

01/00

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Sahity
21/11/17

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ORDER SHEET

APPLICATION NO. 28 /2002

Applicant(s) S.R. Mazumdar.

Respondent(s) C.I.I. Zone.

Advocate for Applicant(s) Mr. Adel Ahmed.

Advocate for Respondent(s) CGSC.

Notes of the Registry	Date	Order of the Tribunal
This application in form C.P. for Rs. 50/- deposited vide I.P. No. 79/550080 Dated 28/01/02 Dy. Registrar 29/01/02	31.1.2002	<p>List again after seven days. In the meantime, Mr. A.K. Chaudhury, learned Addl.C.G.S.C. for the respondents shall obtain necessary instruction on the matter.</p> <p>List on 12.2.2002 for admission</p> <p>ICU Member</p>
	12.2.2002	<p>Heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents.</p> <p>By this application the applicant has assailed the continuance of the departmental proceeding initiated on 25.10.2000 pertaining to an event that took place in May, 1998. It has been stated by the respondents that the proceeding is almost completed and the department is waiting for the report of the Enquiry Officer. Mr. A.K. Choudhury,</p>

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12.2.02 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

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 completed, 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.

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

Member

Vice-Chairman

12.2.02 Heard Mr. A.Ahmed learned counsel for the applicant and also Mr. A.K.Chowdhury, 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 pertaining 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/-

Notes of the Registry

Date

Order of the Tribunal

12.2.02

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 as per law.

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

V.C. Shanmugam
Member

H. S. Nair
Vice-Chairman

mb

Notes of the Registry	Date	Order of the Tribunal

29 JAN 2002

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 28 OF 2002.

Sri Sambhu Ram Mazumder

- Applicant.

-Versus-

Union of India & Others

- Respondents.

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Filed by
Advocate. (APPROVED)

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.

Filed by
Sri Sambhu Ram Mazumder
Applicant
through
J.D.
(Advocate
Advocate)

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 not directed against any particular Office order but praying before this Hon'ble Tribunal for a direction to the Respondents for early completion of Departmental inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965 against the applicant's case vide No. SD/Vig-1/98-99 dated 25-10-2000 and also Office Memo No. SD/Rule-14/2000-01 dated 29-11-2000 initiated by the Respondent No. 4.

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.



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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 with utmost satisfaction to the authority concerned. He is going to be retired on superannuation from the Postal Department in the month of 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



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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 alongwith article of charges brought against the applicant.

4.5 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-I/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 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.

[Handwritten signature/initials over the bottom left corner]

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

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 but till today the Respondents have not completed the Vigilance and Departmental Inquiry relating to the matter of 1998.

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 he apprehends that the Respondents with a motive behind illegally tried to victimize the applicant by way of disciplinary proceedings to hide the face of their interested persons and hence they have delayed the matter by not coming to a conclusion of the Departmental Proceedings.

4.10 That your applicant begs to state that he is going to be retired on superannuation in the Month of August, 2002. As such, it is necessary for the Respondents to complete entire Departmental proceedings against the applicant as early as possible. Otherwise, his pensionary benefits will be held up and he will face acute financial hardships. Hence, he is compelled to approach this Hon'ble Tribunal to interfere in this matter with a direction to the Respondents to complete the entire proceedings within a time limit as this Hon'ble Tribunal Deem Fit and Proper.

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

4.12 That your applicant submits that the Respondents have resorted the colourable exercise of power to deprive the applicant from getting timely pensionary benefits etc.

4.13 That the applicant submits that the Respondents deliberately done serious injustice by giving mental trouble to the applicant by not completing the Proceedings within time.

4.14 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 facts which are narrated above, the action of the respondents, is *prima facie* illegal and without jurisdiction.

5.2 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.

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

5.4 For that, in any view of the matter the action of the respondents are not sustainable in the eye of law.

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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 application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordships may be pleased to pleased to dispose of the matter at the admission stage by directing the Respondents:

h

8.1 to complete the Departmental Proceedings as early as possible or this Hon'ble Tribunal may be pleased to direct the Respondents to fix a time for completion of the Departmental proceedings arising out of Vigilance Case No. SD/Vig.-1/98-99 dated 25-10-2000 and also arising out of Office Memorandum No. SD/Rule-14/2000-01 dated 29-11-2000 against the applicant.

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:

At this stage no interim order is prayed for but if the Hon'ble Tribunal may deem fit and proper may pass any interim order or orders.

10] Application Is Filed Through Advocate.

11] Particulars of I.P.O.:

I.P.O. NO. 7G550090

Date Of Issue 28.1.2002

Issued from Guwahati C.P.O.

Payable at Guwahati

12] LIST OF ENCLOSURES:

As stated above.

— Verification.

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, 4.2, 4.3, 4.9, 4.10 are true to my knowledge, those made in paragraphs 4.4, 4.5, 4.6, 4.7, 4.8 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 29th day of January 2002 at Guwahati.

Sambhu Ram Mazumder
Declarant

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

To

Shri Samitru 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

Sir - 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 Ad. 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 dt 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 dt 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 dt 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 dt 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 dt 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.

Adm't
Adm't
Adm't

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.

TA Das 30/11/2000
Supt. Postal Stores Depot
Guwahati- 781 021

Attn: G.D. Secretary

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SUPDT. 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.

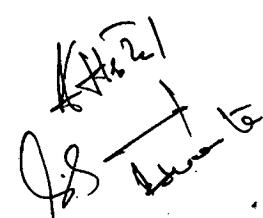
5. Attention of Shri Sambhu Ram Majumdar is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining 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.


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

To, 

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


K. H. Das
J. S. Das

Annexure-I.

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

Article-I.

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 (I)(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 excercise 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(I)(ii) and 3(I)(iii) of CCS (Conduct) Rules, 1964.

Annexure-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-I

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 Jivin Ch. Das, Asstt. Manager during the period prior to proceeding on leave. But the said Sri Majumdar did not do so. Subsequently, Sri Das Returning from leave made a report as to the discrepancy in stock of paper to Supdt. PSD/Chuwhati. Inquiry instituted revealed that there were shortage of 116 Reams and 191 sheets of printing paper of the size 43x69cm 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

(Signature)
C. D. *(Signature)*

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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, 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 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, 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 100 pads of Prescription Slip vide order No. SD/LP/Tender-02/97-98 dtd 14/5.98, paper of size 56X91 cms for printing of one lakh Corr-67 vide order no. SD/LP/Tender-02/97-98 dtd 14/5-05-98 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/Guahati by Sri Jitman 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 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.

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/cess 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/Guahati. 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/Guahati are proposed to be sustained.

- (1) Stock register of paper
- (2) Register of Keys.
- (3) Order to look after the duty of Head Manager.

(Signature)
Date: 10/10/2018
K. N. G.

- 4) Memo of distribution of works.
- (5) Report dtd 25-6-98 to Sudt. PSD by Jiwani 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 Jiwani 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 Sri Sambhu Ram Majumdar, P.A/ PSD/GH are proposed to be sustained

1. Sri Bhubaneswar Haloi SDI(P) Pathsala Sub Divn. pathsala.
2. Sri Jiwani 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

A. H. C.
A. S.
A. H. G.

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

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

Dated at Guwahati the 02-01-2001.

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 Sri 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 Sri 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 Sri 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, Sri 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-i (small) as per Order No. SD/LP/Tender-02/97-98 dtd 1.6.98. It was also noticed that though Sri 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 Sri Das went to Paper Godown twice at 1140 hrs and 15:5 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 Giranaii 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.

- (Signature) X G
GJ

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 regret 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

[Handwritten signatures and initials]

-3-

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 collaboration 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 22-05-98. 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/Sr 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 22-5-98, 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

✓
✓
✓

to 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 accomodation 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 Asstn. 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 implications 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 dt. 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. Thereafter 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 Sh 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

to the said Sri Das does not agree at all.

Sri Das also pointed out the statement of Sri B.N. Chaudhury and Sarveswar 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 Jiwani Ch. Das and found that the said Sri Das contributed towards the loss of papers worth of Rs. 32,363.23 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 Jiwani Ch. Das, Asstt. Manager, P.S.D./Guwahati-21, commencing from the pay for the month of January 2001 on installments @ Rs. 2000/- per month.

Sd/-
(A.C. Das.)
Supdt. Postal Stores Depot
Guwahati -21.

Attached
if *16*
16

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE SR SUPDT OF POST OFFICES:
GUWAHATI D.N. GUWAHATI-781001.

NO. Inq/ug-14/1/2001 Dt. Glug, 21-5-01

To

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

Sub:- Departmental inquiry under Rule
14 of the C.P.S. (C&A) Rules, 1965
against Shri Sambhu Ram
Mazumdar, PA, PSD, Guwahati-2.

R.D.

Under this 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
formulated against you vide Ris. memo
No. 3-0/R. 1/2000 dated 29-11-2000.

I am glad to inform you that preliminary
hearing in the case on 29-5-01
in the office of the Supdt. PSD.
Guwahati on 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 of hearing which the proceedings
shall be held ex parte.

Instructions for getting
your Defence representative
will be issued at this particulars
and willingness to work as such
alongwith the particulars of his
controlling authority are received by
me before 25-5-01.

Proceedings of Preliminary
hearing dt 29-5-01

The proceedings were taken up by me in the office of the Supt. PSD, Guwahati on 29-5-01 at 10.00 hours when the following were present :-

1. Shri Rabendra Biswas, Presenting officer.
2. Shri Samitree Ram Mazumder, Charged officer.

The C.O. when questioned by the S.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 on 28-5-01 to Shri Bhupen Ram Lahkar Retd 7AM, Guwahati GPO, who has given willingness to work as Defense Assistant which is accepted by the S.O.

The P.O. as directed officer 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 Asset Manager - marked as Ex-3.
- (4) Memo of distribution of work - marked as Ex-4.
- (5) Report dt 25-6-98 to Supt. PSD by Shri Govor Ch. Basu, Asset Manager

Attest
G. J. Shukla

regarding discrepancy of paper 3) - 37
Size 43x69 - marked as Ex-5

(6) written representation dt 2-11-2001
of Shri Sambhul Ram Mazumdar, PA,
PSD, Guwahati - marked as Ex-6.

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

(8) written statement of Shri Jibwan
Ch. Das, Ass't Manager, PSD, Guwahati
dt 30-6-98 - marked as Ex-8.

(9) written statement of Shri Bhupendra
Malik 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 re-
levant 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 witness
proposed to be examined on his
behalf but he replied negative.

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

³
that ~~the~~ additional documents
and will be permitted by me
inspected by the C.O. and his
Defence Assistant on 7-6-01 in
the office of the S.S.P.O.S, Guwahati
on 29. 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.

~~Recd
29/5/01~~
Presenting officer

~~Recd
29/5/01~~
In 29/5/01 Inquiring officer
Charged officer.

Attn
S. Work

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SR. SUPDT OF POST OFFICES
GUWAHATI DN: GUWAHATI-781001.

No. 999999-14/1/2001

alt-Gelug, 10-7-01

100

Shri Samblu Ram Mazumder
PA (BCR), Ghorakhati C.P.O.

Sub:- Departmental inquiries - including
Rule VI (3)- the C.C.S.D (C.C.I) Rules
1965 against the Sri Sanghalee Party
Maguvadu, TA, F.C.D, Ceylon - 31

Sic

letter of reference to you,
no. mil dt 1-6-01 regarding
I- additional documentation
I am to state that:-

In the charge sheet -
article 1 relates to taking over
the paper, article 2 to locking over
the paper, article 3 to shortage of
6. Reasons and 191 streets. 4) printing
paper 5) the size 13x69 cms in
the stock.

supplied by Jagiroad Paper Mill
during 1998 has no relevance with
the above charges.

register & the pages of stock supplied relative period has been from 1-5-98 to 27-5-98 to furnish irrelevant.

~~Ann G.~~

1) *Inquiry officer.*
सरकारी वडीज़ा, भागदास
गुराहाटी वंडा, गुराहाटी
Ass't. Supt. of P.Os., Gh. Division
Gauhati-781001.

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

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

To:

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

Sub:- For the proceedings against
Shri Sambhu Ram Mazumder
PA, PSD, Guwahati-21 at the
of the S.S.P.O, Guwahati
on 19-7-01 and 20-7-01 at
11-00 hours daily.

Re:

For the Inquiring Authority
in the Disciplinary Proceedings against
Shri Sambhu Ram Mazumder.

2. The next dates of hearing
fixed on 19-7-01 and 20-7-01
at 11-00 hrs at the office of the
S.S.P.O, Guwahati for to examine
the following prosecution witnesses:-

1. Shri Bhubaneswar Haloi
SDI (P), Patisala Sub Dist
Pathsala.

2. Shri Jiaran Ch. Das, (RJD)

Asset Manager, PSD, Guwahati.

3. Shri Bhupendra Nath Choudhury,
Accountant, PSD, Guwahati.

4. Shri Mahesh Ch. Das,
PA, Guwahati G.P.O.

5. Shri Sorbeeswar Kalita
Night Guard, PSD,
Guwahati.

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

shall be held ex parte.

Yours faithfully

(S-DEV PURKAYASTHA)

Inquiry officer.

मुख्य प्रशासन, गुवाहाटी
गुवाहाटी नगर, गुवाहाटी
Ass. Subdi. of P.O., Gh. Division
Gauhati-781001.

Copy to :-

1. Sri R. Biswas, Presenting officer and ASP (HQ), of the S.S. P.Os, Gauhati for, Gauhati. He is required to attend the hearing, on the dates, time and place.
2. The Sr. Subdt of Pos, Gauhati for, Gauhati for information and necessary action.
3. The Sr. Postmaster, Gauhati GPO with the request to relieve the official to attend the hearing on the above dates, time and place.
4. Sri Bhagiram Lahkar, A.P.M, Gauhati G.P.O.

S.D.P.
मुख्य प्रशासन, गुवाहाटी
गुवाहाटी नगर, गुवाहाटी
Ass. Subdi. of P.O., Gh. Division
Gauhati-781001.

fixed
for
short

To

Dated 30.10.2001

The Asstt. Supdt. of Post Offices (HO)
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 than 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. Sahity 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)

(A) Abdul
(B) Abdul 16

Contd.. 2

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

Attn: J.S.
Attn: J.S.

So I have written a letter to the authority about my inability to supervise 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

Attest
J. S. Dutt
Date 16/1/66

from the Manager PSD/CH 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

(Signature)
AB *AB* *AB*

The regular Manager Asstt Manager Shriji Chowdhury was on leave on LTC with effect from 26.5.1998. 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 (P.W-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 (P.W-4) examined and reported shortage of paper of size 43 x 69 CM on 25.5.1998 after (twenty seven) 27 days from his resumption to duty after leave.

Shri Bhubaneswar Halci (P.W-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

R. K. Halci (Shri Bhubaneswar Halci)
P.A. P.S.D./Guwahati