS
O/O THE DIRECTOR POSTAL SERVICES
ARUNACHAL DIVISION
ITANAGAR- 791 111.

Memo No.F-2/D.K. Deori/99-2000 Dated 14-11-2000.

Shri D.K. Deori the then SPM Roing S.O. under Itanagar H.P.O. was charge sheeted under Rule 14 of the CCS (CC & A) Rules, 1965 and the memorandum of charges along with substance of the imputations of misconduct or misbehaviour in respect of which the inquiry was proposed to be held, the statement of the imputation of misconduct or misbehaviour in respect of each article of charge, the list of documents by which, and the list of witness by whom, the articles of charges, were proposed to be sustained was sent to Sri D.K. Deori, the charged official vide this office memo of even dated 12-4-2000. ~~xx~~ It is imputed that -

1. The said Shri D.K. Deori, while working as the SPM, Roing S.O. during the period w.e.f. 03-8-99 to 17-9-99 (17-9-99) misappropriated postal cash amounting to Rs.3000/- (Rupees Three Thousand only) from the SO A/C of Roing S.O. and thus violated the provision of Rule-23(2) of P & T Man. Vol.VI Part-I and Rule 3(1) (i) (ii) (iii) of CCS (conduct) Rules 1964.

2. Said Shri D.K. Deori, while working as SPM, Roing S.O. has shown Rs.1628/- twice as MO paid. Once on 6-8-99 and again on 7-8-99 whereas the MO was actually paid on 7-8-99. Thus Shri Deori misappropriated Rs.1628/- shown as MO payment on 6-8-99 and violated the provision of Rule 29 and 38 of P & T Man. Vol.VI Part-III and also the provision of Rule 3(1) (i) (ii) (iii) of CCS (Conduct) Rules 1964.

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3. Said Shri D.K. Deori, while working as the SPM Roing S.O. misappropriated Rs.30000/- by showing the amount fraudulent by as bank remittance on 8-9-99 and thus violated the provision of Rule-38 and 104 of P & T Man. Vol.VI Part-III and also the provision of Rule-3(1) (i) (ii) (iii) of CCS (Conduct) Rules 1964.

4. Said Shri D.K. Deori while working as the SPM Roing S.O. has lost one 6 yrs. NSC having No.1900-116100 for Rs.5000/- and thus violated the provision of Rule-23(2) of P & T Man. Vol. VI Part-I and Rule 3(1) (i) (ii) (iii) of CCS (Conduct) Rules 1964.

5. Said Shri D.K. Deori, during his working as SPM Roing S.O. took Rs.600/- excess over the pay drawn i/r/o him for the month of Aug'99 on ACG-17 and violated the provision of Rule-16 of FHB Vol.I and Rule-3(1) (i) (ii) (iii) of CCS (Conduct) Rule 1964.

6. Said Shri D.K. Deori during his working as SPM Roing S.O. received Rs.1500/- as BO Remittance from Koronu BO on 18-8-99. He did not acknowledged the remittance over and above showed a sum of Rs.1500/- as remittance to Koronu BO from Roing S.O. on 18-8-99 in the transit column of BO summary and thus the discrepancy with the Koronu BO A/C amounted to Rs.3000/- which was misappropriated by him violating the provision of Rule-67 & 74 of P & T Man. Vol.VI Part-III and Rule 3(1) (i) (ii) (iii) of CCS (conduct) Rules 1964.

7. Said Shri D.K. Deori during his working as the SPM Roing S.O. has burnt some important office records. He also delayed issuance of BO MO which is unbecoming of a Govt. servant and thus violated the provision of Rule-69(4) of P&T Man. Vol.VI Part-III and Rule-3(1) (i) (ii) (iii) of CCS (Conduct) Rules 1964.

8. Said Shri D.K. Deori during his working as SPM Roing S.O. received Rs.4200/- from 2 nos. of BOs under Roing S.O. on 30-8-99 but acknowledged the receipt on 12-9-99 and thus he temporarily misappropriated the amount violating the provision of Rule-66 & 67 of P & T Man. Vol.VI Part III and also the provision of Rule 3(1) & (i) (ii) (iii) of CCS (Conduct) Rules 1964.

The said Shri D.K. Deori was asked to submit within 10(ten) days of receipt of the memorandum, a written statement of his defence and also to state whether he desired to be heard in person. The said C.O. was also informed that an inquiry would be held only in respect of those articles of charge as were not admitted. The C.O. was further informed to admit or deny each article of charge specifically. The said Shri D.K. Deori submitted his written statement of his defence vide his letter.No.N11 dated 20-4-2000. In it, Shri D.K. Deori admitted the charges and gave particulars of amount credited by him. He denied the Article No.7 of Annexure- I of having burnt office records. It was proposed to hold an Inquiry into the charges and Shri D. Majumder, ASP (C), Itanagar

and Shri M.A. Malai, SDI (W), Itanagar were appointed as Inquiry Authority and Presenting Officer respectively vide this Office memos of even No. dated 5-5-2000/5-5-2000 to inquire into the said case.

5. Disciplinary Proceedings :-

Shri D. Majumdar was appointed as IO to inquire into the charges framed under Rule 14 of CCS (CCA) Rules 1965 against Shri D.K. Deori the then SRM Roing SO under suspension vide DPS, Itanagar Memo. No.F-2/D.K. Deori/99-2000 dated 5-5-2000. Shri D. Majumdar submitted his Inquiry report vide his L. No. Inq/D.K. Deori dated 6-9-2000. In brief -

Preliminary hearing was fixed on 31-8-2000 Shri D.K. Deori was asked to intimate in writing about the name and other particulars of his Defence Assistant and his controlling authority along with the willingness of his Defence Assistant if he so desired to defend the case on his behalf. But Shri D.K. Deori attended the hearing without Defence Assistant. He was again asked before starting hearing if he wanted to nominate Defence Assistant but he did not so desire.

The CO was asked if he had received the charge sheet and submitted defence statement. He stated to have received the same and submitted a reply. The charge sheet was read out and explained to him line by line. He was then asked if he had understood the charges fully. He admitted to have understood completely. He was then asked if he admitted all the charges or any of them. He admitted the charges

from 1 to 6 and 8 fully and unequivocally. In respect of article of charge No.7, he stated that he did not burn any office records. But he admitted that he made delay in reissue of BO MOs. Thus he partially admitted charge No.7.

The CO. stated that he credited the whole amount involved in the instant charges and produced ACG-67 receipt No.89 dated 10-2-2000, 92 dated 14-2-2000, 20 dated 25-3-2000 38 dated 29-4-2000 and 40 dated 3-5-2000 of Itanagar H.O. The total amount so credited was Rs.43,228/-. In his defence statement also he admitted that he had credited Rs.35,000/- and gave assurance to credit the balance Rs.8,228/- soon.

The Inquiry Officer has held that the charge of burning of important office documents in article VII is not specific and can not be proved. As Shri D.K. Deori has unequivocally admitted the charges in Article 1 to VI and VIII, the Inquiry Officer decided not to proceed

further and the case was closed. The Inquiry Officer has held that charge framed against the charged official stands proved.

6. The said Shri D.K. Deori was finally given an opportunity to submit his representation if any on his defence within 15(fifteen) days of receipt by endorsing the final report of the I.O. before passing final order by the Disciplinary Authority vide this office letter of even No. dated 28-9-2000, Shri D.K. Deori submitted his

contd... 6

representation vide dated letter No. nil dated nil which was received at this office on 9-10-2000. In it confessed to have misappropriated some amount while working as SPM Roing SO due to his foolishness.

FINDINGS

I have gone through the whole case carefully along with the final report of the I.O., daily order sheet and the list of documents in support of the charges.

I have read the L. No. Roing/A/C/99 dated 15-11-99 of SPM Roing SO wherein he had reported that Rs. 3000/- was found short in cash when Shri D.K. Deori handed over the charge to him and was reflected in the charge report. I have also checked the SO account for 15-11-99 wherein an amount of Rs. 3000/- has been charged to UCP. It is clearly established that Shri D.K. Deori misappropriated the SO cash found short and Article I of the charge stands proved.

I have checked the Roing SO daily account dated 6-8-99 and 7-8-99 wherein an amount of Rs. 1628/- has been shown as MO Paid on both the days. The MO Paid list of 6-8-99 and 7-8-99 both shows MO No. 408 for Rs. 1628/-. But only one paid voucher of Itanagar HO MO No. 408 for Rs. 1628/- is found. It is clearly established that Shri D.K. Deori has shown the same MO as paid on two days in the SO account and misappropriated an amount of Rs. 1628/-. The Article II of the charge stands proved.

In the SO account dated 8-9-2000 and the SO Daily account of the same date, it is seen that an amount of Rs.30,000/- has been shown as remittance to SBI. But in the ACG-8 register for bank remittances there is no remittance entered for 8-9-99. On 6-9-99, a remittance of Rs.82,000/- to SBI is entered and on 10-9-99 another remittance of Rs.2000/- is entered. Thus Shri D.K. Deori has misappropriated the amount of Rs.30,000/- by showing a false remittance. The Article III of the charge stands proved.

The other article of charges are also proved by the reports of Shri K. Pandit, SDI(E) Jairampur and Postmaster Itanagar HO, the officials who perform checks on the working of the SPM Roing SO, as well as corroborative documents on record.

The first three articles of charge stands proved beyond reasonable doubt by the admission of Shri D.K. Deori as well as office records maintained by Shri D.K. Deori. The charges pertaining to shortage in post office cash, and misappropriating post office cash by intentionally entering false post office records as MO payment and remittance to bank are of a sufficiently serious nature, and Shri D.K. Deori has failed to maintain absolute integrity and has shown lack of devotion to duty thereby violating the provisions of Rule 3(1) (i) and Rule 3(1) (ii) of CCS (conduct) Rules 1964.

Annexure- 3.

5. ~~xxxxxx~~ As regards the quantum of punishment, Shri D.K. Deori has not brought any extenuating circumstances in mitigation, Shri D.K. Deori has stated that ~~as~~ he committed the mistakes due to his foolishness. He has asked for leniency on the pledge that he shall not commit such mistakes in future. The charge against Shri D.K. Deori includes intentionally showing wrong entries in post office records and misappropriating the resultant amount himself. The charge is of a serious nature and misusing a position of trust. I find no reason for any leniency.

O R D E R

I Shri R.K.B. Singh, Director of Postal Services, Arunachal Pradesh Postal Division, Itanagar hereby punish Shri D.K. Deori, the then SPM, Roing S.O. under Itanagar H.O. (now under suspension) with dismissal from service with immediate effect.

(R.K.B. SINGH)
Director of Postal Services
Arunachal Pradesh Division
Itanagar - 791 111.

Regd.

Tb

Shri D.K. Deori
PA (U/S)
Itanagar HO.

certified to be true copy
(P.K. Bagchi)
Advocate

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Annexure- "4".

To,

Shri V. Chittalo
The C.P.M.G., N.E. Shillong- 79001.

Sub :- An appeal for reinstate in the service.

Most/R/Sir,

1. I came to learn that I have been kicked out from the service vide DPS AR Division Itanagar Memo No.F-2/D.K. Deori/99-00 dtd. 14-11-2000 on account of seven charges under Rule 14 of CCS (CCA) Rule 1964 with the said desperate order, it caused my dismissal from the service is a bolt from the blue on my family with the devastation of my civilized life which I have started from the begining of my service this department.

2. That Sir, I have confessed my mistake to your honour with my sincere mind against the charges brought against me with the deep sentiment of my sincere honesty. I have credited all the due amount to the department before passing final order from your end. Now there is no loss in department. I have appealed to DPS AR Itanagar honour with apology to offer excuse for imposing any service punishment. But my prayer and appeal become null and void with an award of punishment of the dismissal me from the service.

3. I have been serving in the department since 1983, and from that time there was no bad record in my service and as such it was my first blunder. And I beg your apology to kindly forgive me this time allowing me at

080
1983
17

contd... 2

least to save my service with your desired punishment.
Further I appeal to your honour that I am having 2(two)
grown up children who are studying in higher classes.

4. By disminal order I have been burnt to ashes
by respected DPS and my two children and wife also been thrown
to deep despair who are not at all responsible for my fault
and I pray your honour to award me light punishment to enable
earn livelihood for them who are innocent at all.

5. That Sir, DPS delivered the dismissal order
which I had received on 14-11-2000 afternoon while I was in
suspension and still I am under suspension perhaps as I have
not been allowed to resume duty on revokation of suspension
to enable me get myself releived of the lost to accept my
dismissal.

6. That Sir, now again I appealed to your honour
with my folded hand to consider to reinstate me in the
service and offer me last chance or service in department
for which act of your kindness.

7. I shall remain ever grateful to you.

With profound regards.

Date of Itanagar :

Yours faithfully,

(D.K. Deori)
Ex. PA
Itanagar H.Q.

Copy to :- The D.P.S.A.P. Itanagar, for
information and request to consider
my case to reinstate in the service.

(D.K. Deori) Ex. PA.
Itanagar H.Q.

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POST MASTER GENERAL N.E. CIRCLE: SHILLONG-
793001.

Memo No. Staff/109-21/2000

13 March, 2001.

This is an appeal dated 29-11-2000 from Shri D.K. Deori, ex-PA, Itanagar HQ against the punishment of dismissal from service with immediate effect awarded to him by the Director of Postal Services, Arunachal Postal Division vide his memo No. F-2/D.K. Deori/99-2000 dated 14-11-2000.

I have gone through the appeal and the relevant records of the case. It is seen that the appellant has not raised any point, technical or otherwise, questioning either the disciplinary proceedings instituted against him nor has he said anything which can give him any benefit of doubt about the charges leveled against him. During the disciplinary proceedings he had admitted all the charges and now he is only requesting to show him mercy and he is apologizing for his misdeeds saying that because of the dismissal his family has been put to great financial problems. From the charge-sheet it is clear that there have been repeated instances of lack of integrity on the part of the official while discharging his duties.

I also do not feel that he can be given any lesser punishment just because he has credited all the defrauded amount to the Department. The punishment given to him by the disciplinary authority is well deserved and does not require any mitigation. I, therefore, reject the appeal for the official.

(Vijay Chitale)
Chief Postmaster General
N.E. Circle, Shillong
&
Appellant Authority.

~~xxxxxxx~~

~~1xx501xD.K.xDeori,ex-PA,~~

~~Itanagar~~

contd...2

-35-

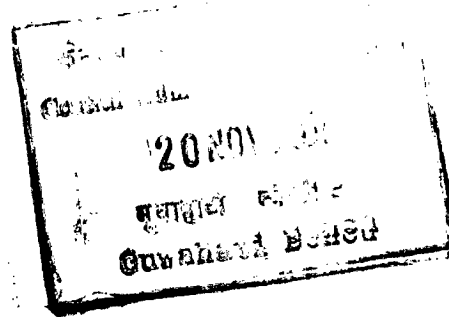
- 2 -

Annexure- 5.

Copy to :-

1. Shri D.K. Deori, ex-PA, Itanagar HO (through the
DPS Itanagar).
2. DPS, Arunachal Pradesh, Itanagar- 791111
3. PM, Itanagar- 791111
4. Spare.

Sd/- Illegible.



36
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI

O.A. NO. 147 OF 2001

Shri D.K. Deori

- Vs -

Union of India & Others.

- And -

In the matter of :

Written Statements submitted by the
respondents.

Filed by
20/11/01
(C.A. Bench)
C.A. Bench

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

(BRIEF HISTORY OF THE CASE)

Shri Dinesh Kumar Deori, PA/Itanagar HO was
deputed to hold the charge of SPM/Roing vide this office Memo
No. B-15/II dated 27.7.99. He worked as the SPM. Roing w.e.f.
3.8.99 to 17.9.99. During this period he was misappropriated
postal cash amounting to Rs. 43228/- (Rupees forty three
thousand two hundred twenty eight) only as shown below :

Rs.3000/- Found short in cash.

Rs. 1628/- Shown as MO paid amount two times
on 6.8.99 and also on 7.8.99.

Rs.30,000/- The amount was shown as remittance
to SBI but he did not do so and defrau-
ded the amount.

-2-

Rs.5000/- in respect of loss of one NSC of

deno. Rs.5000/-.

Rs. 600/- Shri D.K. Deori took the amount in excess of his regular pay.

Rs.3000/- in respect of BO remittance of Korono BO.

Rs.43,228/-

He was chargesheeted under Rule-14 of the CCS (CC&A) Rules 1965 and he admitted the charges fully and unequivocally. He was awarded with the punishment of "Dismissal" from service vide this office memo no. F-2/D.K. Deori/99-2000 dated 14.11.2000.

Shri D.K. Deori has credited the total misappropriated amount as UCR at Tanagar H.O as detailed below :

	<u>ACG-67 No.</u>	<u>Dated</u>	<u>Amount</u>
1.	89	10.02.99	Rs. 10,000/-
2.	92	19.02.99	Rs. 20,000/-
3.	20	25.03.2000	Rs. 5000/-
4.	38	29.04.2000	Rs. 8000/-
5.	40	02.05.2000	Rs. 228/-

Rs. 43,228/-
&&

Para-wise comment :

1. That with regard to para 1, 2, 3 and 4(I), the respondent beg to offer no comments.

2. That with regard to para 4(II), the respondents beg to state that Shri D.K. Deori, while working as the Sub-Postmaster, Roing Sub-Post Office, (Arunachal Pradesh) during the period from 03.08.99 to 17.09.99 misappropriated Postal Money amounting to Rs. 43,228/- and hence statutory inquiry under ~~the~~ Central Civil Services (Classification, control and appeal), 1965 was instituted against the said Shri D.K. Deori.

The departmental inquiry was initiated as the public servant misappropriated public money and thereby violated CCS (Conduct) rules 1965. The statutory inquiry did not have direct bearing with making up the shortage of cash by depositing later.

3. That with regard to para 4(III), the respondents beg to state that is not true. The inquiry officer vide his letter no. INQ/D.K. Deori/2000 dated 23.07.2000 notified that the hearing of the case was scheduled to be held on 31.08.2000 at 1300 hours requiring Shri D.K. Deori, to attend the proceedings either alone or accompanied by his DEFENCE ASSISTANT

Copy of notice issued by the inquiry officer enclosed as Annexure - A.

Further in the proceedings of the hearing of the case on 31.08.2000 the inquiry officer duly asked the charged official if he wanted to avail of the facility of the DEFENCE ASSISTANT. But the charged official replied that he wanted to plead by himself on his behalf and not willing to avail the

facility of DEFENCE ASSISTANT .

Copy of "Daily order Sheet", "Order no. 1 dated 31.08.2000" enclosed as Annexure - B.

The order sheet has been signed by Shri D.K. Deori.

4. That with regard to para 4(IV), the respondents beg to state that is not true and evidently the applicant has attempted at mis leading the Hon'ble Tribunal by separating the amounts he misappropriated from the article of charge incorporating the misappropriated amount siting the relevant rules that he violated thereby.

The inquiry under CCS (CCA) rules 1965 was instituted and the hearing was held on 31.08.2000. During the inquiry the CO (Shri D.K. Deori) admitted the articles of charge no. 1, 2, 3, 4, 5, 6 and 8. Proceedings of the hearing held on 31.08.2000 duly signed by the charged official Shri D.K. Deori the presenting officer Shri M.A. Malai and the Inquiry Officer Shri D. Mazumdar shows that the CO (Shri D.K. Deori) pleaded guilty in respect of charges no. 1 to 6 and 8 fully and admitted these charges unequivocally and hence denial at this stage can at best be an attempt at misleading the Hon'ble Tribunal. (copy of the proceedings of the hearing "Daily order Sheet", "Order no. 01 dated 31.08.2000" is enclosed as Annexure -'B').

5. That with regard to para 4(V), the respondents beg to state that the charged official Shri D.K. Deori, admitted the charges on the day of first hearing itself, and hence no further proceedings were held (Copy of "Daily order Sheet" - "Order no. 01 dated 31.08.2000" signed by the CO Shri D.K. Deori, PO, Shri M.A. Malai, P.O. 1/07 I.O Shri D Majumdar enclosed as Annexure -B). The documents are listed in the charge sheet which has been admitted by Shri D.K. deori. The Disciplinary

The Disciplinary authority has checked the documents to meet the ends of justice.

6. That with regard to para 4(VI), the respondents that beg to state is not true and Shri D.K. Deori is attempting to mislead the Hon'ble CAT. The inquiry report showing the findings of the inquiry authority was served to the CO (Shri D.K. Deori) vide Director of Postal Services, Arunachal Pradesh Division, Itanagar letter No. F-2/D.K. Deori/99-2000 dated 28.09.2000 posted under regd. letter no. 476 dated 29.09.2000 and delivered to Shri D.K. Deori, on 30.09.2000.

Copy of the DPS/Itanagar letter no. F-2/D.K. Deori/99-2000 dated 28.09.2000 is enclosed as Annexure-'C',

Copy of Regd. receipt no. 476 dated 29.09.2000 is enclosed as Annexure - D, &

Copy of delivery slip of Itanagar HO dated 30.09.2000 showing the delivery of the letter to Shri D.K. Deori is enclosed as Annexure - R.

7. That with regard to para 4(VII) and 4(VIII), the respondents beg to offer no comments.

8. That with regard to para 5(I), the respondents beg to state that as stated in the comments on para 4(V) above the CO (Shri D.K. Deori) admitted the charges on the day of first hearing itself and hence no further proceedings requiring exhibition of the relevant documents and examination of the witnesses were held. The charges stand proved.

9. That with regard to para 5(II), the respondents beg to state that is not true. As stated in the above para the CO Shri D.K. Deori, admitted the charges on the day of first hearing itself, and hence no further proceedings requiring exhibition

of the relevant documents and examination of the witnesses were held. The list of documentary evidence were furnished to the CO (Shri D.K. Deori) in the Annexure-3 to the memo no. F-2/D.K. Deori/99-2000 dated 12.04.2000. As the CO (Shri D.K. Deori). admitted the charges in the first hearing itself, no further steps of examination of the listed documents were necessiated by the inquiry authority.

10. That with regard to para 5(III) the respondents beg to state that the inquiry report was furnished to Shri D.K. Deori as stated in para 4(VI) above.

11. That with regard to para 5(IV), the respondents beg to state that due procedure as outlined under CCS(CCA) Rules 1965 has been followed and punishment awarded thereof.

12. That with regard to para 5(V), the respondents beg to state that is not true. As stated in para 4(III) above the inquiry officer vide his letter no. INQ/D.K. Deori/2000 dated 23.07.2000 notified that the hearing of the case was scheduled to be held on 31.08.2000 at 1300 hours requiring Shri D.K. Deori to attend the proceedings either alone or accompanied by his DEFENCE ASSISTANT. Further in the proceedings of the hearing in the case on 31.08.2000 the inquiry officer duly asked the CO/ Shri D.K. Deori, if he wanted to avail of the facility of the DEFENCE ASSISTANT. But he (CO) replied that he wanted to plead himself on his behalf and not willing to avail the facility of his DEFENCE ASSISTANT. (Copy of "Daily order Sheet"- Order no. 01 dated 31.08.2000 enclosed as Annexure - B.)

-7-

13. That with regard to para 5(VI), the respondents beg to state that no such ground has been made out by the applicant.

14. That with regard to para 5(VII), the respondents beg to state that the Appellate Authority the CPMG, NE Circle, Shillong duly had gone through the appeal and relevant records of the case and observed that the appellant has not raised any point, technical or otherwise questioning either the disciplinary proceedings instituted against him nor has he said anything which can give him any benefit of doubt about the charges labelled against him and hence the appellate authority rejected the appeal.

15. That with regard to para 5(VIII), the respondents beg to state that the punishment awarded is based on the findings of the inquiry authority and was imposed for sufficient reasons as provided in Rule 11 of CCS(CCA) rule 1965, and hence proportionate to his offence committed by the CO.

16. That with regard to para 5(IX), the respondents beg to state that for the good and sufficient ~~at~~ reason stated above the order of punishment and order of appellate authority was passed.

17. That with regard to para 5(X), the respondents beg to state that this does permit Shri D.K. Deori to violate the conduct rules and misappropriate public money.

18. That with regard to para 6, 7, 8, 9, 10 and 12, the respondents beg to offer no comments.

verification.....

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-8-

VERIFICATION

I, Shri GOUR GOPAL SINGHA, DSPs.

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

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

G. Gopal Singh
Declarant
Officer in Charge
of the District of P.S. ...
Itanagar Taluk

O.A. 147/2001

Asst. Supt. of Post. Off.
Central S. B. Division
Bhanagar

9

9/3/00

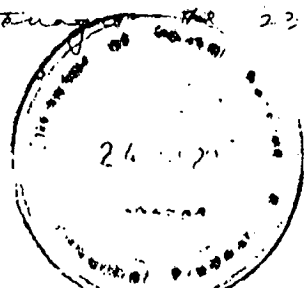
Annex A 44

No. Jn7/D.K. Deora/2000

Dated at Bhanagar 23.7.2000

207 AID

20
S.D. D.K. Deora
P.A. L.C.
Bhanagar



From

Subj: - Departmental enquiry under Rule-14
of CCS (P) Rules/65 against S.D. D.K. Deora

Sir,

Under the DPS Bhanagar Memo NO. F-2/D.K. Deora/99.2000 dated 5-5-2000, a copy of which has been endorsed to you also. I have been appointed as Inquiring Authority to enquire into the charges framed against you.

1. I shall hold preliminary hearing in the case on 31.8.2000 at 1300 hours at O/O of SDPOs (W) Bhanagar. You are therefore required to attend the proceedings either alone or accompanied by your Defence Assistant on the appointing date, time and place failing which the proceedings will be held ex parte.
2. If you wish to nominate your Defence Assistant in accordance with Rule 14(6) of CCS (P) Rules, 1965, to defend the case on your behalf, please intimate in writing about the name and other particulars of your Defence Assistant and his controlling Authority along with the willingness of your Defence Assistant to work at such rate as to reach me before 19-8-2000.
3. While nominating a serving Govt. servant as Defence Assistant the instructions on the subject should be kept in view.

Yours faithfully

SD

(D. K. A. L. DEORA)

DO

Asst. Supt. of Post. Off.
Central S. B. Division
Bhanagar-1111

Copy to:-

✓ The DPS Bhanagar to his Memo NO. F-2/D.K. Deora/99.2000 dated 5.5.2000.

2. S.D. H.A. Kachar, SDPOs (W) Bhanagar, who will preside in the hearing later, along with the local elements and report of statement of witnesses if any present.

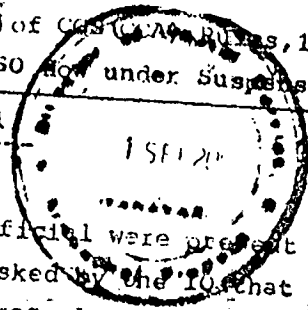
9/3/00

Daily Order Sheet

Departmental Inquiry under Rule-14 of CCS (CA) Rules, 1965 against Shri. D.K. Deori, the then SPM, Roing SO No. 10 under Suspension.

ORDER No. 01

31-08-2000.



Both the FO and the Charged Official were present in the today's hearing. The CO was asked by the IO that whether he had received the memorandum of charges along with the charge-sheet or not. But the CO replied affirmatively. The CO further stated that he had already submitted his Defence representation to DPS/Itanagar. The charge-sheet was read out and explained to him. He stated to have understood the charges fully.

2. The notice for the Preliminary hearing was sent to the CO vide this office letter of even No. dated 23-7-2000, wherein he was asked to nominate his Defence Assistant if he so wishes and intimate the full particulars of his defence Assistant along with his willingness application and his Controlling Authority to the IO on or before 19-08-2000. But the CO himself attended the hearing without his any Defence Assistant. Again the CO was asked verbally whether he wants to avail the facility of his Defence Asstt., but he replied that he wants to plead by himself on his behalf and not willing to avail the facility of his Defence Asstt.

3. The CO after reading and explaining the charges line by line, was asked whether he admits the charge(s) from 01(one) to 08(eight) severally/evenly/fully or not. The CO pleaded guilty in respect of charges Nos 01 to 06 and 08 fully and admitted these charges unequivocally. The CO pleaded that he did not burn any official documents of Roing SO during his incumbency, but said that he made delay in corresponding issue of Nos' Money-Orders at SO. He pleaded guilty partially in respect of charge No. 07.

4. The CO stated that he had credited the whole amount involved in the instant charges and produced AGC-67 receipt No. 89/10-2-00 No. 92/14-2-00, No. 20/25-3-00, No. 38/29-04-00 and No. 40/3-5-00 of Itanagar HRO and the total amount so credited was Rs. 43,228.00. In his defence statement also, he admitted that he had credited Rs. 35,000/- and assured to credit the rest amount of Rs. 8,228.00 soon.

5. The charge of burning of office important documents of Roing SO in article No. 07 is not specific and can not be proved. As all other charges have been admitted fully and unequivocally, I do not think to proceed further. The hearing is hereby closed and no any further hearing is necessary.

U. A. Malai
FO and SDI (W),
Itanagar.

(D.K. Deori)
C.O and the then
SPM, Roing SO

(D. Majumdar)
Inquiry Officer,
(AGC), Itanagar.

No. Inq/D.K. Deori/2000

dated at Itanagar the 31-08-2000

Copy to:-

1. The DPS/Itanagar for information.
2. Shri. M.A. Malai, PO and SDI (W), Itanagar for information.
3. Shri. D.K. Deori, CO and the then SPM, Roing SO now under suspension at Itanagar for information.
4. 5) Spare.

(D. Majumdar)

Inquiry Officer,

and

ASP (C), Itanagar-791 111.

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Annex-C 47
9/3/00

Regd

To

Shri D. K. Deori
PA (Now u/s)

PO - Itanagar HO

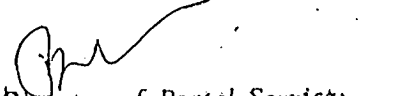
dt. Itanagar the 28/9/00

NO F-2/D.K. Deori/99-2000

Sub: - Final inquiry
report u/s Rule 14 enquiry
against Shri D. K. Deori.

The final enquiry report is
forwarded herewith for comment/
representation if any.

Reply should reach this end
within 10 days of the receipt of
the letter.
encl (as stated above)


Director of Postal Services
Assamachal Pradesh
Itanagar-791111

R P-70

DEPARTMENT OF POSTS REGISTRATION BRANCH

(To be given to the sender)

For uninsured Registered articles of the Letter Mail (e.g. Letter, Packets)

Journal of uninsured Registered Letters posted by

(Full name and address of sender)

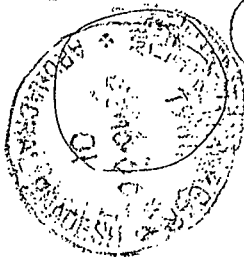
at the

Singapore

Post office on the 28-9-2000 193

Number	Name of addressee	Post Office of destination	Amount of Postage paid	REMARKS
D 466	Suppl of pos. Di banyah	Li-1/2/pl/29-2000	27-9-2000	
D 467	D/Supply & Transport	Heh lueh li-1/2/pl/29-2000	27-9-2000	
D 468	S. P. M. Tan weng	CR-8/1453/9/00	27-9-2000	
D 469	D. A. (P) Ccl	CR-8/1453/9/00	27-9-2000	
D 470	Suppl of pos. Dinyang	Tee fua F-2/5-2/97-98	27-9-2000	
D 471	S. P. M. R. N. Prj	CR-8/1447/11/00	27-9-2000	
D 472	S. P. M. Teck	CR-8/1447/7/00	27-9-2000	
D 473	O/c p/s. Seijusa	F-2/Seijusa-2/97-98	27-9-2000	
D 474	D.C. 45 Dist Zeia	F-2/1144/7/82-90	28-9-2000	
D 475	Addl. D.R. genl. Army	B-4/28-11(CAPS)	28-9-2000	
D 476	D.K. Dem	F-2/DK Dem/97-2000	28-9-2000	
D 477	AS PCC '2ling	Memorandum	27-9-2000	3 X
D 478	Ringin pambin	—	—	0
D 479	S. B. I. p/s 2ling	11-SC/CON/28/1/00	27-9-2000	
D 480	S. B. I. gainper	CR-3/698/870	27-9-2000	

Date-Stamp



Sender's Signature

Initial of the receiving Officer

(M3-117/56)

Dr List - Date 30/9/00

1	2	3	4	5	6	7
23	29/8 - 81/11/12	1	1	1	1	1
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26	4776 = H					
27						
28	2347 - Ba					
29						
30	553 = Carl					
31						
32	32 = 8up					
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35	4615 = H					
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38	405 = 20/10					
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etc
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DEPARTMENT OF POSTS, INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES, ARUNACHAL PRADESH
ITANAGAR - 791 111

No. P.2/D.K.1001

Dated at Itanagar the 12/11/2008

MEMORANDUM

The President/undersigned proposes to hold an inquiry against Shri. D. K. Deori, P.A. Dawaan Ho under Rule 14 of the Central Civil Services (classification, Conduct and Appeal) Rules 1968. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures III and IV).

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

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

4. Shri D. K. Deori is further informed that if he does not submit his written statement of defence on or before the date specified in para. 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS (CCA) Rules, 1968, 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 D. K. Deori is invited to Rule 20 of the Central Civil Services (conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If 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 D. K. Deori 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.

(R.K.B.SINGH)
Director of Postal Services
Arunachal Pradesh Divn
Itanagar - 791 111

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To,

shri D. K. Leoni
.....
Now under suspension)
.....
PO - Sanagaro t/c
.....

sd/-

Director of Postal Services
Arunachal Pradesh Divn
Itanagar - 791 111