

5/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A./T.A No. 276/02

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

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

1. Orders Sheet..... OAPg. 1to 4.....
2. Judgment/Order dtd. 28.09.02Pg. 1to 9 allowed.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... OA 276/02Pg. 1to 66.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S. R No 144Pg.....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. Amendement Reply by Respondents.....
15. Amendement Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Bakht
29/11/07

(SEE RULE 42⁴)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 276 / 2002

Misc Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants. Shri S. R. Mazumdar

-Vs-

Respondant(s) UOI & ORS.

Advocate for the Appellant(s) Mr. Adil Ahmed

Advocate for the Respondant(s) C.R.S.C.

Notes of the Registry

Date

Order of the Tribunal

28.8.02

This original petition
has been filed by the
applicant with I.P.O.
No. 74 5767/5 dated
26.8.2002 with requests.

Read before Honble
Court for orders.

Heard learned counsel for the
parties.

Application is admitted. Call for
records. Returnable by 3 weeks. List
on 25.9.02 for orders.

Issue notice on the respondents
to show cause as to why ^{an} the interim
order as prayed for shall not be
granted. Returnable by 3 weeks. In the

In the meantime, the respondents
are ordered to not to make any recovery
from the pay of the applicant till the
returnable date.

Member

Vice-Chairman

lm

Notices prepared
and sent to D. Section
for issuing of the
same to the respondents
through Regd. post,
vide D.No.
844.

25.9.02

List on 3.10.02 for orders.

In the meantime, the interim order
dated 28.8.02 shall continue.

K. K. Sharma
Member


Vice-Chairman

lm

3.10.02

List again on 13.11.02 to enable
the respondents to file written state-
ment.

K. K. Sharma
Member


Vice-Chairman

pg

No. W/S has been
filed.

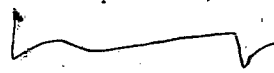
13.11. Due to court sitting at
evening, the case is adjourned
to 26.11.2002

Mo
A.K. Sharma

26.11.02.

26.11.02

List on 1.1.2003 to enable the
respondents to file written statement
on the prayer made by Mr. A. Deb Roy,
learned Sr. C.G.S.C. for the respondents.


Vice-Chairman

No. Written Statement
has been filed

mb

1.1.2003

Due to vacation, the case is adjourned
to 8.1.2003.

Mo
A.K. Sharma

7.1.03

8.1.2003

Present:- The Hon^{ble} Mr. Justice
V.S. Aggarwal, Chairman
The Hon^{ble} Mr. K.K.
Sharma, Member (A).

Reply has not been filed. It is
directed to be filed within four weeks.

List the case on 6.2.2003 for order.

K. K. Sharma
Member


Chairman

bb

No. W/S has been
filed

5-2-03.

6.2.03 Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman
The Hon'ble Mr S.K.Hajra, Member (A).

No written statement filed. Three weeks further time is allowed to the respondents to file written statement as a last chance.


List on 6.3.03 for order.

No written statement has been filed.


Member


Vice-Chairman

pg


18.3.03

6.3.2003. Court did not sit today. The case is adjourned to 20/3/2003.
mp
Rz

20.3.2003

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

has stated that he has obtained instructions and is filing written statement soon.

In this circumstances, the matter may now be listed for hearing on 5.5.2003. The applicant may file rejoinder, if any, within two weeks from today.

Parties may exchange their pleadings


Vice-Chairman

bb

5.5.2003 Present: Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

Hon'ble Mr S. Biswas, Administrative Member.

None present for the applicant. Mr B.C. Pathak, learned Addl. C.G.S.C., submits that his written statement is also yet to be submitted. Let the respondents file the written statement on or before 18.5.03. List the matter on 12.6.03 for hearing.



Member


Vice-Chairman

nkm

12.6.03. Applicant's Bench did not sit today. The case is adjourned to 29.7.2003.
mp
Rz

W/S has been filed.


26.6.03.

13.5.03

...W/s Submitted:
by the Respondent Nos.
1, 2, 3 & 4.

29.7.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. N.D. Dayal, Administrative Member.

Mr. S. Sarma, learned counsel for appearing on behalf of ~~the~~ Mr. A. Ahmed, learned counsel for the applicant stated that Mr. Ahmed, is on accommodation. Accordingly, the case is adjourned. Put up again on 21.8.2003 for hearing.

Member

Vice-Chairman

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

The Hon'ble K.V.Prahaladan, Admn.Member.

Heard Mr A.Ahmed, learned counsel for the applicant and Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents. List it again on 1.9.03 for hearing. On that day learned counsel for the parties, more particularly, Mr B.C.Pathak learned Addl.C.G.S.C shall produce the ~~an~~ enquiry report, papers ^{relating} relevant to handing over and taking over of charge as well as audit report which are necessary for proper adjudication of the case.

Member

Vice-Chairman

O A 276/02

Notes of the Registry

Date

Order of the Tribunal

Records

1.9.03

Hearing concluded.
Order reserved.

No. SD/A/CS/1C7R/99
is filed by Mr. B.C. Pathak,
Held case (open file)

JS
23/9/03

Pop order

7-11-03

Released from CAV.
List on 08.12.03 for
further hearing.

18/10
b.

22.12.2003 Present: Hon'ble Mr Justice B. Panigrahi
Vice-Chairman

Hon'ble Mr K.V. Prahaladan,
Administrative Member.

List it for hearing on 4.2.2004.

K.V. Prahaladan
Member

B.
Vice-Chairman

nkm

11.5.2004 Present: The Hon'ble Shri Mukesh Kumar
Gupta, Member (J).

The Hon'ble Shri K.V. Prahladan,
Member (A).

List before the next Division Bench.

K.V. Prahladan
Member (A)

mf
Member (J)

23.9.04

~~The~~ Rejoinder has
not been filed by the
applicant
W/S has been filed

JS

bb

23.8.2004 present: The Hon'ble Shri D.C. Verma
Vice-Chairman (J).

The Hon'ble Shri K.V. Prahladan
Member (A).

Mr. A. Ahmed, learned counsel
for the applicant has sent a leave
notice. Adjourned to 24.9.2004.

K.V. Prahladan
Member (A)

A
Vice-Chairman

bb

- 6 -
O.A.276/2002

O.A. No. /
Date

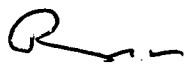
Holcs of the Ministry

24.9.2004 Present; The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

The Hon'ble Mr. K.V. Prahlada
Member (A).

Argument heard. Order on 27.9.04

Member (A)


Vice-Chairman


bb

29.9.2004

Heard the learned counsel for the parties. Judgment delivered in open Court, kept in separate sheets.

The Application is allowed in terms of the order. No costs.


Member (A)


Vice-Chairman

bb

Received back in
records in original
Docket
4/10/04

Copy of the order
has been sent to
the office for filing
the same to the applicants
as well as to the
advocate for
the respondents
Hd

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~XXX~~ No. 276 of 2002.

DATE OF DECISION 28.09.2004.

..... Shri Sambhu Ram Mazumdar. APPLICANT(S)

..... Mr. A. Ahmed. ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

..... U.O.I. & Ors. RESPONDENT(S)

..... Mr. B. C. Pathak, Addl. C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. JUSTICE R.K. BATTA, VICE CHAIRMAN. *R*

THE HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ? *Ys.*
2. To be referred to the Reporter or not ? *Ys.*
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 ? *No*
Judgment delivered by Hon'ble Vice-Chairman.

9

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.276 of 2002.

Date of Order : This, the 28th Day of September, 2004.

THE HON'BLE MR. JUSTICE R. K. BATTI, VICE CHAIRMAN.

THE HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Shri Sambhu Ram Mazumdar
Postal Assistant
G.P.O., Guwahati
P.O: Guwahati-1.

. Applicant.

By Advocate Mr. A. Ahmed.

- Versus -

1. Union of India
Represented by the Secretary
to the Government of India
Ministry of Communication
New Delhi.
 2. The Chief Post Master General
Assam Circle, Guwahati
P.O: Guwahati-781 001.
 3. The Senior Superintendent of Post Offices
Guwahati Division
Guwahati-1.
 4. The Superintendment of Postal Store Depot
P.O: Bamunimaidam
Guwahati-21.
- Respondents.

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

O R D E R (ORAL)

BATTI, J.(V.C.):

The applicant joined Postal Department in the year 1965. While he was working as Postal Assistant at Postal Store Depot, Guwahati, he was asked to look after the duties of Assistant Manager (P.S.D.) from 19.5.1998 to 28.5.1998 during the leave of Shri Jiwan Chandra Das,



regular Assistant Manager. On 25.10.2000 respondent no.4 seeking issued letter/explanation regarding discrepancies in the stock of printing paper of size 43 x 69 cm. The applicant filed reply totally denying the charges. Subsequently, memorandum dated 29.11.2000 was issued alongwith article of charges and disciplinary proceeding under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965 was initiated against the applicant. Assistant Manager Shri Jiwan Chandra Das was also charge sheeted and after departmental proceedings a sum of Rs.16,000/- was ordered to be recovered from him. The applicant sought copies of certain documents, which were denied. The applicant's case is that Shri Jiwan Chandra Das, regular had Assistant Manager/ operated paper godown subsequently on three dates, namely, on 4.6.1998, 11.6.1998 and 12.6.1998, but did not report any shortage of papers to the authorities. After completing the departmental proceeding, wherein the applicant was held guilty of the charges, punishment was imposed on him by reducing his pay by four stages from Rs.6,950/- to Rs.6,350/- in the scale of pay Rs.5000-150-8000 for a period of two months w.e.f. the month of June, 2002 to July, 2002 with further direction that the applicant will not earn increments of pay, if any, due during the period of reduction and that on expiry of this period the reduction will have the effect of postponing his future increment of pay. It was further ordered that a sum of Rs.6,348/- shall be recovered from the



pay of the applicant in three equal installments @ Rs.2,116/- p.m. from the pay of June, 2002 to August, 2002 towards partial recoupment of loss to Government. The applicant retired on 31.8.2002. The applicant filed appeal which was rejected by respondent no.2 vide order dated 8.2.2002. According to the applicant, respondents have not applied ~~its~~ mind while rejecting the appeal and the applicant was made scape goat in the matter.

2. We have heard Mr.A.Ahmed, learned Advocate for the applicant as well as Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents. Learned Advocate for the applicant has submitted before us that no shortage was detected during the period when the applicant was asked to look after the duties of Assistant Manager, Postal Store Depot for the period from 19.5.1998 to 28.5.1998 . It was only subsequently that the shortage was detected and in the meantime the regular Assistant Manager Shri Jiwan Chandra Das had thrice operated ^{the} Store Depot, but no shortage was reported by him and it was only during physical verification of the stock that shortage of printing papers of size 43 x 69 cms to the tune of 116 Reams and 191 sheets have been detected. He, therefore, contends that there is no evidence to hold the applicant guilty of charges and the impugned orders of the Enquiry Officer as also that of Appellate Authority are required to be quashed and set aside.

3. Mr.B.C.Pathak, learned Addl.C.G.S.C., after drawing our attention to Rule 276 of Posts and Telegraphs Manual,

Q -

Vol-II, contends before us that it is the duty of the relieved officer and relieving officer to hand over and take over the charge, but the same was not done either when the applicant took charge or when Shri Jiwan Chandra Das took charge from the applicant. It was next contended that the applicant took key of the Postal Store Depot on 20th & 21st May, 1998 without the knowledge of Manager as it is clear from the record which does not have the signature of the Manager against entries dated 20.5.1998 and 21.5.1998 and on those dates stock of paper was taken out by the applicant. According to learned Addl.C.G.S.C., the evidence on record is sufficient to fix responsibility for shortage of paper on the applicant and no interference is called for in the exercise of limited jurisdiction in such matters.

4. There is no dispute that Shri Jiwan Chandra Das was regular Assistant Manager of Postal Store Depot. It appears that the said Shri Jiwan Chandra Das went on medical leave and the applicant was asked to look after the duties of Assistant Manager, Postal Store Depot in addition to his own duties w.e.f. 19.5.1998 to 28.5.1998. Rule 276 in Posts and Telegraphs Manual, Vol-II speaks of checking of stock books on transfer of charge and it reads as under:-

"276. When the charge of an office is transferred from one officer to another, the relieving officer should take over the articles of stock after carefully checking them with the general stock book and the stock register of bags and, in the case of books and forms treated as articles of stock, with the register. If any article is missing or damaged, a note should be written in the column for remarks of the



stock book or stock register of bags and initialled by both the relieving and relieved officers, and a report made to the next higher authority."

The above Rule casts a legal duty on the relieving officer to take over the articles of stock after carefully checking them with the general stock book and the stock register of bags and, in the case of books and forms treated as articles of stock, with the register. It further provides that if any article is missing or damaged, a note should be written in the column for remarks of the stock book or stock register of bags and initialled by both the relieving and relieved officer and a report ~~to~~ be made to the next higher authority. Therefore, there is also implicit duty cast under the said Rule 276 on the relieved officer to hand over charge.

5. The first article of charges, of which the applicant has been found guilty, reads as under:-

" That the said Shri Sambhu Ram Majumdar, P.A. Postal Store Depot, while functioning as Asstt. Manager Postal Store Depot, Guwahati-21 during the period from 19-05-98 to 29-5-98 (F/N) failed to take over the articles of stock after carefully checking them with the Stock register, while resuming duty on 19-05-98 as Asstt. manager, Postal Store Depot, as was required under Rule 276 of T&T manual Vol II 3rd edition (2nd reprint), which resulted discrepancies in stock of printing papers and thereby failed to maintain devotion to duty and acted as such which was unbecoming of a Govt. Servant in contravention of Rule 3(I)(ii) and 3(I)(iii) of CCS (Conduct) Rules, 1964."

R-

It is, no doubt true, that Shri Jiwan Chandra Das, who had proceeded on medical leave, was not available for holding over charge, but that, by itself, does not relieve the relieving officer from not following Rule 276. In such an eventualilty, the applicant should have, in the presence of Manager, checked the stock while taking charge on 19.5.1998 and if any discrepancies were found, it should have been recorded.

6. In view of this, we are of the opinion that the applicant has failed to comply with the legal duty cast on him under Rule 276 and the article of charge-I stands proved and therefore, the findings of the Enquiry Officer and also the order of the Appellate Authority cannot be faulted with and do not call for any interference whatsoever.

7. ^{now} Coming to article of charge-II, it reads as under:-

" That during the aforesaid period, while functioning in the aforesaid office, the said Shri Sambhu Ram Majumdar, being the custodian of printing Papers failed to exercise his duty as entrusted as per memo of distribution of works and contributed towards loss of 116 ream 191 sheets of paper of size 43x69cm valued of Rs.32383.29 from his custody and thus failed to maintain devotion to duty and acted as such which was onbecoming of a Govt. Servant in contravention of Rule 3(I)(ii) and 3(I)(iii) of CCS (Conduct) Rules, 1964."

This charge relates to the shortage of 116 reams 191 sheets of paper of size 43 x 69 cm valued of Rs.32,383.29. The applicant was In-Charge of the Postal Store Depot in

R

addition to his own duty w.e.f. 19.5.1998 to 28.5.1998 when regular Assistant Manager Shri Jiwan Chandra Das was on medical leave. During this period ^{the} applicant operated the Postal Store Depot on 20.5.1998 and 21.5.1998 and supplied papers and, infact ~~of which~~, entries were made in the stock register at Exhibit-I. After Shri Jiwan Chandra Das joined on 29.5.1998 he also operated the Postal Store Depot on 1.6.1998, 4.6.1998 and 23.6.1998, but during this period he never reported any shortage. It appears that when Shri Jiwan Chandra Das took charge on 29.5.1998 he also did not take over charge in terms of Rule 276 of Posts and Telegraphs Manual, Vol-II. It was only on 30.6.1998 that during physical verification, the shortage, referred to above, was detected. The question, which requires to be examined, therefore, is whether the applicant can be held liable for the shortage, which was not detected during the period he was looking after the ^{duties} of Assistant Manager, Postal Store Depot and the shortage was subsequently detected after about a month of his handing over charge to Shri Jiwan Chandra Das. In terms of Rule 276, it was the legal duty of Shri Jiwan Chandra Das to check the stock and if there was any shortage, the same should have been recorded, but no such verification or checking of stock was done. If any shortage of stock was detected during the period when the applicant was In-Charge of the Postal Store Depot, he could have been certainly held liable for the shortage, but the said shortage was detected only after about a month and ^{no} stock

verification was done by Shri Jiwan Chandra Das when he took over the charge. It is, no doubt, true that on the key register, there ^{are no} ~~was~~ signature of the Manager when the key was taken but the stock register did reflect that the papers were taken out on those dates from the Postal Store Depot. It is pertinent to note that on the date when the applicant took charge, entry was made by the Manager, Postal Store Depot in respect of stationery, supplied on 2.1.1998. The said stationery was supplied under order dated 26.12.1997. This shows that all was not going on well insofar as maintenance of the stock register was concerned.

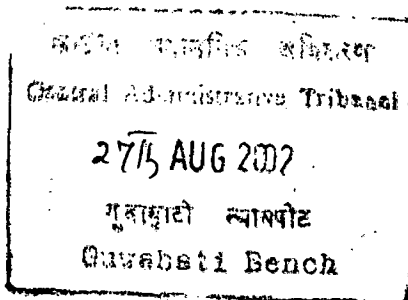
8. In the circumstances, no shortage having been detected during the period when the applicant was In-Charge of the Postal Store Depot, no legal liability can be fixed on him for shortage of stock. Suspicion, whatsoever strong, cannot take the place of proof. The shortage was detected on physical verification during the period when regular Assistant Manager Shri Jiwan Chandra Das was In-Charge of the Postal Store Depot and in the absence of any stock verification by Shri Jiwan Chandra Das as provided under Rule 276, responsibility regarding shortage, can be fixed only on him. We find no evidence at all to fix responsibility of aforesaid shortage on the applicant. In the circumstances and in the absence of any evidence, the finding of guilt under article of charge-II cannot be sustained. Therefore, the findings in respect of article of charge-II are hereby set aside. In respect of

article of charge - I~~I~~, which stands proved, reduction of pay by four stages from Rs.6,950/- to 6,350/- in the scale of pay of Rs.5000-150-8000 for a period of two months w.e.f. June, 2002 to July, 2002 is maintained. The applicant stood retired on 31.8.2002. The further directions that applicant will not earn increments of pay, if any, due during the period of reduction and that on expiry of this period the reduction will have the effect of postponing his future increment of pay are also maintained in view of the fact that the applicant stood retired from 31.8.2002. However, recovery of Rs.6,348/- @ Rs.2116/- p.m. from the pay of June, 2002 to August, 2002 towards partial recoupment of loss to Government is set aside consequent to quashing of ~~said~~ findings ^{on} ~~at~~ article of charge-II.

The application is accordingly allowed in aforesaid terms with no order as to costs.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(R.K.BATTA)
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 276 OF 2002.

Sri Sambhu Ram Mazumder - Applicant.

-Versus-

Union of India & Others

-Respondents.

I N D E X

Sl.No.	Particulars	Page No.
1	Application	1 to 17
2.	Verification	18
3.	Annexure-A	19 to 20
4.	Annexure-B	21 to 24
5.	Annexure-C	25 to 29
6.	Annexure-D	30 to 31
7.	Annexure-E	32 to 34
8.	Annexure-F	35
9.	Annexure-G	36 to 37
10.	Annexure-H	38 to 42
11.	Annexure-I	43 to 44
12.	Annexure-J	45 to 51
13.	ANNEXURE-K.	52 to 61
14.	ANNEXURE-L	62 to 66

Filed by

Advocate.

14.12.99

Filed by
Sambhu Ram Mazumder
Applicant
through [Signature]
(Adv. AHMED)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. OF 2002.

B E T W E E N

Sri Sambhu Ram Mazumder,
Postal Assistant,
G.P.O., Guwahati,
P.O.-Guwahati-1.

- Applicant.

-AND-

1] Union Of India,
represented by the Secretary
to the Government of India,
Ministry of Communication,
New Delhi.

2] The Chief Post Master General,
Assam Circle, Guwahati,
P.O.-Guwahati-781001:

3] The Senior Superintendent of
Post Offices, Guwahati
Division, Guwahati-1.

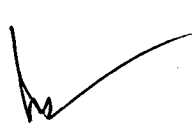
4] The Superintendent of Postal
Store Depot, P.O.-Bamunimaidam,
Guwahati-21.

- Respondents.

DETAILS OF THE APPLICATION:

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

The instant application is directed against the impugned Office Memo No. Vig/1-15/99(Ch.II) dated 24th June 2002 issued by the Office of the Respondent No. 2 to the applicant for reduction of his pay by four stages from Rs. 6950/- to Rs. 6350/- in the scale of pay Rs. 5000/- -150-8000 for a period of 2(two) months with effect from the month of June '2002 to July '2002 with further direction that the applicant will not earn increments of pay if any due during the period of reduction and that, on expiry of this period the reduction will have the effect of postponing his future increment of pay. It is also ordered that a sum of Rs. 6348/- (Rupees six thousand three hundred forty eight) only be recovered from the pay of the applicant in 3(three) equal installments @ Rs. 2116/- per month from the pay of June '2002 to August 2002 towards partial recoupment of loss to Govt. and also



2

4

against the appellate order No. Staff/9-3/2002 dated 8th August 2002 issued by the Respondent No. 2.

2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION

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

4. FACTS OF THE CASE

Facts of the case in brief are given below:

4.1] That your humble applicant is citizen of India and as such, he is entitled to all the rights and privileges and protection granted by the Constitution of India.

4.2] That your applicant begs to state that he joined in Postal Department in 1965. He is working very sincerely and honestly

[Handwritten signature]

with utmost satisfaction to the authority concerned. He is going to be retired on superannuation from the Postal Department on 31st August, 2002.

4.3] That your applicant is now working as Postal Assistant, Guwahati G.P.O., Guwahati. Earlier your applicant was Postal Assistant in the Office of the Superintendent of Postal Store, Depot, Guwahati-21. While he was working as Postal Assistant at Postal Store Depot he was asked to look after as Assistant Manager (P.S.D.) from 19-05-1998 to 28-05-1998 during the leave of Sri Jiwan Chandra Das, Regular Assistant Manager, Postal Store Depot in addition to his own duty. Sri Jiwan Chandra Das or the Respondent did not give him any opportunity, instruction or order to verify the stock of the store with the Stock register. In this regard he had written a letter to the Respondent about his inability to operate the Godown of the postal depot as look after Assistant Manager. But the authority rejected his prayer.

4.4] That your applicant begs to state that the Office of the Respondent No. 4, has issued a letter No. SD/Vig-I/98-99 dated 25-10-2000 about alleged discrepancy in the stock of printing paper of size 43 X 69 Cm. and he was given opportunity to submit representation in support of his defense if

any within 10 (ten) days after receive of, the said letter. The applicant submitted the representation in this regard and totally denied the charges brought against him. The Respondent No. 4 issued another Office Memorandum with article of charges under Rule 14 of the Central Civil Services (Classification, Control and Appeal) vide O.M. No. SD/Rule-14/ 2000-01 dated 29-11-2000.

Annexure-A is the photocopy of letter No. SD/Vig-I/98-99 dated 25-10-2000.

Annexure-B is the photocopy of Office Memorandum No. SD/Rule - 14/2000-01 dated 29-11-2000 along with article of charges brought against the applicant.

4.51 That your applicant begs to state that Sri Jiwan Chandra Das, the Assistant Manager, Postal Store Depot, Guwahati-21 was charge sheeted vide Memo. No. SD/Vig-1/98-99 dated 09-01-2001 in the same vigilance case and was ordered by one Sri A C Das, Superintendent of Postal Store Depot, Guwahati to recover Rs. 16,000/- only from Jiwan Chandra Das, Assistant Manager, P.S.D., Guwahati-21 from his pay from the month of January, 2001 on installment at Rs. 2000/- per month. It may be stated that during the

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leave of Sri Jiwan Chandra Das, Assistant Manager, P.S.D., Guwahati your applicant worked as Look After Assistant Manager from the period 19-05-1998 to 28-05-1998.

Annexure-C is the photocopy of Memo No. SD/Vig-1/98-99 dated 09-01-2001.

4.6] That the applicant begs to state that Sri S Dey Purkayastha was appointed as Inquiry, Officer under Departmental Inquiry Rule 14 of CCS (CCA) Rules 1965 against your applicant. The said Inquiry Officer informed your applicant vide letter Inquiry-14/1/2001 dated 21-05-2001 that preliminary inquiry against the vigilance Case will be held on 29-05-2001 in the Office of Superintendent, Postal Store Depot, Guwahati at 10.00 A.M. Your applicant was asked to attend the proceeding either alone or accompanied by Defense Assistant on the appointed date, time and place failing which the proceedings shall be held ex-parte. The Proceedings of preliminary inquiry was held on 29-05-2001 in presence of your applicant.

Annexure-D is the photocopy of letter No. Inquiry-14/1/2001 dated 21-05-2001.

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Annexure-E is the photocopy of preliminary hearing dated 29-05-2001.

4.7] The applicant begs to state that he made request to the Inquiry Officer to supply some important documents vide his letter dated 04-06-2001 but the Inquiry Officer rejected it vide his letter No. Inquiry-14/1/2001 dated 10-07-2001 on the ground that it is irrelevant with the Inquiry. The Inquiry Officer vide his another letter on the same date fixed the next hearing of the case on 19-07-2001 and 20-07-2001.

Annexure-F & G are the photocopies of letters No. Inquiry-14/1/2001 dated 10-07-2001.

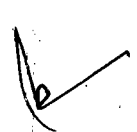
4.8] That your applicant begs to state that regular hearing of the case was held on 19-07-2001, 20-07-2001 and 20-08-2001 and your applicant also submitted his defence statements on 30-10-2001.

Annexure-H is the photocopy of Defence statement submitted by the applicant on 30-10-2001.

4.9] That your applicant begs to state that after handing over the charge by the

applicant to Sri Jiban Chandra Das, Regular Assistant Manager and the said Sri Das, Assistant Manager has open the paper go-down in three subsequent dates, i.e., 04-06-98, 11-06-98 and 12-06-98. He supplied papers to different firms. But he did not report any loss or shortage of paper to the authority till 12-06-98. He submitted his report loss to the authority after 27 (twenty-seven) days from the date of handing over charge by the applicant.

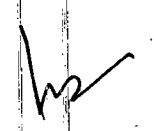
It may be stated that when the Departmental proceeding did not completed till February 2002 the applicant approached this Hon'ble Tribunal by filing the OA No. 28 of 2002 for early completion of the said Departmental Proceeding as the applicant is going to be retired on superannuation in the month of August 2002. The Hon'ble Tribunal vide his order dated 12-02-2002 passed in O.A. No. 28/2002 directed the Respondents "to complete the exercise within six weeks from today. If the applicant is aggrieved by the decision of the authority he may approach the Tribunal if so advised as per law." But the Respondents did not completed the entire proceedings within the time framed by this Hon'ble Tribunal in this regard. So the applicant was compelled to file the Contempt Petition No. 18/2002 before the Hon'ble



Tribunal. After filing the contempt petition the Respondents issued the impugned Office Memo No. Vig/1-15/99(Ch.II) dated 24-06-2002 to the applicant by which it was ordered that the pay of the applicant be reduced by four stages from Rs. 6950/- to Rs. 6350/- in the scale of pay Rs. 5000/- -150-8000 for a period of 2(two) months with effect from the month of June '2002 to July '2002 with further direction that the applicant will not earn increments of pay if any due during the period of reduction and that on expiry of this period the reduction will have the effect of postponing his future increment of pay. It is also ordered that a sum of Rs. 6348/- (Rupees six thousand three hundred forty eight) only be recovered from the pay of the applicant in 3(three) equal installments @ Rs. 2116/- per month from the pay of June '2002 to August '2002 towards partial recoupment of loss to Govt.

Annexure-I is the photocopy of Order dated 12-02-2002 passed by this Hon'ble Tribunal in OA No. 28/2002.

Annexure-J is the photocopy of impugned Office Memo No. Vig/1-15/99(Ch.II) dated 24-06-2002.



4.10] That your applicant begs to state that he has filed an appeal on 08-07-1992 before the Respondent No. 2 against the punishment Order No. Vig/1-15/99(CH II), dated 24-06-2002 issued by the Director of postal Services, (Head Quarter), Assam Circle, Guwahati. The Respondent No. 2 rejected the said appeal vide his order No. Staff/9-3/2002 dated 8th August 2002.

Annexure-K is the photocopy of appeal dated 08-07-2002.

Annexure-L is the photocopy of order No. Staff/9-3/2002 dated 8th August, 2002.

4.11] That your applicant begs to state that the Respondent No. 2 had not gone through the deep of the case and without applying his mind the Respondent No. 2 had rejected the appeal of the applicant. The appellate authority is silent about the fact that the paper Go-down was open by Sri Jeevan Chandra Das on three subsequent dates, i.e., on 04-06-1998, 11-06-1998 and 12-06-1998 after handing over the charges by the applicant. The Regular Manager, Sri Subhash Chandra Choudhury, who took-over charges on 20-05-1998 and after taking over charges he made an inquiry on 23-06-1998 from regular


Assistant Manager Sri Jeevan Chandra Das about the stock position of a particular size of paper, i.e. 43 X 69 Cm. From the above fact it is very clear Sri Choudhury Regular Manager has full knowledge about the shortage of paper and he reported to the higher authority on 25-06-1998 after 27 days from his resumption to his duty. The appellate authority overlooked this vital and important fact of the case. From this it appears that the applicant was made scapegoat in this case by the Respondents.

4.12. That your applicant begs to state that the Respondents with a motive behind illegally victimize the applicant by way of disciplinary proceedings to hide the face of their interested persons.

4.13. That your applicant submits that the action of the Respondents is mala fide, illegal, arbitrary and whimsical and also with a motive behind.

4.14. That your applicant submits that the Respondents have resorted the colourable exercise of power to deprive the applicant from getting his due pensionary benefits.

4.15. That the applicant submits that the Respondents deliberately done serious



injustice to the applicant by issuing the said impugned order dated 24-06-2002.

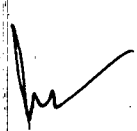
4.16] That your applicant begs to state that it is a fit case to interfere by the Hon'ble Tribunal and also may be pleased to stay the impugned Office Memorandum No. VIG/1-15/99(Ch-II) dated 24-06-2002 till the disposal of this Original application.

4.17] That this application is made bona fide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, on the reasons and fact, which are narrated above, the action of the respondents, is prima facie illegal and without jurisdiction. As such, the impugned office Memo is liable to be set aside and quashed.

5.2 For that the impugned Memo is arbitrary, illegal and also mala fide. The applicant cannot be held responsible for the acts, which have done by the others. As such, the impugned office Memo is liable to be set aside and quashed.



5.3 For that the malicious intention of the Respondents is writ large from the facts of the case. Now the impugned order was issued to the applicant to protect some interested persons of the Respondents.

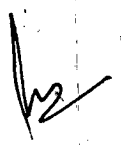
5.4 For that, the Respondents are taking advantage of dilatory tactic to give mental and financial pressure to the applicant. As such, actions of the Respondents are arbitrary, mala fide, illegal and also with a motive behind.

5.5 For that, the actions of the Respondents are not maintainable in law as well as in facts.

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

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:



That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

That the applicant further declares that he has not filed any writ petition or suit in respect of the subject matter of the instant application before any other Court, nor any such writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prays that your Lordships may be pleased to admit this petition and may call for records of the case, issue rule calling upon the Respondents to show cause as to why the relief/reliefs should not be given to the applicant and after hearing the parties on the

cause or causes that may be shown and on perusal of records your Lordships may be pleased to grant the following relief/reliefs to the applicant:

8.1 to set aside and quash the impugned Office Memo No. Vig./1-15/99(Ch.II) dated 24-06-2002 issued by the Respondents to the applicant (Annexure-J).

8.2 to grant such further or other relief or reliefs to which the applicant may be entitled having regard to the facts and circumstances of the case.

8.3 Grant the Cost of this application to the applicant.

9] INTERIM ORDER PRAYED FOR:

Pending disposal of this Original application the applicant most respectfully prays for an interim order for staying the Impugned Office Memo No. Vig. /1-15/99(Ch.II) dated 24-06-2002 at Annexure-J.

10] Application Is Filed Through
Advocate.

11] Particulars of I.P.O.:

I.P.O. NO. 76576715

Date Of Issue 26.8.2002

Issued from GUWAHATI G.P.O.

Payable at GUWAHATI

12] LIST OF ENCLOSURES;

As stated above.

- Verification.

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VERIFICATION

I, Sri Sambhu Ram Mazumder, Postal Assistant, G.P.O., Guwahati, P.O.-Guwahati-1, the applicant of the instant case do hereby solemnly verify that the statements made in paragraphs 4.1 to 4.3, 4.11, 4.12 —

are true to my knowledge, those made in paragraphs 4.4, 4.5, 4.6, 4.7 to 4.9, 4.10 are being matters of records are true to information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification today on this the 27th day of August 2002 at Guwahati.

Sambhu Ram Mazumder

Declarant

- 19 -

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ANNEXURE - A

36

Department of Posts, India
Office of the Supdt. Postal Store Depot, Guwahati 781021

✓ To

Shri Sambhu Ram Mazumdar,
P.A. O/O the Supdt. Postal
Store Depot, Guwahati.

Dated at Guwahati the 25-10-2000.

No. SD/Wig-1/98-99

Subj- Alleged discrepancy in the stock of
Printing Paper of size 43x69 cms.

It is observed that during the period of leave of Sri Jiwan Ch. Das, Asstt. Manager, Postal Store Depot, during the period from 19-05-98 to 28-05-98, you were ordered to look after the works of Asstt. Manager, Postal Store Depot. It is found that as per the order, you looked after the duties of the Asstt. Manager during the above said period. Being the Asstt. Manager, it was necessary on your part to take over the articles of stock after carefully checking them with the stock register as the stocks were under the charge of Jiwan Ch. Das earlier just before you. In your written Statement dtd. 2-7-98 given before the then I.P.O.(U), it has been stated by you that neither you see the stock nor the stock was given to you. It was necessary on your part to take over the stock correctly or to report discrepancy if any under Rule 276 of P&T Manual 3rd edition (2nd reprint). Failing to take over the stock of articles carefully checking them with the stock register, while you took over the works of Asstt. manager, it is alleged that you did not observe the spirit of the rule 276 as mentioned above.

While examining the Register of Key maintained in the PSD/ Guwahati you were found to have taken over the keys of Paper Godown on 20-05-98 and 21-05-98. The stock Register of Printing Paper reflected that on 20.5.98 you in the capacity of Asstt. Manager issued papers of size 43X69 cms for printing in Risograph Printing Machine and on 21.5.98 you have issued papers of size 43X69 cms to M/S Gitanjali Printing Press, Guwahati-5 for printing of one lakh Est-36 vide order No. SD/LP/Tender-02/97-98 dtd 15.5.98. Again on 21.5.98 you have issued paper of size 69X86 cms to M/S Gitanjali Printing Press, Guwahati-5 for printing of 2000 books of S-37 vide order No. SD/LP/Tender-02/97-98 dtd 15.5.98 and on the same order you have issued Cover of size 56X71.1 cms on that day i.e 21.5.98. Again on 21.5.98 you have issued to M/S Gitanjali Printing Press, Guwahati-5 paper of size 43X69 cm for printing of 100 pads of Prescription Slip vide order No. SD/LP/Tender-02/97-98 dtd 14/15.5.98, paper of size 56X91 cms for printing of one lakh Corr-67 vide order No. SD/LP/Tender-02/97-98 dtd 14/15-05-98 and paper of size 56X91 cms for printing of one lakh Daily Bag Balance Report vide order No. SD/LP/Tender-02/97-98 dtd 15.05.98.

As per Memo of Distribution of Works, Asstt. Manager is the custodian of Printing Papers. He is also to maintain proper account of stock of papers and fully responsible for accountability, short/excess in stock of papers.

After resumption of duty by Sri Jiwan Ch. Das, Asstt. Manager it was reported to Supdt. PSD/Guwahati on 25.6.98 that there is discrepancy in the stock of paper. Accordingly inquiry was instituted and shortage of 116 Reams and 191 sheets of printing paper of the size 43X69 cms was established. The cost of 116 Reams 191 sheets of the paper of 43X69 cms comes to Rs.32,383.29 @ Rs.278.25 per Ream, according to the entry in the remarks column of page No 205 of the Stock Register.

Attested
[Signature]
Advant

Thus it is alleged that laxity on your part to observe the spirit of rules contained under Rule 276 of P&T Manual Vol. II 3rd edition (2nd reprint) and failure to follow contents of Works distribution memo contributed towards the loss of papers worth of Rs.32,383.29, while working as Asstt. Manager PSD/Guwahati, which constitutes a grave misconduct and which deserves a serious view.

However, before being resorted to such action you are given an opportunity to submit representation in support of your defence if any within 10 days of receipt of this letter failing which it will be presumed that you have no representation to make and action as deemed fit will be initiated.

T A Das 35/11/2000
Supdt. Postal Stores Depot
Guwahati-781 021

Rs 32,383.29

Attested
[Signature]
Advocate

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SUDT. POSTAL STORES DEPOT
GUWAHATI-781 021

No. SD/Rule-14/2000-01.
Dated at Guwahati the 29-11-2000.

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Sambhu Ram Majumdar P.A./PSD/GH under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set 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).

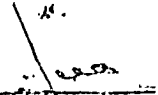
2. Shri Sambhu Ram Majumdar is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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


4. Shri Sambhu Ram Majumdar 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, 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 Sambhu Ram Majumdar 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 Sambhu Ram Majumdar 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.


(A. C. Das.)
Superintendent
Postal Stores Depot, Guwahati

To, ✓
Shri Sambhu Ram Majumdar
P.A./Postal Stores Depot,
Guwahati. 781021.


A. C. Das

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39

Annexure-1.

Statement of articles of charge framed against Shri Sambhu Ram Majumdar, P.A./ Postal Store Depot, Guwahati. 7810021

Article-1.

That the said Shri Sambhu Ram Majumdar, P.A. Postal Store Depot, while functioning as Asstt. Manager Postal Store Depot, Guwahati-21 during the period from 19-05-98 to 29-5-98 (F/N) failed to take over the articles of stock after carefully checking them with the Stock register, while resuming duty on 19-05-98 as Asstt. manager, Postal Store Depot, as was required under Rule 276 of P&T manual Vol II 3rd edition (2nd reprint), which resulted discrepancies in stock of printing papers and thereby failed to maintain devotion to duty and acted as such which was unbecoming of a Govt. Servant in contravention of Rule 3 (1)(ii) and 3(1) (iii) of CCS (conduct) Rules, 1964.

Article-II

That during the aforesaid period, while functioning in the aforesaid office, the said Shri Sambhu Ram Majumdar, being the custodian of printing Papers failed to exercise his duty as entrusted as per memo of distribution of works and contributed towards loss of 116 ream 191 sheets of paper of size 43x69cm valued of Rs. 32383.29 from his custody and thus failed to maintain devotion to duty and acted as such which was unbecoming of a Govt. Servant in contravention of Rule 3(1)(ii) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

Annexue-II

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri Sambhu Ram Majumdar, P.A./ Postal Store Depot, Guwahati-21.

Article-1

That the said Shri Sambhu Ram Majumdar, Senior most P.A. was ordered to look after the works of the Asstt. Manager in addition to his share of work during the leave vacancy of Sri J. C. Das. Accordingly Sri Sambhu Ram Majumdar looked after the work of Asstt. Manager during the period from 19.5.98 to 29.5.98 (F/N). Under Rule 276 of P&T Manual Vol. II, 3rd edition (2nd reprint), it was necessary on the part of Shri Majumdar to take over the articles of stock after carefully checking them with the Stock Register while resuming duty as Asstt. manager on 19.5.98 as the stocks were under the charge of Sri Jivan Ch. Das, Asstt. Manager during the period prior to proceeding on leave. But the said Sri Majumdar did not do so. Subsequently, Shri Das Returning from leave made a report as to the discrepancy in stock of paper to Supdt. P&T/Guwahati. Inquiry instituted revealed that there were shortage of 116 Reams and 121 sheets of printing paper of the size 43x69cms in Stock.

Thus the said Shri Majumdar failing to observe the spirit of rules contained under Rule 276 of P&T Manual Vol. II 3rd edition (2nd reprint), contributed towards

Attested
Jil
Adhikari

discrepancies in stock of papers, while working as Asstt. Manager PSD/Cuwahati. Thus it is alleged that the said Shri Sambhu Ram Majumdar failed to maintain devotion to duty and acted as such which was unbecoming of a Govt. Servant in contravention of Rule 3(1)(ii) and 3(1)(iii) of CCS (conduct) Rules, 1964

Article-II

That the said Shri Sambhu Ram Majumdar, while working as Asstt Manager postal Store Depot, Guwahati-21, was found to have taken over the keys of the Paper Godown on 20-5-98, and 21-05-98. Stock Register of reflected that on 20-5-98, Sri Majumdar, in the capacity of Asstt. Manager issued papers of size 43X69 cms for printing in Risograph Printing Machine and on 21.5.98, Sri Majumdar issued papers of size 43X69cms to M/s Gitanjali Printing Press, Guwahati-5 for printing of one lakh Est-36 vide order No SD/LP/Tender-02/97-98 dtd 15.5.98. Again on 21.5.98, Sri Majumdar, issued paper of size 43X69 cms to M/s Gitanjali Printing Press, Guwahati-5 for printing of 2000 books of S-37 vide order No. SD/LP/Tender-02/97-98 dtd 15.5.98 and on the same order Sri Majumdar issued paper of size 43X69 cms on that day i.e 1.5.98. Again on 21.5.98, Sri Majumdar issued to M/s Gitanjali Printing Press, Guwahati-5 paper of size 43X69 cm for printing of 100 pads of Prescription Slip vide order No. SD/LP/Tender-02/97-98 dtd 14/15.5.98, paper of size 56X91 cms for printing of one lakh Corr-67 vide order No. SD/LP/Tender-02/97-98 dtd 14/15-05-98 and paper of size 56X91 cms for printing of one lakh Daily Bag Balance Report vide order No. SD/LP/Tender-02/97-98 dtd 15/05/98.

Though the said Sri Majumdar repeatedly supplied papers from the stock, no discrepancy was reported on the above particularised dates. Subsequently, discrepancies in stock of papers was reported to Supdt. PSD/Cuwahati by Sri Jiwan Ch. Das Asstt. manager after returning from leave. On receipt of the report of discrepancy inquiry was instituted and shortage of 116 Reams and 191 sheets of printing paper of the size 43X69cms was established. The cost of 116 Reams 191 sheets of the paper of 43X69cms comes to Rs. 32,383.29 @Rs.278.25 per Ream.

As per Memo of Distribution of Works, Asstt. Manager is the custodian of Printing Papers. He is also to maintain proper account of stock of papers and fully responsible for accountability, short/excess in stock of papers.

Sri Sambhu Ram Majumdar failing to exercise duty as entrusted as per Memo of distribution of works, contributed towards the loss of papers worth of Rs.32,383.29, while working as Asstt. Manager PSD/Cuwahati. Thus it is alleged that the said Shri Sambhu Ram Majumdar failed to maintain devotion to duty and acted as such which was unbecoming of a Govt Servant in contravention of Rule 3(1)(ii) and 3(1) (iii) of CCS (Conduct) Rules, 1964.

Annexure-III

List of documents by which the articles of charge against Shri Sambhu Ram Majumdar, P.A./P.S.D/Cuwahati are proposed to be sustained

- (1) Stock register of paper
- (2) Register of Keys.
- (3) Order to look after the Duty of Asstt. manager.

Attest
JL
Attest

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-25-

- 4) Memo of distribution of works.
- (5) Report dtd 25-6-98 to Sdlt. PSD by Jiwan Ch. Das Asstt. Manager regarding discrepancy of paper of size 43x69 cm.
- (6) Written representation dtd. 2-11-2000 of Sri Sambhu Ram Majumdar, P.A. PSD/GH.
- (7) Written Statement of Sri Sambhu Ram Majumdar P.A./PSD/GH dtd. 2-7-98.
- (8) Written Statement of Sri Jiwan Ch. Das Asstt. Manager, PSD/GH dtd. 30-6-98.
- (9) Written Statement of Sri Bhupendra Nath Chaudhary, Accountant PSD/GH dtd. 1-7-98.
- (10) Written Statement of Sri Mahesh Ch. Das P.A./G.P.O./GH dtd 2-7-98.
- (11) Written Statement of Sri Barbeswar Kulita Night Guard/PSD/GH dtd. 30-6-98.

Annexure-IV

List of witnesses by whom the articles of charge framed against Sri Sambhu Ram Majumdar, P.A./PSD/GH are proposed to be sustained

1. Sri Bhupakeswar Haloi Sdlt(P) Pathsala Sub Divn. pathsala.
2. Sri Jiwan Ch. Das. Asstt. Manager, PSD/GH
3. Sri Bhupendra Nath Chaudhary, Accountant, PSD/GH
4. Sri Mahesh Ch. Das P.A./Guwahati (GPO)
5. Sri Barbeswar Kulita, Night Guard/ PSD/GH

Superintendent
Postal Stores Depot, Guwahati

Advocate

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-22-

ANNEXURE - C

Department of Posts, India
Office of the Supdt. Postal Stores Depot, Guwahati 781021

Memo No. SD/Vig-1/98-99

Dated at Guwahati the 09-01-2001.

In this office Memo of even No. dtd. 24-11-2000 Sri Jiwan Ch. Das, Asstt. Manager, Postal Stores Depot/Guwahati-21 was informed that it was proposed to take action against him under Rule-16 of CCS(CCA) Rules, 1965. A statement of imputations of misconduct or misbehaviour on which action was proposed to be taken was also enclosed therein. The Memo as mentioned above was delivered to Sri Jiwan Ch. Das on 24-11-2000 under receipt. Sri Jiwan Ch. Das was given an opportunity to submit representation in support of his defence within 10 days of receipt of the said Memo. The charges brought against Sri Jiwan Ch. Das was as under-

"That the said Shri Jiwan Ch. Das, while working as Asstt. Manager, Postal Store Depot, Guwahati-21 went on leave w.e.f. 19-05-98 to 28-05-98. Asstt. Manager being the incharge of the stock of forms / printing papers, it was essential to make arrangement against him. Accordingly Sri Sambhu Ram Mazumdar Senior most P.A. was ordered to look after the works of the Asstt. Manager in addition to his share of work. Accordingly Sri Sambhu Ram Mazumdar looked after the work of Asstt. Manager during the period from 19.5.98 to 29.5.98 (F/N). On expiry of leave, the said Shri Das resumed duty in the F/N of 29.5.98. As per instructions contained Under Rule 276 of P&T Manual Vol. II, 3rd edition (2nd reprint), it was necessary on the part of Shri Das to take over the articles of stock after carefully checking them with the Stock Register while resuming duty on 29.5.98, as the stocks were under the charge of Sri Sambhu Ram Mazumdar who looked after the duties of Asstt. Manager during the period of leave mentioned above. But the said Sri Das did not do so.

"After joining to his duty, Sri Das was found to have taken over the keys of the Paper Godown on 4.6.98, 11.6.98 and 12.6.98. The Stock Register of Printing Papers reflected that on 4.6.98, Shri Das, in the capacity of Asstt. Manager issued papers of size 43X69 cms to M/S Bobby Printing and Binding House Guwahati-27 for printing 500 books of SK-1 (Small) as per Order No. SD/LP/Tender-02/97-98 dtd 1.6.98. It was also noticed that though Shri Das took over the keys of Paper Godown on 11.6.98 as per Register of Keys, no printing Papers found to have issued on 11.6.98. On 12.6.98 it was noticed that Shri Das went to Paper Godown twice at 1140 hrs and 1515 hrs. The Stock Register of printing paper exhibits that on 12.6.98 papers of size 56X91 cms were issued for cutting and printing in the Risograph Printing Machine of the office. Again on the same day papers of size 56X91 cms were found to have issued to M/S Gitanjali Printing Press for printing of one lakh Corr-67 (Small envelope) as per order No. SD/LP/Tender-02/97-98 dtd. 14/15-05-98.

"As per Memo of distribution of Works, Asstt. Manager is the custodian of Printing Papers. He is also to maintain proper account of stock of papers and fully responsible for accountability, short/excess in stock of papers.

Attested
[Signature]
[Signature]

It was alleged that after resumption to duty, Shri Das though repeatedly supplied papers from the stock, no discrepancy was reported on the above particularised dates. Subsequently, discrepancies in stock of papers was reported to Supdt. PSD/Guwahati on 25.6.98 i.e. after 27 days of resumption to his duty after expiry of leave. On receipt of the report of discrepancy, inquiry was instituted and shortage of 116 Reams and 191 sheets of printing paper of the size 43X69cms was established. The cost of 116 Reams 191 sheets of the paper of 43X69cms comes to Rs. 32,383.29 @Rs.278.25 per Ream. Thus it was alleged that the said Shri Das failing to observe the spirit of rules contained under Rule 276 of P&T Manual Vol. II 3rd edition (2nd reprint) as well as to exercise duty as entrusted as per Memo of distribution of works, exhibited misconduct and contributed towards the loss of papers worth of Rs.32,383.29, while working as Asstt. Manager PSD/Guwahati.

Thus it was alleged that the said Shri Jiwan Ch. Das failed to maintain absolute integrity; devotion to duty and acted as such which was unbecoming of a Govt Servant in contravention of Rule 3(1) (i) 3(1)(ii) and 3(1) (iii) of CCS (Conduct Rules) 1964."

On receipt of the memorandum, as said above, Sri Jiwan Ch. Das requested to allow him to inspect the statement of Sri B.N. Choudhury the then manager in charge and of Sri Sarbeswar Kalita, Night Guard of the Paper Godown, for his feasibility to submit defence statement vide his letter dtd. 04-12-2000.

Considering his request, the photo copy of the above said two statements were supplied to Sri Jiwan Ch. Das vide this office letter of even no dtd. 04-12-2000. Thereafter Sri Jiwan Ch. Das submitted his defence statement dtd. 19-12-2000 which reads as follows-

"With reference to your memorandum no. Sd/Vig-1/98-99 dtd. 24-11-2000 served on me enclosing thereto a statement of allegations with charge for violation of Rules 3(1) (i), 3(1)(ii), 3(1)(iii) of CCS Conduct Rules 1964 proposing thereby to take action against me under Rule 16.

As directed vide your above memo, I with due respect and submission, beg to place before you the following statement, of my defence for favour of your perusal and careful consideration, realistic assessment of the situation and facts relating to the allegation against me and take a favourable decision in the matter.

The allegation precisely pointed are that there was a shortage of papers in the Godown amounting to 116 Reams and 191 Sheets of the size of 43x69 cm papers. Prior to the aforesaid proposal, I was called upon to explain on the same allegations as levelled against me and with due obedience, I submitted my explanations vide letter dtd. 14-11-2000 but it is a matter of resentment that no opinion was made by your good self as to whether my explanation was at all untenable and downright rejected. Having regard to my above contention I held the view that there was tendency and motive to initiate action against me abruptly to show and exhaust departmental channel to shirk the authority's responsibility and had it not been so, no allegations relating to the month of May/98 would have been levelled hurriedly now at the 12th hour of my retirement to commence on 31-01-2001. Thus it is held and rationally viewed that

Attested
J.S.
Advocate

principles of justice were denied and it goes against the provision and guidelines of the discipline covered under the article 311 of the Indian Constitution.

It is consistent and proved by the statement dtd. 01-07-98 and 30-06-98 of Sarbasree B.N. Chaudhury and Sarbeswar Kalita supplied to me under your letter No even dtd. 04-12-2000 that the alleged shortage took place during my leave i.e. on 21-05-98 by way of theft in day light. Consequently doubt arose in the mind of the authority that the stock of papers in the Godown was handled unauthorisedly by the official posted to stop-gap of 10 days of leave. Evidently there was clandestine deal in collaberation and even after renewing the fact no report was made to Police and had it been done the stolen materials i.e. Papers could have been recovered.

The stop gap arrangement for mere 10 days as it tends to think, reflect otherwise before doing so no office for standing orders as prevailed were consulted but an official of doubtful character was entrusted to higher responsibility. Further as I know there was specific restriction in the handling of paper stock by the official put to stop gap of my leave but this was not examined before posting of a substitute.

It is my fervent request to you to judge carefully the point that the incidence of theft or dishonest deal was not attributed to the alleged failure of proper accounting of paper stock at the time of my rejoining after leave on 29-05-98. The position and feasibility of detecting any discrepancy in any particular size of papers were very remote and instantaneous as explained in my letter dtd. 14-11-2000 which I would request may kindly be treated as a part of my defence in this respect and also having due cognizance to what has been stated in the related matter by S/Sri B.N. Chaudhury and Sarbeswar kalita.

Under the facts and circumstances stated above and having a realistic view on my long unblemished service records without any stigma, I would fervently request you to kindly consider me in the matter of allegation with leniency and exonerate me from the perviewed of the charge and thus do justice before my retirement on 31-01-2001

In the Defence statement Sri Jitwan Ch. Das referred to his earlier representation dtd. 14-11-2000 which reads as under-

"With reference to the above, I beg to state that prior to proceeding on leave w.e.f. 19-05-98 there was no discrepancy of paper in stock.

That Sir, on resumption to duty from leave on 29-5-98, Infact I have supplied different size of Papers in compliance to office order to press and office Risho printing machine on different dates. Sometimes I happened to visit twice to the Paper Godown for supply of papers to different printers on their attendance for lifting papers as also for supply of papers for the use of office Risho Printing Machine and debit of balance of stock have accordingly been casted in the Stock Register.

On 23-6-98 I had been ordered for supply of 40 ream Printing Papers of size 43x69 cm to M/s Bobby Printing and binding house. Surprisingly I found only 21 ream 190 sheets of printing papers available in stock. I supplied 21 reams papers to the Press on 23-6-98 and non availability papers in stock was reported verbally

Attested
[Signature]
Admte

- 28 -

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the office on the advice of the office, I have thoroughly checked the stock of papers of all sizes on 24-6-98, and finding no trace of shortage, the matter was reported to the authority in writing on 25-6-98.

Sir, In fact the Asstt. Manager is the Custodian of Paper Godown and responsible for maintenance of correct stock of papers received from DSSRD and local purchase and are used to be kept in a small room and for want of proper accommodation storing and stocking of papers size wise hampered. Very often paper used to be kept mixing with other size of papers for accommodation problem.

That Sir, on resumption from leave on 29-5-98, on good faith, I have taken the stock as good. During my incumbency as Asstt. Manager, I have discharged my duties and responsibilities faithfully.

Under the circumstances, explained above, I beg to pray your goodself to consider my case sympathetically and exonerate me from the charges in consideration of faithful and unblemished services rendered to the Department during the period of my entire 40 years service."

I have gone through the imputations of misconduct or misbehaviour on which action was proposed to be taken. Defence statement of the official and all other connected documents of the case carefully and observed that the said Sri Jiwan Ch. Das could not put forward any convincing ground to refute the charges brought against him.

In the defence statement of the official, Sri Das referred to his earlier representation dtd. 14-11-2000, wherein Sri Das clearly admitted that the Asstt. Manager is the custodian of paper godown and responsible for maintenance of correct stock of papers. Sri Das also stated in his representation that on good faith he did take the charge of the stock of paper as correct, on resumption to duty after leave on 29-05-98. Being the responsible Govt. Servant with too many years of Service on record, taking over of Stock of Papers on good faith, on the part of Sri Das is the sheer negligence towards his duty and thereby the said Sri Das contributed towards the loss of papers of the size 43x69 worth of Rs. 32383.29. Thus the very admittance of the fact by the official itself proved the charges brought against Sri Das.

Further it is found that the said Sri Das resumed duty on 29-5-98 after leave and he supplied papers thereafter on 4-6-98 and 12-6-98. The supply included the papers of size 43x69 also. But Sri Das did not report any discrepancy. There after on 25-6-98, after 27 days of resumption to duty/taking over of the charge of the Godown, Sri Das reported the discrepancy. In this position there remain no scope to the said Sri Das to evade his contribution towards the loss of papers under his custody.

Sri Das, in his defence representation dtd. 19-12-2000 put a question of denial of natural justice too. In this point it is evident that the memorandum enclosing the imputations of misconduct or misbehaviour was served to Sri Das on 24-11-2000. Sri Das was given ample opportunity to submit his defence representation within 10 days of receipt of the letter. Sri Das desired to inspect the Statement of Sri B.N. Chaudhury and Sri Sarbeswar Kalita, which were supplied to him and finally Sri Das submitted his defence statement on 19-12-2000 i.e. after 25 days of receipt of the memo of imputations of misconduct or misbehaviour. In this position, the question of denial of natural justice

A.H.O.
J.P.
Admit

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-5-

the said Sri Das does not arise at all.

Sri Das also pointed out the statement of Sri B.N. Chaudhury and Barbeswar Kalita and put forward some other issues which are not at all convincing to evade his contributions towards the loss to the Govt.

The foregoing discussions made above clearly establish the charges brought against Sri Jiwan Ch. Das and found that the said Sri Das contributed towards the loss of papers worth of Rs. 32,363.29 while working as Asstt. Manager, PSD/Guwahati-21. Therefore, keeping in view the partial recoupment of loss, caused to the Govt. and to meet the end of justice the following orders are passed-

Order.

- I, Sri A.C. Das, Supdt. Postal Stores Depot Guwahati-21, hereby order that an amount of Rs. 16000/- (Sixteen thousands) only be recovered from the pay of Sri Jiwan Ch. Das, Asst. Manager, P.S.D./Guwahati-21, commencing from the pay for the month of January/2001 on instalments @ Rs. 2000/- per month.

Sd/-
(A.C. Das.)

Supdt. Postal Stores Depot
Guwahati-21.

Attested
[Signature]
[Signature]

27-30-ANNEXURE-D
DEPARTMENT OF POSTS: INDIA
OFFICE OF THE SR. SUPDT OF POST OFFICES:
GUWAHATI DN: GUWAHATI-781001.

No. Inquiry-14/1/2001 dt Ghy, 21-5-01

To ✓
Shri Sambhu Ram Mazumdar
PA (BCR), Guwahati G.P.O.

Sub:- Departmental inquiry under Rule
14 of the CCS (CCA), Rules, 1965
against Shri Sambhu Ram
Mazumdar, PA, PSD, Guwahati-21.

Sir,

Under his order no. SD/Rule
14/2000-01 dt 25-1-2001, a copy of
which has been endorsed to you
also, the Supdt. PSD, Guwahati
has appointed me as the Inquiring
Authority to enquire into the charges
framed against you vide his memo
No. SD/Rule-14/2000-01 dt 29-11-2000.

I shall hold preliminary
hearing in the case on 29-5-01
in the office of the Supdt. PSD,
Guwahati at 10.00 A.M. You are,
therefore, required to attend the
proceedings either alone or accom-
panied by your Defence Assistant
on the appointed date, time and
place, failing which the proceedings
shall be held ex parte.

Instructions for getting
your Defence Assistant relieved
will be issued if his particulars
and willingness to work as such
along with the particulars of his
controlling authority are received by
me before 25-5-01.

Atty
Advocate

- 28-31 -

while nominating a serving Government Servant as Defence Assistant the instructions on the subject should be kept in view.

yours faithfully

(S. DEY PURKAYASTHA)

Inquiry officer

অধ্যক্ষ প্রশ্নাবলি বিভাগ

গুৱাহাটী, অসম

Asstt. Superintendent of P.O.

Guwahati Division

Guwahati, 781001

Copy to :-

1. Shri Rabinobra Biswas, Presenting officer, ASP (HQ), o/o the S. S. Pos, Guwahati & Co, Guwahati. He is requested to attend the preliminary hearing along with all the listed documents and copies of the statements of listed witnesses if any recorded during preliminary investigation as per programme given above.

2. Shri S. Postmaster, Guwahati P.O. He is requested to direct the charged officer to attend the preliminary hearing on the appointed date, time and place.

3. Shri Supdt. P.S.D. Guwahati for information and necessary action.

4. Shri Supdt. S. Pos Guwahati & Co, Guwahati for information and necessary action.

Sd/-

(S. DEY PURKAYASTHA)

Inquiry officer.

H.A.
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- 32-24- ANNEXURE - E.
Proceedings of Preliminary
hearing dt-29-5-01

The proceedings were taken up by me in the office of the Supdt. PSD, Guwahati on 29-5-01 at 10-00 hours when the following were present :-

1. Shri Rabintra Biswas, Presenting officer.
2. Shri Sambhu Ram Mazumder, Charged officer.

The C.O. when questioned by the D.O. admitted to have received the charge sheet and to have understood the charges against him fully. He, however, pleaded not guilty for all the charges levelled against him.

The charged officer has submitted an application dt-28-5-01 to Shri Bhriqur Ram Lahkar Rtd AFM, Guwahati G.P.O. who has given willingness to work as Defence Assistant which is accepted by the D.O.

The P.O. as directed appeared before me with all the listed documents which were offered to the C.O. as follows:-

- (1) Stock Register of paper - 43x69 cm Page NO. 206 to 207 and 56x91 cm Page NO. 259 to 260, which marked as Ex-1.
- (2) Register of Keys - marked as Ex-2.
- (3) Order to look after the duty of Asstt Manager - marked as Ex-3.
- (4) Memo of distribution of work - marked as Ex-4.
- (5) Report dt 25-6-98 to Supdt. PSD by Shri Jiwan Ch. Das, Asstt Manager

Attested
[Signature]
Attested

regarding discrepancy of paper 3-4
size 43X69 - marked as Ex-5

(6) written representation dt 2-11-2000
of Shri Sambhu Ram Mazumdar, PA
PSD, Guwahati - marked as Ex-6.

(7) written statement of Shri Sambhu
Ram Mazumdar, PA, PSD, Guwahati dt
02-07-98 - marked as Ex-7.

(8) written statement of Shri Jibwan
Ch. Das, Asstt Manager, PSD, Guwahati
dt 30-6-98 - marked as Ex-8.

(9) written statement of Shri Bhupendra
Nath Choudhury, Accountant, PSD/GH
dt 1-7-98 - marked as Ex-9.

(10) written statement of Shri Mahesh
Ch. Das, PA, G.P.O. GH dt 2-7-98 -
marked as Ex-10.

(11) written statement of Shri Sarbeswar
Kalita, Night Guard/PSD, GH dt
30-6-98 - marked as Ex-11.

The C.O. also admitted the
above listed documents as genuine.

The C.O. has asked for
copies of all listed documents.

The C.O. was directed to
give a notice by 31-5-01 for the
production of any document which
is in possession of the Government
and is not mentioned in Annexure
III to the charge sheet but is rele-
vant to his defence. While doing
so, he shall indicate the relevance
of the documents required by him
and the custodian authorities there-
of.

The C.O. was directed to
submit a list of Defence witnesses
proposed to be examined on his
behalf but he replied negative.

Copies of ~~the~~ the list of
additional documents shall be
simultaneously furnished by the
C.O. and P.O. also.

The additional documents that will be permitted by me, and will be forthcoming will be inspected by the C.O. and his Defence Assistant on 7-6-01 in the office of the S.S.P.O. Guwahati on Guwahati at 11.00 A.M.

Copies of all the listed documents mentioned in Annexure-III has been supplied to the charged officer on spot on 29-5-01.

Copies of preliminary hearing has been supplied to the charged officer and P.O.

29/5/01
Presenting officer

29/5/01
Inquiring officer
Charged officer.

Attested
J.S. Advocate

22-35-ANNEXURE-F
DEPARTMENT OF POSTS INDIA
OFFICE OF THE SR SUPDT OF POST OFFICES
GUWAHATI-DN: GUWAHATI-781001.

No. Inquiry-14/1/2001

dt July, 10-7-01

To

Shri Sambhu Ram Mazumder
PA (B.C.R), Guwahati CPO.

Sub:- Departmental inquiry under
Rule 14 D- the C.S.O (C.A) Rules
1965 against Shri Sambhu Ram
Mazumder, PA, P.S.D, Guwahati-21.

Sir,

With reference to your
letter no. nil dt 4-6-01 regarding
supply D- additional documents
I am to state that:-

In the charge sheet -
article I relates to taking over
of 116 Reams and 191 sheets D-
paper D- the size 43X69 cms in
the stock.

The invoices D- paper
supplied by Jagir Road Paper Mill
during 1998 has no relevancy with
the above charges.

As the pages D- stock
register D- relative period has been
supplied, asking for respective file
from 1-5-98 to 27-5-98 is found
irrelevant.

Inquiry officer.
Asstt. Supdt. of P.Os., Gh. Division
Guwahati-781001.

Filed
Admt

- 36 - 33 - ANNEXURE-G Regd
DEPARTMENT OF POSTS: INDIA
OFFICE OF THE SR SUPDT OF POST OFFICES:
GUWAHATI DN: GUWAHATI-781001.

No. Inquiry-14/1/2001 dt Ghy, 10-7-01

✓ To

Shri Sambhu Ram Mazumdar
PA (BCR), Guwahati G.P.O.

Sub:- In the proceedings against
Shri Sambhu Ram Mazumdar
PA, PSD, Guwahati-21 at the
O/o the S.S.P.Os, Guwahati
on 19-7-01 and 20-7-01 at
11-00 hours daily.

Sir,

I am the Inquiring Authority
in the Disciplinary Proceedings against
Shri Sambhu Ram Mazumdar,
2. The next dates of hearing
is fixed on 19-7-01 and 20-7-01
at 11-00 hrs at the office of the
S.S.P.Os, Guwahati for to examine
the following Prosecution witnesses:-

- ✓ 1. Shri Bhubaneswar Taloi
SDI (P), Pathsala Sub Div.
Pathsala.
- ✓ 2. Shri Jivan Ch. Das, (Rtd)
Asstt Manager, PSD, Guwahati.
- ✓ 3. Shri Bhupendra Nath Choudhury,
Accountant, PSD, Guwahati.
- ✓ 4. Shri Mahesh Ch. Das,
PA, Guwahati G.P.O.
- ✓ 5. Shri Sarbeswar Kalita
Night Guard, PSD,
Guwahati.

You are, therefore required
to attend the hearing accompanied
by your Defence Assistant Shri
Bhriku Ram Lahkar, Rtd APM, Guwahati
G.P.O. failing which the proceedings

Atty
Atty

shall be held ex-parte.

- 34-37-

64

yours faithfully

(S. DEY PURKAYASTHA)
Inquiring officer.

सहायक अधीक्षक, डाकघर
गुवाहाटी मंडल, गुवाहाटी
Asst. Supt. of P.Os., Gh. Division
Guwahati-781001.

Copy to:-

1. Shri R. Biswas, Presiding officer and ASP (H.Q.), o/o the S.S. P.O.s, Guwahati. He is required to attend the hearing on the dates, time and place.
2. The Sr. Supt. of Pos, Guwahati and necessary for information and necessary action.
3. The Sr. Postmaster, Guwahati G.P.O. with the request to relieve the official to attend the hearing on the above dates, time and place.
4. Shri Bhriju Ram Lahkar, Retd. A.P. M., Guwahati G.P.O.

Sd/-

सहायक अधीक्षक, डाकघर
गुवाहाटी मंडल, गुवाहाटी
Asst. Supt. of P.Os., Gh. Division
Guwahati-781001.

Atty. G
J. / Adv. G

- 38 -

- 38 -

ANNEXURE - H

balu 30.10.2001

To

The Asstt. Supdt. of post Offices (HQ)
Guwahati Division, Guwahati - 781 001.

Ref:- Memo No. SD-Rule-14/2000-2001 dated 29.11.2000.

Sub:- Defence Statement submitted by Shri Sambhu
Ram Mazumdar, P.A. P.S.D., Guwahati.

Sir,

Most respectfully I submit the following Defence
Statement in reference to your Office Memo No. SD-Rule-
14/2000-2001 dated 29.11.2000.

Before giving the parawise reply of the charges
levelled against me it is necessary to give background
of the case. On careful scrutiny of records of Stock
Book of Paper (Ex-1) which did not covered with the
report of inquiry officer it has been seen
during the period of leave of Shri Jiwan Chandra Das
the regular Asstt. Manager and also prior to my assign-
ment as look after Asstt. Manager [Shri Subhas Chandra
Chowdhury then regular Manager PSD/GH has supplied a
quantity of 35 R' 88 Sheets of Printing Papers of size
43 x 69 cm to M/s. Sahitya Rathi Press without following
any official procedure from the appropriate authority. ✓
This supply could not be treated as an emergency nature
as it is found from the entry made in the Stock Book
(Ex-1) showing date entry as "19.5.1998"
2.1.1998. As per entry
in Stock Book it is very clear the order of supply was
granted on 2.1.1998. The same was not executed till
18.5.1998. But Shri Subhas Chandra Chowdhury, Manager
has personally executed the supply on 19.5.1998 in
absence of regular Asstt. Manager after gap of five (5)

Contn.. 2

Shri Subhas Chandra Chowdhury
Advocate

months from the date of approval. Moreover Shri Subhas Chandra Chowdhury did not make any entry on the Key Register showing particulars Key taken by him on 19.5.1998. Moreover Shri Chowdhury could have executed the order of supply in presence of regular Asstt. Manager within the period from 2.1.1998 to 19.5.1998. After execution of said supply he availed the leave of L.T.C. with effect from 20.5.1998. It may be stated that as per Distribution of Works (Ex-4) the sole responsibility of supply of papers is vested on Asstt. Manager not on Manager. From it appears that Shri Chowdhury (P.S.D.) with malafide intentions and with a motive behind executed the supply order dated 2.1.1998 on 19.5.1998 without following any official procedure. It may be apprehend that Shri Chowdhury, Manager (PSD) might misused his official position to give favour to some of his interested persons during absence of regular Asstt. Manager on 19.5.1998. From the above fact and circumstances it may be assumed that the shortage of Printing Paper may be occurred on 19.5.1998 when it was supplied to M/s. Shity Rathi Press as per Stock Book entry on "19.5.1998" / "2.1.1998".

1. That with regard to Article of charges Annexure-1, Article-1 I beg to state that I took over the charge as look after Asstt. Manager (P.S.D.) Vice Shri Jiwan Chandra Das Asstt. Manager (P.S.D.) who was on Medical leave with effect from 19.5.1998 to 29.5.1998 in addition to my own duties. Shri Jiwan Chandra Das or the authority did not give me any opportunity instruction or order to verify the Stock with the Stock Register.

Contd.. 3

Handwritten signature and initials at the bottom of the page.

So I have written a letter to the authority about my inability to operate the Godown as look after Asstt. Manager. But the authority rejected my prayer and submission, hence I cannot be held responsible for any lapse committed by the authority.

2. That with regard to Article of charges Article-II I beg to state that same are not correct and hence denied by me.

As per Memo of Distribution of Works (Ex-4) nothing has been mentioned about "accompanying of Group 'D' staff with the Asstt. Manager to Godown for supply of Printing Papers to Press. The Memo of Distribution of Works (Ex-4) has vested sole responsibility of Stock of Paper to the Asstt. Manager and as per the responsibility I supplied papers to M/s. Gitanjali Printing Press with full satisfaction. On approval of supply to M/s. Gitanjali Printing Press by the Supdt. PSD/GH in file the Dealing Asstt. (PW-1) has prepared the order and placed it in the table of Manager. The order slip was issued with the following description of papers to be supplied to the M/s. Gitanjali Printing Press.

Size (in CM)	Quantity
43 x 69	41 R 430 Sheets
56 x 91	18 R
56 x 71	447 Sheets
69 x 86	6 R 216 Sheets.

The look after Manager Shri Bhupendra Nath Chowdhury (PW-2) handed over the slip to me and asked me for supply of Papers to M/s. Gitanjali Printing Press from Godown. Accordingly I had taken the Key of the Godown

Handwritten signature
A. K. Choudhary

from the Manager PSD/OH on giving initial in the Key Register with time and date. After that I proceeded for Godown to supply papers. Before opening the Godown I found Shri Sarbeswar Kalita (PW-3) Night Guard of the said Godown, who was in front of the Godown door. In presence of Shri Kalita I had opened the door of the Godown and supplied papers to the concerned firm as per order slip given by the Manager after careful counting of papers. Immediately on completion of supply of papers I had closed the door of Godown in presence of Shri Sarbeswar Kalita Night Guard and I left the Godown with him which has been admitted by him (PW-3) in his statement. After arrival at the main building I had return the Key to look after Manager Shri Bhupendra Nath Chowdhury (PW-2) with making entry in the Key Register with time, date, and signature.

It is worth to mention here that I acted as look after Asstt. Manager with effect from 20.5.1998 to 29.5.1998. Shri Jiwan Chandra Das (PW-4) the regular Asstt. Manager had resumed to his duty after availing leave on 29.8.1998. After resumption of duty Shri Jiwan Chandra Das Asstt. Manager did not verified the stock of the Godown with the Stock Register or with me. Shri Jiwan Chandra Das had opened the papers Godown in three (3) subsequent dates i.e. on 4.6.1998, 11.6.1998 and 12.6.1998. He supplied papers to different firms. But he did ^{not} report any loss or shortage of papers till 12.6.1998. In the enquiry report it has not been mentioned what size of papers the Asstt. Manager supplied on 4.6.1998, 11.6.1998 and 12.6.1998.

Contd.. 5

Atty Cl
Jil Advate

The regular Manager Shri Subhas Chandra Chowdhury was on leave on LTC with effect from 20.5.1998. After resumption to his duty and on a subsequent date on 23.6.1998 Shri Chowdhury enquired the regular Asstt. Manager Shri Jiwan Chandra Das (PW-4) about the stock position of a particular paper of size 43 x 69 CM. Now it can be easily presumed that shortage of that size of papers was within the knowledge of Shri Chowdhury, the regular Manager P.S.D. On enquiry of Shri Chowdhury, Manager the Asstt. Manager Shri Jiwan Chandra Das (PW-4) examined and reported shortage of paper of size 43 x 69 CM on 25.6.1998 after (twenty seven) 27 days from his resumption to duty after leave.

Shri Bhubaneswar Haloi (PW-5) enquired about the loss and his report of enquiry it has been shown the loss of 116 R 191 Sheet of paper size 43 x 69 CM. The enquiry officer did not fully gone through the all aspect of the matter and also did not scrutinized the materials on records. He filed a bias report and erroneous finding of the matter. From the above fact, I cannot be held responsible for any shortage of printing Papers in Godown. I have done my duties with full responsibility, devotion and honesty without any mala-fide intention in addition to my duties. ✓

Thanking you

Yours faithfully

(Shri Sambhu Ram Mazumdar)
P.A. P.S.D/Guwahati

Admitted
J.S. Admitted

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ANNEXURE - I

ORDER SHEET

APPLICATION NO. 28/2002

Applicant(s) S.R. Mazumdar

Respondent(s) UOI 2028

Advocate for Applicant(s) Mr. Adil Ahmed

Advocate for Respondent(s) CGSC

Notes of the Registry

Date

Order of the Tribunal

12.2.02

Heard Mr. A.Ahmed learned counsel for the applicant and also Mr. A.K.Choudhury, learned Addl. C.G.S.C. for the respondents.

By this application the applicant has assailed the continuance of the departmental proceeding initiated on 25.10.2000 pertainin to an event that took place in May,1998. It has been stated by the respondents that the proceeding is almost complete and the department is waiting for the report of the Enquiry Officer. Mr. A. K.Choudhury, learned Addl. C.G.S.C. for the respondents stated that the enquiry was completed in the last month and the competent authority is eagerly expecting the enquiry report. The competent authority shall act with all promptitude on receipt of the report.



Contd/-

Adil Ahmed
Advocate

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Date	Order of the Tribunal
2.2.02	<p>Considering all the aspects of the matter, we are of the opinion that the enquiry proceeding needs to be concluded at the earliest. Since the proceeding is almost complete, we direct the respondents to complete the exercise within six weeks from today. If the applicant is aggrieved by the decision of the authority he may approach the Tribunal if so advised <i>per law</i>.</p> <p>The application stands disposed of. No order as to costs.</p>



Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)

certified to be true Copy
प्रमाणित प्रतिस्ति

[Signature]
29/4/02

Section Officer (A)
अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकारी
Guwahati Bench, Guwahati

[Signature]
[Signature]

- 42-45 -

ANNEXURE - 1

**DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL
ASSAM CIRCLE; GUWAHATI; 781001.**

Memo No. Vig/1-15/99(Ch.II) dated the 24th June 2002.

In the Memo No. SD/Rule-14/2000-2001 dated 29.11.2000 issued by the Supdt. of Postal Store Depot, Guwahati it was proposed to hold an inquiry against Shri Sambhu Ram Mazumdar, PA(BCR) P.S.D. Guwahati, under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in shape of Articles of Charge in respect of which the inquiry was proposed to be held, a statement of the imputations of misconduct or misbehaviour in support of each article of charge, a list of documents by which and a list of witnesses by whom the charges were proposed to be sustained were enclosed along with the said memorandum. The articles of charge set out against Shri Sambhu Ram Mazumdar are as follows:-

Article - I

That the said Shri Sambhu Ram Mazumdar PA, Postal Store Depot while functioning as Asstt. Manager, Postal Store Depot, Guwahati-21 during the period from 19.5.98 to 29.5.98 (F/N) failed to take over the articles of stock after carefully checking them with stock Register while resuming duty on 19.5.98 as Asstt. Manager, Postal Store Depot as was required under Rule 276 of P&T Manual Vol. II 3rd edition (2nd reprint) which resulted discrepancies in stock of printing papers and thereby failed to maintain devotion to duty and acted as such which was unbecoming of a Govt. Servant in contravention of Rule 3(1)(ii) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

Article - II

That during the aforesaid period, while functioning in the aforesaid office, the said Shri Sambhu Ram Mazumdar, being the custodian of printing papers failed to exercise his duty as entrusted as per Memo. of distribution of works and contributed towards loss of 116 ram 191 sheets of paper of size 43 X 69 c.m. valued Rs. 32383.29 from his custody and thus failed to maintain devotion to duty and acted as such which was unbecoming of a Govt. servant in contravention of Rule 3(1)(ii) and 3(1)(iii) of CCS (Conduct) Rules 1964.

2. Shri Sambhu Ram Mazumdar was asked to submit within 10 days of the receipt of the said memorandum, a written statement of his defence and also to state specifically whether he admits or denies each article of charge and also to state whether he desires to be heard in person. Shri Mazumdar received the said Memorandum on 29.11.2000 and he submitted his written statement of defence on 30.11.2000 denying the charge and desired to have hearing in person.

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Hd. to
Adm. to

3. Since the said charged official denied the charges, it was decided to appoint an Inquiry Authority for detailed oral inquiry towards finding the fact. Shri S.D.Purkayastha, ASPOs(Divn), Guwahati Divn. was appointed as the Inquiry Authority vide Memo No.SD/Rule-14/2000-2001 dated 25.01-2001 of the Supdt of PSD, Guwahati, to inquire into the charges framed against the said Shri Mazumdar. To present the case on behalf of the Disc. Authority, Shri Rabindra Biswas, ASP(HQ) Guwahati Divn. was appointed as the Presenting Officer vide Memo of even no.dated 25.1.2001 separately.


4. The Inquiry Authority held preliminary hearing on 29.5.2001 followed by further regular hearing on 19.7.2001, 20.7.2001, 20.8.2001 and 10.9.20-01. The charged official took assistance of Shri Bhrigu Ram Lahkar, Retired APM, Guwahati GPO as his Defence Assistant to defend his case during the entire period of inquiry. The Presenting Officer submitted his written brief to the Inquiry Authority on 26.9.2001 with a copy thereof to the charged official. In response, Shri Mazumdar submitted his written brief to the Inquiry Authority on 30.10.2001. The Inquiry Authority then submitted his Inquiry Report to the Disc. Authority along with the records and proceedings of Inquiry.



5. As the charged official belongs to BCR(HSG-II) cadre whose appointing authority is the Director of Postal Services who can only decide and pass orders on Disc. proceedings for one of the major penalties specified in Rule-II of CCS(CCA) Rules, 1965 against BCR(HSG-II) officials, the case was forwarded to the undersigned for decision and passing orders as deemed fit.

6. The undersigned being the Appointing Authority of the charged official and competent Disc. Authority for imposing one of the major penalties specified in Rule-II of CCS(CCA) Rules, 1965 has gone through the Inquiry Report submitted by the Inquiry Authority with reference to the records and evidences adduced during the inquiry and accepted the findings of the Inquiry authority tentatively.

The Inquiry Authority submitted his inquiry Report with findings of all the charges brought against Shri Sambhu Ram Mazumdar as proved. The Inquiry Authority has recorded the reasons to arrive at his conclusion and findings of the Inquiry against each article of charge as under:-

Article - I

- i)  The charged official worked as Asstt. Manager, PSD Guwahati from 20.5.98 to 29.5.98 in addition to his own duty. As per Memo of distribution of work (Exh.4), the Asstt. Manager is the custodian of stock of printing papers and responsible towards their accountability, short/excess. Thus taking over the articles of stock after carefully checking them with the stock register was automatic on the part of the charged official.

- 64
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- ii) The contention of the charged official to the fact that the shortage of printing papers might have occurred on 19.5.98 when Shri Subhas Choudhury, Manager, PSD made supply of papers to M/S Sahitya Rathi Press out of favour, does not bear value as mere apprehension of the charged official cannot prove his contention.
 - iii) The charged official worked as Asstt. Manager, PSD, Guwahati from 20.5.98 to 29.5.98. The question of giving him opportunity, instruction or order to verify the stock of paper with stock register did not arise as it was his automatic duty.

Thus the charge brought against Shri S.R. Mazumdar under Article-I is proved beyond doubt.

Article - II

- i) It is clear from the stock register of papers (Exh - 1) and the key register (Exh-2) that the charged official issued papers of size 43 X 69 cm on 20.5.98 and 21.5.98 in the capacity of Asstt. Manager, PSD, Guwahati, but did not report any discrepancy in the stock.
- ii) Deposition of Shri B.N. Choudhury (PW-2) corroborating his written statement dated 1.7.98 (Ex-9) reveals that the charged official took the keys of paper Godown without knowledge of the Manager on 21.5.98 and also did not seek any group 'D' assistance for supply of papers as per procedure followed in the PSD. ✓
- iii) Deposition of Shri Mahesh Das (PW-1) corroborating his written statement dated 2.7.98 (Ex-10), reveals that the charged official supplied paper to Geetanjali Printing Press on 21/5/98 without taking assistance of Group 'D' staff.
- iv) Deposition of Shri B. Haloi (PW-5) who investigated the alleged shortage in the stock of printing paper of size 43 X 69 cm reveals that the charged official did not take permission of the Manager, PSD for the keys of the Godown nor asked for Group 'D' assistance. He proceeded to paper Godown at his own accord.
- v) Deposition of Shri Jiwan Ch. Das (PW-4) corroborating his written statement dated 30.6.98 (Ex-8) reveals that shortage in stock of printing paper of size 43 X 69 cm was detected on 23.6.98 when he was supplying the paper after resuming duty as Asstt. Manager, PSD on expiry of leave.

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vi) Deposition of Shri Sarbeswar Kalita (PW-3) corroborating his written statement dated 30.6.98 (Ex-11) reveals that the charged official opened the paper godown on 21.5.98 accompanied by the proprietor of Geetanajli Press and supplied paper from the Godown to the Press loading in a Mini truck. He was not accompanied by any Group 'D' staff while making the supply.

vii) The charged official during inquiry admitted to the Inquiry Authority to the fact that he did not count the paper in stock before and after supply made to Geetanajli Press.

Thus the charge brought against Shri S.R.Majumdar in Article -II is proved beyond doubt.

7. A copy of the Inquiry Report was supplied to the charged official vide letter No.VIG/1-15/99 (Ch. II) dated 11.3.2002 with direction to him to submit representation if he so desired against the report/findings of the Inquiry Authority within 15 (fifteen) days of receipt of the letter. The charged official submitted his representation on 19.3.2002. In the representation the charged official has stated the following points to refute the findings of the Inquiry Authority.

- i) The Inquiry Report submitted by the Inquiry authority against him are baseless and without going through the roots of the case.
- ii) He cannot be held responsible for the mistake committed by other officials.
- iii) After taking over the charge of Asstt. Manager, PSD, Guwahati from him, Shri Jiwan Ch. Das the regular Asstt. Manager had opened the paper Godown in three subsequent dates on 4.6.98, 11.6.98 and 12.6.98 and supplied papers to different firms. But he did not report any loss or shortage of papers till 12.6.98.
- iv) The Inquiry Officer has not scrutinised his defence statement submitted by him on 30.10.2001 and submitted an erroneous findings of Inquiry Report.

8. The undersigned has gone through the representation of the charged official, records of the entire proceedings the Inquiry Report of the Inquiry Authority very carefully. The Inquiry was held as per provisions laid down in Rule-14 of CCS(CCA) Rules 1965 and the charged official participated in the inquiry till its conclusion. Every reasonable opportunity was given to the charged official to defend his case engaging a Defence Assistant. After careful scrutiny and assessment of the evidences adduced during the inquiry, the undersigned records his own findings as under.

8.1

Shri Sambhu Ram Majumdar, the charged official was the sole

- 49 -

custodian of the stock of printing papers as Asstt. Manager, PSD during the period from 19.5.98 to 28.5.98. He was responsible for correct maintenance of the stock register and other records. He was also accountable for any short/excess supply of printing papers. But he failed to discharge his duty by not taking the charge of the stock of paper after physical verification on 19.5.98. Similarly, the charged officer failed to make over the charge of the stock of paper when he relinquished the charge on 28.5.98. Thus he violated the provisions laid down in Rule 276 of P. Manual Vol. II. Had the charged official observed the procedure, shortage/excess if any in the stock of paper could have come to light on the dates of his taking over or making over the charge of Asstt. Manager. This gross lapse on the part of the charged official frustrated the probe to find out the reasons and period of occurrence of shortage of 116 Reams 191 sheets of printing papers in the stock and contributed towards loss of Rs. 32,383.29 to Govt. on account of the cost of missing papers.

8.2. The Charged official supplied printing papers of size 43 X 69 cms to M/S Gitanjali Printing Press Guwahati- 5 on 21.5.98 as per stock register (Ex- 1). But he did not follow the established procedure of taking group 'D' assistance under permission of the manager. He went to paper godown alone on 21.5.98 and supplied papers to the said firm on his own as per eye witness of Shri Sarbeswar Kalita, Night Guard (PW-3). He also failed to verify the stock position of the papers after supply was made. He had not any reason not to take any group 'D' assistance and to make the supply without notice of other official. By these lapses, he flouted the official procedures and acted as such in manner of unbecoming of a Govt. Servant.

8.3. From the Key Register (Ex-2) it is established that the charged official took the keys of the paper Godown on 21.5.98. But the entries made in the Key Register were not authenticated by the Manager, who is the custodian of the keys. Oral evidences of Shri Bhupendra Nath Choudhury (PW-2) who was the Manager then reveals that the Charged official took the keys of the paper Godown without knowledge of the Manager nor did he return the keys with knowledge of the Manager. By the said acts, the charged official infringed the official procedure to be followed with regard to handling the keys of the paper godown and thereby acted as such in a manner of unbecoming of a Govt. Servant.

9. The undersigned has also given careful consideration of the points raised by the charged official in his representation dated 19.3.2002 against the findings of the Inquiry authority and record the observations as under:-

- i) The Inquiry Authority conducted the inquiry into the charges against the charged official as per procedures laid down in Rule-14 of CCS(CCA) Rules, 1965. The Inquiry Report was submitted based on the evidences both oral and documentary adduced in the inquiry. The Inquiry Authority gave his mind to the defence submitted by the charged official before concluding his findings. The contention of the charged official to the effect that the Inquiry report against him are baseless and without going through the roots of the case is therefore not acceptable.

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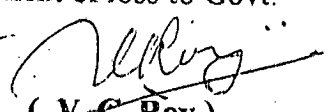
- ii) The charged official maintains that he can not be hold responsible for the mistake committed by other official. But during the inquiry he could not bring any material proof to the fact that the shortage in the stock of paper of size 43 X 69 cm occurred due to mistake of other official. Efforts have been made in his defence to convince the Inquiry Authority by implicating his seniors for the shortage of the Printing Paper purely on assumption. What the other officials did have no relevancy with the charges inquired into. The charged official can not be absolved from the violation of rules and procedures committed in the capacity of Asstt. Manager. Therefore the contention of the charged official is not agreeable.
- iii) Shri Jiwan ch. Das, the regular Manager, PSD noticed the shortage of paper of size 43 X 69 cm in the Godown while supplying the paper of that size on 23.6.98 to M/S Bobby printing and Binder house, Satgoan. This was reported by him to the authority on the same day followed by a written report dated 25.6.98 (Ex-5). The suggestion of the charged official to the effect that the shortage of paper occurred when the regular Asstt. Manager made supply on 4/6/98, 11/6/98 and 12/6/98 after taking over the charge from the charged official is purely an assumption and not supported by any proof.
- iv) The charged official states that the Inquiry Officer has submitted an erroneous findings without scrutiny of his defence statement submitted by him on 30.10.2001. On perusal of the Inquiry Report it can be seen that the Inquiry Authority has indeed discussed the Defence Statement of the charged official in length in the Inquiry Report and applied his mind while assessing the evidences and giving his conclusive findings. Therefore, the above contention of the charged official is not acceptable.

10 In view of what have been discussed above, the undersigned has agreed with the findings of the Inquiry authority to the fact that all the charges leveled against Shri Sambhu Ram Mazumdar, PA (BCR), PSAD, Guwahati are proved. He is accountable for violation of Rules and procedures with regard to accounting custody, verification and supply of stock of printing paper while functioning as Asstt. Manager, PSD Guwahati. By negligence to duty and breach of orders/Rules the charged official frustrated the investigation to locate the real reasons and culprit behind the shortage of Printing papers worth Rs. 32,383.29 and led to loss to Govt. . Shri Mazumdar deserves punishment for the offence he committed as a deterrent to others. However, considering that he is retiring on superannuation very shortly after a long period of service and taking all other aspects and circumstances of the case into consideration the case is decided with the following orders to meet the end of justice.

Shri
Jil
Dwate

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ORDER

I, Shri V. C. Roy, Director of Postal Services (HQ) Assam Circle, Guwahati hereby order that the pay of Shri Sambhu Ram Mazumdar, PA(BCR), P.S.D. Guwahati (now PA, Guwahati GPO) be reduced by 4(four) stages from Rs. 6950/- to Rs. 6350/- in the scale of pay of Rs. 5000 - 150- 8000 for a period of 2(two) months with effect from the month of June'2002 to July'2002 with further direction that Shri Sambhu Ram Mazumdar will not earn increments of pay if any due during the period of reduction and that on expiry of this period the reduction will have the effect of postponing his future increment of pay. It is also ordered that a sum of rs. 6348/- (Rupees six thousand three hundred forty eight) only be recovered from the pay of the said Shri Sambhu Ram Mazumdar in 3(three) equal installments @ Rs. 2116/- per month from the pay of June'2002 to August'2002 towards partial recoupment of loss to Govt.


(V. C. Roy)

Director Postal Services(HQ)
Assam Circle, Guwahati:781001

✓ To

Shri Sambhu Ram Mazumdar,
PA, Guwahati GPO
(Through SSPOs, Guwahati)

Copy forwarded to;

- 1) The SSPOs Guwahati w.r.t. his No F1-Misc/PSD/99-2000 dated 17.1.2001 . The copy of the order for the charged official is sent herewith for delivery under receipt which may be sent to C.O. for record.
- 2) The Supdt. PSD, Guwahati w.r.t. his No.SD/Rule-14/2000-01. dated 1.3.2002.
- 3) The Sr. Postmaster, Guwahati GPO for information and necessary action.
- 4) Staff (Appeal/petition) Section, CO Guwahati.
- 5) Office copy
- 6) Spare.

(V. C. Roy)

Director Postal Services(HQ)
Assam Circle, Guwahati:781001.

ANNEXURE-K

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To
The Chief Post Master General,
Assam Circle, Guwahati - 1.

Date: 08-07-2002

Ref: O.A. No. 208 of 2002

Sri Sambhu Ram Mazumder

-Applicant

-Versus-

The Union of India & Ors.

-Respondents

Sub: An Appeal against the Order of Penalty vide
Memo No. Vig/1-15/99(Ch-II) issued by the
Director, Postal Services (HQ), Assam Circle,
Guwahati-1.

Sir,

With due respect most humbly I beg to
state the following facts for your kind
consideration and also for quashing the above
said penalty imposed on me vide Memo No. Vig/1-
15/99(Ch-II).

1] That Sir, it is necessary to give full
background of the said case for proper
adjudication of my appeal. Hence, I am submitting
the detailed background of my case for your ready
reference.

2] That Sir, a Departmental proceeding was
initiated against me under Rule 14 of the Central
Civil Services (Classification, Control and

Attn
Advocate

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Appeal) Rules 1965 vide Memo No. SD/Vig-1/98-99 dated 25-10-2000 and also vide Office Memo No. SD/Rule-14/2000-01 dated 29-11-2000 for alleged discrepancy in the stock of Printing papers of size 43 X 69 Cm. for the period 19-05-1998 to 28-05-1998 when I was working as Lookafter Assistant Manager at Postal Store Depot during the leave of regular Assistant Manager, postal Store Depot, Sri Jivan Chandra Das.

3] That Sir, Sri Jiwan Chandra Das, the Assistant Manager, Postal Store Depot, Guwahati-21 was charge sheeted vide Memo No. SD/Vig-1/98-99 dated 09-01-2001 in the same Vigilance Case and was ordered by one Sri A C Das, Superintendent of Postal Store Depot, Guwahati to recover Rs. 16,000/- only from Jiwan Chandra Das, Assistant Manager, P.S.D., Guwahati-21 from his pay from the month of January, 2001 on instalment at Rs. 2000/- per month.

4] That Sir, Sri S Dey Purkayastha was appointed as Inquiry Officer under Departmental Inquiry Rule 14 of CCS (CCA) Rules 1965 against me. The said Inquiry Officer informed me vide letter Inquiry-14/1/2001 dated 21-05-2001 dated 21-05-2001 that Preliminary inquiry against the vigilance Case will be held on 29-05-2001 in the Office of Superintendent, Postal Store Depot, Guwahati at 10.00 A.M. I was asked to attend the proceeding either alone or accompanied by Defence

Att. Cl
JL
Signature

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Assistant on the appointed date, time and place failing which the proceedings shall be held ex parte. The Proceedings of preliminary inquiry was held on 29-05-2001 in my presence.

5] That Sir, I made request to the Inquiry Officer to supply some important documents vide my letter dated 04-06-2001 but the Inquiry Officer rejected it vide his letter No. Inquiry-14/1/2001 dated 10-07-2001 on the ground that it is irrelevant with the Inquiry. The Inquiry Officer vide his another letter on the same date fixed the next hearing of the case on 19-07-2001 and 20-07-2001.

6] That Sir, regular hearing of the case was held on 19-07-2001, 20-07-2001 and 20-08-2001 and I also submitted his defence statements on 30-10-2001.

7] That Sir, till January 2002 the Departmental Proceedings were not completed and it may be also stated that I am going to retire on superannuation in the month of August 2002. Hence, I was compelled to approach the Hon'ble Central Administrative Tribunal for early completion of my Departmental Proceeding. The Hon'ble Central Administrative Tribunal, vide its order dated 12-02-2002 in O A No. 28 of 2002 filed by me directed the Respondents to complete the proceeding within 6(six) week from 12-02-2002

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and the Hon'ble Tribunal also stated that if I aggrieved by the decision of authority I may approach the Hon'ble Tribunal, if so advised as per law.

8] That Sir, after six weeks of passing of the said order by the Hon'ble Tribunal the authority concerned did not completed the said Departmental Proceeding. Hence, I was again compelled to approach the Hon'ble Tribunal by filing the Contempt petition No. 18 of 2002. During the proceeding of the said Contempt Petition the Director of Postal Services (HQ), Assam Circle, Guwahati-1 issued the office Memorandum No. Vig/1-15/99 (Ch.II) dated 24th June 2002. In the said punishment order my pay was reduced by 4(four) stages from 6950/- to Rs. 6350/- in the scale of pay of Rs. 5000 - 150-8000 for a period of 2(two) months with effect from the month of June 2002 to July 2002 with further direction that I will not earn increments of pay if any due during the period of reduction and that on expiry of this period the reduction will have the effect of postponing my future increment of pay. It is also ordered that a sum of Rs. 6348/- (Rupees Six Thousand three Hundred forty eight) only be recovered from my pay in 3(three) equal instalments @ Rs. 2116/- per month from the pay of June 2002 to August 2002 towards partial recoupment of loss to Govt.

Abdul
Jil
Anate

9] That Sir, after getting the said order dated 24-06-2002 I immediately withdrew the Contempt Petition No. 18/2002.

10] That Sir, I have filed another Original Application No. 208 of 2002 Challenging the impugned Penalty and Memorandum No. Vig./1-15/99 (Ch-II) dated 24-06-2002. The Hon'ble Tribunal on 02-07-2002 directed me to file an appeal before the appellate authority within 10 days from 02-07-2002. The appellant authority was also directed by the Hon'ble Tribunal to dispose of the said appeal within a month from the date of receipt of the appeal. The Respondents are also directed not to make any recovery from me. Hence, I have filed this appeal before you for kind consideration and also for exonerating me from the said penalty Order issued vide Memo No. Vig./1-15/99(Ch-II) dated 24-06-2002.

11] That Sir, with regard to Article-I and II of the said Memo No. Vig./1-15/99(Ch-II) dated 24-06-2002 I beg to state that I took over the charge as look after Asstt. Manager (P. S. D.) vice Shri Jiwan Chandra Das Asstt. Manager (P.S.D.) who was a Medical leave with effect from 19-05-1998 to 29-05-1998 in addition to my own duties. Shri Jiwan Chandra Das or the authority did not give me any opportunity instruction or order to verify the Stock with the Stock Registrar. So I have written a letter to the

Advocate
J.S.
Advocate

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authority about my inability to operate the Godown as look after Asstt. Manager. But the authority rejected my prayer and submission, hence I cannot be held responsible for any lapse committed by the authority.

12] That Sir, as per Memo No. Distribution of Works (Ex-4) nothing has been mentioned about accompanying of Group 'D' staff with the Asstt. Manager to Godown for supply of printing papers to press. The Memo of Distribution of Works (Ex-4) has vested sole responsibility of stock of paper to the Assistant Manager and as per the responsibility I supplied papers to M/s Gitanjali Printing Press with full satisfaction. On approval of supply to M/s Gitanjali Printing Press by the Supdt. PSD/GH in file the Dealing Asstt. (PW-1) has prepared the order and placed it in the table of Manager. The Order slip was issued with the following discription of papers to be supplied to the M/s Gitanjali Printing Press.

Size (in Cm)	Quantify
43 x 69	41 R 430 Sheets
56 x 91	18 R
56 x 71	447 Sheets
69 x 86.	6 R 216 Sheets.

The lookafter Manager Shri Bhupendra Nath Chowdhury (PW-2) handed over the slip to me and asked me for supply of Papers to M/s. Gitanjali

[Handwritten signature]
[Handwritten signature]

Printing Press from Godown. Accordingly I had taken the key of the Godown from the Manager PSD/GH on giving initial in the Key Register with time and date. After that I proceeded for godown to supply papers. Before opening the Godown I found Shri Sarbeswar Kalita (PW-3) Night Guard of the said Godown, who was in front of the Godown door. In presence of Shri Kalita I had opened the door of the Godown and supplied papers to the concerned firm as per order slip given by the Manager after careful counting of papers. Immediately on completion of supply of papers I had closed the door of Godown in presence of Shri Sarbeswar Kalita Night Guard and I left the Godown with him which has been admitted by him (PW-3) in his statement. After arrival at the main building I had return the key to look after Manager Shri Bhupendra Nath Chowdhury (PW-2) with making entry in the key Register with time, date and signature.

It is worth to mention here that I acted as look after Asstt. Manager with effect from 20-05-1998 to 29-05-1998. Shri Jiwan Chandra Das (PW-4) the regular Asstt. Manager had resumed to his duty after availing leave on 29-08-1998. After resumption of duty Shri Jiwan Chandra Das, Asstt. Manager did not verified the stock of the Godown with the Stock Register or with me. Shri Jiwan Chandra Das had opened the paper Godown in

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Advocate

three (3) subsequent dates i.e. on 04-06-1998, 11-06-1998 and 12-06-1998. He Supplied papers to different firms. But he did not report any loss or shortage of papers till 12-06-1998. In the enquiry report it has not been mentioned what size of paper the Asstt. Manager supplied on 04-06-1998, 11-06-1998 and 12-06-1998.

The regular Manager Shri Subhas Chandra Chowdhury was on leave on LTC with effect from 20-05-1998. After resumption to his duty and on a subsequent date on 23-06-1998 Shri Chowdhury enquired the regular Asstt. Manager Shri Jiwan Chandra Das (PW-4) about the stock position of a particular paper of size 43x69 cm. Now it can be easily presumed that shortage of that size of papers was within the knowledge of Shri Chowdhury, the regular Manager P.S.D. on enquiry of Shri Chowdhury, Manager the Asstt. Manager Shri Jiwan Chandra Das (PW-4) examined and reported shortage of paper of size 43x69 CM. on 25-06-1998 after (twenty seven) 27 days from his resumption to duty after leave.

Shri Bhubaneshwar Haloi (PW-5) enquired about the loss and his report of enquiry it has been shown the loss of 116 R 191 Sheet of paper size 43x69 CM. the enquiry Officer did not fully gone through the all aspect of the matter and also did not scrutinized the materials on records. He filed report and erroneus finding of the matter.

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From the above fact. I cannot be held responsible for any shortage of printing papers in Godown. I have done my duties with full responsibility, devotion and honesty without any mala-fide intention in addition to my duties.

So, Sir I am innocent in this matter and I am on the verge of retirement after one month. I working in this department since very long sincerely and honestly. There are no any blemish or stigma in my entire service career except the said articles of allegation made by the Director of Postal Services, Assam Circle, Guwahati-1 vide his Memo No. Vig./1-15/99(Ch-II) dated 24-06-2002. Sir, I was falsely implicated by some persons who are solely responsible for such alleged shortage of printing paper.

It is, therefore, prayed that your honour may be pleased to exonerate me from the above charges and penalties imposed on me, which were issued by the Director of Postal Services, Assam Circle, Guwahati-1 vide his Memo No. Vig./1-15/99(Ch-II) dated 24-06-2002. Further,, your honour may be pleased to set aside and quash the above

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mentioned Memo No. Vig./1-15/99(Ch-II) dated 24-06-2002 issued by the Director of Postal Services, Assam Circle, Guwahati-1.

And for this act of kindness I shall remain ever grateful.

Thanking you.

Yours faithfully

(Shri Sambhu Ram Mazumdar)

P.A. P.S.D./Guwahati.

Attested
by
Ananta

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ANNEXURE - K

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8 AUG 2002

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE
MEGHDOOT BHAWAN : GUWAHATI-1.

No.Staff/9-3/2002
Dated Guwahati, the 8th August, 2002

APPELLATE ORDER

This is an appeal submitted by Shri Sambhu Ram Mazumdar, PA(BCR), P.S.D., Guwahati, now A.P.M., Guwahati G.P.O., Guwahati against the punishment Order No.Vig/1-15/99(Ch.II) dated 24-06-2002 passed by the Director of Postal Services (HQ), Assam Circle, Guwahati imposing on the appellant punishment of reduction of Pay by 4(four) stages from Rs.6950/- to Rs.6350/- in the Scale of Pay of Rs.5000-150-8000 for a period of 2(two) months w.e.f. the month of June, 2002 with further direction that Shri Sambhu Ram Mazumdar will not earn increment if any due during the period of reduction and that on the expiry of this period, the reduction will have the effect of postponing his future increment of pay. It was also ordered that a sum of Rs.6348/- be recovered from the pay of the appellant in 3(three) equal instalments at the rate of Rs.2116/- per month from the pay of June, 2002 to August, 2002 towards partial recoupment of loss sustained by the Government.

2. A disciplinary proceeding under Rule-14 of CCS(CC&A) Rules, 1965 was initiated against the appellant vide the Supdt. of Postal Stores Depot, Guwahati Memo No.SD/Rule-14/2000-01 dated 29-11-2000 on the basis of the articles of charge framed against him as follows :-

Article - I

That the said Shri Sambhu Ram Mazumdar, P.A., Postal Stores Depot while functioning as Assistant Manager, P.S.D., Guwahati - 21 during the period from 19-5-98 to 29-5-98 (F/N) failed to take over the articles of stock after carefully checking them with stock Register while assuming duty on 19-5-98 as Asstt. Manager, Postal Stores Depot as was required under Rule 276 of P&T Manual Vol. II, 3rd Edition (2nd reprint) which resulted in discrepancies in Stock of printing papers and thereby failed to maintain devotion to duty and acted as such which was unbecoming of a Government Servant in contravention of Rule 3(1)(ii) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

Article - II

That during the aforesaid period, while functioning in the aforesaid offices, the said Shri Sambhu Ram Mazumdar, being the custodian of printing papers failed to exercise his

Attested
J.S. Advocate

duty as entrusted as per memo of distribution of works and contributed towards loss of 116 reams and 191 sheets of papers of size 43 x 69 Cm valued Rs.32,383.29 from his custody and thus failed to maintain devotion to duty and acted as such which was unbecoming of a Government servant in contravention of Rule 3(1)(ii) and 3(1)(iii) of CCS(Conduct) Rules, 1964.

3. An Inquiry Authority was appointed to enquire into the charges framed against the appellant. The I.O. submitted his Inquiry Report to the Disciplinary Authority with his finding on each article of charge against the appellant as proved. The Disciplinary Authority agreed with the findings of the I.O. and passed the said disciplinary Order dated 24-6-2002 appealed against.
4. I have perused the records of the Disciplinary proceeding against the appellant very carefully. The proceedings against him were conducted as per provisions laid down in Rule-14 of CCS(CCA) Rules, 1965. Every reasonable opportunity was given to the appellant to defend his case at every stage of inquiry conducted by the I.O.. The appellant participated in all stages of the inquiry. The disciplinary proceedings against the appellant were initiated by the Supdt of P.S.D., Guwahati who is completed to do so in terms of Rule 13(2) of CCS(CCA) Rules, 1965 and he remitted the case to the Director of Postal Services who is the appointing authority and competent to pass orders on any of the major penalties against the appellant being BCR grade official. The impugned order was passed accordingly by the DPS(HQ), Assam Circle, Guwahati on 24-6-02. I do not find any infirmity in the proceedings against the appellant.
5. I have gone through the appeal dated 8-7-02 submitted by the appellant.
 - (a) In para 1 to 10 of the appeal the appellant has narrated the history and back ground of the Case referring among other facts, the CAT cases filed by him in the matter of finalisation of the disciplinary proceeding against him. Except in paragraph 5 of the appeal, the appellant has not raised any point assailing the disciplinary order. In para 5 of the appeal the appellant has stated that his request for additional documents was rejected by the **Inquiry Authority**. Perusal of the records reveals that the appellant requisitioned additional documents viz. (1) stock register of printing papers (43 x 69 cm) for the period from 25-1-98 to 25-05-98 and (2) last invoice received in respect of the printing papers (43 x 69 cm) from the supplier. Copy of these documents appear to have been supplied to the appellant on 5-9-2001 as recorded by the I.O. in the Inquiry report. Copy of these additional documents treated as part of the inquiry also accompanied the enquiry report. As such, the contention of the appellant to the fact that he was denied access to the additional documents sought for his defence is therefore not correct.
 - (b) In para 11 of the appeal, the appellant has asserted that the authority is responsible for not advising/instructing him to verify the stock of papers with Stock Register

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while taking over the charge of the Assistant Manager, P.S.D. by him and for turning down his request for not entrusting the charge of the Asstt. Manager to him on a look-after arrangement. This appears to be a negative approach of the appellant. Being sufficiently senior (BCR), the appellant was supposed to know the rules and procedure, attached to the duty of the Assistant Manager and also with the general practices with regard to stocking supply verification and accounting of the stock of papers. Evidences adduced in the inquiry established that he did not follow the rules and procedures and practices which resulted in discrepancy in stock of papers and also in frustrating the scope for finding out cause of shortage. The Rule 276 of P&T Manual Vol.II prescribes that the charge of stock/stores is required to be exchanged after verification. This was not done by the appellant while taking over the charge of the stock on 19-5-98 and making over on 29-5-98 as well. The plea of the appellant is not justified.

- (c) In para 12 of the appeal, the appellant has sought to justify his action which he took for supply of printing papers alone from the Godown without taking of a Group 'D' officials with him stating that the Memo of distribution of works (Ext.- 4) does not specify the requirement of taking Group 'D' officials by the Assistant Manager at the time of supply of papers from the Godown. since providing Group 'D' assistance at the time of supply of papers from Godown is stated to be a regular procedure/practice adopted under an internal arrangement made by the competent authority the appellant was required to follow the procedure. The fact that the Memo of distribution of works has no mention about Group 'D' assistance in supply of papers from Godown, it does not permit the appellant to act in deviation from the practice and procedures being followed in the P.S.D.. Moreover, for giving papers to printers, help of Group 'D' is required. Therefore, the appellant's going alone to Godown for giving paper to printers raises serious doubt about his intentions and integrity. As regards the contention of the appellant to the fact that he took the keys of the paper godown from the Manager and returned the same after supply was made giving initial in the Key Register, perusal of the record (Ext. - 2), reveals that the entry and initial made in the key register (Ext.-2) by the appellant was not countersigned by the Manager who is the custodian of the keys and keeps the key register. Shri Bhupendra Nath Choudhury (PW-2) who was the Manager P.S.D. deposed during the inquiry that the appellant neither took nor returned the keys on 20-5-98 and 21-5-98 within his knowledge. Further, on the statement of the appellant to the contention that Shri Sarbeswar Kalita (PW-3), the Night Guard, was present at the time of supply of papers from Godown on 21-5-98 by him. Shri Kalita stated in his written statement before the investigation officer that he was on that day on night duty and during day he just passed by the Godown. This cannot be a justification for his not taking a Group 'D' official from the office with due permission of the Manager. Moreover, from the evidence and deposition of the PW-3, it transpires that the appellant came to Godown and supplied the papers to the representative of the Printing Press alone and did not take assistance of the Night Guard (PW-3) while making the supply. I, therefore, find that the contentions of the appellant have no force to refute the evidence and findings of the I.O. and Disciplinary Authority.

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(d) In the penultimate para of the appeal the appellant has stated that the shortage of paper may have occurred after his release from the charge on 29-5-98 since the case of shortage in stock of paper (43 x 69 cm) was reported by the regular incumbent only after making supply on 3(three) subsequent dates viz. 4-6-98, 11-6-98 and 12-6-98. The appellant also states in presumption that the Manager was aware of the shortage, because, he was asking the stock position of papers from the Assistant Manager (regular) on 23-6-98. The appellant further assails the enquiry report of Shri B. Haloi IPOs(Uniform) stating it to be erroneous and not based on materials on record. While concluding the appeal the appellant vouched that there is no any blemish or stigma in his entire service career. He contends that he has been falsely implicate by some persons in this case for which he cannot be held responsible for shortage of printing papers and, therefore, pleads for setting aside and quashing of impugned order dated 24-6-2002 appealed against by him. I have gone through the records and found no any such evidence which can support the contention of the appellant regarding probable occurrence of the shortage in the stock of paper after he relinquished the charge. His suspicion on the Manager is presumptive and no material evidence could be put forward to sustain his contention. The preliminary investigation report of the IPOs (Uniform) was not a part of oral inquiry. Hence, it has no relevance with the proceeding against the appellant. The claim of the appellant to the fact that he has been maintaining an unblemished carrier of service appears to be not true. Service records show that the appellant was punished 8(eight) times prior to the present one in his entire service period for various offences. These reflect adverse picture of the appellant's conduct during his long period of service.

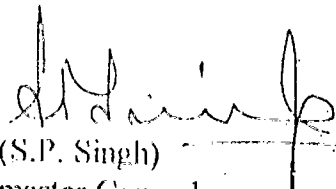
6. The appellant was assigned to responsible job of the Assistant Manager, P.S.D., Guwahati against short leave vacancy arrangement for the period from 19-5-98 to 28-5-98. He was required to take the charge after due verification of the stock paper as per provision laid down in Rule 276 of P&T Manual Vol.-II. But he failed to do so in spite of his knowledge to the fact that the Asstt. Manager is solely responsible for stocking, supply, verification and proper accounting of printing papers. The appellant also failed to follow the procedures for obtaining keys to open the paper Godown and supplied papers to the Press without assistance and presence of any Group 'D' official. By the said acts the appellant displayed lack of devotion to duty and acted in a manner unbecoming of a Government servant. This conduct of the appellant contributed to discrepancy/shortage of 161 Ream, 191 Sheets of printing paper (43 x 69 cm) in the stock. The Department had to sustain a loss of Rs.32,383.29 being the value of the printing paper lost from the stock due to his negligence and misconduct. The punishment imposed on him for reduction of pay and for recovery a part of loss i.e. Rs.6348/- is considered to be commensurated with the gravity of offence committed by the appellant. The order of the disciplinary authority is found based on the evidences on the record.

7. In view of what have been discussed above, I find no merit in the appeal of the appellant and no ground to interfere with the order of the Disciplinary Authority passed by the Director of Postal Services (HQ) Assam Circle, Guwahati vide No.Vig/1-15/99(Ch.II) dated 24-6-2002 and therefore I, Shri S.P. Singh, Chief Postmaster

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General, Assam Circle, Guwahati in exercise of the power conferred upon me by Rule 27 of the CCS(CCA) Rules, 1965 hereby reject the appeal dated 8-7-2002 of the appellant.

Shri Sambhu Ram Mazumdar,
Assistant Postmaster,
Guwahati G.P.O.,
Guwahati - 781 001

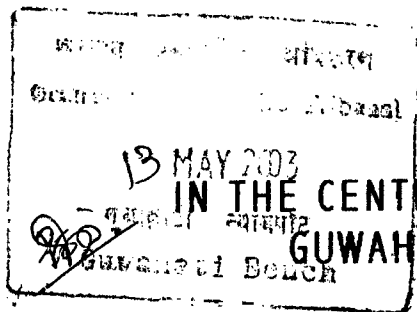

(S.P. Singh)
Chief Postmaster General,
Assam Circle, Guwahati-1.

Copy to :-

1. The Sr. Supdt. of P.O.s, Guwahati Division, Guwahati. The copy of the order meant for the Appellant is enclosed herewith which may be delivered to the official under receipt and a copy of the receipt of the official may be sent to C.O. for record.
2. The Supdt., P.S.D., Guwahati.
3. The Sr. Postmaster, Guwahati G.P.O..
- 4-5. Spare & Office Copy.

A.P.M.G.(Vig)
For Chief Postmaster General,
Assam Circle, Guwahati-1.

Attended
J.S.
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

O.A. NO. 276/2002

Shri S.R. Mazumdar

... Applicants

-Vs-

Union of India & Others

... Respondents

(Written statements filed by the Respondents No. 1,2,3 and 4)

The written statements of the respondents are as follows:

That the copy of the O.A. No. 276/02 (referred to as the "application") has been served to the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar, common written statement is filed for all of them.

That the statements made in the application, which are not specifically admitted, are hereby denied by the respondents.

That before traversing the various paragraphs of the application, the respondents give a brief resume to the facts and circumstances of the case as under:

Shri Sambhu Ram Mazumdar, Postal Asstt., Postal Store Depot, Guwahati was ordered to look after the works of the Assistant Manager, Postal Store Depot in place of the regular incumbent who went on leave from 19.5.98 for 10 (ten) days.

Filed by:-
D. C. Pathak 14/5/03
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

O A NO 27612002

Shri S. R. Mazumdar Applicants

-Vs-

Union of India & Others Respondents

(Written statements filed by the Respondents No. 1, 2, 3 and 4)

The written statements of the respondents are as follows:

That the copy of the O.A. No. 276102 (referred to as the "application") has been served to the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar, common written statement is filed for all of them.

That the statements made in the application, which are not specifically admitted, are hereby denied by the respondents.

That before traversing the various paragraphs of the application, the respondents give a brief resume to the facts and circumstances of the case as under:

Shri Sampnu Ram Mazumdar, Postal Asst., Postal Store Depot, Guwahati was ordered to look after the work of the Assistant Manager, Postal Store Depot in place of the regular incumbent who went on leave from 19.5.98 for 10 (ten) days.

Shri Mazumdar took the charge of the Asstt. Manager without checking the stock of printing papers in the paper godown in presence of the regular incumbent who was going on leave as required under Rules. The Asstt. Manager's job is attached to receipt, stocking, supply, accounting and safe custody of forms and printing paper in the Postal Store Depot. While holding the charge of Asstt. Manager, Shri Mazumdar supplied 14 reams and 25 reams 63 sheets of 43x69 cm size printing papers on 20.5.98 and 21.5.98 respectively from the paper godown for printing forms at office Risograph Printing Machine and local press. Shri Mazumdar took the keys from the office without knowledge of the Manager, PSD, who is the custodian of godown keys and opened the godown and supplied the printing papers as stated above alone and without taking a group D official for assistance and witness, violating the existing office procedures. Further, he also failed to check the stock of printing paper in the godown and render proper account when the regular Asstt. Manager resumed duty on 29.5.98 after expiry of leave. On 23.6.98, the Asstt. Manager noticed discrepancy in stock of 43x69 cms size printing paper in the godown while supplying papers from the stock to press under orders. In course of detailed verification of the stock shortage of 116 reams, 191 sheets was detected. Investigations revealed that the shortage of the printing papers worth Rs.32,383.29 was due to contributory negligence of the applicant who flouted the rules and procedures of verification and supply of printing papers while holding the charge of the Asstt. Manager.

A disciplinary proceeding was then initiated against the applicant vide Superintendent, Postal Store Depot Memo No.SD/Rule-14/2000-01 dated 29.11.2000 (Annexure B of the OA). An Inquiry authority was appointed to inquire into the charges framed against the applicant. The Inquiry Officer submitted his Inquiry Report with findings of all the charges against the applicant as proved. The Director of Postal Services, O/O the Chief Postmaster General, Assam Circle, Guwahati and the Disc. Authority of the applicant agreed with the findings of the IO and passed the impugned order dated 24.6.02 after considering the

representation of the applicant against the IO's report and other aspects of the case.

- The applicant then submitted an appeal to the Appellate Authority (Respondent No.2) on 8.7.2002. The Appellate Authority disposed of the appeal vide order dated 8.8.2002 (Annexure L of the OA) rejecting the appeal.

Being aggrieved by the orders of both the Disc. Authority and the Appellate Authority, the applicant filed the present OA.

4. That with regard to the statements made in para 1 of the application, the respondents submit that the applicant was proceeded against under Rule-14 of CCS (CCA) Rules, 1965 for his gross negligence and contributory default which led to discrepancy and shortage of printing papers in the stock of Postal Store Depot, Guwahati while functioning as Asstt. Manager, Postal Store Depot during the period from 19.5.98 to 28.5.98. The memorandum of charge-sheet was issued vide memo dated 29.11.2000 (Annexure-B of the OA) by the Respondent No.4 under whose control the applicant was working. An Inquiry Officer was appointed to inquire into the charges framed against him. The Inquiry Officer submitted his Inquiry Report with findings of all the charges as proved. The Director of Postal Services, O/O the Chief PMG, Assam Circle, Guwahati who is the appropriate disciplinary authority of the applicant agreed with the findings of the IO and passed the impugned order dated 24.6.02 (Annexure-J of the OA) after consideration of the representation of the applicant against the IO's report. The Disciplinary Authority passed the order imposing on the applicant the penalty of reduction of pay by 4 (four) stages from Rs.6950/- to Rs.6350/- in the scale of pay Rs.5000-150-8000 for a period of 2 (two) months, with further order for recovery of Rs.6348/- from the pay of the applicant in 3(three) equal installments, on the basis of the charges having been proved and keeping in view the gravity of the offence committed by the applicant towards partial recovery of

loss to the tune of Rs.32,383.29 caused to Govt. on account of shortage of the printing papers from the custody of the applicant. The applicant submitted an appeal to the Chief PMG, Assam Circle, Guwahati (Respondent No.2) against the order passed by the Disc. Authority. The appeal was considered and rejected by the Appellate Authority vide order dated 8.8.02 (Annexure-L of the OA) as the appellate authority found no merit to interfere with the order of the Disc. Authority. Both the Disciplinary and Appellate orders are self-contained, speaking and reasoned in conformity with the provisions in statutory rules. Hence, there is no justified cause or reasons in filing the present OA by the applicant and liable to be quashed.

5. That with regard to the statements made in these paragraphs 2 to 4 of the OA, the respondents state that they have no comment to make, as the same are declarations of the applicant as required under law before the Hon'ble Tribunal.
6. That with regard to the statements made in paragraph 4.2 of the O.A., the respondents admit the fact that the applicant entered in the Department of Posts in 1965 (27.8.65) as Postal Clerk and was retiring on 31.8.2002 on superannuation, but the rest of the applicant's statement claiming sincerity and honesty in his service to the satisfaction of the authority is denied and contested. It is submitted that the applicant was suspended on 13.10.65 which was just few months after his entry in service in connection with gross negligence and lack of integrity. He was proceeded against departmentally eight times during the period from 13.10.65 to 4.11.93 due to various offences and awarded punishment of withholding of increment, penal recovery, reduction to lower post/lower stage of pay scale etc. as a result of such disciplinary proceedings. This clearly shows that the applicant had no record of unblemished service. The claim of the applicant for his sincerity and honesty is therefore not maintainable. The respondents crave

leave to produce the orders of punishment passed against the applicant in the past if called for by the Hon'ble Tribunal.

7. That with regard to the statement made in para 4.3 of the OA, the respondents state that the applicant while working as Postal Assistant in the Postal Store Depot, Guwahati was ordered to look after the work of Asstt. Manager in the same office against the regular incumbent who proceeded on leave for 10 days from 19.5.98 to 28.5.98. While taking over the charge of the Asstt. Manager, the applicant did not verify the stock of the store including the stock of printing papers as required under Rule 276 of P&T Manual Vol. II. It was his responsibility to verify the stock of stores in presence of the regular incumbent before accepting the liability as custodian. He could not take the plea that the regular incumbent did not give him opportunity to verify the stock nor the authority asked him to do so. Once the applicant took the charge of the Asstt. Manager it was implied responsibility on his part to arrange verification of the stock under his charge as per rules/procedures without waiting for instruction or order from the authority who is not supposed to issue order for such verification on every occasion of exchange of charge of stock by the officials. With regard to the statement of the applicant to the fact that his letter to the authority about his inability to operate the godown of the Store Depot, the respondents submit that the request of the applicant for exempting him from acting as Asstt Manager was not considered by the authority in the interest of service. Therefore, the pleas taken by the applicant are not maintainable and are liable to be rejected.
8. That with regard to the statement made in para 4.4 of the OA, the respondents admit those facts only which are matter of records mentioned in the para. It is further added that the representation of the applicant in reply to memo dated 25.10.2000 (Annexure A of the OA) was considered by the authority and the same was not found to be satisfactorily justifying absolving the applicant for the

irregularities committed by him. A memorandum of charge sheet was then issued to the applicant on 29.11.2000 (Annexure-B of the OA)

9. That with regard to the statement made in para 4.5 of the OA, the respondents state that a disciplinary proceeding was initiated against Shri Jivan Ch. Das, the regular Asstt. Manager also by the Supdt PSD (Respondent No.4) for alleged negligence of duty and failure to hand-over the stock of the Store Depot duly checked to the applicant at the time of exchange of the charge. The proceeding ended with imposition of penalty of recovery of Rs.16,000/- from the regular Asstt. Manager. The applicant was also equally responsible for failure to check and verify the stock in the store before taking over the charge from the regular Asstt. Manager. Therefore, he was also proceeded against for his lapse.
10. That with regard to the statements made in para 4.6 of the OA, the respondents state that the same are being matter of records, nothing is admitted which are not supported by such records.
11. That with regard to the statement made in para 4.7 of the OA, the respondents submit that the Inquiry Officer examined the request of the applicant for supply of the additional documents. The request was rejected on the ground of irrelevancy of the requisitioned documents with the case under inquiry. The applicant was informed accordingly by the I.O. vide his speaking letter dated 10.7.2001 (mentioned as Annexure-F in the OA). The IO's decision not to permit the additional documents sought for by the applicant was reasoned one and within the purview of the powers vested upon the Inquiry Authority by the provisions of the statutory Rules. Denial to supply the additional documents in no way deprived the applicant of natural justice and his defence in the case.

12. That with regard to the statements made in para 4.8 of the O.A., the respondents state that the same being matters of records of the proceeding, nothing is admitted which is not supported by such records.
13. That with regard to the statement made in para 4.9 of the OA, , the respondents submit that the regular Asstt Manager made supply of printing papers of 43x69 cms category to various firms on 1.6.98, 4.6.98 and 23.6.98 as ordered after taking over the charge back from the applicant on 29.5.98. In course of supply and routine check on 23.6.98, the regular Asstt Manager detected discrepancy and shortage of 116 reams 191 sheets of paper in the stock of 43x69 cms paper stock. The matter was reported to the authority who after investigation confirmed the shortage and found it attributable to the negligence on the part of the applicant. There is no proof that the shortage of printing papers occurred after the charge was made over to the regular Asstt Manager.

The applicant filed an OA No.28/2002 before the Hon'ble Tribunal seeking direction for early completion of the disc. proceeding against him. The Hon'ble Tribunal disposed of the application on 12.2.02 directing the respondents to complete the exercise within six weeks. The respondents made every effort to have the inquiry completed by the I.O. and to decide the case within the stipulated period. Due to unavoidable administrative exercises followed after receipt of the I.O.'s report in compliance to statutory provisions, the disciplinary case could not be decided within the period of six weeks. The applicant meanwhile filed a CP No.18/2002 which was ordered to be dropped by the Hon'ble Tribunal vide its order dated 28.6.02 in view of the fact that the disciplinary proceeding against the applicant was already decided by the disciplinary authority vide the impugned order dated 24.6.02.

14. That with regard to the statements made in para 4.10 of the application, the respondents state that they admit the statements those related to the matter of records of disciplinary proceeding. The rest are denied.
15. That with regard to the averments made in para 4.11 of the application, the respondents submit that the appellate authority considered the appeal of the applicant thoroughly and passed his speaking order on 8.8.02 (Annexure-L in the OA). The question raised by the applicant about complicity of the Manager with the Asstt Manager behind the shortage of 43x69 cms size of printing papers in the stock is not sustainable by any evidence or material witness. The appellate authority very prudently considered this point raised in his appeal and rejected the same with reasons recorded in para 5(d) of the appellate order dated 8.8.02. Therefore, the contention of the applicant in this para are not sustainable in the eye of law and is liable to be dismissed.
16. That with regard to the statements made in paragraphs 4.12 to 4.17 of the application, the respondents state that the averments made by the applicant in these paragraphs are not true and correct. The respondents further add that the disciplinary proceeding against the applicant and decision thereof did not culminate from any motive to victimise, deprive and to do injustice to the applicant. The applicant was himself to be blamed for the proceeding against him and the consequential orders passed by the disciplinary authority as well as the Appellate Authority. The contention of the applicant to the fact that the action of the respondents is arbitrary, illegal and malafide are denied. There is no ground to interfere in the matter by this Hon'ble Tribunal. Hence the prayer of the applicant for stay of the impugned order dated 24.6.02 is liable to be dismissed.
17. That with regard to the statements made in paragraph 5.1 to 5.6 of the application, the respondents submit that the contentions made by the applicant

are unfounded and not maintainable in the eye of law on the grounds of the fact stated in the foregoing paragraphs. Hence, the OA is liable to be dismissed as the grounds are not tenable in law.

18. That the respondents state that they have no comment to make on the statements made by the applicant in para 6 and 7 of the application.
19. That with regard to the prayers made by the applicant in para.8.1 to 8.3 of the application, the respondents submit that the application is not maintainable in the eyes of law for the grounds and reasons stated by the respondents in the foregoing paragraphs. Hence the relief(s) sought for by the applicant are not justified and are liable to be rejected and the application is liable to be dismissed.
20. That for the reasons stated in the foregoing paragraphs, the respondents oppose the applicant's prayer for interim order for staying the impugned order dated 24.6.2002 as in para 9 and pray to the Hon'ble Tribunal to dismiss the application.

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

VERIFICATION

VERIFICATION

I, Shrimati B. Radhika Chakravarty at present working as Asstt. P.M.G. (Vig.) in the office of the Chief P.M.G., Assam Circle, Guwahati being competent and duly authorized to sign this verification do hereby solemnly affirm and state that the statements made in para 1, 2, 5, 7, 9, 10, 12, 13, 14, 16 to 19 & 20 are true to my knowledge and belief, those made in para 3, 4, 6, 8, 11, 15, _____, being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 12 th day of April, 2003 at Guwahati.

B. Radhika Chakravarty

DEPONENT

Asstt. Postmaster General (Vig.)
O/o the Chief Postmaster General
Assam Circle, Guwahati-781001

- 11 -

ANNEXURE - A

72

94

ANNEXURE - A

Department of Posts, India
Office of the Supdt. Postal Store Depot, Guwahati. 781021

✓ To
Shri Sambhu Ram Mazumdar,
P.A. O/O the Supdt. Postal
Store Depot, Guwahati.
Dated at Guwahati the 25-10-2000.

No. SD/Vig-1/98-99

Subj: Alleged discrepancy in the stock of
Printing Paper of size 43x69 cms.

It is observed that during the period of leave of Sri Jiwan Ch. Das, Asstt. Manager, Postal Store Depot, during the period from 19-05-98 to 28-05-98, you were ordered to look after the works of Asstt. Manager, Postal Store Depot. It is found the as per the order, you looked after the duties of the Asstt. Manager during the above said period. Being the Asstt. Manager, it was necessary on your part to take over the articles of stock after carefully checking them with the stock register as the stocks were under the charge of Jiwan Ch. Das earlier just before you. In your written Statement dtd. 2-7-98 given before the then I.P.O.(U), it has been stated by you that neither you see the stock nor the stock was given to you. It was necessary on your part to take over the stock correctly or to report discrepancy if any under Rule 276 of P&T Manual 3rd edition (2nd reprint). Failing to take over the stock of articles carefully checking them with the stock register while you took over the works of Asstt. manager, it is alleged that you did not observed the spirit of the rule 276 as mentioned above.

While examining the Register of Key maintained in the PSD/ Guwahati you were found to have taken over the keys of Paper Godown on 20-05-98 and 21-05-98. The stock Register of Printing Paper reflected that on 20.5.98 you in the capacity of Asstt. Manager issued papers of size 43X69 cms for printing in Risograph Printing Machine and on 21.5.98 you have issued papers of size 43X69 cms to M/S Gitanjali Printing Press, Guwahati-5 for printing of one lakh Est-36 vide order No. SD/LP/Tender-02/97-98 dtd 15.5.98. Again on 21.5.98 you have issued paper of size 69X86 cms to M/S Gitanjali Printing Press, Guwahati-5 for printing of 2000 books of 8-37 vide order No. SD/LP/Tender-02/97-98 dtd 15.5.98 and on the same order you have issued Cover of size 56X71 1 cms on that day i.e 21.5.98. Again on 21.5.98 you have issued to M/S Gitanjali Printing Press, Guwahati-5 paper of size 43X69 cms for printing of 100 pads of Prescription Slip vide order No. SD/LP/Tender-02/97-98 dtd 14/15.5.98, paper of size 56X91 cms for printing of one lakh Corr-67 vide order No. SD/LP/Tender-02/97-98 dtd 14/15-05-98 and paper of size 56X91 cms for printing of one lakh Daily Bag Balance Report vide order No. SD/LP/Tender-02/97-98 dtd 15.05.98.

As per Memo of Distribution of Works, Asstt. Manager is the custodian of Printing Papers. He is also to maintain proper account of stock of papers and fully responsible for accountability, short/excess in stock of papers.

After resumption of duty by Sri Jiwan Ch. Das, Asstt. Manager it was reported to Supdt. PSD/Guwahati on 25.6.98 that there is discrepancy in the stock of paper. Accordingly inquiry was instituted and shortage of 116 Reams and 191 sheets of printing paper of the size 43X69 cms was established. The cost of 116 Reams 191 sheets of the paper of 43X69 cms comes to Rs.32,383.29 @ Rs.278.25 per Ream, according the entry in the remarks column of page No.205 of the Stock Register

Page -2

Thus it is alleged that laxity on your part to observe the spirit of rules contained under Rule 276 of P&T Manual Vol. II 3rd edition (2nd reprint) and failure to follow contents of Works distribution memo contributed towards the loss of papers worth of Rs.32,383.29, while working as Asstt. Manager PSD/Guwahati, which constitutes a grave misconduct and which deserves a serious view.

However, before being resorted to such action you are given an opportunity to submit representation in support of your defence if any within 10 days of receipt of this letter failing which it will be presumed that you have no representation to make and action as deemed fit will be initiated.

(Signature)
A. Das
Supdt. Postal Stores Depot
Guwahati-781 021

-13-
ANNEXURE-B

ANNEXURE-B

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SUPDT. POSTAL STORES DEPOT
GUWAHATI-781021

No. SD/Rule-14/2000-01.

Dated at Guwahati the 29-11-2000.

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Sambhu Ram Majumdar P.A./PSD/GH under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set 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 Sambhu Ram Majumdar 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 charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri Sambhu Ram Majumdar 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, 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 Sambhu Ram Majumdar 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 Sambhu Ram Majumdar 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.

(A.C. Das.)
Superintendent
Postal Stores Depot, Guwahati

To, ✓
Shri Sambhu Ram Majumdar
P.A./Postal Stores Depot.
Guwahati, 781021.

Annexure-1.Statement of articles of charge framed against Shri Sambhu Ram Majumdar, P.A/ Postal Store Depot, Guwahati.7810021Article-1.

That the said Shri Sambhu Ram Majumdar, P.A. Postal Store Depot, while functioning as Asstt. Manager Postal Store Depot, Guwahati-21 during the period from 19-05-98 to 29-5-98 (F/N) failed to take over the articles of stock after carefully checking them with the Stock register, while resuming duty on 19-05-98 as Asstt. manager, Postal Store Depot, as was required under Rule 276 of P&T manual Vol II 3rd edition (2nd reprint), which resulted discrepancies in stock of printing papers and thereby failed to maintain devotion to duty and acted as such which was unbecoming of a Govt. Servant in contravention of Rule 3 (1)(ii) and 3(1) (iii) of CCS (conduct) Rules, 1964.

Article-II

That during the aforesaid period, while functioning in the aforesaid office, the said Shri Sambhu Ram Majumdar, being the custodian of printing Papers failed to exercise his duty as entrusted as per memo of distribution of works and contributed towards loss of 116 ream 191 sheets of paper of size 43x69cm valued of Rs.32383.29 from his custody and thus failed to maintain devotion to duty and acted as such which was unbecoming of a Govt. Servant in contravention of Rule 3(1)(ii) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

Annexue-IIStatement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri Sambhu Ram Majumdar, P.A/ Postal Store Depot, Guwahati-21.Article-1

That the said Shri Sambhu Ram Majumdar, Senior most P.A. was ordered to look after the works of the Asstt. Manager in addition to his share of work during the leave vacancy of Sri J.C. Das. Accordingly Sri Sambhu Ram Mazumdar looked after the work of Asstt. Manager during the period from 19.5.98 to 29.5.98 (F/N). Under Rule 276 of P&T Manual Vol II, 3rd edition (2nd reprint), it was necessary on the part of Shri Majumdar to take over the articles of stock after carefully checking them with the Stock Register while resuming duty as Asstt. manager on 19.5.98 as the stocks were under the charge of Sri Jiwan Ch. Das, Asstt. Manager during the period prior to proceeding on leave. But the said Sri Majumdar did not do so. Subsequently, Shri Das Returning from leave made a report as to the discrepancy in stock of paper to Supdt. P&T/Guwahati. Inquiry instituted revealed that there were shortage of 116 Reams and 191 sheets of printing paper of the size 43X69cms in Stock.

Thus the said Shri Majumdar failing to observe the spirit of rules contained under Rule 276 of P&T Manual Vol. II 3rd edition (2nd reprint), contributed towards

15

(81)

discrepancies in stock of papers, while working as Asstt. Manager PSD/Guwahati. Thus it is alleged that the said Shri Sambhu Ram Majumdar failed to maintain devotion to duty and acted as such which was unbecoming of a Govt. Servant in contravention of Rule 3(1)(ii) and 3(1)(iii) of CCS (conduct) Rules, 1964

Article-II

That the said Shri Sambhu Ram Majumdar, while working as Asstt. Manager postal Store Depot, Guwahati-21, was found to have taken over the keys of the Paper Godown on 20-5-98, and 21-05-98. Stock Register of reflected that on 20-5-98, Shri Majumdar, in the capacity of Asstt. Manager issued papers of size 43X69 cms for printing in Risograph Printing Machine and on 21.5.98, Sri Majumdar issued papers of size 43X69cms to M/S Gitanjali Printing Press, Guwahati-5 for printing of one lakh Est-36 vide order No. SD/LP/Tender-02/97-98 dtd 15.5.98. Again on 21.5.98, Sri Majumdar, issued paper of size 69X86 cms to M/S Gitanjali Printing Press, Guwahati-5 for printing of 2000 books of S-37 vide order No. SD/LP/Tender-02/97-98 dtd 15.5.98 and on the same order Sri Majumdar issued Cover of size 56X71.1 cms on that day i.e 1.5.98. Again on 21.5.98, Sri Majumdar issued to M/S Gitanjali Printing Press, Guwahati-5 paper of size 43X69 cm for printing of 1000 pads of Prescription Slip vide order No. SD/LP/Tender-02/97-98 dtd 14/15.5.98, paper of size 56X91 cms for printing of one lakh Corr-67 vide order No. SD/LP/Tender-02/97-98 dtd 14/15-05-98 and paper of size 56X91cms for printing of one lakh Daily Bag Balance Report vide order No. SD/LP/Tender-02/97-98 dtd 15.05.98.

Though the said Sri Majumdar repeatedly supplied papers from the stock, no discrepancy was reported on the above particularised dates. Subsequently, discrepancies in stock of papers was reported to Suptd. PSD/Guwahati by Sri Jiwan Ch. Das Asstt. manager after returning from leave. On receipt of the report of discrepancy inquiry was instituted and shortage of 116 Reams and 191 sheets of printing paper of the size 43X69cms was established. The cost of 116 Reams 191 sheets of the paper of 43X69cms comes to Rs. 32,383.29 @Rs.278.25 per Ream.

As per Memo of Distribution of Works, Asstt. Manager is the custodian of Printing Papers. He is also to maintain proper account of stock of papers and fully responsible for accountability, short/excess in stock of papers.

Sri Sambhu Ram Majumdar failing to exercise duty as entrusted as per Memo of distribution of works, contributed towards the loss of papers worth of Rs.32,383.29, while working as Asstt. Manager PSD/Guwahati. Thus it is alleged that the said Shri Sambhu Ram Majumdar failed to maintain devotion to duty and acted as such which was unbecoming of a Govt Servant in contravention of Rule 3(1)(ii) and 3(1) (iii) of CCS (Conduct) Rules, 1964.

Annexure-III

List of documents by which the articles of charge against Shri Sambhu Ram Majumdar, P.A./P.S.D/Guwahati are proposed to be sustained


- (1) Stock register of paper
- (2) Register of Keys.
- (3) Order to look after the Duty of Asstt. manager.

- 16
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99
- 4) Memo of distribution of works.
 - (5) Report dtd 25-6-98 to Sudd. PSD by Jiwan Ch. Das Asstt. Manager regarding discrepancy of paper of size 43x69 cm.
 - (6) Written representation dtd. 2-11-2000 of Sri Sambhu Ram Majumdar, P.A. PSD/GH.
 - (7) Written Statement of Sri Sambhu Ram Majumdar P.A./PSD/GH dtd. 2-7-98
 - (8) Written Statement of Sri Jiwan Ch. Das. Asstt. Manager, PSD/GH dtd. 30-6-98.
 - (9) Written Statement of Sri Bhupendra Nath Chaudhury, Accountant PSD/GH dtd. 1-7-98.
 - (10) Written Statement of Sri Mahesh Ch. Das P.A./G.P.O./GH dtd 2-7-98.
 - (11) Written Statement of Sri Sarbeswar Kalita Night Guard/PSD/GH dtd. 30-6-98.

Annexure-IV

List of witnesses by whom the articles of charge framed against Shri Sambhu Ram Majumdar, P.A./PSD/GH are proposed to be sustained

1. Sri Bhubaneswar Haloi SDI(P) Pathsala Sub Divn. pathsala.
2. Sri Jiwan Ch. Das. Asstt. Manager, PSD/GH
3. Sri Bhupendra Nath Chaudhury, Accountant, PSD/GH
4. Sri Mahesh Ch. Das P.A./Guwahati GPO
5. Sri Sarbeswar Kalita, Night Guard/ PSD/GH


Superintendent
Postal Stores Depot, Guwahati

DEPARTMENT OF POSTS: INDIA

OFFICE OF THE SR SUPDT OF POST OFFICES
GUWAHATI DN: GUWAHATI-781001.

No. Inquiry-14/1/2001

dt Ghy, 10-7-01

✓ To

Shri Sambhu Ram Mazumder
PA (BCR), Guwahati GPO.

Sub:- Departmental inquiry under
Rule 14 of the C.S.D (CCI) Rules,
1965 against Shri Sambhu Ram
Mazumder, PA, PSD, Guwahati-21.

Sir,

With reference to your
letter no. nil dt 4-6-01 regarding
supply of additional documents
I am to state that:-

In the charge sheet -
article I relates to taking over
of stock of paper & related
articles II relates to shortage of
116 Reams and 191 sheets of
paper of the size 43X69 cms in
the stock.

The invoices of paper
supplied by Jagir Road Paper Mill
during 1998 has no relevancy with
the above charges.

As the pages of stock
register relative period has been
supplied, asking for respective file
from 1-5-98 to 27-5-98 is found
irrelevant.

[Signature]
Inquiry Officer.
Asstt. Supdt. of P.Os., Gh. Division
Guwahati-781001.

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL
ASSAM CIRCLE; GUWAHATI; 781001.

Memo No. Vig/1-15/99(Ch.II)

dated the 24th June'2002.

In the Memo No. SD/Rule-14/2000-2001 dated 29.11.2000 issued by the Supdt. of Postal Store Depot, Guwahati it was proposed to hold an inquiry against Shri Sambhu Ram Mazumdar, PA(BCR) P.S.D. Guwahati under Rule 14 of Central Civil Services(Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in shape of Articles of Charge in respect of which the inquiry was proposed to be held, a statement of the imputations of misconduct or misbehaviour in support of each article of charge, a list of documents by which and a list of witnesses by whom , the charges were proposed to be sustained were enclosed along with the said memorandum. The articles of charge set out against Shri Sambhu Ram Mazumdar are as follows -

Article - I

That the said Shri Sambhu Ram Mazumdar PA, Postal Store Depot while functioning as Asstt. Manager, Postal Store Depot, Guwahati-21 during the period from 19.5.98 to 29.5.98 (F/N) failed to take over the articles of stock after carefully checking them with stock Register while resuming duty on 19.5.98 as Asstt. Manager, Postal Store Depot as was required under Rule 276 of P&T Manual Vol. II 3rd edition (2nd reprint) which resulted discrepancies in stock of printing papers and thereby failed to maintain devotion to duty and acted as such which was unbecoming of a Govt. Servant in contravention of Rule 3(1)(ii) and 3(1)(iii) of CCS(Conduct) Rules, 1964.

Article - II

That during the aforesaid period, while functioning in the aforesaid office, the said Shri Sambhu Ram Mazumdar, being the custodian of printing papers failed to exercise his duty as entrusted as per Memo. of distribution of works and contributed towards loss of 116 ram 191 sheets of paper of size 43 X 69 c.m. valued Rs.32383.29 from his custody and thus failed to maintain devotion to duty and acted as such which was unbecoming of a Govt. servant in contravention of Rule 3(1)(ii) and 3(1)(iii) of CCS (Conduct) Rules 1964.

2. Shri Sambhu Ram Mazumdar was asked to submit within 10 days of the receipt of the said memorandum, a written statement of his defence and also to state specifically whether he admits or denies each article of charge and also to state whether he desires to be heard in person. Shri Mazumdar received the said Memorandum on 29.11.2000 and he submitted his written statement of defence on 30.11.2000 denying the charge and desired to have hearing in person.

3. Since the said charged official denied the charges, it was decided to appoint an Inquiry Authority for detailed oral inquiry towards finding the fact. Shri S.D. Purkayastha, ASPOs(Divn), Guwahati Divn. was appointed as the Inquiry Authority vide Memo No. SD/Rule-14/2000-2001 dated 25.01-2001 of the Supdt of PSD, Guwahati, to inquire into the charges framed against the said Shri Mazumdar. To present the case on behalf of the Disc. Authority, Shri Rabindra Biswas, ASP(HQ) Guwahati Divn. was appointed as the Presenting Officer vide Memo of even no. dated 25.1.2001 separately.

4. The Inquiry Authority held preliminary hearing on 29.5.2001 followed by further regular hearing on 19.7.2001, 20.7.2001, 20.8.2001 and 10.9.2001. The charged official took assistance of Shri Bhrigu Ram Lahkar, Retired APM, Guwahati GPO as his Defence Assistant to defend his case during the entire period of inquiry. The Presenting Officer submitted his written brief to the Inquiry Authority on 26.9.2001 with a copy thereof to the charged official. In response, Shri Mazumdar submitted his written brief to the Inquiry Authority on 30.10.2001. The Inquiry Authority then submitted his Inquiry Report to the Disc. Authority along with the records and proceedings of Inquiry.

5. As the charged official belongs to BCR(HSG-II) cadre whose appointing authority is the Director of Postal Services who can only decide and pass orders on Disc. proceedings for one of the major penalties specified in Rule-II of CCS(CCA) Rules, 1965 against BCR(HSG-II) officials, the case was forwarded to the undersigned for decision and passing orders as deemed fit.

6. The undersigned being the Appointing Authority of the charged official and competent Disc. Authority for imposing one of the major penalties specified in Rule-II of CCS(CCA) Rules, 1965 has gone through the Inquiry Report submitted by the Inquiry Authority with reference to the records and evidences adduced during the inquiry and accepted the findings of the Inquiry authority tentatively.

The Inquiry Authority submitted his inquiry Report with findings of all the charges brought against Shri Sambhu Ram Mazumdar as proved. The Inquiry Authority has recorded the reasons to arrive at his conclusion and findings of the Inquiry against each article of charge as under:-

Article - I

- i) The charged official worked as Asstt. Manager, PSD Guwahati from 20.5.98 to 29.5.98 in addition to his own duty. As per Memo of distribution of work (Exh.4), the Asstt. Manager is the custodian of stock of printing papers and responsible towards their accountability, short/excess. Thus taking over the articles of stock after carefully checking them with the stock register was automatic on the part of the charged official.

- ii) The contention of the charged official to the fact that the shortage of printing papers might have occurred on 19.5.98 when Shri Subhas Choudhury, Manager, PSD made supply of papers to M/S Sahitya Rathi Press out of favour, does not bear value as mere apprehension of the charged official cannot prove his contention.
- iii) The charged official worked as Asstt. Manager, PSD, Guwahati from 20.5.98 to 29.5.98. The question of giving him opportunity, instruction or order to verify the stock of paper with stock register did not arise as it was his automatic duty.

Thus, the charge brought against Shri S.R. Mazumdar under Article- I is proved beyond doubt.

Article - II

- i) It is clear from the stock register of papers (Exh - 1) and the key register (Exh-2) that the charged official issued papers of size 43 X 69 cm on 20.5.98 and 21.5.98 in the capacity of Asstt. Manager, PSD, Guwahati, but did not report any discrepancy in the stock.
- ii) Deposition of Shri B.N. Choudhury (PW-2) corroborating his written statement dated 1.7.98 (Ex- 9) reveals that the charged official took the keys of paper Godown without knowledge of the Manager on 21.5.98 and also did not seek any group 'D' assistance for supply of papers as per procedure followed in the PSD.
- iii) Deposition of Shri Mahesh Das (PW-1) corroborating his written statement dated 2.7.98 (Ex-10), reveals that the charged official supplied paper to Geetanjali Printing Press on 21/5/98 without taking assistance of Group 'D' staff.
- iv) Deposition of Shri B. Haloi (PW-5) who investigated the alleged shortage in the stock of printing paper of size 43 X 69 cm reveals that the charged official did not take permission of the Manager, PSD for the keys of the Godown nor asked for Group 'D' assistance. He proceeded to paper Godown at his own accord.
- v) Deposition of Shri Jiwan Ch. Das (PW-4) corroborating his written statement dated 30.6.98 (Ex-8) reveals that shortage in stock of printing paper of size 43 X 69 cm was detected on 23.6.98 when he was supplying the paper after resuming duty as Asstt. Manager, PSD on expiry of leave.

- vi) Deposition of Shri Sarbeswar Kalita (PW-3) corroborating his written statement dated 30.6.98 (Ex-11) reveals that the charged official opened the paper godown on 21.5.98 accompanied by the proprietor of Geetanajli Press and supplied paper from the Godown to the Press loading in a Mini truck. He was not accompanied by any Group 'D' staff while making the supply.
- vii) The charged official during inquiry admitted to the Inquiry Authority to the fact that he did not count the paper in stock before and after supply made to Geetanajli Press.

Thus the charge brought against Shri S.R.Majumdar in Article -II is proved beyond doubt.

7. A copy of the Inquiry Report was supplied to the charged official vide letter No.VIG/1-15/99 (Ch . II) dated 11.3.2002 with direction to him to submit representation if he so desired against the report/findings of the Inquiry Authority within 15 (fifteen) days of receipt of the letter. The charged official submitted his representation on 19.3.2002. In the representation the charged official has stated the following points to refute the findings of the Inquiry Authority.

- i) The Inquiry Report submitted by the Inquiry authority against him are baseless and without going through the roots of the case.
- ii) He cannot be held responsible for the mistake committed by other officials.
- iii) After taking over the charge of Asstt. Manager, PSD,Guwahati from him, Shri Jiwan Ch. Das the regular Asstt. Manager had opened the paper Godown in three subsequent dated on 4.6.98, 11.6.98 and 12.6.98 and supplied papers to different firms. But he did not report any loss or shortage of papers till 12.6.98.
- iv) The Inquiry Officer has not scrutinised his defence statement submitted by him on 30.10.2001 and submitted an erroneous findings of Inquiry Report.

8. The undersigned has gone through the representation of the charged official, records of the entire proceedings the Inquiry Report of the Inquiry Authority very carefully. The Inquiry was held as per provisions laid down in Rule-14 of CCS(CCA) Rules 1965 and the charged official participated in the inquiry till its conclusion. Every reasonable opportunity was given to the charged official to defend his case engaging a Defence Assistant. After careful scrutiny and assessment of the evidences adduced during the inquiry , the undersigned records his own findings as under.

8.1

Shri Sambhu Ram Majumdar, the charged official was the sole

custodian of the stock of printing papers as Asstt. Manager, PSD during the period from 19.5.98 to 28.5.98. He was responsible for correct maintenance of the stock register and other records. He was also accountable for any short/excess supply of printing papers. But he failed to discharge his duty by not taking the charge of the stock of paper after physical verification on 19.5.98. Similarly, the charged officer failed to make over the charge of the stock of paper when he relinquished the charge on 28.5.98. Thus he violated the provisions laid down in Rule 276 of P Manual Vol.II. Had the charged official observed the procedure, shortage /excess if any in the stock of paper could have come to light on the dates of his taking over or making over the charge of Asstt. Manager. This gross lapse on the part of the charged official frustrated the probe to find out the reasons and period of occurrence of shortage of 116 Reams 191 sheets of printing papers in the stock and contributed towards loss of Rs.32,383.29 to Govt. on account of the cost of missing papers.

8.2. The Charged official supplied printing papers of size 43 X 69 cms to M/S Gitanjali Printing Press Guwahati- 5 on 21.5.98 as per stock register (Ex- 1). But he did not follow the established procedure of taking group 'D' assistance under permission of the manager. He went to paper godown alone on 21.5.98 and supplied papers to the said firm on his own as per eye witness of Shri Sarbeswar Kalita, Night Guard (PW-3). He also failed to verify the stock position of the papers after supply was made. He had not any reason not to take any group 'D' assistance and to make the supply without notice of other official. By these lapses, he flouted the official procedures and acted as such in manner of unbecoming of a Govt. Servant.

8.3. From the Key Register (Ex-2) it is established that the charged official took the keys of the paper Godown on 21.5.98. But the entries made in the Key Register were not authenticated by the Manager who is the custodian of the Keys. Oral evidences of Shri Bhupendra Nath Choudhury (PW-2) who was the Manager then reveals that the Charged official took the keys of the paper Godown without knowledge of the Manager nor did he return the keys with knowledge of the Manager. By the said acts, the charged official infringed the official procedure to be followed with regard to handling the keys of the paper godown and thereby acted as such in a manner of unbecoming of a Govt. Servant.

9. The undersigned has also given careful consideration of the points raised by the charged official in his representation dated 19.3.2002 against the findings of the Inquiry authority and record the observations as under:-

- i) The Inquiry Authority conducted the inquiry into the charges against the charged official as per procedures laid down in Rule-14 of CCS(CCA) Rules, 1965. The Inquiry Report was submitted based on the evidences both oral and documentary adduced in the inquiry. The Inquiry Authority gave his mind to the defence submitted by the charged official before concluding his findings. The contention of the charged official to the effect that the Inquiry report against him are baseless and without going through the roots of the case is therefore not acceptable.

- ii) The charged official maintains that he can not be hold responsible for the mistake committed by other official. But during the inquiry he could not bring any material proof to the fact that the shortage in the stock of paper of size 43 X 69 cm occurred due to mistake of other official. Efforts have been made in his defence to convince the Inquiry Authority by implicating his seniors for the shortage of the Printing Paper purely on assumption. What the other officials did have no relevancy with the charges inquired into. The charged official can not be absolved from the violation of rules and procedures committed in the capacity of Asstt. Manager. Therefore the contention of the charged official is not agreeable.
- iii) Shri Jiwan ch. Das, the regular Manager, PSD noticed the shortage of paper of size 43 X 69 cm in the Godown while supplying the paper of that size on 23.6.98 to M/S Bobby printing and Binder house, Satgoan. This was reported by him to the authority on the same day followed by a written report dated 25.6.98 (Ex-5). The suggestion of the charged official to the effect that the shortage of paper occurred when the regular Asstt. Manager made supply on 4/6/98, 11/6/98 and 12/6/98 after taking over the charge from the charged official is purely an assumption and not supported by any proof.
- iv) The charged official states that the Inquiry Officer has submitted an erroneous findings without scrutiny of his defence statement submitted by him on 30.10.2001. On perusal of the Inquiry Report it can be seen that the Inquiry Authority has indeed discussed the Defence Statement of the charged official in length in the Inquiry Report and applied his mind while assessing the evidences and giving his conclusive findings. Therefore, the above contention of the charged official is not acceptable.

10. In view of what have been discussed above, the undersigned has agreed with the findings of the Inquiry authority to the fact that all the charges leveled against Shri Sambhu Ram Mazumdar, PA (BCR), PSAD, Guwahati are proved. He is accountable for violation of Rules and procedures with regard to accounting custody, verification and supply of stock of printing paper while functioning as Asstt. Manager, PSD Guwahati. By negligence to duty and breach of orders/Rules the charged official frustrated the investigation to locate the real reasons and culprit behind the shortage of Printing papers worth Rs. 32,383.29 and led to loss to Govt. Shri Mazumdar deserves punishment for the offence he committed as a deterrent to others. However, considering that he is retiring on superannuation very shortly after a long period of service and taking all other aspects and circumstances of the case into consideration the case is decided with the following orders to meet the end of justice.

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ORDER

I, Shri V. C. Roy, Director of Postal Services (HQ) Assam Circle, Guwahati hereby order that the pay of Shri Sambhu Ram Mazumdar, PA(BCR), P.S.D. Guwahati (now PA, Guwahati GPO) be reduced by 4(four) stages from Rs. 6950/- to Rs. 6350/- in the scale of pay of Rs. 5000 - 150- 8000 for a period of 2(two) months with effect from the month of June'2002 to July'2002 with further direction that Shri Sambhu Ram Mazumdar will not earn increments of pay if any due during the period of reduction and that on expiry of this period the reduction will have the effect of postponing his future increment of pay. It is also ordered that a sum of rs.6348/- (Rupees six thousand three hundred forty eight) only be recovered from the pay of the said Shri Sambhu Ram Mazumdar in 3(three) equal installments @ Rs. 2116/- per month from the pay of June'2002 to August'2002 towards partial recoupment of loss to Govt.


(V. C. Roy)

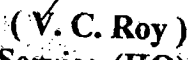
Director Postal Services(HQ)
Assam Circle, Guwahati:781001

✓ To

Shri Sambhu Ram Mazumdar,
PA, Guwahati GPO
(Through SSPOs, Guwahati)

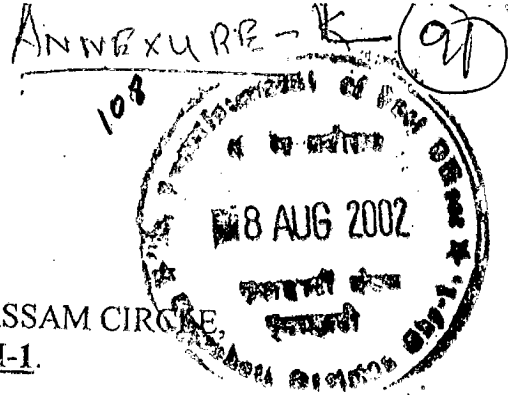
Copy forwarded to;

- 1) The SSPOs Guwahati w.r.t. his No. F1-Misc/PSD/99-2000 dated 17.1.2001. The copy of the order for the charged official is sent herewith for delivery under receipt which may be sent to C.O. for record.
- 2) The Supdt. PSD, Guwahati w.r.t. his No. SD/Rule-14/2000-01 dated 1.3.2002.
- 3) The Sr. Postmaster, Guwahati GPO for information and necessary action.
- 4) Staff (Appeal/petition) Section, CO Guwahati.
- 5) Office copy
- 6) Spare.


(V. C. Roy)
Director Postal Services(HQ)
Assam Circle, Guwahati:781001.

ANNEXURE - 2

25



DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE
MEGHDOOT BHAWAN : GUWAHATI-1.

No.Staff/9-3/2002
Dated Guwahati, the 8th August, 2002

APPELLATE ORDER

This is an appeal submitted by Shri Sambhu Ram Mazumdar, PA(BCR), P.S.D., Guwahati, now A.P.M., Guwahati G.P.O., Guwahati against the punishment Order No.Vig/1-15/99(Ch.II) dated 24-06-2002 passed by the Director of Postal Services (IIQ), Assam Circle, Guwahati imposing on the appellant punishment of reduction of Pay by 4(four) stages from Rs.6950/- to Rs.6350/- in the Scale of Pay of Rs.5000-150-8000 for a period of 2(two) months w.e.f. the month of June, 2002 with further direction that Shri Sambhu Ram Mazumdar will not earn increment if any due during the period of reduction and that on the expiry of this period, the reduction will have the effect of postponing his future increment of pay. It was also ordered that a sum of Rs.6348/- be recovered from the pay of the appellant in 3(three) equal instalments at the rate of Rs.2116/- per month from the pay of June, 2002 to August, 2002 towards partial recoupment of loss sustained by the Government.

2. A disciplinary proceeding under Rule-14 of CCS(CC&A) Rules, 1965 was initiated against the appellant vide the Supdt. of Postal Stores Depot, Guwahati Memo No.SD/Rule-14/2000-01 dated 29-11-2000 on the basis of the articles of charge framed against him as follows :-

Article - 1

That the said Shri Sambhu Ram Mazumdar, P.A., Postal Stores Depot while functioning as Assistant Manager, P.S.D., Guwahati - 21 during the period from 19-5-98 to 29-5-98 (F/N) failed to take over the articles of stock after carefully checking them with stock Register while assuming duty on 19-5-98 as Asstt. Manager, Postal Stores Depot as was required under Rule 276 of P&T Manual Vol. II, 3rd Edition (2nd reprint) which resulted in discrepancies in Stock of printing papers and thereby failed to maintain devotion to duty and acted as such which was unbecoming of a Government Servant in contravention of Rule 3(1)(ii) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

Article - II

That during the aforesaid period, while functioning in the aforesaid offices, the said Shri Sambhu Ram Mazumdar, being the custodian of printing papers failed to exercise his

duty as entrusted as per memo of distribution of works and contributed towards loss of 116 reams and 191 sheets of papers of size 43 x 69 Cm valued Rs.32,383.29 from his custody and thus failed to maintain devotion to duty and acted as such which was unbecoming of a Government servant in contravention of Rule 3(1)(ii) and 3(1)(iii) of CCS(Conduct) Rules, 1964.

3. An Inquiry Authority was appointed to enquire into the charges framed against the appellant. The I.O. submitted his Inquiry Report to the Disciplinary Authority with his finding on each article of charge against the appellant as proved. The Disciplinary Authority agreed with the findings of the I.O. and passed the said disciplinary Order dated 24-6-2002 appealed against.

4. I have perused the records of the Disciplinary proceeding against the appellant very carefully. The proceedings against him were conducted as per provisions laid down in Rule-14 of CCS(CCA) Rules, 1965. Every reasonable opportunity was given to the appellant to defend his case at every stage of inquiry conducted by the I.O.. The appellant participated in all stages of the inquiry. The disciplinary proceedings against the appellant were initiated by the Supdt of P.S.D., Guwahati who is competent to do so in terms of Rule 13(2) of CCS(CCA) Rules, 1965 and he remitted the case to the Director of Postal Services who is the appointing authority and competent to pass orders on any of the major penalties against the appellant being BCR grade official. The impugned order was passed accordingly by the DPS(HQ), Assam Circle, Guwahati on 24-6-02. I do not find any infirmity in the proceedings against the appellant.

5. I have gone through the appeal dated 8-7-02 submitted by the appellant.

(a) In para 1 to 10 of the appeal the appellant has narrated the history and back ground of the Case referring among other facts, the CAT cases filed by him in the matter of finalisation of the disciplinary proceeding against him. Except in paragraph 5 of the appeal, the appellant has not raised any point assailing the disciplinary order. In para 5 of the appeal the appellant has stated that his request for additional documents was rejected by the **Inquiry Authority**. Perusal of the records reveals that the appellant requisitioned additional documents viz. (1) stock register of printing papers (43 x 69 cm) for the period from 25-1-98 to 25-05-98 and (2) last invoice received in respect of the printing papers (43 x 69 cm) from the supplier. Copy of these documents appear to have been supplied to the appellant on 5-9-2001 as recorded by the I.O. in the Inquiry report. Copy of these additional documents treated as part of the inquiry also accompanied the enquiry report. As such, the contention of the appellant to the fact that he was denied access to the additional documents sought for his defence is therefore not correct.

(b) In para 11 of the appeal, the appellant has asserted that the authority is responsible for not advising/instructing him to verify the stock of papers with Stock Register

while taking over the charge of the Assistant Manager, P.S.D. by him and for turning down his request for not entrusting the charge of the Asstt. Manager to him on a look-after arrangement. This appears to be a negative approach of the appellant. Being sufficiently senior (BCR), the appellant was supposed to know the rules and procedure, attached to the duty of the Assistant Manager and also with the general practices with regard to stocking supply verification and accounting of the stock of papers. Evidences adduced in the inquiry established that he did not follow the rules and procedures and practices which resulted in discrepancy in stock of papers and also in frustrating the scope for finding out cause of shortage. The Rule 276 of P&T Manual Vol.II prescribes that the charge of stock/stores is required to be exchanged after verification. This was not done by the appellant while taking over the charge of the stock on 19-5-98 and making over on 29-5-98 as well. The plea of the appellant is not justified.

- (c) In para 12 of the appeal, the appellant has sought to justify his action which he took for supply of printing papers alone from the Godown without taking of a Group 'D' officials with him stating that the Memo of distribution of works (Ext.- 4) does not specify the requirement of taking Group 'D' officials by the Assistant Manager at the time of supply of papers from the Godown. since providing Group 'D' assistance at the time of supply of papers from Godown is stated to be a regular procedure/practice adopted under an internal arrangement made by the competent authority the appellant was required to follow the procedure. The fact that the Memo of distribution of works has no mention about Group 'D' assistance in supply of papers from Godown, it does not permit the appellant to act in deviation from the practice and procedures being followed in the P.S.D.. Moreover, for giving papers to printers, help of Group 'D' is required. Therefore, the appellant's going alone to Godown for giving paper to printers raises serious doubt about his intentions and integrity. As regards the contention of the appellant to the fact that he took the keys of the paper godown from the Manager and returned the same after supply was made giving initial in the Key Register, perusal of the record (Ext. - 2), reveals that the entry and initial made in the key register (Ext.-2) by the appellant was not countersigned by the Manager who is the custodian of the keys and keeps the key register. Shri Bhupendra Nath Choudhury (PW-2) who was the Manager P.S.D. deposed during the inquiry that the appellant neither took nor returned the keys on 20-5-98 and 21-5-98 within his knowledge. Further, on the statement of the appellant to the contention that Shri Sarbeswar Kalita (PW-3), the Night Guard, was present at the time of supply of papers from Godown on 21-5-98 by him. Shri Kalita stated in his written statement before the investigation officer that he was on that day on night duty and during day he just passed by the Godown. This cannot be a justification for his not taking a Group 'D' official from the office with due permission of the Manager. Moreover, from the evidence and deposition of the PW-3, it transpires that the appellant came to Godown and supplied the papers to the representative of the Printing Press alone and did not take assistance of the Night Guard (PW-3) while making the supply. I, therefore, find that the contentions of the appellant have no force to refute the evidence and findings of the I.O. and Disciplinary Authority.

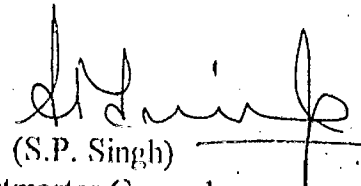
(d) In the penultimate para of the appeal the appellant has stated that the shortage of paper may have occurred after his release from the charge on 29-5-98 since the case of shortage in stock of paper (43 x 69 cm) was reported by the regular incumbent only after making supply on 3(three) subsequent dates viz. 4-6-98, 11-6-98 and 12-6-98. The appellant also states in presumption that the Manager was aware of the shortage, because, he was asking the stock position of papers from the Assistant Manager (regular) on 23-6-98. The appellant further assails the enquiry report of Shri B. Haloi IPOs(Uniform) stating it to be erroneous and not based on materials on record. While concluding the appeal the appellant vouched that there is no any blemish or stigma in his entire service career. He contends that he has been falsely implicate by some persons in this case for which he cannot be held responsible for shortage of printing papers and, therefore, pleads for setting aside and quashing of impugned order dated 24-6-2002 appealed against by him. I have gone through the records and found no any such evidence which can support the contention of the appellant regarding probable occurrence of the shortage in the stock of paper after he relinquished the charge. His suspicion on the Manager is presumptive and no material evidence could be put forward to sustain his contention. The preliminary investigation report of the IPOs (Uniform) was not a part of oral inquiry. Hence, it has no relevance with the proceeding against the appellant. The claim of the appellant to the fact that he has been maintaining an unblemished carrier of service appears to be not true. Service records show that the appellant was punished 8(eight) times prior to the present one in his entire service period for various offences. These reflect adverse picture of the appellant's conduct during his long period of service.

6. The appellant was assigned to responsible job of the Assistant Manager, P.S.D., Guwahati against short leave vacancy arrangement for the period from 19-5-98 to 28-5-98. He was required to take the charge after due verification of the stock paper as per provision laid down in **Rule 276 of P&T Manual Vol-II**. But he failed to do so in spite of his knowledge to the fact that the Asstt. Manager is solely responsible for stocking, supply, verification and proper accounting of printing papers. The appellant also failed to follow the procedures for obtaining keys to open the paper Godown and supplied papers to the Press without assistance and presence of any Group 'D' official. By the said acts the appellant displayed lack of devotion to duty and acted in a manner unbecoming of a Government servant. This conduct of the appellant contributed to discrepancy/shortage of 161 Ream, 191 Sheets of printing paper (43 x 69 cm) in the stock. The Department had to sustain a loss of Rs.32,383.29 being the value of the printing paper lost from the stock due to his negligence and misconduct. The punishment imposed on him for reduction of pay and for recovery a part of loss i.e. Rs.6348/- is considered to be commensurated with the gravity of offence committed by the appellant. The order of the disciplinary authority is found based on the evidences on the record.

7. In view of what have been discussed above, I find no merit in the appeal of the appellant and no ground to interfere with the order of the **Disciplinary Authority** passed by the **Director of Postal Services (HQ) Assam Circle, Guwahati** vide **No.Vig/1-15/99(Ch.II)** dated 24-6-2002 and therefore I, Shri S.P. Singh, Chief Postmaster

General, Assam Circle, Guwahati in exercise of the power conferred upon me by Rule 27 of the CCS(CC&A) Rules, 1965 hereby reject the appeal dated 8-7-2002 of the appellant.

✓
Shri Sambhu Ram Mazumdar,
Assistant Postmaster,
Guwahati G.P.O.,
Guwahati - 781 001


(S.P. Singh)
Chief Postmaster General,
Assam Circle, Guwahati-1.

Copy to :-

1. The Sr. Supdt. of P.O.s, Guwahati Division, Guwahati. The copy of the order meant for the Appellant is enclosed herewith which may be delivered to the official under receipt and a copy of the receipt of the official may be sent to C.O. for record.
2. The Supdt., P.S.D., Guwahati.
3. The Sr. Postmaster, Guwahati G.P.O..
- 4-5. Spare & Office Copy.

A.P.M.G.(Vig)
For Chief Postmaster General,
Assam Circle, Guwahati-1.