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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 285/2002

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SECTION OFFICER (Judl.)

*White*  
*29.11.17*

FORM NO. 4  
( See Rule 42 )

**In The Central Administrative Tribunal**  
GUWAHATI BENCH : GUWAHATI

ORDER SHEET  
APPLICATION NO.

285/02 OF 199

Applicant(s) A. B. Deoni



Respondent(s) U. C. I. Roy

Advocate for Applicant(s) P. K. Bhowmik, P. Gogoi  
Mr. B. C. Pathak,

Advocate for Respondent(s) Addl. C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in to be not in time C. B. is P. B. is P. B. is V. B. is L. B. is</p> <p>76576597 S. 8. 02</p> <p>Dy. Registrar. 2/9/02</p>	4.9.02	<p>Heard Mr. P. Gogoi, learned counsel for the applicant.</p> <p>The application is admitted. Call for the records.</p> <p>List on 4.10.2002 for orders.</p> <p>Member Vice-Chairman</p>
<p>Notice prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A.D.</p> <p>Vide D. No- 2563 to 2565 Dtd- 2.9.02</p>	4.10.02	<p>Mr. A. Deb Roy, Sr. C. G. S. C. has prayed for time to file written state- ment on behalf of Mr. B. C. Pathak, learned Addl. C. G. S. C.</p> <p>List on 13.11.02 for orders.</p> <p>Member Vice-Chairman</p>

12.9.02

Notes of the Registry	Date	Order of the Tribunal
	13.11.	Circuit sitting at Shillong. The case is adjourned to 25/11/2002.  MLO A.K.J. 18/11
	25.11.02	Heard Mr. P.Gogoi, learned counsel for the applicant and also Mr. B.C.Pathak, learned Addl. C.G.S.C. for the respondents.  On the prayer of Mr. B.C.Pathak, learned Addl. C.G.S.C. for the respondents further four weeks time is allowed to the respondents to file written statement. List on 2.1.2003 for orders.   Vice-Chairman
	mb	
No written statement has been filed	2.1.2003	Due to vacation, the case is adjourned to 8.1.2003 by order.  MLO A.K.J.
 7.1.03	8.1.2003	<del>Present:- The Hon'ble Mr. Justice V.S. Aggarwal, Chairman. The Hon'ble Mr. K.K. Sharma, Member (A).  We have heard Mr. P.K. Baruah, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.</del>

Notes of the Registry Date

Order of the tribunal

8.1.2003

Presnt:- The Hon'ble Mr.Justice  
V.S.Aggarwal, Chairman.  
The Hon'ble Mr.K.K.Sharma  
Member (A).

We have heard Mr.P.K.Baruah,  
learned counsel for the applicant and  
also Mr.B.C.Pathak, learned  
Addl.C.G.S.C. for the respondents.

During the course of submission  
it was submitted that the Departmental  
Appeal has already been preferred to  
the Chief Post Master General,  
N.E.Circle, Shillong-1, Meghalaya on  
7.5.2002 which is still pending.

Keeping in view of the said facts  
the learned counsel for the applicant  
does not press the present Original  
Applicantion but pressed that the  
concerned authority viz. the Chief  
Post Master General, N.E.Circle,  
Shillong-1, Meghalaya may be directed  
to decide the Departmental Appeal  
within a stipulated period. To this  
there is no objection on either end.

Accordingly, the present Original  
Application is dismissed as withdrawn.  
The respondent Nos.2 i.e. Chief Post  
Master General, N.E.Circle, Shillong-1  
Meghalaya is directed to decide the  
Departmental Appeal dated 7.5.2002  
preferably within a period of four  
months from the date of receipt of the  
certified copy of the present order.  
It should be a speaking order and  
should be conveyed to the applicant.

Contd..

Contd..

8.1.2003

By way of abundant caution it is made clear that nothing is an expression of opinion on the merits of the case which may cause prejudice to either side.

With this observations, the present Original Application is dismissed as withdrawn.

22.1.2003

Copy of the order has been sent to the Office for issuing the same to the L/Advocates for the parties.

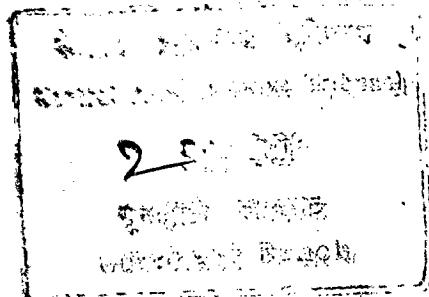
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*ICUShan*

Member

*AS Ag*

Chairman



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:  
GUWAHATI.

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

Original Application No. 285 of 2002.

Shri A.B. Deori

.... Applicant.

- Versus -

Union of India & others.

.... Respondents.

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For use in office

Date of Filing \_\_\_\_\_

Registration No. \_\_\_\_\_

Registrar.

Filed by  
Prasad  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:

Original Application No. 285 of 2002.

Shri A.B. Deori

son of Sri Jadu Deori

Ex Sub Post Master, Bordumsa,

Resident of Village Mahadevpur No.4

P.O. & P.S. Mahadevpur, District -

Lohit, Arunachal Pradesh.

.... Applicant.

- Versus -

1. Union of India,

represented by the Secretary

to the Govt. of India, Ministry

of Communication, Department

of Posts, New Delhi. ,

2. Chief Postmaster General,

N.E. Circle, Shillong-1,

Meghalaya.

3. Director of Postal Services

Arunachal Pradesh Division,

Itanagar- 791 111.

.... Respondents.

DETAILS OF APPLICATION :

1. Particulars of order :- Order dated 16-04-2002, passed against which the application is made. by the Director of Postal Services, Arunachal Pradesh, Itanagar,

contd...2

removing the applicant from service, communicated in his Memo. No.F.2/A.B. Deori/99-2000 dated 16-04-2002.

Deori  
Bekomiyar

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

Shri Alghary

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

4. Facts of the case:- 1. That the applicant joined as postal Assistant on 1-1-1991 under the Postal Department in Arunachal Pradesh. While he was posted as Sub Post Master, Bordumsa S.O. in Arunachal Pradesh Postal Division, he was placed under suspension for alleged short credit of money under different accounts, all amounting to Rs.28,335.00 which finally stood at Rs.28,205.00 during the period from 25-12-1994 to 1-6-1999. Six Articles of charges had been served on the applicant, alleging violation of the provisions of Rule 3(1)(i)(ii) and (iii) of CCS (conduct) Rules, 1964. The



applicant while denying intention to misappropriate the money has made up the whole shortage of Rs.28,205.00 by depositing the same at Nampong SO on 7-3-2002 as the shortage occurred due to some error in accounting and totalling figures which did not come to the notice of the applicant due to his overwork coupled with family problems and limited working hands. Deposit of whole amount found short had been recorded in the findings of the Inquiry Authority.

A copy of the Articles of charges is annexed hereto as Annexure- '1'.

A copy of the receipt Book No.WB.13604 Receipt No.25 dated 7-3-2002 for Rs.28,205/- deposited by the <sup>applicant</sup> ~~appellant~~ is annexed hereto as Annexure- 1(1).

2. That inspite of making up the entire alleged shortage of cash amount by depositing the same on 7-3-2002 at Nampong SO the Disciplinary Authority who assured the applicant to deal with the applicant leniently once the alleged shortage is made up removed applicant from service by awarding the highest punishment.

3. That the Inquiry Officer committed gross irregularities while conducting the Inquiry into the Articles of charges as will be evident from the following facts, viz. :-

i) All the documents relied upon by the prosecution had been produced by the Presenting Officer before the Inquiry Officer and their examination and

Shri Abhay Bekomaya Deoni

analysis had been confined to the Presenting Officer and the Inquiry Officer, who was subordinate to the Disciplinary Authority. The genuineness of those documents and the relevant portion of the documents utilised against the applicant have not been testified by the lone prosecution witness in the person of Shri K. Pandit, SDI, Post, Jairampur, examined by the prosecution, nor by any other witness. These documents not being duly exhibited and their veracity not proved and the portions of the documents used against the applicant not being testified and not being duly established by any witness cannot form part of the Departmental Inquiry Proceedings. The Inquiry Officer has thus committed gross procedural irregularities to the prejudice and to the detriment of the applicant by arriving at his findings on the basis of these unestablished documentary evidences.

A copy of the findings of the Inquiry Officer is annexed hereto as Annexure-12.

ii) That the Inquiry Officer arrived at his final conclusion and prepared his findings on the basis of the report submitted to him by the Presenting Officer bearing No.F-3/Disc/A.B.Deori dated 14-2-2002 in which he stated in paragraph 4 of his said letter "that the examination and analysis of documentary evidence with respect to each article of charge was done by the P.O.

Shri Abhay Bakomirya Deotri

(i.e. presenting officer) of the case in the subsequent hearing on 13-02-2002 and the minutes of the hearing on 13-02-2002. The presenting officer is a committed person wedded to the successful conduct of the case. His examination and analysis cannot be impartial. Such examination and analysis of documents by the presenting officer which are relied upon by the Prosecution and accepted by the Inquiry Officer to arrive at his findings without these documents being testified by a witness with respect to their genuineness and correctness of figures is totally against the principle of natural justice and fair and impartial conduct of quasi judicial proceedings like the instant one.

A copy of the said letter No.F-3/Disc/A.B. Deori dated 14-02-2002 is annexed hereto as Annexure-'3'.

iii) That the lone prosecution witness Shri K. Pandit was examined by the presenting officer and cross-examined by the Inquiry Officer and re-examined by the Inquiry Officer and re-examined by the presenting Officer. He being a witness of the Officer rank the appellant was not allowed to cross-examine him. This has prejudiced the applicant in defending himself. The recorded statement of Shri K. Pandit will establish this fact. The applicant craves leave of the Hon'ble Tribunal to produce copy of the recorded statement of Shri K. Pandit during hearing of the application.

iv) That the Inquiry Officer submitted his findings, holding that charges in Article I, Article II, Article-I

Shri Abhay Bekomija Deori

Article-V and Article- VI stand proved despite the fact that he committed gross irregularities and improprieties during inquiry to the charges as stated hereinabove. The charge No.3 has not been proved.

v) The applicant admitted the shortage of cash money due to the reasons stated above and made up the whole shortage of money depositing the same at Nampong SO on 7-3-2002. There was no misappropriation of money nor loss of Govt.money.

vi) That the Disciplinary Authority of its own further examined the listed documents in the absence of evidence on record to substantiate the charges which he cannot do suo motto. He is to rely on the evidence on record and arrive at his final conclusion on the evidence on record. Additional evidence in support of the charges cannot be considered by him behind the back of the charged official (i.e. the applicant). The Disciplinary authority has committed gross irregularities by considering additional documentary evidence by further examination of the same behind the back of the applicant. This is against the set and accepted principles of quasi judicial proceedings like the instant one, causing prejudice to the applicant. In spite of gross irregularities committed in the conduct of the inquiry into the charges by the Inquiry Officer as well as the Disciplinary Authority, the applicant was punished with the removal from service.

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Shri Abhay Belkaniya Deoni

A copy of impugned order of punishment is annexed hereto as Annexure- '4'.

4. That being highly aggrieved by the impugned order of removal from service dated 16-4-2002, the applicant preferred a departmental appeal to the Chief Post Master General, N.E. Circle, Shillong-1, Meghalaya on 7-5-2002 but the said departmental appeal has not been disposed of even though reasonable time has elapsed for disposal of the same.

A copy of the said departmental appeal dated 7-5-2002 is annexed hereto as Annexure- '5'.

5. That the applicant is a tribal person from Assam Arunachal Pradesh Border and he has nothing to fall back upon after he has been removed from service. He deserves to be leniently dealt with in the instant case as a tribal person and considering his past blameless service records and the alleged shortage of money which had been made up occurred due to error in accounting and wrong totalling without intention to do so.

5. Grounds for relief with legal provisions :

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

-: G R O U N D S :-

(1) For that the impugned order is arbitrary and biased against the applicant and violative of articles 14 and 21 of the Constitution of India and liable to be set aside and quashed.

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Shri Abhay Bikomaya Deoni

(2) For that the Inquiry Officer committed gross irregularities while conducting inquiry into the charges inasmuch as the examination and analysis of the documents produced by the Presenting Officer in support of the charges have been confined to the presenting Officer and the Inquiry Officer themselves. The genuineness of those documents and the relevant portion of those documents used against the applicant have not been testified by the lone prosecution witness in the person of Shri K. Pandit. These documents not being duly exhibited and their veracity not proved nor the portions of those documents used against the applicant testified and duly established by any witness these documents should not have formed part of the Departmental Inquiry Proceedings. The applicant has been greatly prejudiced for these gross irregularities and for arriving at the findings on the basis of unestablished documentary evidence.

(3) For that the Inquiry Officer submitted his findings on the basis of examination and analysis of documentary evidence done by the Presenting Officer with respect to each article of charge. The presenting Officer is a committed person, wedded to the successful conduct of the case. His examination and analysis of documentary evidence tend to be partial and ~~was~~ biased. Enquiry Officer arriving at his findings on the basis of documentary evidence examined and analysed by the Presenting Officer is against the principle of natural justice and fair and impartial conduct of quasi judicial proceedings.

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Shri Abhay Bekomiyar Desai

(4) For that the applicant as the charged officer was not allowed to cross examine the lone prosecution witness, Shri K. Pandit, as he was a witness of the Officers rank, and the applicant merely an Assistant, posted as Sub-Post Master.

(5) For that the applicant admitted the shortage of money which he had made up but not admitted misappropriation or loss of Government money. There was no loss of Government money. &

(6) For that the shortage of money occurred due<sup>to</sup> error in calculation and totalling which could not be detected earlier. There was no intention in it.

(7) For that the shortage of money having been paid and the Department accepted it, the charge of shortage of money levelled against the applicant abates and the impugned order of removal from service is liable to be set aside and quashed.

(8) ~~That~~ For that the punishment awarded is disproportionate to the offence committed and liable to be set aside and quashed.

(9) For that in any view of the matter, the impugned order is bad in law and liable to be set aside and quashed.

(10) For that the applicant being a tribal person from Assam - Arunachal Pradesh border and having nothing to fall

Shri Abhay Bekomaya Deoni

back upon for his sustenance and the sustenance of his wife and children after his removal from service deserves to be leniently dealt with by awarding a lesser punishment other than removal from service.

6. Details of remedies exhausted :

The applicant declares that he has availed of all the remedies available to him under the relevant service rules by submitting an appeal to the Chief Post Master General, N.E. Circle, Shillong (vide Annexure-5) which has not been disposed of though reasonable time for disposal of the same elapsed and the applicant cannot indefinitely wait for disposal of the same.

7. Matters not previously, filed or pending with any other Court:

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

8. Relief sought :

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

- 1) To set aside and quash the impugned order, bearing Memo No.F-2/A.B.Deori/~~xxx~~ 99-2000 dated 16-04-2002, removing the applicant from service.

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Shri Abhay Bekomiya Deori



11) To re-instate the applicant in service with immediate effect from the date of removal from service, without loss of pay and service.

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

10. Particulars of I.P.O. :-

- i) I.P.O. No. 76 576597
- ii) Date of issue :- 5-8-2002
- iii) Payable at Guwahati.

11. List of enclosures :-

- 1. Statement of Articles of charges framed against Shri A.B. Deori, the then S.P.M., Bordumsa S.O. (Annexure- 1).
- 2. Report of Inquiry of the Inquiry Officer with his findings (Annexure- 2).
- 3. Letter No.F-3/Disc/A.B.Deori dated 14-02-2002 from Shri M.A. Malai, Presenting Officer to Shri G.C. Singha, Inquiry Authority (Annexure- 3).
- 4. Impugned punishment order bearing Memo. No.F-2/A.B. Deori/99-2000 dated 16-04-2002 (Annexure- 4).
- 5. Departmental appeal dated 7-5-2002 (Annexure- 5).

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Shri Abhay Bekomaya Deori

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

I, Shri A.B. Deori, son of Sri Jadu Deori, aged about 35 years, Ex-Sub-Post Master, Bordumsa, Arunachal Pradesh, resident of Village Mahadevpur No.4, P.O. & P.S. - Mahadevpur, District - Lohit, Arunachal Pradesh, do hereby verify that the contents of paragraphs 1, 2, 3, 4(1), 4(2), 4(3)(i), 4(3)(ii), 4(3)(iv), 4(3)(v), 4(3)(vi), 4(4), 4(5), 6 and 7 are true to my personal knowledge and paragraphs 5(1), 5(2), 5(3), 5(4), 5(5), 5(6) and 5(7) believed to be true on legal advice and that I have not suppressed any material fact.

I sign this Verification on this 12<sup>th</sup> day of August, 2002 at Guwahati.

Shri Abhay Bekomiya Deori  
Signature.

Statement of Articles of charges framed against Shri A.B. Deori, the then SPM Bordumsa S.O.

ARTICLE - I

Shri A.B. Deori while functioning as the SPM Bordumsa S.O. during 25-12-1994 to 01-06-1999 short credited Rs.143.00 (Rupees one hundred forty three) only to the S.O. a/c of Budumsa S.O. in C/W P.L.I. receipt and thus violated the provision of Rule 3(1)(i)(ii) & (iii) of CCS (Conduct) Rules 1964.

ARTICLE - II

The said Shri A.B. Deori while functioning as the SPM Bordumsa S.O. during 25-12-1994 to 01-06-1999 short credited Rs.928/- (Rupees nine hundred & twenty eight) only i/c/w TRC receipt to the a/c of Bordumsa S.O. and thus violated the provision of Rule 3(1)(i)(ii) & (iii) of CCS (Conduct) Rules 1964.

ARTICLE - III

The said Shri A.B. Deori while functioning as the SPM Bordumsa S.O. during 25-12-1994 to 01-06-1999 short credited Rs.130/- (Rupees One hundred & thirty) only i/r/o MSY deposit to the a/c of Bordumsa S.O. and thus violated the provision of Rule 3(1)(i)(ii) & (iii) of CCS (Conduct) Rules 1964.

*Atishat  
Dewan  
Advocate*

contd...2

ARTICLE - IV

The said Shri A.B. Deori while functioning as the SPM Bordumsa S.O. during 25-12-1994 to 01-06-1999 short credited Rs.1339/- (Rupees One thousand three hundred and thirty nine) only i/r/o M.O issue receipt to the a/c of Bordumsa S.O. and violated the provisions of Rule 3(1) (i) (ii) & (iii) of CCS (Conduct) Rules, 1964.

ARTICLE - V

The said Shri A.B. Deori while functioning as the SPM Bordumsa S.O. during 25-12-1994 to 01-06-1999 short credited Rs.16,050/- i/c/w SB deposit to the a/c of Bordumsa S.O. and thus violated the provision of Rule 3(1)(i)(ii) & (iii) of CCS (Conduct) Rules 1964.

ARTICLE - VI

The said Shri A.B. Deori while functioning as the SPM Bordumsa S.O. during 25-12-1994 to 01-06-1999 short credited Rs.9745/- (Rupees nine thousand seven hundred forty five) only to the a/c of Bordumsa S.O. i/c/w RD deposit and thus violated the provision of Rule 3(1)(i) (ii) & (iii) of CCS (Conduct) Rules 1964.

ANNEX-II

Statement of Imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri A.B. Deori, the then SPM Bordumsa S.O.

*Musted  
G. B. M.  
Advocate*

ARTICLE - I

The said Shri A.B. Deori while working as the SPM Bordumsa S.O. during 25-12-1994 to 01-06-1999 short credited Rs.143/- (Rupees one hundred and forty three) only & i/r/o PLI receipt as below :

1. PLI collection on ~~28~~ 29-06-1996 was Rs.4509/- (Rupees four thousand five hundred and nine) only but charged in S.O. a/c Rs.4409/- (Rupees four thousand four hundred nine) only. Thus Rs.100/- (Rupees one hundred) only was short credited.
2. PLI collection on 14-11-1996 was Rs.2077/- (Rupees two thousand seventy seven) only + Rs.12 (DF) = Rs.2089/- (Rupees two thousand eighty nine) only but Rs.2077/- was charged in S.O. etc. Thus, Rs.12/- was short credited.
3. On 28-12-1996 PLI collection was Rs.2171 + Rs.24(DF) = Rs.2195 but Rs.2171/- was charged in S.O. a/c. Thus Rs.24/- was short credited.
4. On 17-12-1997 PLI collection was Rs.1528/- + Rs.7/- = Rs.1535/- but Rs.1528/- was charged in S.O. a/c. Thus Rs.7/- was short credited.

Therefore,

Rs. 100/- on 29-06-1996

Rs. 12/- on 14-11-1996

Rs. 24/- on 28-12-1996

Rs. 7/- on 17-12-1997

In Total

Rs. 143/- was short credited.

*Attested  
Deori  
Advocate*

The said Shri A.B. Deori while working as the SPM Bordumsa S.O. during 25-12-1994 to 01-06-1999 short credited Rs.928/- i/r/o TRC receipt as shown below :-

1. On 24-02-1998 TRC collection was Rs.230/- which was not charged in S.O. a/c.
2. On 19-04-1999 TRC collection was Rs.698/- which was not charged in S.O. a/c

Therefore, Rs. 230/- on 24-02-1998  
Rs. 698/- on 19-04-1999  
 Total Rs. 928/- was short credited.

Thus Rs.928/- was short credited by Shri A.B. Deori  
i/c/w TRC receipt violating the provision of Rule 3(1)(i)  
& (iii) of CCS (Conduct) Rules 1964.

The said Shri A.B. Deori while functioning as the SPM Bordumsa S.O. during 25-12-1994 to 01-06-1999 short credited Rs.130/- i/c/w MSY deposit as shown below :-

1. On 20-07-1995 MSY deposit amounting to Rs.30/- was not taken into S.O. a/c.
2. On 28-8-95 MSY deposit amounting to Rs.100/- was not taken into SO etc.

contd... 5

Amesha  
Bank  
Attorney

Therefore, Rs. 30/- on 20-07-1995  
Rs. 100/- on 28-08-1995  

---

Total Rs. 130/- was short credited.

Thus Rs.130/- was short credited by Shri A.B. Deori  
i/c/w MSY deposit violating the provision of Rule 3(1)(i)(ii)  
& (iii) of CCS (Conduct) Rules, 1964.

ARTICLE - IV

The said Shri A.B. Deori while functioning as the  
SPM Bordumsa S.O. during 25-12-1994 to 01-06-1999 short  
credited Rs.1339/- only i/r/o MO Issue receipt as shown  
below :-

1. On 14-10-1995 MO commission was Rs.292/- but  
Rs.192/- was charged in SO a/c.
2. On 11-12-1995 MO commission against MO No.2087 x  
should be Rs.25/- for value of Rs.500/- but only  
Rs.15/- was shown in MO issue journal and also  
charged in S.O. a/c.
3. On 22-05-1996 MO commission as per MO issue  
journal was Rs.79/- but Rs.74/- was charged in  
S.O. a/c.
4. On 09-05-1996 MO commission should be Rs.11/-  
but Rs.6/- had been journalized and also charged  
in S.O. a/c.

contd... 6

Attest  
D. B. Bhat  
Advocate

Annexure- 1.

5. On 11-10-1996 amount i/r/o MD value was Rs.5168/- but Rs.4168/- was shown in the MD issue journal also charged in S.O. a/c.
6. On 01-11-1996 the amount i/r/o MD value was Rs.1185/- but Rs.1085/- has been shown in the MD journal & also charged in S.O. a/c.
7. On 07-11-1996 the total MD commission was Rs.455/- but shown as Rs.445/- in MD journal & also in SO a/c.
8. On 16-09-1998 the total MD commission was Rs.394/- but shown as Rs.294/- in MD journal & also S.O a/c also.
9. On 08-04-1999 the total MD value was Rs.6939/- but Rs.6930/- in SO a/c.

Therefore,

Rs. 100/-	on	14-10-1995
Rs. 10/-	on	11-12-1995
Rs. 5/-	on	22-05-1996
Rs. 5/-	on	09-05-1996
Rs. 1000/-	on	11-10-1996
Rs. 100/-	on	01-11-1996
Rs. 10/-	on	07-11-1996
Rs. 100/-	on	16-09-1998
Rs. 9/-	on	08-11-1999

Total Rs. 1339/- was short credited.

*Amended  
From  
Advocate*

contd... 7



Thus the said Shri A.B. Deori short credited Rs.1339/- i/r/o MO issued violating the provision of Rule 3(1)(i)(ii) & (iii) of CCS (Conduct) Rules, 1964.

ARTICLE - V

The said Shri A.B. Deori while functioning as the SPM Bordumsa S.O. during 25-12-1994 to 01-06-1999 short credited Rs.16050/- i/c/w SB deposit as shown below :-

1. On 19-03-1998 Rs.15000/- was deposited against Bordumsa SB a/c no.100091. The amount was posted in the ledger card and also shown in SB Long Book but not charged in S.O. a/c.
2. On 12-09-1998 Rs.200/- was deposited against Bordumsa SB a/c no.100075. The amount was posted in the ledger card but not shown in SB long Book and not charged in S.O. a/c.
3. The following amounts were posted in the ledger card against Bordumsa SB a/c no.100026 on different dates. But these deposits were not shown in the SB Long Book and not charged in S.O. a/c.

Amended  
B.M.  
Associate

Annexure- 1.

a)	On 18-08-1998	Rs. 50.00
b)	On 10-09-1998	Rs. 50.00
c)	On 03-02-1999	Rs. 50.00
d)	On 22-03-1999	Rs. 50.00
Total		Rs. 200.00

4. On 23-10-1998 Rs.50/- and on 04-12-1998 Rs.100/- was deposited against Bordumsa SB a/c No.100104. Both the amount were posted in the ledger card but not shown in SB Long Book and not charged in S.O. a/c.

5. It is found that Bordumsa, SB pass book bearing no. 100102 was issued by Shri A.B. Deori on 20-09-1997 in the name of Mrs. Jangko Langkho and following transactions were made thereafter.

<u>Date</u>	<u>Deposit</u>	<u>Withdrawal</u>	<u>Balance</u>
20-09-1997	500.00	xxx	500.00
06-10-1997	500.00	xxx	1000.00
05-12-1997	500.00	xxx	1500.00
13-01-1998	xxx	1000.00	500.00

But, actually no a/c was opened - No Ledger card was found i/r/o this a/c and no specimen signature was found in specimen signature Book. All the above noted transactions were neither noted in the Long Book nor charged in S.O. a/c. Shri A.B. Deori paid the withdrawal amount from his personal fund and the balance amount of Rs.500/- was kept to himself.

*Attested  
By  
Advocate*

contd... 9

Therefore,

Rs. 15000/- against Bordumsa SB a/c no. 100091 on 19-3-98  
Rs. 200/- against Bordumsa SB a/c no. 100075 on 12-9-98  
Rs. 50/- against Bordumsa SB a/c no. 100026 on 18-8-98  
Rs. 50/- against Bordumsa SB a/c no. 100026 on 10-9-98  
Rs. 50/- against Bordumsa SB a/c no. 100026 on 03-2-99  
Rs. 50/- against Bordumsa SB a/c no. 100026 on 22-3-99  
Rs. 50/- against Bordumsa SB a/c no. 100104 on 23-10-98  
Rs. 100/- against Bordumsa SB a/c no. 100104 on 04-12-98  
Rs. 500/- against Bordumsa SB a/c no. 100102

Total Rs. 16050/- was short credited by Shri A.B. Deori i/c/w SB deposit violating the provision of Rule 3(1)(i)(ii) & (iii) of CCS (Conduct) Rules, 1964.

ARTICLE - VI

The said Shri A.B. Deori while functioning as the SPM Bordumsa S.O. during 25-12-1994 to 01-06-1999 short credited Rs. 9745.00 i/c/w RD deposit as shown below :-

1. On 09-07-1997 total RD deposit was Rs. 350/- but only Rs. 250/- was taken into S.O. a/c.
2. On 08-12-1998 total RD deposit was Rs. 1715/- but Rs. 1700/- only was taken into a/c.
3. On 21-04-98 total RD deposit was Rs. 400/- but Rs. 200/- only was taken into a/c.
4. On 08-12-1998 total RD deposit was Rs. 2330/- but Rs. 2300/- only was taken into a/c.

*Must  
Don't  
Admission*

5. On 28-12-1998, Rs.100/- was deposited against RD a/c no.80053 but the same had not been taken into a/c.
6. RD deposit on 21-01-1999 was Rs.1500/- against RD a/c ~~no~~ No.80073, 80074 and 80075 of deno Rs.500/- each and instalment for the month of January, 1999 in each case. But the amount of Rs.1500/- was not taken into a/c. After this deposit 5 more deposits were made in each RD a/c for the month of Feb'1999 to June'1999 on different dates, but neither the amounts were shown in RD Journal/nor charged in S.O. a/c. Thus Rs.3000/- against each RD a/cs (3 nos.) were short credited. In total Rs.9000/- was short credited against RD a/c no. 80073, 80074 and 80075.
7. On 24-02-1999, 12-03-1999 & 10-04-1999 Rs.900/- was deposited against RD a/c no.80086 but not charged in S.O. a/c. After wards Rs.600/- was credited to Govt. a/c on 12-04-1999 but balance Rs.300/- was not credited.

Therefore,

Rs. 100/- short credited on 09-07-1997

Rs. 15/- short credited on 05-12-1998

Rs. 200/- short credited on 21-04-1998

Rs. 30/- short credited on 08-12-1998

Rs. 100/- short credited on 28-12-1998 ~~in~~ i/r/o

RD a/c no.80053

Rs.3000/- short credited i/r/o RD a/c no. 80073

Rs.3000/- short credited i/r/o RD a/c no. 80074

Rs.3000/- short credited i/r/o RD a/c no.80075

Rs. 300/- short credited i/r/o RD a/c no.80086

Total Rs.9745/- was short credited by Shri A.B.Deori

contd...11

*Attested  
Dr. M. C.  
Advocate*

Annexure- 1.

i/r/o RD deposit violating the provision of Rule 3(1)(i)  
(ii) & (iii) of CCS (Conduct) Rules 1964.

ANNEX- III

List of documents by which the articles of charge framed  
against Shri A.B. Deori the then, SPM Bordumsa S.O. are  
proposed to be sustained.

1. PLI collection register w.e.f. 11-01-1996 to 09-06-1998
2. RD journal register w.e.f. 1) 16-07-96 to 03-09-1998  
2) 04-09-1998 to 19-06-2000
3. S.O. a/c book w.e.f. 1) 24-09-1994 to 28-07-1995  
2) 29-07-1995 to 08-1997  
3) 01-09-1997 to 31-07-1999
4. MSY long book w.e.f. 26-09-1994 to 25-04-1997  
12-07-1999
5. SB long book w.e.f. 27-02-1997 to ~~23-04-1998~~
6. TRC list w.e.f. 1) 08-10-1997 to 23-04-1998  
2) 29-12-1998 to 27-05-1999.
7. MD issue journal w.e.f. 1) 30-09-1995 to 10-11-1995  
2) 13-11-1995 to 20-12-1995  
3) 30-04-1996 to 15-06-1996  
4) 19-08-1996 to 11-10-1996  
5) 14-10-1996 to 27-11-1996  
6) 28-08-1998 to 22-10-1998  
7) 16-03-1999 to 24-05-1999.
8. RD P/B no.80075, 80074, 80073, 80086, 80053
9. SB P/B No.100026, 100104, 100102
10. Attested copy of ledger card isto SB a/c No.100104,  
100075, 100091, 100026.

ANNEX-IV

LIST OF WITNESS :

1. Shri K. Pandit, SDI Post (East)Jairampur- 792 121.

Sd/- Illegible.

Attested  
By  
Advocate

भारतीय डाक विभाग  
DEPARTMENT OF POSTS INDIA

Annexure - 1(1)

[ आर. तार विनं पुस्तिका खण्ड 8, 154, 159 और 160 तथा डाक-तार विनं पुस्तिका खण्ड 100 के द्वितीय संस्करण के विषय 300 टैक्स। आर. तार विनं पुस्तिका (पुनर्मुद्रित) ]

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

पुस्तिका संख्या Book No. 1360

सीद संख्या Receipt No. 1360

Received from AB DRO

रु./Rs 28205 रुपये/Rupees Twenty Eight Thousand Two Hundred and Five

on account of धरबा प्रो. हेल. ब्रिग short credit amount of

स्थान Place Bawal

दिनांक Date 2/2/02

CHANGANAH  
208 L  
G.S.S. Office - SDPII - 38/199 9: 11/2-1-52  
30,000

1360

Aty Fed  
DRO  
Advocate

ANNEXURE-2

Report of Inquiry in the case of inquiry under Rule 14  
of CCS(CCA) Rules, 1965 :: against Shri A.B. Deori, SPM Bordumsa

The undersigned was appointed the Inquiring Authority in the case of inquiry under Rule 14 of CCS(CCA) Rules, 1965 against Shri A.B. Deori, SPM Bordumsa ( U/S ) by the Director Postal Services, Arunachal Pradesh Division, Itanagar vide his memo.No. F-2/ABD/99-00 dated 23.11.01. Shri M.A. Malai , SDI of Posts (W), Itanagar was appointed the Presenting Officer in the case.

The charges framed against the Charged Officer Shri A.B. Deori (cited as C O) hereafter are as below.

Article-I

Shri A.B. Deori while functioning as the SPM Bordumsa SO during 25-12-1994 to 01.06.1999 short credited Rs. 143.00 ( Rupees one ~~41~~ hundred and forty three ) only to the SO A/c of Bordumsa in c/w PLI receipt and thus violated the provision of Rule 3(1)(i)(ii) & (iii) of CCS(Conduct)-Rules, 1964.

Article-II

The said Shri A.B. Deori while functioning as the SPM Bordumsa SO during 25.12.1994 to 01.06.1999 short credited Rs. 928/- ( Rupees nine hundred and twenty eight ) only in c/w TRC receipt to the a/c of Bordumsa SO and thus violated the provisions of Rule 3(1)(i) (ii) & (iii) of CCS (Conduct) Rules, 1964.

(contd.....2)

Atty Fed  
Dmank  
Arunachal

Article-III

The said Shri A.B. Deori while functioning as the SPM Bordumsa SO during 25.12.1994 to 01.06.1999 short credited Rs. 130/- ( rupees one hundred and thirty) only in respect of MSY deposit to the a/c of Bordumsa SO and thus violated the provision of Rule 3 (1) (i) (ii) & (iii) of CCS(Conduct) Rules, 1964.

Article-IV

The said Shri A.B. Deori while functioning as SPM , Bordumsa SO during 25.12.1994 to 01.06.1999 short credited Rs. 1339/- ( rupees one thousand three hundred and thirty nine) only in respect of MO Issue receipt to the a/c of Bordumsa SO and violated the provisions of Rule 3(1) (i) (ii) & (iii) of CCS(Conduct) Rules, 1964.

Article-V

The said Shri A.B. Deori while functioning as the SPM Bordumsa SO during 25.12.1994 to 10.06.1999 short credited Rs. 16,050/- in c/w SB deposit to the account of Bordumsa SO and thus violated the provision of Rule 3(1)(i) (ii) & (iii) of CCS (Conduct) Rules, 1964.

Article - VI

The said A.B. Deori while functioning as the SPM Bordumsa SO during 25.12.1994 to 01.06.1999 short credited Rs.9745/- (rupees nine thousand seven hundred forty five) only to the a/c of Bordumsa SO in c/w RD deposit and thus violated the provision of Rule 3(1)(i) (ii) & (iii) of CCS (Conduct ) Rules, 1964.

Alister  
Don  
Advocate



The statement of imputations of misconduct or misbehaviour is given in Annexure 'A' to this report.

2. The hearing in the case was held on 12.02.02. The charges framed against the Charged Officer Shri A.B. Deori ( cited as CO hereafter) was read out and explained to him in his vernacular. The CO stated that he understood the charges framed against him.

2.1 The CO was given to state whether he admitted the charges framed against him in the charge sheet. The CO stated that he wished to first examine the listed documents and state his admission of the charges or otherwise.

2.2 The presenting officer Shri M.A. Malai (cited as PO hereafter) was given to produce the listed documents. The PO produced the documents and the CO was given to examine the documents.

2.3 On completion of examination of the documents the CO was again given to state whether he admitted the charges framed against him. The CO stated that he admitted the charges in Article-I, Article-II, Article IV and Article-VI fully and unequivocally.

2.4 The CO admitted the charge in Article-V partially

2.5 The CO denied the charge in Article-III.

(contd..... 4)

*Pls find  
Charge  
Admitted*

3. The CO was then given to understand the provision of the rules entitling him to engage a defence assistant to assist him in presenting his defence in the case. The CO stated that he wished to plead himself and does not wish to engage a defence assistant.

4. The documentary evidences with respect to each Article of charge were examined and the result is given in Annexure 'B' to this report.

5. The documents having been examined and analysed with respect to each article of charge, the CO was given to state his defence article wise on the basis of the documents.

5.1 Article-I:

The CO admitted the irregularities in PLI account and only wished if he could realize it in time to correct it. He admitted the charge in Article-I.

5.2 Article-II:

The CO admitted the irregularities in TRC accounts and only wished if he could realize it in time to correct it. He admitted the charge in Article-II.

5.3 Article-III:

The CO stated that the amounts shown in the charge sheet as deposits are actually amounts of withdrawals. He denied the charge in Article-III.

Allynd  
Dona  
Advocate

5.6 Article-VI

The CO admitted the irregularities in the RD Accounts and admitted the charge in Article-VI.

The CO was served with a copy of the brief submitted by the PO for preparation and submission of his written representation. In his representation dated 08.03.02 the CO has not stated any new points in defence of the charges. He has also communicated that he has deposited the amount involved in the case at Nampong SO on 07.03.02. He has begged pardon for the mistakes committed by him also requested for a 'sympathetic view'.

FINDINGS ::

Based on the documentary evidences of irregularities in the accounts committed by Shri A.B. Deori as also the fact that Shri A.B. deori admitted the charges after examination of the documents the charges in Article-I, Article-II, Article-IV, Article-V and Article-VI stand proved.

The documentary evidences contradict the charge and hence the charge in Article-III is not proved.

Attested  
By  
Advocate

( G.G.Singha )  
DYSP & Inquiring Authority.

Department of Posts; India  
Office of the Sub-Divisional Inspector of Posts; Arunachal  
West Sub-Division; Itanagar- 791 111.

No.F-3/Disc/A.B.Deori dated at Itanagar the 14-02-02.

To,

Shri G.G. Singha,  
Inquiring Authority &  
Dy. Supdt. of Posts; Itanagar- 791 111.

Sub :- Departmental Inquiry under the Rule-14 of the  
CCS (CCA) Rules, 1965 against Shri A.B. Deori,  
the then SPM, Bordumsa SO & Submission of PO's  
brief of the case.

Ref :- Minutes of the hearing into the said case  
on 14-02-2002.

Sir,

I, Shri M.A. Malai, SDI (West), Itanagar has  
been appointed as Presenting Officer c/w the aforesaid  
case vide DPS/Itanagar Memo No.F-2/A.B.Deori/99-2000 dated  
23-11-2001 to present the case against Shri A.B. Deori,  
the then SPM, Bordumsa SO issued vide DPS/Itanagar Memo  
No.F-2/A.B. Deori/99-2000 dated 05-10-2001.

2. The Preliminary hearing into the said case  
was held on 12-02-2002 and subsequent hearing into the  
case was also held on 13-02-2002 and 14-02-2002 at  
Itanagar, Shri A.B. Deori, the charged official attended  
the hearing on all dates mentioned above.

contd.... 2

*Attested  
Dy. Supdt.  
Arunachal*

3. At the outset during the preliminary Hearing, the charged Official was given to state whether he admitted the articles of charges. The CO stated that he first wished to examine the listed documents and to state his admittance of articles of charge or otherwise. As many as 29 (twenty nine) documents listed in Annexure-III of the charge sheet in support of the articles of charge were given to the CO for his examination. The listed documents mentioned in Minutes of the hearing dated 12-02-02 were taken into state exhibits after CO's examination and his statement of their genuineness. In para 5 of the minutes of the hearing dated 12-02-02, the CO admitted the articles of charge-I, Article-II, Article-IV and Article-VI fully and unequivocally. The CO denied the charge in Article-III, but he partially admitted the charge in Article- V.

4. The examination and analysis of documentary evidences with respect to each article of charge was done by the PO of the case in the subsequent hearing on 13-02-2002 and the minutes of the hearing dated 13-02-2002 is self explanatory about the fact in issue.

5. The CO was given to state his defence article of charge wise on 14-02-2002 with reference to the minutes of the hearing held on 13-02-2002. The minutes of the hearing dated 14-02-2002 is self explanatory. The CO admitted the charge in Article-I, Article-II, Article-IV and Article-VI fully and unequivocally on the day's hearing dated 12-02-02. Moreover in examination and analysis of the relevant documents on 13-02-02 and the CO's defence in article of

*Admitted  
Defence  
Article*

charge wise on 14-02-02, it is clear that the charged official is fully responsible for Govt. loss mentioned in charge of Article-I, Article-II, Article-IV and Article-VI and the charges on the above Articles are proved.

6. The CO partially admitted the charge in Article-V on 12-02-02 and he admitted the said charge in Article-V fully on 14-02-02 after duly examined the relevant documents and it is also proved with documentary evidences.

7. Examination of relevant documents with respect to the charge in Article-III reveals that Rs.30/- was withdrawn by the customer of MSY a/c No.16022 on 20-07-95 and Rs.100.00 was drawn by the customer of MSY a/c No.16031 on 28-08-95. Hence, there is contradiction with the charge framed to this extent.

8. From the above, the charged official admitted fully the charges in Article-I, Article-II, Article-IV, Article-V and Article-VI and from the relevant documentary evidences, these articles of charges have been proved. As such, the charged official is wholly responsible for the loss of Govt. cash amounting to Rs.28,205-00 (Rs.twenty eight thousand two hundred five) only.

9. As the charged official admitted all five charges in Article-I, II, IV, V and VI and denied the charge in Article-III (which is contradiction with the

*Attested  
Govt.  
Advocate*

Annexure- 3.

charge framed to this extent) in view of fact-in-issue fully and unequivocally, I do not find it necessary to present the witness in Annexure-IV of the charge sheet and no new points are likely to come up-unless the CO has anything to examine the witness. The CO also stated that he does not desire to examine the witness as he has no new points in defence.

With regards.

Yours faithfully,

( M.A. Malai )  
Presenting Officer,  
and  
SDI (West), Itanagar-791111.

*Ante Red  
C.M.  
Advocate*

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Department of Posts : India  
Office of the Director Postal Services: Arunachal Pradesh  
Itanagar -791 111

Annexure -4

Memo No. F -2/A B Deori/99-2000

Date : 16-04-2002

Shri AB Deori the then SPM Bordumsa SO in Arunachal Pradesh Postal Division was proceeded against vide this office Memo No. F-2/AB Deori/99-2000 dated 05-10-2001. The substance of the imputation of the misconduct or misbehaviour in support of the charges in Article -I 'II;III;IV;V and VI framed against Shri AB Deori runs as under :-

Article -I

The said Shri AB Deori while working as the SPM Bordumsa SO during 25-12-94 to 01-06-99 short credited Rs. 143-00 (Rupees one hundred and forty three only) in respect of PLI receipts as below :-

1. PLI collection on 29-06-96 was Rs. 4509-00 (Rupees four thousand five hundred and nine only) but charged in SO Account Rs. 4409-00 (Rupees four thousand four hundred and nine only). Thus Rs. 100-00 (Rupees one hundred only) was short credited.
2. PLI collection on 14-11-96 was Rs. 2077-00 (Rupees two thousand and seventy seven only) Plus Rs. 12-00 (DF) =Rs. 2089-00 (Rupees two thousand and eighty nine only) but Rs. 2077-00 was charged in SO Account. Thus Rs. 12-00 was short credited.
3. On 28-12-96 PLI collection was Rs. 2171-00 plus Rs. 24-00 (DF) =Rs. 2195-00 but Rs. 2171-00 was charged in SO Account. Thus Rs. 24-00 was short credited.

contd... 2/p

Attested  
By  
Advocate



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4. On 17-12-97 PII collection was Rs. 1528-00 Plus Rs. 7-00 (DF) = Rs. 1535-00 but Rs. 1528-00 was charged in the SO Account. Thus Rs. 7-00 was short credited.

Therefore ; Rs. 100-00 on 29-06-96

Rs. 12-00 on 14-11-96

Rs. 24-00 on 28-12-96

Rs. 7-00 on 17-12-97

In Total Rs. 143-00 was short credited

Thus Rs. 143-00 was short credited by Shri AB Deori in connection with PII receipts violating the provisions of Rule-3(I) (i) (ii) and (iii) of CCS (conduct) Rules; 1964.

#### Article -II

The said Shri AB Deori while working as the SPM Bordumsa SO during 25-12-94 to 01-06-99 short credited Rs. 928-00 in respect of TRC receipts as shown below :-

1. On 24-02-98 TRC collection was Rs. 230-00 which was not charged in the SO Account.

2. On 19-04-99 TRC collection was Rs. 698-00 which was not charged in the SO Account.

Therefore; Rs. 230-00 on 24-02-98

Rs. 698-00 on 19-04-99

Rs. 928-00 was short credited.

Thus Rs. 928-00 was short credited by Shri AB Deori in connection with TRC receipts violating the provisions of Rule-3 (I) (i) (ii) and (iii) of CCS (conduct) Rules; 1964.

contd...3/p

Attested  
By  
Advocate

42  
:: 35::

Article -III

The said shri AB Deori while functioning as the SPM Bordumsa SO during 25-12-94 to 01-06-99 short credited Rs. 130-00 in connection with the MSY deposits as shown below :-

1) On 20-07-95 MSY ~~depos~~ deposit amounting to Rs. 30-00 was not taken into SO Account .

2) On 28-08-95 MSY deposit amounting to Rs. 100-00 was not taken into SO Account .

Therefore :	Rs.	30-00	on	20-07-95
	Rs.	100-00	on	28-08-95
	Rs.	130-00	was short credited	

Thus Rs. 130-00 was short credited by Shri AB Deori in connection with MSY deposits violating the provisions of Rule-3 (I) (i) (ii) and (iii) of CCS (conduct) Rules -1964 .

Article -IV

The said Shri AB Deori while functioning as the SPM Bordumsa SO during 25-12-94 to 01-06-99 short credited Rs. 1339-00 only in respect of MO Issue receipts as shown below :-

1) On 14-01-95 MO Commission was Rs. 292-00 was charged in the SO Account .

2) On 11-12-95 MO commission against Mo No. 2087 should be Rs. 25-00 for value of Rs. 500-00 but only Rs. 15-00 was shown in MO Issue journal and also charged in the SO Account .

contd...4/p

Attested  
By  
Adm. Officer

42

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3. On 22-05-96 MO commission as per MO Issue Journal~~A~~ was Rs. 79-00 but Rs. 74-00 was charged in SO Account .
4. On 09-05-96 MO commission should be Rs. 11-00 but Rs. 6-00 had been journalised and also charged in the SO Account .
5. On 11-10-96 the amount in respect of MO value was Rs. 5168-00 but Rs. 4168-00 was shown in the MO issue journal and also charged in the SO Account .
6. On 01-11-96 the amount in respect of MO value was Rs. 1185-00 but Rs. 1085-00 had been shown in the MO Issue journal and also charged in the SO Account .
7. On 07-11-96 the total MO Commission was Rs. 455-00 but shown as Rs. 445-00 in MO Issue journal and also in the SO Account.
8. On 16-09-98 the total MO commission was Rs. 394-00 but shown as Rs. 294-00 in MO Issue Journal and also in the SO Account.
9. On 08-04-99 the total MO value was Rs. 6939-00 but Rs. 6930-00 was shown in the SO Account.

Therefore :	Rs. 100-00	on	14-10-95
	Rs. 10-00	on	11-12-95
	Rs. 5-00	on	22-05-96
	Rs. 5-00	on	09-05-96
	Rs. 1000-00	on	11-10-96
	Rs. 100-00	on	01-11-96
	Rs. 10-00	on	07-11-96
	Rs. 100-00	on	16-09-98
	Rs. 9-00	on	08-04-99

Total      Rs. 1339-00 was short credited.

Thus the said Shri AB Deori short credited Rs. 1339-00 in respect of MO Issue; by violating the provisions of Rule-3(I)(i) (ii) and (iii) of CCS (conduct) Rules; 1964 .

contd...5/p

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:: 37 ::

Article - V

The said Shri AB Deori while working as the SPM ■ Bordumsa SO during 25-12-94 to 01-06-99 short credited Rs. 16050-00 in connection with SB deposits as shown below :-

1. On 19-03-1998 Rs. 15000-00 was deposited against Bordumsa SB Account No. 100091. The amount was posted in the ledger card and also shown in the SB long book but not charged in SO A/c.
2. On 12-09-98 Rs. 200-00 was deposited against Bordumsa SB Account No. 100075 . The amount was posted in the ledger card but not shown in the SB long book and not charged in SO A/c.
3. The following amounts were posted in the ledger card against Bordumsa SO SB A/c No. 100026 on different dates but these deposits were not shown in the SB long book and not charged in SO A/c .

a) On 18-08-1998	Rs.	50-00
b) On 10-09-98	Rs.	50-00
c) On 03-02-99	Rs.	50000
d) On 22-03-99	Rs.	50-00
Total		Rs. 200-00
4. On 23-10-98 Rs. 50-00 and on 04-12-98 Rs. 100-00 was deposited against Bordumsa SO SB A/c No. 1000104 . Both the amounts were posted in the ledger card but not shown in the SB book and not charged in the SO/A/c .
5. It is found that Bordumsa SO SB book bearing No. 1000102 was issued by shri AB on 20-09-97 in the name of Mrs. Jangko Langkho and following transactions were made thereafter .

contd...6/p

Amended  
By  
Advocate

Date	Deposit	Withdrawal	Balance
20-09-97	500-00	XXX	500-00
06-10-97	500-00	XXX	1000-00
05-12-97	500-00	XXX	1500-00
13-01-98	XXX	1000-00	500-00

But; actually no account was opened -no ledger card was found in respect of this account and no specimen signature was found in specimen Signature Book . All the above noted transactions were neither noted in the long book nor charged in the SO Account . Shri AB Deori Paid the withdrawal amount from his Personal fund and the balance amount of Rs. 500-00 was kept to himself.

Therefore ;

Rs. 15000-00 against Bordumsa SO SB A/C No. 100091 on 19-03-1998 .  
 Rs. 200-00 against Bordumsa SO SB A/C No. 100075 on 12-09-1998 .  
 Rs. 50-00 against Bordumsa SO SB A/C No. 100026 on 18-08-1998  
 Rs. 50-00 against Bordumsa SO SB A/C No. 100026 on 10-09-1998.  
 Rs. 50-00 against Bordumsa SO SB A/C No. 100026 on 03-02-1999.  
 Rs. 50-00 against Bordumsa SO SB A/C No. 100026 on 22-03-1999-  
 Rs. 50-00 against Bordumsa SO SB A/C No. 100104 on 23-10-1998.  
 Rs. 100-00 against Bordumsa SO SB A/C No. 100104 on 04-12-1998.  
 Rs. 500-00 against Bordumsa SO SB A/C No. 100102

Total-16050-00 was short credited by Shri AB Deori in connection with SB Deposits violating the provisions of Rule-3 (I) (i) (ii) and (iii) of C (conduct) Rules ; 1964 .

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*Attested  
By  
Associate*

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Article - VI

The said Shri AB Deori while functioning as the S PM Bordumsa SO during the period from 25-12-94 to 01-06-99 short credited Rs. 9745-00 in connection with RD Deposits as shown below :-

1. On 09-07-1997 total RD deposits was Rs. 350-00 but only Rs. 250-00 was taken into SO Account.
2. On 05-12-1998 total RD Deposit was Rs. 1715-00 but only Rs. 1700 was taken into account.
3. On 21-04-1998 RD Deposit was Rs. 400-00 but Rs. 200-00 only was taken into account.
4. On 08-12-1998 total RD Deposit was Rs. 2330-00 but Rs. 2300-00 only was taken into account.
5. On ~~28~~ 12-1998 ; Rs. 100-00 was deposited against RD Account No. 800053 but the same amount has not been taken into Account.
6. RD Deposit on 21-01-1999 was Rs. 1500-00 against the RD Account No. 80073; 80074 and 80075 of Denomination Rs. 500-00 each and instalment for the month of January/1999 in each case. But the amount of Rs. 1500-00 was not taken in account. After this deposit five more deposits ~~was~~ were made in each RD account for the month of February/1999 to June/1999 on different dates but neither the amounts were shown in RD Journal nor charged in the SO Account. Thus Rs. 3000-00 against each RD Accounts ( 3 nos ) was short credited. In total Rs. 9000-00 was short credited against Rd Account No. 80073; 80074 and 80075.

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Bmt  
Approved

7. On 24.02.99, 12.03.99, & 10.04.99 Rs. 900-00 was deposited against RD Account No. 80086 but not charged in the SO Account. Afterwards Rs. 600-00 was credited to Govt Account on 12.04.99 but balance Rs. 300.00 was not credited. Therefore,

Rs. 100.00	short credited on 19.07.1997
Rs. 15.00	short credited on 05.12.1998
Rs. 200.00	short credited on 21.04.1998
Rs. 30.00	short credited on 08.12.1998
Rs. 100.00	short credited on 28.12.1998 in r/o A/C No. 80053 ✓
Rs. 3000.00	short credited in r/o RD A/C No. 80073.
Rs. 3000.00	short credited in r/o RD A/C No. 80074.
Rs. 3000.00	short credited in r/o RD A/C No. 80075.
Rs. 300.00	short credited in r/p RD A/C No. 80086.

TOTAL Rs. 9745.00 was short credited by Shri A.B. Deori in respect of RD Deposits violating the provisions of Rule-3(i)(ii) and (iii) of CCS (Conduct) Rules, 1964.

Shri AB Deori submitted his Reference statement against the charges vide his letter No. Nil dated 19.10.01 which was received at ~~XX~~ this office on 29.10.2001. It was proposed to hold an inquiry into the charges and Shri G.G. Singha Dy, Supdt. of Posts, Itanagar was

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Amended.  
D.M.  
Advocate

was appointed as Inquiring Authority vide this office Memo of even No. dated 23.11.2001 to inquire into the charges framed against Shri AB Deori. Shri MA Malai SDI West Sub -Division, Itanagar was appointed as the Presenting officer to present the case on behalf of the Department.

The Inquiring Authority held hearing on 12.02.02 13.02.02 and 14.02.02 and concluded the hearing . Shri GG Singha submitted his Inquiry Report vide his letter No. Nil dated 12.03.2002 . I have read the Inquiry Report. The Inquiry has been held in a fair manner. The charges were read out to the charged official Shri AB Deori and explained to him in his vernacular. He was given ample opportunity to examine the documents listed in Annexure-III of the charge sheet. He was also informed of the provisions of the Rules entitling him to engage a Defence Assistant to assist him in presenting the defence in his case. Shri AB Deori wished/desired to plead himself without engaging any Defence Assistant. The Inquiring Authority served the charged official Shri AB Deori with a copy of the brief submitted by the Presenting Officer for submission of his counter defence written representation. The Inquiring Authority has taken into account the counter defence representation received from Shri AB Deori while preparing his Inquiry report.

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Attested.  
By  
Author



Findings by the Disciplinary Authority:

Attended.  
Dinner  
Advocate

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of Rule-3(1)(i)(ii) and (iii) of CCS(Conduct) Rules, 1964 and hence the charge in Article-I is sustained on documentary evidences.

Further examination of the listed documents of daily list of Bordumsa SO on Telephone Revenue collection receipts dated 24.02.98 and 19.04.99 in comparison with the SO Account Book on the relevant dates, it is found that Shri AB Deori short credited Rs. 230.00 and Rs. 698.00 respectively. This the charged official misappropriated the Govt. cash towards TRC receipts to the tune of Rs. 928.00 in total on the different dates by violating the provisions of Rule-3(1)(i)(ii) and (iii) of CCS (Conduct) Rules, 1964 and hence charge in Article-II is sustained on documentary evidences.

Again examination of MSY Long Book of Bordumsa SO in comparison with the SO Account Book on the dates viz, 20.07.95 and 28.08.95 and found that Rs. 30.00 was allowed withdrawal and also Rs. 100.00 was allowed as withdrawal respectively. Hence the charge regarding the short credit of Rs. 130.00 towards MSY deposits on the relevant dates by Shri AB Deori does not arise and hence the charge in Article-III is not sustained on documentary evidences.

Attested  
By  
Adviser

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Further examination of Bordumsa SO Money Order issue Journals dated 14.10.95, 11.12.95, 22.05.96, 09.05.96, 11.10.96, 01.11.96, 07.11.96, 16.09.98 and 08.04.99 in comparison with the SO Account Books of Bordumsa SO on the relevant dates and found that Shri AB Deori short credited Rs. 100.00 , Rs. 10.00 , Rs. 5.00, Rs. 5.00 Rs. 1000.00, Rs. 100.00 , Rs. 10.00 , Rs. 100.00 , and Rs. 9.00 respectively in the Govt. Account . This Shri AB Deori ~~misappropriated~~ Rs. 1339.00 in total towards the Money Orders issue receipts on different dates at Bordumsa SO by violating the provisions of Rule-3(1)(i) (ii) and (iii) of CCS(Conduct) Rules, 1964 and hence the charge in Article-I violating the provisions of Rule-3(1)(i)(ii) and (iii) of CCS (Conduct ) Rules, 1964 and hence the charge in Article-IV is sustained on documentary evidences.

Further examination of Bordumsa SO Savings Bank Long Books, attested ledger cards in respect of SB A/C Nos. 100104, 100075, 100091, and 100026, SO Account Books; and SB Pass Books bearing A/C No. 10026, 100104, and 100102 reveal that Shri AB Deori short credited to the tune of Rs. 16050.00 in Govt. Account towards SB Deposits on different dates in different dates in different accounts and thereby misappropriated the amount by violating the provisions of Rule 3(1)(i)(ii) and (iii) of CCS(Conduct) Rules, 1964 and hence the charge

*Amended  
Done  
A. K. Singh*

in Article-V is sustained on documentary evidences.

Further examination of Bordumsa SO RD Journals and SO Account Books it is found that Shri AB Deori short credited Rs. 9745.00 towards RD Deposits in Govt. Account in different RD Accounts on different dates and thereby mis-appropriated the amount by violating the provisions of Rule 3(1)(i)(ii) and (iii) of CCS(Conduct) Rules, 1964 and hence the charge in Article VI is sustained on documentary evidences.

The representations submitted by Sri AB Deori vide his letters No. dated 19.01.2001, 08.03.2002 ~~08.03.2002~~ and 27.03.2002 are all taken into consideration. On examination of these representations it is found that Sri A.B. Deori pleaded guilty and also credited the total Govt. loss sustained by him to the tune of Rs. 28,205.00 under ACG-67 receipt No. 25 dated 07.03.2002 at Nampong Sub-Post Office in Arunachal Pradesh Postal Division. Shri AB Deori further prayed to execute his ~~A~~ guilty citing his ten years of continuous service in the Department and also his family liabilities.

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Amended  
Crime  
Associate

From the facts in issue on the basis of listed documentary evidences and also admittance of the charges in Article-I, II, IV, V and VI fully and unequivocally by the charged official Shri AB Deori, the charges in Article-I, II, IV V and VI are proved. But the charge in Article-III is not sustained. The charges in Article-I, II, IV, V, and VI already proved are serious sharges. The charged official Sri AB Deori not only misappropriated Govt. receipts but also caused breach of faith in handling public money under his custody. He did not show any integrity, and showed lack of devotion to duty, I see no ground for leniency in the case.

I, Shri R.K.B. Singh, Director, Postal Services, Arunachal Pradesh Division, do hereby award the punishment of removal from service with immediate effect.

( R K B Singh )  
DPS Itanagar  
Itanagar- 791 111.

To ,

Shri A.B. Deori,  
SPM ( Now U/S )  
Nampong S.O.

*Attested  
Done  
Advocate*

To

The Chief Post Master General,  
N.E. Circle  
Shillong-1, Meghalaya.

Dtd. 7-5-02.

Sir,

Most respectfully I beg to state the following few lines for favour of your kind consideration and sympathetic order.

1. That I was holding the charge of Sub-Postmaster of Bordumsa Sub-Office, Dist. Changlang, Arunachal Pradesh during the period from 25-12-94 to 1-6-99.
2. That during my posting at Bordumsa in the aforesaid period there was a short credit of postal cash to the tune of Rs.28,205/- (Rupees twenty eight thousand two hundred five) only for which a disciplinary proceeding was initiated against me by the Director, Postal Services, ~~Arunachal~~ Arunachal Pradesh, Division. Itanagar, vide his memorandum No.F-2/A.B.Deori/99-2000 dtd. 5-10-2001.
3. That the Director of Postal Services, Arunachal Pradesh Division issued a Memorandum No.F-2/AB Deori/99-2000 dtd. 16-4-2002 removing me from service for alleged misappropriation of postal cash.

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*Attested  
By  
Advocate*

4. That during my posting as Sub-Postmaster, Bordumsa, Sub-Office, the Sub-Divisional Inspector Jayrampur, Arunachal Pradesh inspected the accounts of Bordumsa Sub-Office every year and no shortfall in cash-credit was found in their reports. However when the short cash of Rs.28,205/- was detected, I being a loyal employee, deposited the said short cash to Post Office account of Nampong, Sub-Office, vide AC G-67 receipt No.25 dated 7-3-2002, as at that time I was at Namong.
5. That I am the only earning member of my family having my wife and three minor school going children.
6. That a great injustice has been done to me by removing me from service as I recouped the short amount of Rs.28,205/- to the Postal Deptt. after the same was detected.
7. That the alleged charge of short credit of cash was not intentional and the lapse accrued due to heavy pressure of work as I was to manage the whole affairs of the Sub-Office at Bordumsa single-handedly.
8. That I further inform your honour that during my more than ten years of service period there was no record of misappropriation of money except the said alleged short credit of cash.

*Amisted.  
Dm  
Advocate*

9. That the Director of Postal Services, Itanagar took a drastic step by removing me from service even though I deposited the short credit of cash amounting to Rs. 28, 205/- before I was dismissed from service.

In view of the circumstances cited above I earnestly appeal to Your Honour kindly to exonerate the punishment of dismissal and kindly consider re-instatement in the post of Sub-Post-master, Bordumsa to save the lives of four members of my family and for which act of kindness I shall remain ever grateful to you.

Yours faithfully,

( A.B. Deori )  
C/O. SPM Mahadevpur  
Dist. Lohit, Arunachal Pradesh.

Dt. 7-5-02.

Abhas Bekomja Deori.

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*Amended  
By  
Advocate*