

100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

babu
20/11/17

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No:- 245/103

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Name of the Appellant(s): Sri D. Majumdar

Name of the Respondent(s): CGSC

Advocate for the Appellant: - Abhishek

Advocate for the Respondent: - CGSC

Notes of the Registry	date	Order of the Tribunal
Application is filed but not in time Condonation petition is filed but not in C.P. for Rs. 50/- deposited vide IPO/BD No. 79583384 Dated 24/10/03.	19.12.2003	Heard Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents. The application is admitted, call for the records. Issue notice to the respondents. List on 13.2.2004 for orders.
<i>Done by Deb Roy</i>	mb	<i>I.C. Dasgupta</i> Member (A)
Steps taken without envelope. <i>Done 19.12.03</i>	8.3.2004	On the prayer made by Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents, four weeks time is allowed to the respondents to file written statement. List on 7.4.2004.
Issue notice as per Court order dated 19.12.03. <i>WS 19.12.03</i>	bb	Member (A)

21

7.4.2004

Notice and order dt. 19/12/03,
Sent to D/Section for issuing
to the respondent no. 1 to 9.

(Contd.)
26/12/03.

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

List on 21.5.2004.

KV Prabha
Member (A)

bb

21.5.2004

List on 10.6.2004 for filing of written statement.

19. 3. 04

The applicant
submitted an application
dt. 9.3.04. and pray 10.6.04
for early dispose the
matter which is seen
at flag 'A'

1m

List the case for hearing
on 22.7.04.

KV Prabha
Member (A)

Laid before the
Court for further 5.8.2004

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

KV Prabha
Member (A)

Section Officer

nkm

May
6.4.04

5.5.04
W.P. filed by
the respondents.

20.8.04

Copy of the letter
has been sent to the D/Section
for issuing the
same to the applicant
as well as to the Sr. C.G.S.C.

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. /XXXX No. 1111 245 of 2003

DATE OF DECISION 5.8.2004

Shri Dobal Majumder

.....APPLICANT(S).

In absentia

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

-VERSUS-

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)

low

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.245 of 2003

Date of decision: This the 5th day of August 2004

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

Shri Dobal Majumder
S/o Late N.K. Majumder,
Asstt. Superintendent of Post Offices,
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 General,
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

The applicant is working as an Assistant Superintendent of Post Offices at the Central Sub Division, Itanagar. Thereafter, he was posted as Assistant Superintendent of Post Offices Central Sub Division, Pasighat. The Director of Postal Services, Arunachal Pradesh Division, Itanagar issued an Office Order dated 15.11.2001 transferring one of the Group 'D' Night Guard from Roing SO to Itanagar HO. The applicant

lgn

did not carry out this transfer order. The applicant was also ordered by the respondents vide letter dated 10.5.2001 to collect the Iron Chest from Divisional Office, Itanagar and transport to Along SO for the security of the cash of Along. There was some delay in getting the Iron Chest embedded at Along SO. Therefore, the Director of Postal Services, Arunachal Pradesh, placed him under suspension vide Office Order dated 18.12.2001. This order was revoked vide order dated 5.2.2002.~

2. I have heard Mr A. Deb Roy, learned Sr. C.G.S.C. and have also gone through the materials placed before me. The respondents are directed to give a reasoned and well meaning reply on the representation of the applicant submitted before the Chief Postmaster General, N.E. Circle, Shillong dated 29.12.2001 and the other representation addressed to the Member (Personnel), Department of Posts, New Delhi dated 19.8.2003. The resply to these two representations may be given within four weeks from the date of receipt of this order. The respondents are also directed to comnplete the disciplinary proceedings initiated against the applicant within five months from the date of receipt of this order.

The O.A. is accordingly disposed. There shall be no order as to costs.

10/1


(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

An application under section 19 of Administrative
Tribunal Act, 1985

Title of the case

OA No. 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

OB

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWHATI BENCH

OA No...../03

4-8-00 The DPS Itanagar desired report regarding security at Along PO vide his letter No. F2/Theft/Along/2000-01 as SPM Along PO informed that several theft cases occurred in the PO since its opening.

1-9-00 The SP West Siang Dist. Along was requested by the applicant for his permission to embed one iron chest at Police Station to keep over night cash of the PO, vide his letter No. A2/Along.

1-9-00 The SPM Along was asked by the applicant to obtain 3 quotations for embedding iron chest/s at PS and forward to DPS Itanagar, vide his letter No. A2/Along.

2-9-00 The applicant reported DPS Itanagar that Along PO is not secure. That there's no PO iron chest at Along PS. The applicant is trying to arrange one at PS. He further intimated that posting of one night guard at Along will be secure, vide his letter No A2/Along.

2-9-00 The applicant reported DPS Itanagar that in several IRS, it was pointed out that R.K. Mission PO was not having the iron chest embedded. That SPM R.K. Mission submitted 3 quotations to DPS office for the purpose, vide letter No. A2/R.K. Mission.

29-9-00 The applicant intimated DPS Itanagar vide his letter No. A2/Along that he met SP Along and discussed with him about embedding iron chest at the PS or in his office. That SP desired letter from DPS. Also the applicant requested to supply two iron chests one for embedding at PS and the other at the PO. Also that the applicant asked SPM Along to obtain 3 quotations.

29-9-00 The applicant again requested the SPM Along to obtain 3 quotations and forward to DPS.

16-10-00 The DPS Itanagar asked the applicant to complete the work and report compliance, vide his letter No. F2/Theft/Along/2000-2001.

24-10-00 The applicant intimated the DPS Itanagar vide letter No. A2/Along that The SP Along did not give reply to his letter. He (applicant) requested the DPS to send one letter from his office to SP. Also he asked the DPS to intimate wherefrom the iron chests can be had. Further that if the applicant will be able to sanction the huge amount of expenditure.

6-11-00 The DPS Itanagar asked the applicant vide his letter No. F-2/Theft/Along/2000-01 to correspond with the SP Along by himself and collect and embed iron chest.

19-11-00 The applicant again requested SP Along for his approval to embed iron chest at PS/his office vide his letter No. A2/Along.

19-11-00 The applicant intimated DPS Itanagar vide his letter No. A2/Along that he again requested the SP Along in writing. Also he requested for supply of one good quality iron chest with body lock, for the PO.

1-12-00 The DPS Itanagar intimated SPM Along vide his letter No. D-II/Ch.II dt 1-12-2000 that out of five quotations forwarded by him vide his letter No. Along/Misc-10/2000-01 dated 27-11-00 that of Sri Biplob Kr Mohanta has been approved and asked him to get the work done and report compliance.

22-12-00 The applicant vide his letter No. A2/Along intimated that old iron chest available at Itanagar PO may be embedded at PS and if no good quality iron chest is supplied, same type chest will be embedded at PO also. But it will not be possible to carry by bus from Itanagar to Along due to size of them. That he consulted one Maruti van which demanded Rs. 4500/-

29-12-00 The applicant asked his O/S Mail to collect 2 iron chests from Itanagar PO and carry to Along.

4-1-01 The applicant again asked his O/S Mail.

11-1-01 The applicant again asked his O/S Mail.

24-2-01 The applicant again asked his O/S Mail.

1-4-01 The applicant again asked his O/S Mail.

10-4-01 The applicant again asked his O/S Mail.

18-4-01 The O/S Mail intimated the applicant after consulting with motor vehicle that he met the DPS Itanagar and applied for advance as it would cost Rs. 2500/- including cost of carrying from Itanagar to Naharlagun plus the labourer charge. The DPS asked him to obtain quotation.

16-4-01 The applicant met the DSP Along once earlier and requested for consent of SP office. SP Along permitted to embed one iron chest in the strong room of his office, vide his letter No. ALC(R)5/2K dated 16-4-01.

10-5-01 The applicant informed DPS Itanagar vide his letter No. A2/Along regarding SP's consent. Further that if quotations are to be obtained for carrying chests from Itanagar then quotations are to be obtained from Itanagar, but not by the O/S Mail or by the applicant as their head quarters are far away from Itanagar. Further that O/S Mail consulted with the APST bus at Itanagar and Co-op bus at Naharlagun. The former was not willing to carry in the roof. The co-op bus was having dicky so it may be convenient. Further that if carried by co-op bus, perhaps quotation will not be necessary.

17-5-01 The DPS Itanagar asked the applicant to call for explanation of the O/S Mail for refusing collection of quotation. Mean while the applicant asked his O/S Mail to meet his friend at Itanagar and transport the chests to Naharlagun through his private van and load in the dicky of the bus with the help of his men.

23-6-01 The O/S Mail informed to have carried the chests.

3-8-01 The applicant informed the DPS Itanagar vide his letter No. A2/Along that iron chest has been embedded in the PO and another has been placed in the strong room of SP office.

15-11-01 The DPS Itanagar transferred the post of night guard Roing to Itanagar and asked to relieve him on office arrangement, vide His Memo. No. B-2/48-3/IV(Gr-D)

26-11-01 The applicant made office arrangement and ordered for relief of the night guard vide his Memo. No. B2/Staff.

5-12-01 The SPM Roing talked with the applicant over phone and ~~xxx~~ stated that he had requested the DPS Itanagar for alternate arrangement vide his letter No. Roing/Staff/99 dt. 26-11-01. The applicant asked him not to give effect the memo of the applicant and wait for instruction of the D PS. Further that another memo. keeping in abeyance of the earlier memo. is being issued.

7-12-01 The applicant kept in abeyance his earlier memo. dt. 26-11-01 and sought for suitable instruction of the DPS Itanagar.

18-12-01 The DPS Itanagar got relieved the night guard Roing over phone and placed the applicant under suspension vide Memo. No B2/48-3/IV.

29-12-01 The applicant appealed to the CPMG N.E. Circle Shillong.

7-1-02 The applicant was relieved by the reliever sent by the DPS.

25-1-01 The D PS Itanagar charge sheeted the applicant vide his memo. No. B-383 dated 25-1-02.

4-2-02 The applicant requested for extension of time for submission of defence statement and sought for permission to visit Itanagar to examine documents for preparation of defence which went to possession of the SDI (W) Itanagar after reorganisation of Sub-Dvn.

5-2-02 The DPS Itanagar revoked the suspension order vide his memo No. B-2/48-2/IV, mentioning the effect of suspension from 7-1-02

12-2-02 The applicant requested the postmaster Itanagar for duty pay from 29-12-01 to 6-1-02.

14-2-02 The applicant again sought for permission to examine the documents and extension of time as he was proceeding to Darbhanga for training.

11-3-02 The applicant desired to examine the establishment file of R.K. Mission PO which was in the possession of SDI (W). Itanagar.

11-3-02 The applicant requested the Appcallate Authority for early decision of the appeal.

26-3-02 The applicant submitted defence statement.

30-3-02 The applicant represented to the GPMG N.E. Circle Shillong with copy to DPS Itanagar and Postmaster Itanagar for drawal of his duty pay from 29-12-01 to 6-1-02.

16-4-02 The applicant requested the Appcallate Authority for finalisation of the appeal on merit, pending finalisation of the charge sheet.

30-6-02 The applicant again requested the Appcallate Authority for early decision of the appeal or permit him to file case at Hon'ble CAT.

3-7-02 The applicant requested DPS Itanagar for examination of her office file A-4/Reing in connection with his defence

5-7-02 The DPS desired relevancy of the documents with the charge.

12-7-02 The applicant explained the relevancy.

6-8-02 The DPS refused examination of the documents and returned the requisition by hand.

19-8-02 The applicant submitted petition to the Member (P) O/O the DG Posts New Delhi with copy to Appcallate Authority.

29-05-89
2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

An application u/s 19 of AT Act 1985

OA No...../03

Sri Debal Majumder
S/O Late N.K. Majumder
Asst. Supdt. of Post Offices
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-793001
4. The Director Postal Services
Arunachal Pradesh Division
Itanagar-791111

.....Respondent

PARTICULARS OF THE APPLICATION

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

This application is made against the unjustified suspension order issued by the respondent No. 4 and indiction of the appeal and petition against order by the respondent No. 3 and 4 respectively.

2. LIMITATION

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

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29/5

3. JURISDICTION

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

4. FACTS

4.1. I served as ASP Central Sub-Dn. Itanagar since 28-8-97 to 12-4-01. Thereafter my headquarter was shifted to Pasighat where I served upto 19-8-02. Then I 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.

4.3. The DPS Itanagar issued an order vide his Memo. No. B-2/48-3/IV(Gr-D) dated 15-11-01 transferring the night guard Roing to Itanagar, but that was defective and confusing and with grammatical mistake. On point 3 of the order, it was asked to relieve the official on office arrangement.

(Copy enclosed as annexure-A)

4.4. The DPS is not competent to divert post without prior approval of CPMG, by submitting justified formal proposal. In that case the prior approval was not obtained. But I did not oppose the order and immediately after receipt of the memo. I issued an order relieving the night guard on office arrangement, on point 3 of the order, vide my memo. No. B2/Staff dated 26-11-01. Except the arrangement made by that no other office arrangement was possible.

(Copy enclosed as annexure-B)

4.5. The SPM Roing contacted me over phone and stated that he had requested the DPS for alternate arrangement vide his letter No. Roing/Staff/99 dated 26-11-01 as the PO is not provided with attached SPM's quarter. His quarter is far away from the PO. I asked him to wait for instruction of the DPS and my memo. dated 26-11-01 need not be effected for the time being, further that I am issuing another order presently.

(Copy enclosed as annexure-C)

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4.6. In the mean while, I received a telephonic message of DPS through a third person not to make office arrangement in the post of night guard Roing. That confused ~~me~~ again me again. There were three attempts on the PO in the past. I also felt the ground produced by the SPM to DPS to be quite reasonable. So I kept in abeyance my earlier order and sought for suitable instruction of the DPS vide my memo. No. B2/ Staff dated 7-12-01.

(Copy enclosed as annexure-D)

4.7. In stead of issue of suitable instruction, the DPS got relieved the night guard by telephone to SPM Roing and issued order suspending me vide his Memo. No. B-2/ 48-3/IV dated 18-12-01.

(Copy enclosed as annexure-E)

4.8. In the suspension order the cause was not mentioned which is necessary. However I could realise the reason which also transpired from the subsequent charge sheet. There was no case of bribery, corruption or refusal of written order against me nor there was any gross negligence of duty or indiscipline. I appealed against that suspension order to respondent No. 3 on 29-12-01.

(Copy enclosed as annexure-F)

4.9. My reliever came and I handed over charge on the fore noon of 07-01-02. So my suspension was effected from that date.

4.10. The Appellate Authority did not decide the case but the Disciplinary Authority revoked the suspension on his own and I was reinstated on 6.2.02 F/N vide order No. B-2/48-2/IV dated 5-2-02 wherein a clear mention was made that the suspension was with effect from 07-01-2001 F/N. The year 2001 was a typical mistake which ought to have been 2002. But I was denied duty pay from 29-12-01 to 6-1-02. though I represented to the respondent No. 3 and 4 and to the Postmaster Itanagar.

(Copy of order No. B-2/48-2/IV dated
5-2-02 is enclosed as annexure- G)

16
29-10-03

4.11. The DPS issued charge sheet under Rule-14 of CCS(CCA)Rules/65 vide Memo. No. B-383 dated 25-1-02. To make his case stronger he added two other charges but those also don't justify the suspension.

(Copy enclosed as annexure-H)

4.12. I submitted defence statement on 26-3-02, refuting the charges with logical arguments. An ordinary perusal of the charge sheet and defence statement will reveal that the suspension was totally unjustified.

(Copy enclosed as annexure-I)

4.13. Though the suspension order was revoked, but I continued to pursue with the Appcallate Authority for decision of my appeal, on merit of the case, without prejudice to the Rule-14 proceedings, but that authority did not pay heed to.

4.14. On being failed to get any response from the Appcallate Authority, I submitted petition to the respondent No. 2 on 19-8-03, but got no response. It was seen in past several cases that no decision was received even after a couple of years. So my petition may be deemed to have been disposed of.

(Copy enclosed as annexure-J)

4.15. Shri Y.S. Mohan the then DPS Itanagar once submitted a proposal to Circle Office Shillong for diverting the post of night guard Roing to Itanagar, as the creation of new post was banned. But CO turned down the proposal on the ground that the circumstances justifying the post of night guard Roing still prevailed. This information I got from a senior postal assistant who worked in the DPS office Itanagar previously. I made a requisition for a copy of the CO's decision to use as a defence document but The DPS Itanagar ~~xx~~ rejected stating that is is the look out of the CPMG.

4.16. As the DPS is not competent to divert post without prior approval of CO, by submitting justified proposal the order of the DPS Itanagar diverting the post had no validity. As such it would not have been an offence if I had not followed his order. But I did not refuse the order, whether it was valid or not. I simply sought

in the service exigencies suitable instruction as the order was confusing. Seeking instruction does not tantamount refusal. I could learn that CO did not easily take the matter of diversion without approval.

4.17. As regards second charge about not carrying of iron chests from Itanagar to Along and embed there, the allegation is totally baseless. The entire process was done by my own initiative though the authority competent was quite apathetic. I transported two chests through my O/S Mail, obtained consent of SP West Siang Dist. Along, collected competitive quotations through SPM, got the work done and reported. The DPS accepted the lowest quotation and asked the SPM to get the work done and report compliance.

(Copy of SP Along letter No. ALG(R)5/2K

dt. 16-4-01 and DPS Itanagar letter No.

D-II/Ch II dt. 01-12-2000; The applicant's copy of letter A2/Along dt. 1-9-00 & 29-9-2K and 3-8-01 are enclosed as annexure K,L,M & O)

4.18. As regards third charge about not providing iron chest at R.K. Mission PO, the allegation is entirely baseless. The iron chest was available there beforehand, but was not embeded. For that the matter was noted in several IRs, quotations were submitted to DPS, but he took no action. It is not the fact that I failed. DPS had to take action on the notes in IR and accept quotation. I have no financial power even of a single rupee. The DPS has charged me under Rule-16 for the same and punished by an arbitrary order, for, a separate case has been filed to Hon'ble CAT.

4.19. Suspension is to be resorted to very sparingly and notion flimsy ground. There are clear guide lines in the CCS(CCA) Rules/65. In my case items 4 to 6, Chapter 2 of CCS(CCA) Rules/65, 2001 edition, page 185 to 187 were not followed. It has clearly been mentioned the circumstances under which suspension can be resorted to. The ground on which I was put on suspension smacked mala fide. It damaged my reputation to the fellow workers, subordinates and general public, spread over the seven north eastern states. It also caused

mental agony to self and family which effected health. It put me in shame to go out in public as every body who was not knowing the fact, was thinking about a big scandal. It sticked an ever lasting stigma on my character and unblanished service of 36 years, though of no cause.

5. GROUNDS

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

5.2. For that the suspension was totally unjustified.

5.3. For that the Disciplinary Authority issued suspension order without judging the merit of the case.

5.4. For that the Disciplinary Authority issued suspension order without following the guidelines framed in the CCS (CCA) Rules/65

5.5. For that the ground on which the Disciplinary Authority issued suspension order smacked mala fide.

5.6. For that the Appcallate Authority and Higher Authority did not decide the appeal and the petition.

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

6. Matter not previously filed nor pending.

7. DETAILS OF REMEDIES EXHAUSTED

7.1. Appeal was submitted to Appcallate Authority with due promptitude.

7.2. Petition was submitted to the Higher Authority with copy to Appcallate Authority.

7.3. Time to time reminders were issued to the Authority.

8. RELIEF

8.1. To direct the authority to draw the duty pay from 29-12-01 to 6-1-02.

8.2. To draw the difference of pay and the subsistence allowance for the period from 7-1-02 to 5-2-02.

8.3. To direct the authority to supply copy of the CO's order turning down the proposal submitted by Sri Y.S. Mohan, then DPS Itanagar, for diversion of post of night guard Roing, for use in the defence of the proceedings.

8.4. To treat the whole period of suspension as duty for all purpose.

8.5. To direct the authority to supply the extract of the relevant ruling of diversion of posts from one establishment to other, for use in defence of the proceedings.

8.6. To direct the authority to pay compensation of Rs. five lacs for damage of reputation and adhering ever lasting stigma to the applicant.

8.7. To direct the authority to pay compensation of Rs. fifty thousand for mental agony and damaging health of the applicant.

8.8. To direct the authority for payment of compensation of Rs. fifty thousand for mental agony of the family of the applicant.

8.9. Any other relief as deemed fit by the Hon'ble CAT.
8.4 Matter not pending in any other court

9. INTERIM ORDER

9.1. To direct the authority to draw the duty pay from 29-12-01 to 6-1-02.

9.2. To direct the authority to draw the difference of pay and subsistence allowance, pending finalisation of disciplinary proceedings.

10. The case may be decided on its merit.

10

-8-

11. IPO No. 7G 583334
Dated 24-10-03
Payable at 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 ASP Central Sub-Division, Pasighat in Arunachal Pradesh, now working as ASP 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 material fact.

Signed on the 29th day of Oct
two thousand three.


APPLICANT

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

NO:B-248-3/IV(Gr-D)

Dated at Itanagar the 15.11.2001

The following order is issued to have immediate effect in the interest of service.

1. The Post of Group-D Night Guard of Roing SO is transferred to Itanagar HO

2. Shri Bodhin Bura Gohain Group-D Night Guard of Roing SO is transferred and posted as Group-D Night Guard of Itanagar HO.

3. Official may be relieved on office arrangement immediately and please submit necessary change report to all concerned.

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

Copy to :-

✓ L.P.M. Itanagar HO
✓ LASP(C) Pasighat
3 Official concerned, 4.8pm Roing SO
L.O.C

ATTESTED
400
POSTMASTER
Agartala H.O.

BN
Director Postal Services
Arunachal Pradesh Division
Itanagar-791 111

OFFICE OF THE ASST. SUPDT. OF POST OFFICES
CENTRAL SUB-DIVISION, ARUNACHAL PRADESH
PASIGHAT- 791 102

No. B2/staff

Dated at Pasighat t ho 26-11-01

In pursuance off DPS Itanagar Memo No. B2/48-3/IV (Gr-D)
dated 15-11-01, t ho following orders are issued to have immediate
effct.

Sri B.L. Sahu EDDA Meka, will put nominate in his place and
join as Night Guard Roing relieving Sri/ Budhin Buragphain.

On being relieved, Sri Budhin Buragphain will join as Night
Guard Itanagar.

sd/-

Asst. Supdt. of Post Offices
Central Subdivision
Arunachal Pradesh
Pasighat-791102

Copy to:-

1. The DPS Itanagar w/r to his memo referred to above.
2. The Postmaster Itanagar.
3. The SPM Roing for necessary action.
4. The BPM Meka for information and necessary action.
5. Sri Budhin Buragphain N/G Roing.
6. " B.L. Sahu EDDA Meka.

7. S. PF

OC

sd/-

Asst. Supdt of Post Offices
Central Sub-Division
Arunachal Pradesh
Pasighat-791102

ATTESTED
Colu
POSTMASTER (7903)
Agartala H.O.

SUB POST MASTER

ROING-792110

To

The Director of Postal Services,
Arunachal Pradesh Division
Itanagar-791111

No. Roing/Staff/99 Dtd at Roing the 26th day of Nov/2001

Sub:- Relief arrangement of Night-guard Roing

Ref:- No B-2/48-3/IV(Gr-D) dtd 15-11-2001

In inviting a kind reference to the above it is intimated that as residence of the SPM Roing is not attached to the PO, - therefore the safety and security of it will always be under alarming theft- if the post of Night guard Roing is transferred to Itanagar HO- without making an alternative arrangement for Night-guard Roing

Your good office is perhaps aware of the fact a few attempts of theft in this PO failed in past due to the presence of Night guard

Now if diversion of the Roing Night-guard (Gr. D) post to Itanagar HO is unavoidable alternate one ED post may kindly be diverted from a BO and kept attached to this office as Night guard- relieving Sri B.B. Gohain.

I may also kindly be advised if some one can be engaged on daily wage basis for working as Night-guard Roing-relieving Sri B.R. Gohain. It may kindly be tecated as extremely urgent.

Sd/-

SUB POST MASTER

ROING-792110

Copy to the Asstt. Supdt. of POs Arunachal Central Sub-Dvn, Pasighat for his kind information and necessary action please. It refers to the endorsement of the Memo under reference.

ATTESTED
Gohain
POST MASTER NO 3
Agartala H.O.

Sd/-

SUB POST MASTER

ROING-792110

OFFICE OF THE ASST. SUPDT. OF POST OFFICES
CENTRAL SUB-DIVISION : ARUNACHAL PRADESH
PASIGHAT -791102

No. B2/Staff

Dt. at Pasighat the 7-12-01

This office memo of even number dated 26-11-01 transferring Sri Budhia Baragobain N/G Roing to Itanagar HO is kept in obeyance.

Sd/-

Asst. Supdt. of Post Offices
Central Sub-Division
Arunachal Pradesh
Pasighat-791102

Copy to:-

1. The DPO Itanagar for favour of issue of suitable instructions, as the post of N/G Roing is essential. The SPM's quarter is far away from the PO.
2. The Postmaster Itanagar.
3. The SPM Roing.
4. The BPM Moga.
5. Sri Budhia Baragobain N/G Roing.
6. Sri B.L. Sahu EDDA Moga.
7. PEC
8. O/C

cc: PEC

Sd/-

Asstt. Supdt. of Post Offices
Central Sub-Division
Arunachal Pradesh
Pasighat-791102

ATTESTED
Om
POSTMASTER (15/12/01)
Agartala H.O.

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

NO. P-2/48-3/IV

Dated at Itanagar the 18-12-2001

O R D E R

Whereas a disciplinary proceeding against Shri Debal Majumder ASP (Central) Sub-Dn. Pasighat is contemplated/pending.

Now, therefore, the undersigned in exercise of powers conferred by sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby places the said Shri Debal Majumder ASP (C) Pasighat under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarter of Shri Debal Majumder ASP (C) Pasighat should be Pasighat and the said Shri Debal Majumder shall not leave the headquarter without obtaining the previous permission of the undersigned.

Sd/-

(R.K.P. SINGH)

Director Postal Services

Arunachal Pradesh

Itanagar-791111

Copy to:-

1. Shri Debal Majumder ASP (Central) Sub Dn. Pasighat for information and orders regarding subsistence allowance admissible to him during the period of his suspension will issue separately.
2. P.M. Itanagar HO for information & n/a
3. SDI of Posts(W) Sub Divn, Itanagar for information & please take over the charge of ASP (C) Pasighat in addition to your own work.
4. P/F of official concerned
5. C/R file of official concerned
6. SPM Pasighat SO for information & n/a
7. The CPMG (Vig) N.E. Circle Shillong-793001
8. The DA(P) Kolkata through Pm Itanagar HO
9. The INV Br. Divl office Itanagar
10. O/C

Sd/-

Director Postal Services

Arunachal Pradesh

Itanagar-791111

RECORDED
FILED
POSTMASTER
Agartala H.O.

To

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

ATTESTED

G. L. S.
POSTMASTER
Agartala H.O.

Sub:- Appeal against suspension order and
prayer for release of subsistence allowance

Respected Sir,

With due respect and humble submission, I beg to lay before you the following few lines for favour of your kind and sympathetic consideration.

That sir, the DPS Itanagar has placed me under suspension with immediate effect vide his Memo. No. B-2/48-3/IV dated 18-12-01 a copy of which is enclosed herewith as annexure-A. He also held up subsistence allowance stating that separate order will be issued for this.

That sir, there is no case of bribery or corruption against me nor I refused any written order. The fact is that the post of Night Guard Roing SO has been transferred to Itanagar HO, a copy of which is enclosed as annexure-B., but the order was confusing. In order No. 3 it was asked to relieve the official on office arrangement. So I issued one order to that effect, the copy of which is enclosed as annexure-C. Subsequently it was informed by HO that no arrangement was to be made as the post has been diverted with incumbent. The SPM's quarter is not attached with PO. It is far away from that. Twice there were theft cases in the past. Without Night Guard the SO is quite insecure. So I kept in abeyance my earlier arrangement and sought suitable instruction from the DPS the copy of which is enclosed as annexure-D. I know that there are only two Night Guard posts in A.P. Division, one at Itanagar and the other at Roing. That also confused me if it was required to be diverted to Itanagar.

Another document diverting the N /G post to Itanagar is enclosed as annexure-E.

That sir, the official concerned was relieved by the SPM on telephonic instruction from the DPS. The SPM has also sought for alternate arrangement. Now the office is unguarded. If the DPS has no anxiety for Roing SO then I have also nothing to oppose it. I simply sought suitable instruction in the matter. For that he has suspended me which is totally unjustified. It is not a case of bribery or corruption or refusal of written order. Also there's no scope of demolishing proof. As such, most humbly I pray to your goodness to revoke the suspension order.

-2-

That sir, it has been mentioned in the said order that regarding subsistence allowance separate order would be issued. I saw in all the cases earlier in respect of other officials that it took 4/5 months to issue order ~~fixing~~ fixing the subsistence ~~and~~ allowance. As per rule subsistence allowance can't be denied but to be fixed automatically which may be reviewed every after three months. In this case no subsistence allowance will be drawn now as the Postmaster Itanagar will wait for further order, which will be issued after couple of months. I have no other source of income. If my subsistence allowance is held up my family and self will die of starvation. As such, I humbly pray to you to get release of the subsistence allowance. For such an act of your kindness the humble appellant shall ever pray.

With profound regards,

Yours faithfully,

Sd/-

(D. Majumdar)

ASP (C) on suspension

Pasighat

Dated at Pasighat

the 29-12-01

Copied to:-

DPS Itanagar for information and necessary action

Sd/-

ASP (C) on suspension

Pasighat

ANTESTED
 (Signature)
 POSTMASTER
 Agartala H.O.

DEPARTMENT OF POSTS:INDIA
Office of the Director Postal Services: Arunachal Pradesh Division
ITANAGAR- 791 111

Memo No.B-2/48-2/IV

dated at Itanagar the 05-02-2002.

Whereas an order placing Shri. Debal Majumder, Assistant Supdt. of Posts, Arunachal Central Sub-Division, Pasighat under suspension was made by the Director Postal Services, Arunachal Pradesh Division, Itanagar vide his letter of even No dated 18-12-2001 w.e.f. from 07-01-2001 F/N.

Now, therefore, the Undersigned (the authority which made or is deemed to have made the order of suspension or any authority to which that authority is subordinate) in exercise of the powers conferred by clause C of sub-rule (5) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby revokes the said order of suspension with immediate effect.

Sd/-
(R.K.B Singh)
Director Postal Services:
Arunachal Pradesh Division
ITANAGAR- 791 111

Copy to :

1. The Chief PMG (Staff) Shillong for information.
2. Shri Debal Majumder ASP(C) Pasighat now under suspension at Pasighat
3. Shri M.A. Malai SDI(W) Itanagar. He will hand over the charge of ASP(C) Pasighat to Shri Debal Majumder ASP(C) Pasighat at the earliest.
4. The Postmaster, Itanagar Head Post Office for information.
5. The INV Br. O/o the DPS, Itanagar for information.
6. The PF of Shri Debal Majumder ASP(C) Pasighat.
7. O/c

R.K.B Singh
(R.K.B Singh)
Director Postal Services:
Arunachal Pradesh Division
ITANAGAR- 791 111

ATTESTED
POSTMASTER
Agartala H.O.

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

MEMORANDAM

REGISTERED A/D

Memo.No: B-383

Date:: 25.01.2002

The undersigned proposes to hold an inquiry against Shri Debal Majumder, Asstt. Supdt. of Posts, Pasighat under Rule 14 of the Central Civil Services (Classification Control and Appeal) Rules 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of the article of charge is enclosed (Annexure II). A list of documents by which and a list of witnesses by whom the article of charge is proposed to be sustained are also enclosed. (Annexures III and IV).

2. Shri D. Majumder, Asstt. Supdt. of Posts, Pasighat is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

4. Shri D. Majumder is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS(CCA) Rules 1965 or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex parte.

5. Attention of Shri D. Majumdar is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which no government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri D. Majumdar is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules, 1964.

6. The receipt of the memorandum may be acknowledged.


(R.K.B. Singh)
Director Postal Services
Itanagar-791111

To

Shri Debal Majumdar
Asstt. Superintendent of Posts,
Central Sub-division : PASIGHAT

ATTESTED
R. K. B.
POSTMASTER
Agartala H.O.

Statement of articles of charge framed against Shri Debal Majumder, Assistant Supdt. Of Posts: Central Sub-Division, Pasighat.

ARTICLE - I

30

Shri Debal Majumder while functioning as Assistant Supdt. Of Posts, Central Sub-Division, Pasighat deliberately failed to carry out the written orders of Divisional Office. Shri Debal Majumder habitually neglected and failed to perform the task assigned to him. The said Shri Debal Majumder showed utter negligence to carry out the orders of Superior Officer and showed no devotion to duty and thus infringed the provisions of Rule 3(i) (ii) of the CCS (Conduct) Rules, 1964.

ANNEXURE - II

Statement of Imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri Debal Majumder, Assistant Supdt. Of Posts, Central Sub-Division, Pasighat.

Shri Debal Majumder while working as Assistant Supdt. Of Posts, Central Sub-Division, Pasighat from 28-08-97 to 06-01-2002, the Director Postal Services, Arunachal Pradesh Division, Itanagar issued an order vide letter No. B-2/48-3/IV(Gr-D) dated 15-11-01 wherein the post of Group-D Night Guard, Roing S.O was transferred to Itanagar H.O. It was further ordered that Shri Budhin Bura Gohain, Group-D Night Guard, was transferred and posted at Group D Night Guard Itanagar HO in the interest of service. Further the said Shri Debal Majumder, ASP(C), Pasighat was ordered to relieve the said Group - D Night Guard, Roing immediately on office arrangement.

That the said Shri D.Majumder issued an order vide letter No. B-2/Staff dated 26-11-01 in pursuance of the Director Postal Services, Itanagar Memo no. B-2/48-3/IV (Gr-D) dated 15-11-01, wherein Shri B.L.Sahu, EDDA, Meka was ordered to put a nominee in his place and joined as Night Guard, Roing S.O, relieving Shri Budhin Bura Gohain whereas the post of Night Guard, Roing S.O ceased to exist. Shri Debal Majumder further ordered that on being relieved, Shri Budhin Bura Gohain will join as Night Guard, Itanagar HO.

That the said Shri D.Majumder issued an order subsequently vide his letter no. B-2/Staff dated 07-12-01 wherein, he kept in abeyance the orders contained in his office memo of even No. dated 26-11-01, transferring Shri Budhin Bura Gohain, N/G Roing to Itanagar HO and asked the DPS/Itanagar to issue suitable instruction.

Thus the said Shri D.Majumder failed to carry out the written orders of the Superior Officer issued in the interest of service deliberately.

- 1 -

ATTESTED
6004
POST MASTER 07/03
Agartala H.O.

That the said Shri D.Majumder was ordered to collect the Iron Chest from Divisional Office, Itanagar and transport to Along S.O vide Divisional Office Letter no. F-2/1heft/Along/2000-01 dtd. 10.05.01 for the security of the cash of Along S.O. He was reminded to complete the work without further delay vide Divisional Office even dtd. 06.07.2001. He was further impressed upon the pressing need to get the Iron Chest embedded at Along S.O vide Divisional Office latter no. B-383 dtd 27-06-2001. Shri D.Majumder in his letter dtd. 11.07.2001 replied that the O/S mail had collected the Iron Chest and that he had no role and the completion certificate of the work will be submitted by the SPM.

In another case at R.K.Mission S.O, Shri D.Majumder was impressed upon the pressing need for provision of an Iron Chest for overnight custody of cash and valuables vide Divisional Office letter no. F-2/Misc/Disc-Case/L.C.Singh dtd. 18.07.2000. Shri D.Majumder failed to perform the task.

Thus he showed utter negligence to carry out the orders of Superior Officer and showed no devotion to duty and thus infringed the provisions of Rule 3(i) (ii) of CCS (Conduct) Rules, 1964.

ANNEXURE - III

List of documents by which the article of charge framed against Shri Debal Majumder; ASP(C), Pasighat is proposed to be sustained.

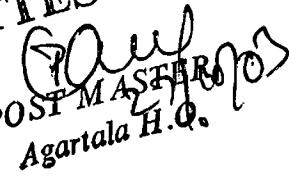
1. Letter no. B-2/48-3/TV(Gr-D) dtd. 15-11-01 issued by Director Postal Services, Arunachal Pradesh Division, Itanagar
2. Letter no. B-2/Staff dtd. 07.12.01 issued by Asstt. Supdt.of Posts, Central Sub-Division, Pasighat.
3. Letter no. B-2/Staff dtd. 26.11.01 issued by Asstt. Supdt.of Posts, Central Sub-Division, Pasighat.
4. Letter no. F-2/1heft/Along/2000-01 dtd. 10.05.01 issued by Director Postal Services, Arunachal Pradesh Division, Itanagar
5. Letter no. F-2/1heft/Along/2000-01 dtd. 06.07.01 issued by Director Postal Services, Arunachal Pradesh Division, Itanagar
6. Letter no. B-383 dtd. 27.06.01 issued by Director Postal Services, Arunachal Pradesh Division, Itanagar
7. Letter no. Nil dtd. 11.07.01 issued by Asstt. Supdt.of Posts, Central Sub-Division, Pasighat.
8. Letter no. F-2/Misc/Disc-Case/L.C.Singh dtd. 18.07.2000 issued by Director Postal Services, Arunachal Pradesh Division, Itanagar
- 9.

ANNEXURE - IV

List of witnesses by whom the articles of charge framed against Shri D.Majumder, Asstt. Supdt. of Posts, Pasighat is proposed to be sustained.

- NIL -


(R.K.B.Singh)
Director Postal Services
ITANAGAR

ATTESTED

POSTMASTER
Agartala H.Q.

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

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

In response to your charge sheet No. B-383 dated 25-1-02, I like to submit my defence as under.

2. I firmly deny all the allegations and don't want to give you a walk over.

3. It is utter surprising how the allegation of not carrying out the order of relieving Sri Budhin Buragohain, N/G Reing can be brought against me. Immediately on receipt of your Memo. No.B2/48-3/IV(Gr-D) dated 15-11-01, I made out an order on 26-11-01 for relief of Sri Budhin Buragohain on office arrangement as asked in your memo. Your memo. was defective which led to confusion. When the information was received that no arrangement was to be made, I kept it in abeyance, my memo. and sought for your suitable instructions on the exigencies of service as SPM's quarter is at other place far away from the post office. To seek instruction does not mean refusal if I knew English. Did I say that I would not relieve Sri Buragohain ? The SPM also sought for alternate arrangement on the ground of several attempts on the PO in the past which was frustrated due to presence of N/G. By seeking alternate arrangement, did the SPM do any thing wrong ? Will you suspend him or take any action against him ? No reference would have been made with you if there was clear instruction in your memo itself. You knew that besides N/G there's only one post of packerman in the PO. He can't be asked to perform office duty in day and again as N/G in the night. So you should have mentioned clearly in the memo about alternate arrangement or no arrangement. Nothing will come or go with me if the PO remains unguarded. I simply looked at office interest and sought for your instruction. Does it mean negligence of duty ? If one can be suspended and charge sheeted this way then cent percent officials including yourself can be suspended and charge sheeted several times in a month.

4. As regards embedding of iron chests at Aleng PO and Aleng PS, your allegation is totally baseless. Your letter dt. 10-5-01 and 6-7-01 were not received by me. However the entire work of ~~xxxxxx~~ transportation of iron chests from Itanagar to Aleng and embedding one at the PO and placement another at the strong room of SPM's office was done on my own initiative only. Of course I utilised the service of O/S Mail and got cooperation of SPM. The task was very much arduous. I made several correspondance at different ends and made time to time

TESTED
Paul
POSTMASTER
Agartala H.O.

discussion with you but did not get your cooperation. My follow up action in the matter will prove that there was no laxity on my part. My role in the matter can well be assessed on actions at different levels narrated in brief as follows.

5. I consulted OC Aleng regarding embedding one iron chest at PS, but he informed that SP's order would be required. I wrote to SP in my capacity but he gave no reply. Later I personally met him and earnestly requested him for his consent to allow embedding one ~~xxxx~~ iron chest at PS or in his office. He desired official letter from you, being the head of office. As such I requested you vide my letter No. A2/Aleng dt. 29-9-00 to refer to him, but you didn't. Again I wrote to SP in my capacity but he gave no reply. He wanted letter from head of office. After wards, I again went his office to meet him but he was not available. Then I met the DSP and earnestly requested for the same. He gave ~~xxx~~ assurance to examine the case sincerely. Thereafter the consent to embed chest in the strong room of SP's office was received.

6. I never refused to carry ~~xxx~~ iron chests from Itanagar to Aleng. The size of the chests was so big that it was not possible to carry inside the bus. The weight was so much that it was very difficult to lift on the roof of the bus. No porter is available at Itanagar bus station. There was no arrangement to tie the chests with the carrier. Only two buses, one APST from Itanagar and another Co-op from Naharlagun ply to Aleng. The APST bus has no dicky. Even then the O/S Mail was asked to discuss the matter with the APST bus. He informed that the APST bus was unwilling to carry over head. There was a case of compensation for damage of a steel almirah in the career, collided with the bar at Akajan gate. Co-op bus has dicky but the service is very irregular. So I consulted one Maruti van which demanded Rs. 4500/- but you did not agree (mouth mouth). I also asked for your jeepsy to utilise for the purpose but that ~~xxx~~ also you refused. Then I asked my O/S Mail to contact Co-op bus at Naharlagun which is having dicky. He intimated that after discussion with the co-op bus he met you and sought for advance, but that you did not agree and asked him to submit quotations. So he intimated the matter to me. I informed you that the quotations are to be obtained from Itanagar, far away from the HQ of O/S Mail and further that as it was a co-op bus, so perhaps no ~~xxxxxx~~ quotation would be necessary. As there is no bus service except these two, so quotation from other bus was not possible. No other quotation to carry by other vehicle would be fruitful as rate of other vehicles would be similar to that demanded by Maruti ~~xx~~ van. Later on, after discussion with Sri M.A. Malai SDI(w) he was agreeable to carry chests up to Naharlagun and deploy his men for loading in dicky of co-op bus. ^{by his private car} Accordingly the O/S Mail was able to carry the chests to Aleng.

7. As the expenditure involved in embedding was exorbitant (a few thousand for one chest ~~X~~ only) it was necessary to invite ~~xxxxxx~~ tenders but that also was laid down upon me (mouth mouth). As I have no

TESTED
Dated
POSTMASTER
Agartala H.O.

- 3 -

- 22 -

financial power of a single rupee, I asked you vide my letter No. 34 A2/Along dated 24-10-00, if I would be able to sanction the expenditure, but you informed nothing about the matter. Later on my request the SPM collected three quotations and submitted to your office and you accepted the ~~xx~~ lowest one and asked the SPM vide your letter No. D-II/Ch. II dated 1-12-00 to get done the work by the lowest tenderer and report compliance to your office. As usual the work was got done and completion report was submitted vide my office letter No. A2/Along dated 3-8-01. So how can you say that I did not carry out the order? I did not find justification in refusing my 6 days CL to perform my fatherly duty to my helpless daughter even when the chests reached at Along and the work to be started by the approved contractor. That only I meant to state in my letter dated 11-7-01.

8. As there was no space the chest at the SP's office could not be embeded but has been placed in the strong room and is in use and the purpose is served. If a reference would have been made from your office perhaps his consent would have been received earlier and the space might have been available there to embed.
9. In my IR/1998 on Along SO I pointed out about insucrity of over night cash due to non existence of embeded chest at PS but you took no action till theft case of May/2000. Is it my negligence?
10. As regards provision of iron chest and its custody at R.K. Mission SO, the fact is that iron ^{chest} was provided before hand but it was ~~xx~~ not embeded. So the question of providing again did not arise, but to embed the available safe. In reply to your letter No. F2/Misc/Disc-Case/ L.C. Singh dated 18-7-2000 I intimated vide my office letter No. X A2/ R.K. Mission dated 2-9-00 the facts pointed out at different times about embedding iron chest at the SO. It was clearly mentioned that the SPM furnished three quotations in your office but with no result. You had to approve one quotation or ask for fresh quotation, but you did not ~~xx~~ and now blame me in stead. By this way you can't shirk your responsibility.
11. I mentioned earlier that you are displeased upon me. You maintain severe hatred upon me. I am your eye sore. That is why you are trying to harm me by any means. You stopped one increment by force. Perhaps you are not sure if it will be upheld on appeal. So you are desperately trying to find out scope but did not get so far. So now you are resorting to flimsy ground. You suspended me on a ground which is not at all justified. Suspension is resorted to very sparingly and not whimsically. There are clear guide lines in the rule in this regard. Did you not go through the rules? You are abusing your official power only because of personal grudge upon me.
12. By seeking your instruction on official matter I did not do any offence. But suspending me unnecessarily you committed a sin in the eye of God

ATTESTED
G. Debi
POSTMASTER
Agartala H.O.

and as such you are liable to be punished by the Almighty. Do you not fear God?

13. I am on the right path. You inflicted false charge upon me. But in the long run truth always wins and untruth fails. Truth may be harassed but can't be defeated.

14. By your imprudent act of making me inactive, you not only harmed me but also caused irreparable damage to my office. Some ~~xx~~ could not get salary in time due to no sanction of leave memo. Several enquiry cases could have been completed. SPM Roing reported about fraud at Dambuk and the EDDA had been arrested but I could not go for enquiry. Dambuk is inaccessible in monsoon. It was the time to visit Tutimg and Mechuka in the winter season to complete several enquiry and verification cases and inspect the SOs. But now I will have to wait for another year as the monsoon is offing. Final hearing of Rule-14 cases could not be hearded on the dates fixed and these have to be thrown to unnecessarily delay. The accumulation of office work has gone alarming. It will not be possible to pull up the pending in full as only 24 hours make a day. By your imprudent act you demoralised me which will have adverse effect on service.

15. I did not do any thing corrupt. Whoever knows me well is stunned to hear the news of my suspension. But what others will think because one is suspended only when he adopts corrupt means. They will think definitely I did any thing corrupt.

16. Your case has no merit. It is not even fit for Rule-16 but you made it Rule-14 by your whim. Better if you stop this episode here to avoid further loss of exchequer, treat the period of suspension as duty for all purpose with full pay.

Dated at Pasighat the
26-3-02

9
(D. MAJUMDER)

ASP (C) Pasighat-791 002

ATTESTED
Ranu
POSTMASTER
Agartala H.O.

To

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

Sub:- Petition against suspension.

Venerated Sir,

With due respect and humble submission, I beg to lay before you the following few lines for favour of your kind consideration and justice.

That sir, I served as ASP Central Sub-Div. in Arunachal Pradesh from Aug/97 to Aug/02. Though I discharged my duty sincerely and honestly, but the then DPS Itanagar disliked me and harassed me in many ways to fulfil his personal grudge upon me. Being failed to find any suitable case against me, he resorted to lame excuse or even on unsubstantial points. One such I am presenting before your goodness.

That sir, the DPS Itanagar issued an order transferring the night guard Roing to Itanagar, asking him to relieve on office arrangement, vide his No. B-2/48-3/IV(G r-D) dt. 15-11-01 copy of which is enclosed as annexure-A. Immediately after receipt of the same, I issued an order, relieving the night guard, on office arrangement vide my order No. B2/Staff dated 26-11-01, copy of which is enclosed as annexure-B. Thereafter I received a telephonic message of DPS through a third person, not to make arrangement in the vacant post. That confused me. In the mean while the SPM Roing also contacted me over phone, and stated that he had referred to DPS Itanagar vide his letter No. Roing/Staff/33 dated 26-11-01, requesting for alternate arrangement, as the SO is not provided with attached SPM's quarter. The SPM's quarter is far away from the PO. and three attempts of theft were there in the past. I also felt the ground raised by the SPM to be quite reasonable, and asked him to wait for further instruction of DPS vide my order B2/Staff dated 7-12-01, copy of which is enclosed as annexure-C

That sir, it was not a denial of the DPS's order. But he placed me under suspension vide his Memo No. B-2/48-3/N dated 18-12-01, copy of which is enclosed as annexure-D

ATTESTED
P. K. D.
POSTMASTER
Agartala H.O.

That sir, it was not a case of bribery, corruption or denial of written order. I appealed against that suspension order to the CPMG N.E. Circle Shillong on 29-12-01, copy of which is enclosed as annexure-E. But nothing was heared in this respect, in spite of issue of several reminders.

That sir, DPS revoked the suspension, on his own vide his order dated 5-2-02. He charge sheeted me under Rule-14 vide his Memo No. B-383 dated 25-1-02, copy of which is enclosed as annexure-F. To make his case stronger he also added two articles.. I submitted my defence statement on ~~25~~ 26-3-02, copy of which is enclosed as annexure-G. IO and PO were appointed on 11-4-02. In the mean while the DPS got transfer order to Manipur division and I got transfer order to Agartala division. So the DPS asked the IO to complete the enquiry soon so that he could finalise the case by himself, before leaving Itanagar. IO asked me over phone to attend enquiry immediately. When asked why date could not be fixed by serving due summon in writing, he stated that he wanted to complete the enquiry before DPS would leave the division. I told him that the enquiry could not be completed before his departure, though he would do hurriedly. At that he told he would complete the case within one hour. When I asked him that the number of documents from my side would be more than those produced by the prosecution, that though prosecution was not producing witnesses but from my side several witnesses would be produced, and further I asked him to be impartial, he then retreated and fixed no date ~~xxx~~ so long I served there.

That sir, Sri Y.S. Mohan, the then DPS Itanagar once proposed for diversion of the post of Night Guard Roing to Itanagar as the creation of ~~xxx~~ new post was banned. But the CO turned down his proposal on the ground that the conditions justifying the post of Night Guard Roing still prevailed.

That sir, I wanted to examine the letter turning down the proposal of the learned DPS which would have been a strong weapon for my defence. But the new DPS though did not deny in writing but returned my requisition by hand, stating that it was the look out of CPMG. She did not tilt though I argued that it would have been a strong defence document.

ATTESTED
G. D. D.
POSTMASTER (03)
Agartala H.O.

That sir, CO's approval was not obtained in diverting the post of Night Guard Roing, but I did not oppose that nor I challenged the bonafide of the order. I only sought suitable instruction as the transferred order was confusing. I would not have referred if ~~xxx~~ the order was clear.

That sir, suspension is to be resorted to very carefully. There are clear guidelines in CCS (CCA) Rules/65. In my case the Clis 1 & 2 Below Rule 10(1) were not followed but it was done arbitrarily.

That sir, though the suspension ~~was~~ was revoked I still insisted on my appeal case to CPMG and sent series of reminders for review of the same but I heared nothing.

That sir, I do believe that if your goodself would kindly and minutely examine the documents submitted by me herewith you would definitely find no justification of the suspension. It is not even a case of Rule-16. So it is my humble prayer to your goodself to kindly issue an order for payment of the difference of the subsistence allowance and treat the period of suspension as duty for all purpose.

So sir, I most humbly lay before you this prayer for right judgement and for that I shall remain evergrateful to you and shall ever pray.

With deepest regards,

Yours faithfully

Sd/-

(D. MAJUMDER)

ASP HQ

O/O the DPS, Agartala
PIN- 799 001

Dated at Agartala
the 19-8-03

Copy to:-

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

Sd/-

ASP HQ

O/O the DPS

Agartala-791001

ATTESTED
S. C. D.
POSTMASTER
Agartala H.O.
03/08/03

Government of Arunachal Pradesh
 Office of the Superintendent of Police
 West Siang District : Along.

No. ALG (R)5/2K

Dated the 16th April '01

To

The Asstt. Superintendent of Post Offices
 Central Sub-Division: Itanagar

Sub:- Safe custody of cash of Along post office

Sir,

With reference to your letter No. A-2/ALONG dated 19/11/2K on the subject above, I am directed to inform you that the iron chest in respect of post office Along may be embedded in the strong room of the S.P's office Along.

Yours faithfully,

Sd/-

16/4

(R. Loyi) APPS

Deputy Superintendent of Police (A)
 West Siang District

ALONG

RECEIVED
 Dated 10/4/01
 POSTMASTER
 Agartala H.C.

DEPARTMENT OF POST : INDIA
 OFFICE OF THE DIRECTOR POSTAL SERVICES. AR DIVISION
 ITANAGAR-791111

No. D-11/Ch-II

dated at Itanagar the 01-12-2000

To

The Sub-Postmaster
 Along -SO

Sub:- Embedding of Iron chest at Along SO

Ref:- Along Misc-10/2000-01 dated 27-11-00

Sir,

With reference to your letter no. cited above. it is to intimate you that out of the five quotations forwarded by you, the rate quoted by Biplab Kr. Mohanta PL colony Along is found to be the lowest. hence his quotation is approved by the undersigned. In this regard you are asked to get the work done by the above said firm person and report compliance to this office.

Sd/-

Director Postal Services
 Arunachal Pradesh Div.

Itanagar-791111

Copy to :-

- 1) The ASP(C) Itanagar for information.

Sd/-

Director Postal Services
 Arunachal Pradesh Div.
 Itanagar- 791111

ATTESTED
 (Signature)
 POSTMASTER (O)
 Agartala H.O.

७/८/Corr-7

भारतीय डाक विभाग/DEPARTMENT OF POSTS, INDIA

Office of the Asstt. Supdt. of Post Offices
Central Sub-Division
Itanagar-791111

No. A2/Along

Dated at Itanagar the 1-9-00

To

The SPM

Along

Sub:- Embedding iron chest at PS

Please obtain 3 quotations on the subject
mentioned above and forward to DPS at an early date.

sd/-

Asstt. Supdt. of Post Offices
Central Sub-Division
Itanagar-791111

ATTESTED
6 Aug 2003
POSTMASTER
Agartala H.O.

Post-7/Corr-7

मार्गीय टाक विभाग/DEPARTMENT OF POSTS, INDIA

Office of the Asstt. Supdt. of Post Offices
Central Sub-Division
Itanagar-791111

No. A2/Along

Dt. at Itanagar the 29-09-2K

To

The SPM

Along

Sub:- Embedding iron chest at PS & PO

Please obtain separate quotations 3 each and
forward to DPS.

Sd/-

Asstt. Supdt. of Post Office
Central Sub-Division
Itanagar-791111

ATTESTED
Alf. J. J. J. 03
POSTMASTER
Agartala H.O.

पत्र-व्यवहार-22
Corr-22

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

ANNEX- O

From
Asst. Supdt. of Post Offices
Central Sub-Division
Arunachal Pradesh
क्रम संख्या १ Pasighat-791102
No. A2/R.K. Mission

देशा वे
The DPS
Itanagar

दिनांक
Dated at Pasighat the 3-8-01

विषय
Subject Security of over night cash
of Along SO

Ref:- Your letter No. F-2/Theft/Along/
2000-01 dt. 10-5-01

The iron chests were collected by O/S Mail Along from Itanagar and carried to Along. One has been embeded at the treasury room Along SO.

As there's no space in the strong room of SP's office. Along, the other could not be embeded there. However it has been allowed to keep loose in the strong room. The over night cash is kept in the iron chest of SP's Office. So now the over night cash is quite safe.

Sd/-

Asst. Supdt. of Post Offices
Central Sub-Division
Arunachal Pradesh
Pasighat-791102

ATTESTED
O. M. S.
POSTMASTER
Agartala H.O.

5 MAY 2006

S/15104
Guwahati Bench

32

Filed by

S/15104
(A. DEB ROY)
Sr. C.O.S.C.
C.A.T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

O.A. NO. 245 OF 2003

Shri Debal Mazumdar.

..... Applicant.
- Vs -

Union of India & Ors.

..... Respondents.In the matter of :Written Statements 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 while working as Assistant Supdt. of Pos' (Central) Sub-Division Pasighat deliberately failed to carry out the written orders of Divisional Office. Shri Debal Mazumdar habitually neglected and failed to perform the tasks assigned to him. The said Shri Debal Mazumdar showed utter negligence to carry out the order of Superior Officer and showed no devotion to duty and thus infringed the provision Rule 3(i) (ii) of the CCS(Conduct) Rules, 1964.

Contd.....

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 the allegations made by the charged official are not true and hence liable to be quashed.
3. That with regard to the statement made in para 4.3, of the application the respondents beg to state that the Director Postal Services is the authority to issue transfer orders to the officials working under his control. The memo issued by the Director is perfect. The charged official has no authority to point out the grammatical mistakes.
4. That with regard to the statement made in para 4.4, of the application the respondents beg to state that the Director Postal Services has not diverted the post but transferred the official from one PO to another PO.
5. That with regard to the statement made in para 4.5, of the application the respondents beg to state that the transfer order of Night Guard of Roing was already issued directing the Sub-Postmaster Roing to release the night guard on official arrangement. So, the request of Sub-Postmaster Roing could not be considered.

-3-

6. That with regard to the statement made in para 4.6, of the application the respondents beg to state that there was no any written instructions from the DPS. The memo as mentioned by the charged official was issued at his own.

7. That with regard to the statement made in para 4.7, of the application the respondents beg to state that the necessity of night guard was very urgent at Itanagar HO, since Head Office is higher in status, transaction etc. so, the night guard was released from Roing in the interest of service.

8. That with regard to the statement made in para 4.8, of the application the respondents beg to state that in the statement of articles framed against the charged official the charges were clearly mentioned. So, the allegation that the cause was not mentioned is not true.

9. That with regard to the statement made in para 4.9, of the application the respondents beg to state that suspension of the charge official was effected from the date of his relieve.

10. That with regard to the statement made in para 4.10, of the application the respondents beg to state that the memo of revocation issued by the DPS on 5.2.02 clearly shows the date of suspension to be effected from 7.1.01 (F/N).

-4-

11. That with regard to the statement made in para 4.11, of the application the respondents beg to state that memorandum contained two annexures, which bear the statement of imputations of misconduct or misbehaviour.
12. That with regard to the statement made in para 4.12, of the application the respondents beg to state that the charged official in his defence statement submitted lengthy arguments, which did not justify for consideration.
13. That with regard to paras 4.13 & 4.14, of the application the respondents beg to offer no comments.
14. That with regard to the statement made in para 4.15, of the application the respondents beg to state that the arguments made in this para has no link with the instant case. The post of Night Guard from Roing was not diverted, only the official was transferred.
15. That with regard to para 4.16, of the application the respondents beg to state that same as in para 4.15 above.
16. That with regard to the statement made in para 4.17, of the application the respondents beg to state that the charge official failed to carry out the orders of the authority as he was ordered to collect the iron chest from Divisional Office Itanagar to be embedded along. So for the security of Government cash and valuables.
17. That with regard to the statement made in para 4.18, of the application the respondents beg to state that

36
46

-5-

R.K. Mission Sub-Post Office was under the control of the charged official. So, it was his duty to look out for necessary requirements and arrangement in all offices under his supervision. He never discussed the matter personally with the DPS. This was a serious lapse due to which loss of Government money occurred.

18. That with regard to the statement made in para 4.19, of the application the respondents beg to state that the charged official failed to comply and carry out the orders of the authority issued in the interest of services. Thus, the charged official showed utter negligence, non-devotion and infringed the provisions of Rule of CCS (conduct).

Verification.....

-8-

VERIFICATION

I, M. Iawphnaiw, Director Postal Services,
Itanagar, being authorised do hereby solemnly affirm
and declare that the statements made in paragraphs
are true to my knowledge and made in paragraphs
are true to my information and I have not
suppressed any material fact.

Declarant •

M. Lawrence

निदेशक डाक सेवा के लिये
Director of Postal Service
अरुणाचल प्रदेश¹
ARUNACHAL PRADESH