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33

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 244/2003  
R.A/C.P No.  
E.P/M.A No.

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SECTION OFFICER (Judl.)

*hahs*  
*20/11/17*

FROM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No:- 244/03

Misc Petition No: \_\_\_\_\_

Contempt Petition No: \_\_\_\_\_

Review Application No: \_\_\_\_\_

Name of the Applicant(s): D. Majumdar

Name of the Respondant(s): Case 2 cis.

Advocate for the Applicant:- Absentia.

Advocate for the Respondant:- Case.

Notes of the Registry	date	Order of the Tribunal
<p>Application is in form but not in time. Contempt Petition is filed for C.F. or Rs. 200 deposited vide IPO, No. 76/579359 dated 16/9/03.</p> <p><i>[Signature]</i> Dy. Registrar</p>	19.12.2003	<p>Heard Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents.</p> <p>The application is admitted, call for the records. Issue notice to the respondents.</p> <p>List on 13.2.2004 for orders.</p> <p><i>[Signature]</i> Member (A)</p>
<p>Steps taken without envelop.</p> <p><i>[Signature]</i> 18/12/03</p> <p>Pl. comply on or date 19/12/03.</p> <p><i>[Signature]</i> 19/12/03</p>	8.3.2004	<p>Four weeks time is granted to the respondents to file written statement as prayed by Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.</p> <p>List the case on 7.4.2004 for order.</p> <p><i>[Signature]</i> Member (A)</p>

Notice & order dt. 19/12/03, sent to D/Section for issuing to the respondents No- 1 to 4.  
Case 2 cis. vide memo no-2470 dt 26/12/03. 2473 dated 29-12-03.

bb

7.4.2004

On the prayer made by Mr. A. Deb Roy learned Sr. C.G.S.C. four weeks time is allowed to the respondents to file written statement.

List on 21.5.2004.

*KV Pandey*  
Member (A)

19.3.04

The applicant has submitted an application dt. 9.3.04 and prays for early disposal of the matter which is seen at page 'A'.

bb

21.5.2004

List on 10.6.2004 for filing of written statement.

*KV Pandey*  
Member (A)

laical before the writte court for further.

Becharan bb

*As*

10.6.04

List the case for hearing on 22.7.04.

No. Wls has been filed.

*KV Pandey*  
Member (A)

20  
6.4.04

lm

26.7.2004

Heard Mr A. Deb Roy, learned Sr. C.G.S.C. Hearing concluded. Orders passed separately.

*KV Pandey*  
Member (A)

5.5.04

Wls filed by the respondents.

nkm

*As*  
*K/S*

*As*

20.8.04

Copy of the budget has been sent to the D/Sec. for issuing the same to the applicant by post.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. ~~XXX~~ No. 111 244 of 2003

DATE OF DECISION 26.7.2004

Shri Dobal Majumder

.....APPLICANT(S).

In absentia

.....ADVOCATE FOR THE  
APPLICANT(S).

-VERSUS-

The Union of India and others

.....RESPONDENT(S)

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

.....ADVOCATE FOR THE  
RESPONDENT(S).

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

THE HON'BLE

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

Judgment delivered by Hon'ble Member (A)

law

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.244 of 2003

Date of decision: This the 26th day of July 2004

The Hon'ble Shri K.V. Prahladan, Administrative Member

Shri Dobal Majumder  
S/o Late N.K. Majumder  
Asstt. Superintendent of Post Offices, HQ,  
O/o the Director Postal Services,  
Agartala.

.....Applicant

In absentia.

- versus -

1. Union of India, represented by the Secretary to the Ministry of Communication.
2. The Member, Personnel,  
O/o the Director General,  
Department of Posts,  
New Delhi.
3. The Chief Postmaster GwnweL,  
N.E. Circle, Shillong.
4. The Director Postal Services,  
Arunachal Pradesh Division,  
Itanagar.

.....Respondents

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

.....

O R D E R (ORAL)

K.V. PRAHLADAN, ADMINISTRATIVE MEMBER

This application has been filed by the applicant challenging the orders of the respondents dated 6.8.2002 and 29.1.2003 <sup>withholding</sup> ~~reducing~~ his increment for <sup>100%</sup> ~~one~~ year and then reducing the punishment to that of withholding the increment for six months without cumulative effect. The applicant has sent a representation to the Member (Personel), Department of Posts vide letter dated 7.2.2003.

2. Since the applicant is retiring in January 2005 The Member (Personnel is hereby directed to give a reply to the

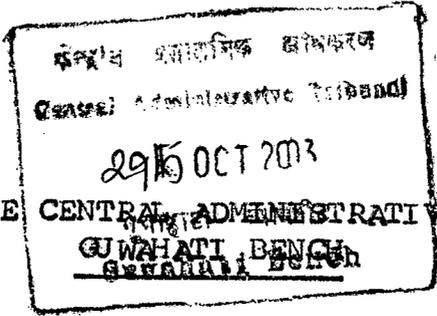
*bwf*

representation filed by the applicant that is fair, just and equitable.

3. With the above direction the O.A. stands disposed of. No order as to costs.

  
( K. V. PRAHLADAN )  
ADMINISTRATIVE MEMBER

nkm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

An application under Section 19 of Administrative Tribunal Act, 1985.

Title of the case OA No. 244 of 2003

Sri Debal Majumder

- VS -

Union of India and Others

I N D E X

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For Office use in Tribunal Office

Date of filing :

Registration No.:

REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. No...../03

SYNOPSIS/LIST OF DATE

- 27-6-99 - The applicant informed the DPS Itanagar that overnight cash at R.K. Mission PO was being kept in the steel almirah for want of embedded iron chest, which was risky, vide Inspection Report No. IR/R.K. Mission/99 dated 27-6-99.
- 29-5-00- The applicant informed DPS Itanagar that overnight cash at R.K. Mission PO was being kept in the steel almirah for want of embedded iron chest which was risky. Further that there was no Memo of Distribution of Works and also that there was a police out post in the hospital (where PO is also housed) and if one iron chest is embedded there, overnight cash can be kept there, and for that the DPS was requested to take up the matter with the police authority, vide Inspection Report No. IR/R.K. Mission/2000 dated 29-5-00
- 18-7-00- The DPS Itanagar asked to explain why the iron safe and its custody had not been done at R.K. Mission SO, vide letter NO. F-2/Misc/Disc-Case/L.C. Singh dated 18-7-00.
- 2-9-00- The applicant submitted to the DPS Itanagar that the matter was pointed out by different officers in different IRs and that quotations for the purpose was also submitted but no action on it was taken by the divisional office, vide letter No. A2/R.K. Mission dated 2-9-00.
- 23-1-02- The DPS Itanagar issued charge sheet under Rule-16 of CCS(CCA) Rules/65 vide Memo. No. F-2/Misc/Disc-Case/L.C. Singh dated 23-1-02
- 4-2-02- The applicant requested the DPS Itanagar for granting extension of time and to allow examination of documents for preparation of his defence vide letter dated 4-2-02

- 6-3-02- The DPS Itanagar denied examination of documents vide his letter No. F-2/Misc/Disc-Case/L.C. Singh dated 6-3-02.
- 26-3-02- The applicant submitted defence statement and demanded enquiry under GOI Instruction (1) below Rule-16 against the charge sheet No. F-2/Misc/Disc-Case/L.C. Singh dated 23-1-02
- 6-8-02- The DPS Itanagar awarded the punishment of stoppage of one increment vide Memo No. F-2/Misc/Disc-Case/L.C. Singh dated 6-8-02
- 10-9-02- The applicant submitted appeal to CPMG N.E. Circle Shillong against the punishment order of the DPS Itanagar.
- 29-1-03- The CPMG N.E. Circle, Shillong upheld the punishment order reducing to some extent vide Order No. STAFF/109-27/2002 dated 29-1-03.
- 7-2-03- The applicant submitted petition to the Member (P) O/O the D.G. Posts New Delhi, through the Appellate Authority with advance copy to the former.
- 17-3-03- The applicant issued reminder to the Appellate Authority with the request to intimate disposal of the petition.
- 7-5-03- The applicant issued reminder to the Appellate Authority with the request to intimate disposal of the petition or to grant permission to file a case in Hon'ble CAT.
- 6-6-03- The applicant issued reminder to ~~the~~ the Appellate Authority with the request to intimate disposal of the petition or to grant permission to file a case in the Hon'ble CAT.

3  
24-10-85

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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An application U/S 19 of AT Act 1985

O.A. No.

/03

Sri Debal Majumder,  
S/O. Late N.K. Majumder,  
Asst. Supdt. of Post Offices, HQ,  
O/O the Director Postal Services,  
Agartala- 799001.

..... Applicant

- VS -

1. Union of India  
Represented by the Secretary  
to the Ministry of Communication.
2. The Member Personnel,  
O/O the Director General,  
Department of Posts, India  
New Delhi.
3. The Chief Postmaster General,  
N.E. Circle, Shillong.
4. The Director Postal Services,  
Arunachal Pradesh Division,  
Itanagar.

..... Respondent

PARTICULARS OF THE APPLICATION

1. Particulars of the Orders against which  
this application is made.

This application is made against the punishment Order issued by the respondent No.4 and upheld partially by the respondent No.3.

2. Limitation

The application is filed within the limitation period prescribed under Section 20 of limitation Act.

Contd.....

10  
3-01-96

### 3. Jurisdiction

This Hon'ble Tribunal has got jurisdiction in this matter.

### 4. Facts

4.1. The applicant served as ASP Central Sub-Dn. Itanagar since 28-8-97 to 12-4-01. Thereafter his head quarter was shifted to Pasihat where he served upto 19.8.02. Then he was transferred and posted in the present post.

4.2. The DPS Itanagar disliked me out of personal grudge and harassed me in many ways abusing his official power. While I was serving as ASP Central Sub-Dn., Pasihat, he charge sheeted me vide his Memo No. F-2/Misc/Disc-Case/L.C. Singh dated 23.1.02.

(Copy enclosed as Annex -A )

4.3. For preparation of my defence statement, I wanted extension of time to examine some documents lying with S-sub-Divisional Inspector West Sub-Dn., Itanagar. The documents went to his possession after bifurcation of Sub-Division.

( Copy enclosed as Annex-B )

4.4. The DPS Itanagar did not allow me to examine those documents vide his letter No. F-2/Misc/Disc-Case/L.C. Singh dated 6.3.02.

( Copy enclosed as Annex-'C'

4.5. I submitted my defence statement dated 26.3.02 refuting the charge with logical arrangements, demanding enquiry as per provisions of the CCS (CCA) Rules, 65.

(Copy enclosed as Annex -'D')

Contd.....

11  
29-02-03

4.6. The DPS/Itanagar did not agree for enquiry of the case, but awarded the punishment of stoppage of one increment vide Memo No. F-2/Misc/Dosc-Case/L. C. Singh dated 6-8-02 without refuting the arguments raised by me, but discussing extraneous points not included in the charge sheet.

( Copy enclosed as Annex-'E' )

4.7. I appealed to the respondent No. 3, <sup>against</sup> that punishment order on 10.9.02 with parawise comments on the punishment order (annex-'E') and produced reasonable arguments.

(Copy enclosed as Annex-'F' )

4.8. The appellate authority did not consider the arguments produced in the <sup>appeal</sup> arguments, but passed order No. STAFF/109-27/2002 dt. 29.2.03, upholding the punishment but reducing to some extent.

(Copy enclosed as Annex-'G' )

4.9. I submitted petition to the respondent No. 2 on 7.2.03 against the appellate decision through the appellate authority with advance copy to respondent No. 2.

(Copy enclosed as Annex-'H' )

4.10. As the petition was not decided within reasonable period, I issued reminders for speedy disposal, but there was no response. The last reminder was issued on 6.6.03.

(Copy enclosed as Annex-'I' )

4.11. As the petition was not decided within the reasonable period, it stands disposed of.

4.12. In the charge sheet it was alleged that there was a loss case at R.K. Mission P.O. But when it was lost, how it was lost, what amount was lost, how I was involved, these vital points were wanting. So the charge sheet was incomplete and defective. One can't be punished on incomplete and faulty charge sheet.

Contd.....

12  
R.K. Mission

4.13. By denying examination of documents for preparation of defence under Cl (2) below Rule 16 of C. C. S. (CCA) Rules, 65, the disciplinary authority denied reasonable opportunity and thereby denied the principle of natural justice.

4.14. I wanted enquiry of the case in terms of GOI instruction (1) below Rule 16 of CCS (CCA) Rules, 65. But the DPS did not agree. To reveal the truth it was necessary. But the enquiry is mandatory, if the punishment affects adversely the pension. In <sup>my</sup> case, the punishment order is affecting my superannuation pension.

4.15. The charge was that I did not inform the authority that the system of joint custody was not being followed at R.K. Mission P.O. But it is not true. In para 56 and in para 13.1. of my inspection report of 1999 and 2000 respectively, I mentioned that overnight cash was being kept in steel almirah for want of embedded iron chest which was risky. Steel almirah is not provided with double locking arrangement. So the procedure for joint custody can't be followed.

( Copy enclosed as Annex-J )

4.16. The DPS inspected R.K. Mission P.O. in 1998 and also paid several subsequent visits. So he was quite aware of the fact of not following the procedure of joint custody. So it was not necessary to intimate him again. But even then I intimated the fact through my two IRs.

4.17. R.K. Mission is a single handed P.O. Joint custody can be adopted when the P.O. is at least double handed. Due to pressure of work one Postal Assistant was attached to the P.O. purely temporarily and for that no proposal for diversion of post was submitted to the competent authority and also no Memo of Distribution of work was prepared and supplied by the DPS. In the Memo of Distribution of work, the share of each PA and SPM is allotted and mention is made who will sign the daily account in addition to the signature of the SPM and keep the second key of the office iron chest overnight. In the instant case, this was not done as it was a single handed office.

Contd...

27-10-00

4.18. The office cash, stamp insured letters and other valuables are kept in the iron chest securedly embedded in the strong room as per provision in Rule 120 of P&T Man. Vol. VIII. In the instant case that was not done though it was pointed out in several IRs. Even in case of Single Handed P.O. the office iron chest is required to be embedded for safety. The SPM submitted three quotations to DPS Office but the later neither accepted one nor called for fresh quotations. In this regard, I submitted a report vide letter No. A2/R.K.Mission dated 2.9.00.

(Copy enclosed as Annex-'K')  
and K-1

4.19. The Disciplinary Authority did not refute the arguments produced by me, but awarded punishment by discussing extraneous points not related to charge sheet.

4.20. The Disciplinary Authority came to the conclusion on the points that I did not discuss the insecured condition of the office to the then DPS. But it is hypothecated. Then DPS also did not say this. My office was at separate place, but whenever I visited his office, I discussed various items related to different POs. In course of discussion, I requested him to accept one of the quotations submitted to his office. Moreover, discussion was not necessary as he should have taken action on receipt of my two IRs and report dated 2.9.00.

4.21. The Disciplinary Authority further discussed that my IR of 1999 was reviewed by DYSP and as such the DPS was not aware. But the fact was also recorded in my IR of 2000 which was reviewed by the DPS. Even it does not matter if the IR of 1999 was reviewed by DYSP. He was also authorised to review the IRs. I pointed out the fact of the P.O. not having embedded iron chest, but the DPS took no action on it. She further argued that it was got done subsequently by another Inspector but how it was not mentioned. This is extraneous point. I have no financial power even of a

Contd.....

60-01-86  
29-10-89

single rupee. The work of embedding iron chest involves cost of a few thousands rupees which is to be approved and sanctioned by the DPS. At along the embedding of iron chest costed Rs. 3000/- and that was approved and sanctioned by the DPS.

4.22. The Disciplinary Authority further discussed that I admitted the fact of no joint custodian and that I was aware of irregular keeping of cash singly by the SPM and that I was not ignorant of the past cases of Sri L.C.Singh. But the fact is that I reflected in my IRs that the system of joint custody was not there which was also noticed by the DPS during the time of his inspection and visits to the P.O. The past cases of Sri L.C. Singh was not known to me as I did not find him earlier and found him for a very short period at R.K.Mission. However, I made only one inspection during his time, but there was no shortage of cash that time and nothing adverse came to light.

4.23. The Disciplinary Authority further discussed that I was knowing about the defective locking system of iron chest which made joint custody irrelevant and did not take up the matter with the DPS for replacement of the defective piece. But it is a building up story. The P.O. was having iron chest with no body lock, but was having provision of two outside locks. This type<sup>of</sup> iron chest is in use in each P.O. including big offices.

4.24. For safety and security, the overnight cash is kept in embedded iron chest, but it is not cent percent secured. Cash at along and Reing were stolen though the chests were embedded in strong room and were in joint custody. Also cash at Banderdewa single handed P.O. was stolen from embedded iron chest with two locks. These incidents were during the time of then DPS. Also there are other instances of theft cases.

Contd.....

13  
29-10-09

4.25. The appellate authority did not decide the appeal impartially and judiciously. He over looked the arguments raised by me. The charge was that I did not inform the DPS that the system of joint custody was not followed. But I refuted the charge with documentary evidence. So the Disciplinary Authority awarded punishment by discussing a point not related to charge and also not within my competency. The Appellate Authority over looked this. He held that keeping cash of R.K.Mission PO, not in joint custody was a managerial failure and I was the first official of the heirarchy to detect and rectify the mistake. But in my IR, I clearly pointed out the matter. Even the Authority was quite apprised of the fact at the time of his inspection and visits to the PO. The Appellate Authority further held that laxity in the general management permitted a culture of casualness and indifference to prevail. But the fact is otherwise. The point of insecurity was high lighted several times by my predecessors and myself, but the Authority competent to take action was quite indifferent. For his help, quotations were collected and submitted to him for his approval, but he was apathetic. Though security is to be provided at all times, but the question of joint custody arises if the P.O. is at least double handed. All these points were over looked by the Appellate Authority. What amount was loss, how it was lost and when it was lost it was not mentioned. I may not be held responsible for loss if any as like as my predecessors even if there had been any laxity on my part. But there was no lapse on my part. The DPS is the competent authority to call for tender/quotations and accept and having financial power to sanction. I have no financial power of even a single rupee. The Appellate Authority over looked this.

G R O U N D S

5.1. For that the respondent acted illegally and arbitrarily in non-consideration of the cause of the applicant.

Contd.....

27-10-83

5.2. For that the respondent denied reasonable opportunity by refusing to examine defence documents in the custody of successor.

5.3. For that the respondent did not agree to enquiry of the case as per GOI Instruction (1) below Rule 16 of C.C.S. (CCA) Rules/65 to reveal the truth.

5.4. For that no responsibility was fixed upon the Authority competent and having financial power to work order but failed to do so.

5.5. For that the Disciplinary Authority and the Appellate Authority awarded and upheld punishment arbitrarily.

5.6. For that the applicant exhausted all the channels to get justice.

6. Matters not previously filed nor pending.

7. DETAILS OF REMEDIES EXHAUSTED

7.1. Appeal was submitted to the Appellate Authority in due time.

7.2. Petition was submitted to the Higher Authority through the Appellate Authority with advance copy to the former.

7.3. Series of reminders were issued.

7.4. The Higher Authority did not dispose of the case like similar earlier petitions though reasonable period is over.

8. RELIEF

8.1. To direct the Authority to restore the increment stopped.

8.2. Any other relief as deemed fit by the Hon'ble CAT.

Contd.....

--:(9):--

12  
29-10-03

9. INTERIM ORDER

9.1. To direct the authority to draw the held up increment right from now.

10. The case may be decided on its merit.

11. I.P.O.

I.P.O. No. 76 579359

Dated 16-9-03

Payable at G.P.O. Guwahati.

12. ENCLOSURES

As stated above.

VERIFICATION

I, Sri Debal Majumder, S/O.Late N.K. Majumder, aged 58 years 9 months, resident of Agartala previously employed as A.S.P.Central Sub-Division, Pasighat in Arunachal Pradesh, now working as A.S.P.HQ O/O the Director Postal Services, Agartala, do hereby verify that the contents in the application are true to my personal knowledge derived from the records and belief and that I have not suppressed any materials facts.

Signed on the <sup>29<sup>th</sup></sup>..... day of Oct  
of two thousand three.

  
A P P L I C A N T

18

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

No. F-2/Misc/Disc-case/K.C. Singh ..... Dated at Itanagar the 23/1/02 .....

Shri D. Majumder, Aspos(e), Paslughat .....

is hereby informed that it is proposed to take action against him under Rule 16 of CCS (CCA) Rules, 1965. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above is enclosed.

2. Shri D. Majumder, Aspos(e) is hereby given an opportunity to make such representation as he may wish to make against the proposal.

3. If Shri D. Majumder, Aspos(e) fails to submit his representation within 10 days of the receipt of this Memorandum, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri D. Majumder, Aspos(e) ex parte.

4. The receipt of this Memorandum should be acknowledged by Shri D. Majumder, Aspos(e)

Regd  
AID

*(Signature)*

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

To

Shri D. Majumder  
Aspos(e)  
Paslughat

*Asst Supt*

*WJ*  
*1/2/02*

Asst Supt of Post Office  
North Sub-Divn, Apatola 79900

STATEMENT OF THE IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR ON WHICH ACTION IS PROPOSED TO BE TAKEN AGAINST SHRI D. MAJUMDER, ASPOS. @ PASHIGHAT.

Shri D. Majumder worked as the Assit. Superintendent of post offices Central Sub Dvn. Itanagar from oct '97 to April '01. During that period R.K. Mission So was under his jurisdiction. The Headquarter of Shri D. Majumder was at Itanagar and the distance between R.K. Mission So and his office was apprx. 3 km. and it was connected by regular bus service. Shri D. Majumder did not ensure that the iron safe of the office was kept under joint custody as there was another PA working along with the SPM. If he would have performed his duty properly the loss of govt money could have been avoided. Thus said Shri D. Majumder has not shown devotion to duty and violated the provision of Rule 3 (1) (ii) of CCS (conduct) Rules 1964.

( R.K.B. Singh )  
Director Of Postal Services  
Arunachal Pradesh Dvn  
ITANAGAR.

*Attended*

*11/9/03*  
Asst Supdt of Post Offices  
North Sub-Divn. Arantala 1990a

To  
The Director Postal Services  
Arunachal Pradesh Division  
Itanagar- 791 111

Sub:- Request for extension of time for  
submission of defence statement.

Ref:- Your Memo No. F2/Misc/Dixc-Case/L.C.Singh  
dated 23-1-02

Sir,

For preparation of defence statement I require examination of some documents which are now available with SDI (W) after reorganisation of sub-divisions. As such, I request you to allow me to visit Itanagar for examination of those documents,, I shall submit my defence statement, soon after examination of those documents.

Yours faithfully,

sl/-

( D. MAJUMDER )  
ASP (C) under suspension  
Pasighat

Dated at Pasighat  
the 04-02-02

*Attended*  
*WJ*  
*1/3/02*

Asst Supdt of Post Office  
Itanagar Sub-Divn, Arunachal Pradesh

## DEPARTMENT OF POST

Office of the Director of Postal Services Arunachal Pradesh  
ITANAGAR- 791111

N. F-2/Misc/Disc-Case/L.C. Singh

Dt. at Itanagar the 6-3-02

TO

Shri D. Mazumder

ASPOS (C)

Pasigat

Sub- Permission for examination of documents.

Ref:- Your letter no nil dt 4.2.02

With reference to your above noted letter it is to intimate that no documents have been listed out by you. The production of documents does not arise and ~~the~~ the examination of documents is not permitted.

You are hereby directed to submit the representation within 10 days of the receipt of this letter.

Sd/-

( R.K.B. Singh)

Director Postal Services

Arunachal Pradesh Dvn.

Itanagar

*A. K. B. Singh*

*1/5/03*  
Asst Supdt of Post Office  
South Sub-Divn, Agartala 79900

To

The Director Postal Services,  
Arunachal Pradesh Division,  
Itanagar- 791 111

*Approved*  
*AM*  
*1/19/03*

Asst Supdt of Post Off  
Sub-Divn. Agartala 1999.

In the matter of alleged violation of Rule 3 (i)  
(ii) of CCS (Conduct) Rules, 1964

Ref:- Your Memo No F2/Misc/Disc-Case/L.C. Singh  
dated 28-01-02.

In response to your Memo referred to above I like to submit my defence as under.

2. It is utter surprising what sort of allegation is imputed! What amount was lost, when it was lost, how and wherefrom it was lost and how and what my involvement is, these vital points are wanting. As per rule the charge should be specific and not hypothetical. This kind of purfunctory charge sheet deserves no reply. However I like to ~~discuss~~ discuss the following aspects.
3. R.K. Mission SO was in my jurisdiction and also within the jurisdiction of you. The distance from my office to your office was 2 Km. So from your office to R.K. Mission, the distance was (3-2) 1 KM. While regular bus service is there but you are provided with departmental vehicle. You inspected the SO in 1998 though IR is not available. You visited several times subsequently also. So you were sure that the procedure as required by joint custodian was not being followed.
4. In para 56 of my IR/1999 and para 13.1 of IR/2000 I clearly pointed out that there is ~~no~~ no embeded iron chest and the over night cash is kept in steel almirah, which is risky. Steel almirah has no double locking arrangement. Was it not sure that the procedure for joint custodian was not ~~being~~ being followed?
5. In absence of ~~embeded~~ embeded iron chest, it was highly risky to keep over night cash there. The SPM can't enter the <sup>night</sup> inside of the PO. He has to ~~lock~~ lock the door from out side. Merely one lock on the door is not reliable. It can be broken and the chest can be lifted easily. If it is embeded properly, it is very difficult to uproot.
6. How can you say that the loss could have been avoided if the chest was under joint custody? The cash at Along and Reing were under joint custody. Then how could it be lost? There are other instances also. Joint custody is not cent percent secured.

7. Without embeded iron chest there should not be joint custodian. Why should he take the risk ? Had it been so there was no necessity to embed iron chest.
8. R.K. Mission is a single handed SO. The question of joint <sup>custodian</sup> arises if the PO is at least double handed. One PA was attached ~~to~~ purely temporarily and for that the necessary action for diversion was not taken up. There's no Memo of ~~xxxxxx~~ Distribution of Work. In the memo mention is to be made about joint custodian. Of course, if the PO is not made double handed, the question of joint custodian does not arise.
9. Embeded iron chest is necessary even if the PO is single handed, on the security point of view. There are instances of lifting cash boxes in minutes, in peak hours.
10. The PO is functioning in the present ~~xxxxxxx~~ building long before my arrival at Arunachal Pradesh. So it ought to have been embeded long back. So previous Govt. servants are also to be blamed. I remember that I was asked to fix up responsibility and I submitted my report after ~~xxxxx~~ necessary enquiry, but so long I was at Itanagar no action upon my report was undertaken.
11. Earlier I stated that you are displeased upon me and have severe hatreded upon me, and for ~~xxx~~ that you are going to harm me, I am your eye sore. So you will be going on charge sheeting me so long I will be here. This statement proved true. I understand you are ~~xx~~ ~~xxxxxx~~ subduing your personal grudge on the honourable minister upon me but this, not the proper way. God is there. You tried to find out scope but so far did not get a fit case. So now you are resorting to flimsy ground and punish me by any means. With this motive behind you brought this charge sheet.
12. Your charge sheet has no ~~xx~~ base. It is fabricated, motivated, ridiculous, frivelous and deserves to be summarily dismissed. Otherwise I want enquiry of the case as per provisions of CCS (CCA) Rules/65.

Dated at Pasighat  
the 26-03-02

*Asst. Supdt.*

*11/3/02*

*g...*  
(D. MAJUMDER)

ASP Central Sub-dn.  
Pasighat- 791 102

Asst Supdt of Post Office  
South Sub-Div. Agartala 799007

DEPARTMENT OF POSTS: INDIA  
Office of the Director Postal Services:: Arunachal Pradesh Division  
Itanagar-791111

F-2/Misc/Disc-Case/L.C.Singh

Date: 6<sup>th</sup> August' 02

1. Shri D. Majumder who was working as ASP Central Sub Division from Oct/97 to April/01, was charged sheeted vide this office memo of even no. dt. 23-01-02 under Rule 16 of CCC (CCA) Rules, 1965. The statement of imputation of misconduct or misbehaviour was as follows.
2. During his tenure as ASP Central Sub Division, at Itanagar R.K. Mission PO was under his jurisdiction. The PO was manned by the SPM and one PA. Shri Majumder did not ensure that the iron safe for keeping cash of the office was kept under joint custody of the SPM and the PA. Had he performed his duty properly the loss of Govt. money could have been avoided. Thus the said Shri D. Majumder has not shown devotion to duty and violated the provision of Rule 3 (1) (ii) of CCS (Conduct) Rules, 1964.
3. Shri D. Majumder submitted his defence statement against the above charges vide his letter dated 26-03-02. The following arguments/claims are put forth by him:-
  - (i) That he was surprised about the imputed allegation, as to the lost amount and his involment in the loss.
  - (ii) That the R.K. Mission PO was in his jurisdiction, and also under the jurisdiction of DPS, the distance of the DO to PO is only 1 km and that DPS is also provided with a vehicle, and that DPS has also visited the office several times and was sure that the procedure of joint custodian was not followed.
  - (iii) That in his IR of 1999, at para 56, he had pointed out about the non embedding of the iron chest, and keeping of cash overnight in the steel almirah, whereby the procedure of joint custodian was not followed.
  - (iv) That there was risk to keep cash overnight in the non-embedded iron chest, and that the SPM cannot enter his quarter inside the PO. He has to lock the door from outside, and the one lock on the door is not sufficient.
  - (v) DPS cannot say, that the loss could have been avoided if the iron chest was embedded, as in the instances of Along & Roing Post Office, where there was cent per cent security.
  - (vi) That the joint custodian should not take risk if the iron chest was not embedded.
  - (vii) That R.K. Mission was a single handed PO, and the PA was attached on temporary basis and necessary action for diversion was not taken up.
  - (viii) That the MDW was not available, and the memo has not mentioned about joint custodian.
  - (ix) That the embedded chest is necessary even in a single-handed PO.
  - (x) That the PO was functioning in the same building long before he joined, hence the iron chest should have been embedded, hence other previous Govt.

*Atanagar*  
*WJ*  
*17/8/02*  
 Asst Supar of Post Office  
 South Sub-Divn. Itanagar 791111

servants should also be blamed. That he was also asked to fix the responsibility, and no action taken on his report.

- (xi) That the DPS was displeased with him and threatened to harm him, and took this case against him to subdue a personal grudge.
- (xii) That the charge sheet has no base, that it is fabricated, motivated and ridiculous and that he want enquiry of the case as per provision of CCS (CCA) Rules/65.

4. I have gone through the case and observed that the charged official has raised some pertinent point, which he himself could have done, but failed to act with promptitude.

5. The insecure condition of the Post Office was not discussed by him at any point of time with the then DPS. Had he done so, the various aspects of the Post Office problem would have come to light and the remedial actions taken.

6. From the records available it is observed that the IR submitted by the ASP in June/99, was reviewed by the then DYSP, which is clear that the then DPS was not aware. Had the ASP taken a personal and serious view over the matter, he could have on his own obtained the estimate for embedding the iron chest. In fact, the same work was got done later by another and junior Inspector at a very small cost. What is clear in this case was that the ASP, himself has not done his share of work. By blaming the DPS, he has doubly failed. The role of ASP, is to assist the DPS. Here as ASP Shri Majumder has assumed the role of a judge forgetting he was the official at fault.

7. Further the ASP (CO), himself admitted that there was no system of joint custodian. The irregular keeping of cash singly by the SPM was very much known to the CO, but nowhere he has ever reported the facts to the DPS. The CO perhaps was not ignorant to the past cases of Shri L.C. Singh the SPM, hence, should have been watchful over the safe keeping of cash, not in the single custody.

8. The CO also knew about the defective locking system of the iron chest, which made joint custody irrelevant, yet he has not taken up the matter with the DPS for replacement of the defective piece.

9. Considering the serious lapses the CO deserves stringent action to be taken against him hence pass the following order to meet the ends of justice.

10. I, Smt M. Iawphniaw DPS, do hereby award the punishment of withholding of next increment for a period of one year without cumulative effect.

*sd/-*  
(M. Iawphniaw)  
Director Postal Services

*Attested*  
*W07*  
*11/3/23*  
Asst Supdt of Post Office  
South Sub-Div. Azamgarh 739900

Copy to :

*Regd*  
*ALD*

- ✓ 1. Shri D. Majumdar, ASPOs (C) Pasighat for information.
2. The Postmaster, Itanagar HO for information and necessary action.
3. The Chief PMG (Inv) N.E. Circle w.r.t CO's case mark Inv/X/GM-3/2002-2003 for information.
4. Personal file of Shri D. Mazumder.
5. C/R file of Shri D. Mazumder.
6. Punishment Register.
7. O/C.

*M. Jawphniaw*  
(M. Jawphniaw)  
Director Postal Services

*Attended*  
*W/S*

*11/4/03*  
Asst Supt of Post Office  
South Sub-Divn, Agartala 799001

TO

The Chief Postmaster General  
N.E. Circle, Shillong- 793 001

*Approved  
DOP  
7/3/03*

*Asst Supt of Post Office  
Sub-Div, Agartala 7993*

Sub:- Appeal against punishment order

Respected Sir,

With due respect and humble submission I beg to state that the DPS Itanagar has done a great injustice to me and punished me forcibly. As such I am submitting the following appeal with the pray and hope that I will get justice from your end.

I was charge sheeted vide DPS Itanagar Memo No. F-2/Misc/Disc-Caso/L.C. Singh dated 23-01-02 which is enclosed as annexure-A

I submitted my defence statement dt. 26-03-02 which is enclosed as annexure-B.

The DPS Itanagar forcibly awarded punishment vide Memo No. F-2/Misc/ Disc-Caso/L.C. Singh dated 6-8-02 which is enclosed as annexure - C.

First of all I will give para/ wise comments on the punishment order (annexure-C)

Para 1 to/ 2-----No comments

Para 3-----The arguments raised by me/ were not extracted to top and not refuted by logical discussions. In fact the DPS by passed these and laid down her own findings on extraneous points

Para 4----- This is extraneous and not related to charge sheet. The charge was that I did not inform about the non observance of the procedure of joint custody and nothing for doing any thing.

Para 5----- This is hypothetical and was not in the charge sheet. This was pointed out in IRs and other reports.

28

Para 6----- I submitted IR in due time and it does not concern me who reviewed the IR. It is not mentioned by whom the IR/2000 was reviewed. Perhaps it was by the DPS and, therefore, this point is overruled. It is also not true that estimating for embedding iron chest was not obtained. Three quotations were submitted by the SPM which I mentioned in enquiry report. But the DPS took no action on these. It was not in the charge sheet, by whom the work of embedding was done. So it is extraneous. I raised strong arguments in my defence. That does not mean the role of judge. I have fundamental right to defend. I was not at fault. The DPS took no action on IRs and quotations. Had he took timely action the loss could have been avoided.

Para 7----- It is not true that I did not report to DPS, about no system of joint custodian in the S.O. In para 56 of IR/99 and para 13.1 of IR/2000 it was clearly mentioned, and also in subsequent reports. I did not get L.C. Singh for long. When he was there, there was no case against him and he was not of doubtful integrity. At the time of inspection no shortage of cash was found.

Para 8----- It is extraneous and build up story and has no relation with the charge sheet. The iron chest available was not having body lock. Two out side locks could be planted.

Para 9----- There was no lapse on my part. I did my job properly. I pointed out the risks in my two IRs. Three quotations were submitted by the SPM but the DPS took no action.

Para 10----- The order is arbitrary. The DPS followed the law of the 'Nishing Court'

The synopsis of the case is as under.

Attns  
MM  
7/9/00  
Asst Supt of Post Office  
South Sub-Divn, Agartala

a) The charge sheet was perfunctory. When the loss was there what amount was lost, how it was lost and what is my involvement, these vital points are wanting. The charge should be clear and specific. If the loss was not in my time, I am not to be involved in the case at all. One can't be punished on perfunctory charge sheet.

- b) The DPS inspected the SO in 1998 and also paid several subsequent visits. But he took no action about irregularity if any.
- c) In my IR/99 and IR/2000 I pointed out that there was no embedded iron chest and the overnight cash was kept in stool almirah, which was risky. Stool almirah had no double locking arrangement. So it was sure that the system of joint custodian was not there.
- d) The SPM R.K. Mission submitted three quotations, but no action was taken by DO. Either one was to be approved or fresh quotations ought to have been called for.
- e) R.K. Mission is a single handed SO. One PA was attached purely temporarily due to heavy work pressure off work but no action for regular deployment was undertaken as it was likely to be withdrawn at any time. There was no Memo of Distribution of work which was pointed out in my para 11 of IR/ 2K and the DO was suggested to supply the same but it took no action. *The order for joint custodian ought to have been in the MDW.*
- f) Sri B.D. Baruch PA Tozu who was kept attached with the R.K. Mission SO, was also charge sheeted for not being the joint custodian. In his defence he stated that there was no Memo of Distribution of work and the inspecting/visiting officers did not tell him about it that. But the DPS in her discussion in the disciplinary case mentioned the inspecting officers are to go on some items only and it was not possible for them to point out all the items. On that plea she punished the official. In my case though I pointed out in my IRs, but her logic is different.
- g) ~~Perhaps~~ The guilt, if any, was some who inspected/ visited the office including the DPS but none except me was held responsible.
- h) It is not guaranteed that the loss can't be in joint custody. Over night cash at Along and Roing were in joint custody, but were stolen. There are other instances also.

*Affidavit  
1/19/21  
Asstt. Supt. of Post Office  
Sub-Divn. Agartala 99988*

H.O. was to point out if the signature of the joint custodian was wanting in the Daily Account, but it was not made responsible. Perhaps H.O. raised no objection as it was of a single handed S.O. Before making joint custodian proper security arrangement for i.e. iron chest is to be embedded. No such action was taken by the DPS even though three quotations were submitted.

I wanted enquiry of the case as per CCS (CCA) Rules/65 to reveal the truth but the DPS though did not refuse in writing with reasons but also did not order for that. Perhaps she thought that the charge will not sustain if enquiry is made.

1) Same charge was ~~infracted~~ inflicted against me under Rule-14 vide Memo No. B. 303 dated 25-1-02. One can't be charged twice for the same.

2) It is not guaranteed that loss can't be in joint custody. Over night cash at Along and Roing were in joint custody, but were stolen. There are other instances also.

The gist of the case is as under.

i) The charge sheet was perfunctory

ii) The disciplinary authority did not refute the arguments raised in the defence statement.

iii) The disciplinary authority avoided enquiry without showing any reason.

iv) None of the officials at fault were held responsible nor disciplinary proceedings were taken against them.

v) The disciplinary authority discussed extraneous points which were not in the charge sheet and awarded punishment by force.

That sir, there were many lapses on the part of the administration and others. I took my role perfectly and properly, but the ~~administration~~ administration absolved itself and others and penalised me by force. I, therefore, pray to your honour to judge the case on judicious point of view and set aside the arbitrary order of the DPS and for that act of your kindness the humble appellant shall ever pray

with profound regards.

Yours faithfully

(D. MAJUMDER  
ASP HQ, O/O the DPS

Agartala

Dated at Agartala  
the 10-2-02

*(Signature)*  
7/10/02  
Distt Supdt of Post Offices  
Genl Sub-Divn, Agartala 792003

DEPARTMENT OF POSTS  
OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E. CIRCLE  
SHILLONG-793 001.

MEMO NO. STAFF/109-27/2002,

Dated at Shillong, the 29.01.2003.

ORDER

Sub:- Appeal dated 10.9.2002 submitted by Shri Debal Majumder, formerly ASPOs, Itanagar against the order of punishment of stoppage of increment by one year issued by DPS, Arunachal Pradesh, Division, Itanagar.

Shri Debal Majumder was proceeded under Rule-16 of CCS (CCA) Rules, 1965 by the Director Postal Services, Arunachal Pradesh Division, Itanagar vide Memo No.F-2/Misc/Disc-Case/L.C. Singh dated 23.1.02. The Statement of imputation of misconduct or misbehaviour against Shri Debal Majumder was as follows :-

“Shri D. Majumder worked as the Asstt. Superintendent of Post Offices, Central Sub-Division, Itanagar from October, 1997 to April, 2001. During that period R.K. Mission S.O. was under his jurisdiction. The headquarters of Shri D. Majumder was at Itanagar and the distance between R.K. Mission S.O. and his office was approximately 3 kms and it was connected by regular bus service. Shri D. Majumder did not ensure that the iron safe of the office was kept under joint custody as there was another PA working along with the SPM. If he would have performed his duty properly the loss of Govt. money could have been avoided. Thus said Shri D. Majumder has not shown devotion to duty and violated the provision of Rule-3 (1) (ii) of CCS (Conduct) Rules, 1964.”

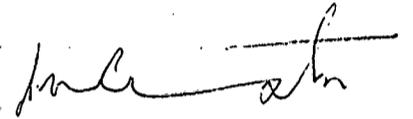
2. Shri D. Majumder submitted his defense against the proposal for punishment on 26.3.2002. After going through the statement of defense of Shri Majumder and with due regard to other relevant aspects of the case, the Director Postal Services, Arunachal Pradesh Division issued an order of punishment against Shri Debal Majumder of withholding of the next increment for a period of one year without cumulative effect vide Memo No.F-2/Misc/Disc-Case/L.C. Singh dated 6<sup>th</sup> August, 2002.

3. Shri Debal Majumder being aggrieved at the decision of the Disciplinary Authority submitted an appeal to the Chief Postmaster General, N.E. Circle, Shillong dated 10.9.2002. I, Chief Postmaster General, N.E. Circle and Appellate Authority in respect of Shri Debal Majumder, have gone through the

Attended  
WJ  
1/3/03  
Asstt Suptd of Post Offices  
North Sub-Divn, Arunachal Pradesh

appeal and all other relevant aspects of the case. The fact that the cash in R.K. Mission Post Office not being kept under joint custody was a failure of the management. Shri D. Majumder, being the first official in the hierarchy of management entrusted with the responsibility of directly supervising the work of the office, has to take the largest share of the blame. I have seen his defense statement very carefully. Shri Majumder has tried to shift the responsibility to the higher management. But he has to admit that the question of the failure of higher management arises only because of his own failure to detect and rectify the mistake as the official in the first line of supervision. The line of argument given by him in his defense as well as the appeal does not convey the impression of a responsible official.

4. I am, therefore, inclined to uphold the decision of the Disciplinary Authority. However, I also recognize that the laxity of general management in the division earlier permitted a culture of casualness and indifference to prevail, and Shri Majumder did let his sense of responsibility drift in that prevailing culture. With this possibility in view I would reduce the punishment of Shri Debal Majumder to that of withholding of the next increment for six months without cumulative effect.



(P.K. CHATTERJI)  
Chief Postmaster General,  
N.E. Circle, Shillong-793 001.

✓ Shri Debal Majumder,  
ASPOs (HQ)  
Through DPS, Agartala Division,  
Agartala.

Copy to:-

- 1-2. The Director Postal Services, Agartala Division, Agartala.
3. The Director Postal Services, Arunachal Pradesh Division, Itanagar.
4. Office copy.

Attended

Wol

11/2/73

Asst Supdt of Post Offices  
Agartala Sub-Div. Agartala 79000.

To  
The Member Personnel  
O/O the Director General  
Department of Posts  
New Delhi.

( Through the CPMG, N, E. Circle, Shillong)

Sub:- Petition against appellate order.

Venerated Sir,

With due respect and humble submission I beg to state that I have become the victim of a great injustice. I appealed against that injustice, but the Appellate Authority did not pay due attention to that though reduced the punishment. As such, I am submitting this petition with the pray and hope that I will get justice this time.

That sir, I was charge sheeted under Rule- 16 vide DPS Itanagar Memo No. F-2/Misc/Disc-Case/L.D. Singh dated 23-1-02, copy of which is enclosed as annexure -A

I submitted my defence statement dated 26-3-02 copy of which is enclosed as annexure- B.

The DPS Itanagar forcibly awarded punishment vide Memo No. F-2/Misc-Case/L.C. Singh dated 6-8-02 copy of which is enclosed as annexure - C

I appealed to CPMG N.E. Circle Shillong against the punishment order on 10-9-02 , copy enclosed as annexure- D

The appellate authority reduced the punishment vide his Memo No. STAFF/109-27/2002 dt. 29-1-02. copy of which is enclosed as annexure - E

That sir, the Disciplinary Authority awarded punishment without refuting my arguments in my defence statement by ~~xxxx~~ logical discussion. In stead she brought extraneous points not inserted in the charge sheet and awarded punishment by force. One can't be punished by charging on some points and discussing extraneous points. More over same charge was framed under Rule- 14. One should not be charged

*Attended*

*WJ*  
*17/7/03*

Asst Supt of Post  
Genl Sub-Divn. Agartala 19903

twice on the same points .

The Appellate Authority upheld the decision the Disciplinary Authority on the point that I tried to shift my responsibility on the higher management . He admitted in his appellate order about the laxity of the general management earlier. ~~Those~~ Those responsible for their lapses and indifference have all been left

The Appellate Authority in his discussion in the appellate order mentioned that the failure of the higher management arises only because of failure to detect and rectify the mistake in the first line of supervision. But it is not that I did not detect. I pointed out the fact in my two IRs, extract of the relevant paras of which are enclosed as annexure- C. F

That sir, the PO was a single handed SO and therefore the question of joint custodian does not arise. One PA was attached purely temporarily and therefore, no Memo of Distribution of Works was issued nor any order for joint custody was issued. The Disciplinary Authority was quite aware of the fact. HO also raised no objection for this reason. The Appellate Authority over looked this point.

That sir, I apprised the Disciplinary Authority in separate report also that the SO was not having ~~any safe~~ embedded iron safe and that the ~~SPM~~ SPM submitted three quotations. But no action was taken <sup>for</sup> the matter. The copy of report No. A2/R.K. Mission dt 2-9-00 is enclosed as annexure E-6

That sir, I left Itanagar and R.K. Mission SO then fell beyond my jurisdiction. So I may not be held responsible for the loss after my period similarly to my predecessors. *of course there was no lapse on my part. The Appellate Authority over looked this point*

That sir, there were losses in case of joint custody also. *There are so many examples Even in my sub- division there were theft cases at Along and Raing SO where the cash was kept in joint custody. So it can't be asserted that the loss in the instant case could have been avoided. The Appellate Authority over looked this point.*

That sir, I am on the verge of retirement. I wanted

*Approved*  
*1/17/05*  
*Asst Supdt of Post Office*  
*Sub-Divn, Itanagar 1999.*

enquiry of the case of the case as per provision of CCS (CCA) Rules/65. But the Disciplinary Authority did not agree. If now I go on retirement, this will effect pension ~~which will effect pension~~ which is against rule. For the sake of revealing truth the enquiry was absolutely necessary. The Appellate Authority overlooked this point also.

That sir, I most humbly pray to your honour that you would kindly peruse the documents produced by me and ~~examine the arguments raised by me most judiciously and pass an order and for that the humble petitioner shall ever pray.~~

With warm regards,

Yours faithfully,

( D. MAJUMDER )

ASP HQ O/O the Director  
Postal Services  
Agartala- 799 001

Dated at Agartala  
the 7-2-03

Advance copy to :-

The Member Personnel, O/O the Director General  
Department of Posts , New Delhi.

( D. MAJUMDER )

ASP HQ O/O the Director  
Postal Services  
Agartala-799 001.

*At hand*

*WM*  
*1/10/03*  
Asst Supdt of Post Office  
South Sub-Divn. Agartala 799001.

To  
The Chief Postmaster General  
N.E. Circle  
Shillong-793001

**Sub:-** Petition against appellate order

Respected Sir,

With due respect and humble submission I beg to state that I submitted a petition through you against the order of CPMG order No. STAFF/109-27/2002 dt 29-1-03

That sir, though a reasonable period is over byt the case is yet to be disposed of. As such most himbly I request you to let me know if the same has been forwarded onward. Other wise kindly permit me to file a case in hon'ble CAT.

With profound regards,

Yours faithfully

sd/-

( D. MAJUMDER )

ASP HQ

O/O The DPS

Agartala

Dated at Agartala  
the 6-6-03

*Assistants*

*WJ*

*11/10/03*

Asst Supt of Post Office  
South Sub-Divn, Agartala 799001

Extract from IR/99 on R.K. Mission SO by ASP (C)  
Itanagar

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Para 56- There's no embedded iron chest. One having double lock  
may be embedded. The overnight cash is kept in steel almirah  
It is risky.

Extract from IR/2K on Rk Mission SO by ASP (C)

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Para 13.1 - There's no embedded iron chest in the office which  
was pointed out in para 56 of last IR. Cash is kept  
in steel almirah over night which is risky. One may  
be embedded with double lock. It is a heavy cash  
collecting office.

*Asst Supdt*

*WJ*  
*11/9/73*

**Asst Supdt of Post Office**  
South Sub-Div. Avartala 9993

Rule 120 P&T Manual Volume VIII

120. Method of securing office safe.- For each head or sub office under his control and for each record office the Divisional Superintendent must prescribe the form of the office and the position and ~~the~~ manner in which the office safe or safes are to be secured. Each Head Office be provided at the discretion of the Head of the Circle with a Chowkidar, whole or part ~~the~~ time for guarding it at night. In the case of sub-offices the office safe will be kept at the nearest police stations, Treasury or Sub-Treasury provided one is situated at a distance of not more than a mile from the post office and the road is normally safe and can be done without incurring extra expense. The office safe must, whether it is kept in the post office or at Treasury, Sub-Treasury or Police Station, be secured either by embedding it into a cemented plinth in a pucca building or in accordance with the following instructions. If the safe opens from the top, it will be secured by fastening iron chains to the handles and securing the other ends of the chains round a log of wood (well tarred) or a heavy stone, which should be sunk as deeply as possible consistently with its being opened. If the safe opens from the front it should be similarly be sunk in the wall and fastened to a post sunk deeper still behind it. In the case of such sub offices where it is not possible to get a safe embedded in the nearest Treasury, Sub-Treasury or Police station and where ~~the~~ cash is retained overnight in the office itself, Heads of Circles may provide a Chowkidar, whole or part time, where they deem it necessary to make such arrangement.

TESTED  
*[Signature]*  
 POST MASTER  
 Agartala H.O. 103

फ. नं. 22  
Cerr.-22

भारतीय डाक विभाग  
DEPARTMENT OF POSTS, INDIA

प्रेषक  
From Asst. Supdt. of Post Offices  
Central Sub-Division  
Itanagar-791111

सेवा में  
To  
The DPS  
Itanagar

क्रम संख्या  
No. A2/R.K. Mission

दिनांक  
Dated at Itanagar the 2-9-00.

विषय  
Subject Embedding of iron chest at R. K.  
Mission SO

Ref:- Your letter No. F-2/Misc/Disc-Case/ L.C. Sing  
dt. 18-7-00

The PO was shifted to the existing building on 1-4-94. It is not known if thought was given to embed chest then. The matter was pointed out in some subsequent IRs. Mention was made in para 19 of IR/94 that there was no embedded iron chest in the office. Also similar mention was made in IR/95. In para 25 of IR/96 again mention was made. It was not pointed out in IR/97. The IR/93 was not available. Again it was suggested in para 56 of IR/99 to embed one chest with double lock. In para 13.1 and 13.2 of IR/2000 it was pointed out again and further suggested to make arrangement to keep overnight cash police out post. No follow up action was taken.

Then SPM stated that he furnished three quotations in divisional office in 1996, to plant iron chest in the office, but it yielded no result.

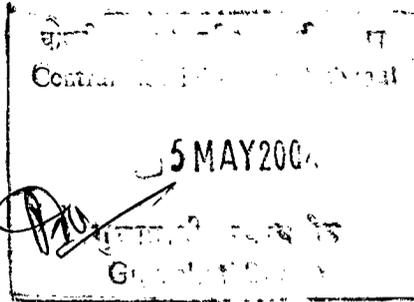
*Attended  
w/c  
11/5/03*

Asst Supdt of Post Offices  
North Sub-Divn, Agartala 79904

Sd/-  
Asst. Supdt. of Post Office  
Central Sub-Division  
Itanagar-791111

(122)

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Filed by  
 (A. DEBAROI)  
 Sr. C. O. P. C.  
 C. A. T. Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 GUWAHATI BENCH :: GUWAHATI.

O.A. NO. 244 OF 2003

Shri Debal Mazumdar

..... Applicant.

- Vs -

Union of India & Ors.

..... Respondents.

In the matter of :

Written Statement submitted by  
 the respondents.

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

( BRIEF HISTORY OF THE CASE )

Shri Debal Mazumdar worked as ASP (C) Sub-Division  
 from Oct'1997 to April'2001. The R.K. Mission Sub-Post Office  
 was within the jurisdiction of the ASP(C) Sub-Division. The  
 Sub-Post Office was manned by the Sub-Postmaster and P.A.  
 Evidently, both the SPM and the PA were joint custodian of the  
 Cash and valuables of the office. During the period the HQ  
 of Shri D. Mazumdar was at Itanagar and the distance between  
 R.K. Mission SO and his Sub-Divisional Office was approximately  
 3 KM only and it was connected by a regular bus service.

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Shri Debal Mazumdar failed to ensure the Iron safe of the office which was kept under the joint custody of the SPM and the PA resulting in loss of Government money. Had Shri Mazumdar performed his duty properly the loss of Govt. money could have been avoided.

PARAWISE COMMENTS :

1. That with regard to para 4.1, of the application the respondents beg to offer no comments.
2. That with regard to the statement made in para 4.2, of the application the respondents beg to state that due to the laxity occurred from the official he was charge sheeted, so the allegations made here are not true.
3. That with regard to the statement made in paras 4.3 & 4.4, of the application the respondents beg to state that though he applied for the same but the name of the documents were not listed by him. So, it was not permissible to examine the unlisted documents.
4. That with regard to the statement made in para 4.5, of the application the respondents beg to state that the charged official in his defense statement pointed out unnecessary points and tried to divert the attention of the Disciplinary Authority by his lengthy statement.
5. That with regard to the statement made in para 4.6, of the application the respondents beg to state that

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the annexure mentioned itself is an explanatory for which only the CO was charge sheeted.

6. That with regard to para 4.7, of the application the respondents beg to offer no comments.

7. That with regard to the statement made in para 4.8, of the application the respondents beg to state that the appellate authority has given the remark. " Shri Mazumder has tried to shift the responsibility to the higher management. But he has to admit that question of the failure of higher management arise only because of his own failure to detect and rectify the mistake as the official is the first line of supervision. The line of argument given by him in his defense as well as the appeal does not convey the impression of a responsible official.

8. That the laxity in general management in the decision earlier permitted a culture of casualness and indifference to prevail and Shri Mazumder did let his sense of responsibility drift in that prevailing culture".

However, the Appellate Authority has taken a lenient view and reduced the length of punishment from one year increment stoppage of increment to six months stoppage of increment.

8. That with regard to paras 4.9, 4.10, 4.11, & 4.12, of the application the respondents beg to offer no comments.

9. That with regard to the statement made in para 4.13, of the application the respondents beg to state that

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the charge official has not listed the documents so there is no question of denial the principle of natural justice.

10. That with regard to the statement made in para 4.14, of the application the respondents beg to state that as in above paras 4.3 and 4.13.

11. That with regard to the statement made in para 4.15, of the application the respondents beg to state that the charged official knew the defect but never reported to the authority (DPS) personally.

12. That with regard to the statement made in para 4.16, of the application the respondents beg to state that beside Inspection Report, he could have reported to the authority (DPS) personally for taking further action. But, he never took it seriously.

13. That with regard to the statement made in para 4.17, of the application the respondents beg to state that the argument made by the charged official is baseless. When an official is attached to any office within the same HO, there is no need of diversion. It is the duty of the Sub-Division. In the instant case, the charged official was the head of his Sub-Division of R.K. Mission Sub-Post Office. Since, the Director Postal Services is the authority to issue transfer order of PA's and PA can be attached to any PO's. It was the duty of the charged official to propose for arrangement of joint custodian and to submit his report

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to the Disciplinary Authority for approval. But the CO did not bother for the same. Hence, his point of arguments is baseless.

14. That with regard to the statement made in para 4.18, of the application the respondents beg to state that the CO had the knowledge of provision for safe custody of cash and valuables but in practical he did not discussed with the Disciplinary Authority which reveals that he was never interested for the safety of cash and valuables of office which was under his Sub-Division.

15. That with regard to the statement made in para 4.19, of the application the respondents beg to state that the arguments produced by the charged official are baseless. Due to his carelessness and non-devotion towards his duty for which laxity occurred, punishment was awarded which actually he deserved.

16. That with regard to the statement made in para 4.20, of the application the respondents beg to state that it is the duty of the inspecting officials to monitor the work, safety and security of offices under their respective Sub-Division. In case of any rectifications and other necessary arrangements, proposals should be submitted for orders. But the charged official in the instant case never submitted any proposal.

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17. That with regard to the statement made in para. 4.21, of the application the respondents beg to state that again the charged official is referring to his Inspection Report's he could have submitted IRON chest, which he never did.

18. That with regard to the statement made in para 4.22, of the application the respondents beg to state that it is not clear exactly what the charged official wants to point out.

19. That with regard to the statement made in para 4.23, of the application the respondents beg to state that the charged official knows that there was defective locking susten, which he never discussed with the DPS.

20. That with regard to the statement made in para 4.24, of the application the respondents beg to state that safety and security of Govt. money and other valuables are the primary concern for which proper measures should be taken. The government money and other valuables cannot be kept carelessly on the point of his arguments that "it is not cent percent secured". By citing the examples the CO is trying to cover up his mistake.

21. That with regard to the para 4.25, of the application the respondents beg to state that the Appellate Authority on understanding the gravity of lapses of the

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charged official upheld the order of the disciplinary authority, however, taking a lenient view reduced the punishment as noted above para 4.8.

Therefore, the judgement of the Appellate Authority cannot be questioned. The arguments of the charged official are hence, are to be quashed.

Verification .....

