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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

(RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 65/2003

Misc. Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant (s) K. Deb Barma

- vs. -

Respondent (s) U.O.I & OMS.

Advocate for the applicant (s) Mr. C. Sinha

Advocate for the respondent (s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>application is filed but not in time Petition is filed / not filed C.F or Rs. 50/- deposited vide IPO/BP No 802-149210 Dated 2-3-2003</p> <p><i>Deb Dy. Register</i></p> <p>Steps taken : 3/6/03 With envelope.</p>	3.4.2003	<p>The issue relates to initiation of departmental proceeding. On verge of the retirement disciplinary proceeding was initiated vide order dated 30.7.2002. Subsequently, by order dated 5.8.2002, the departmental proceeding initiated against the applicant by the Deputy Postmaster vide order dated 30.7.2002 was dropped. Within a short span, the second order dated 12.8.2002 was passed and the order reads as follows :</p> <p>"Shri Kanti Ranjan Deb Barma, Dy. Postmaster, Agartala HO was charge sheeted by D.P.S., Agartala under Rule-14 of CCS (CCA) Rules, 1965 vide DPS Agartala memo No. SB/AARB/02 dated 30 July, 02.</p> <p>The D.P.S., Agartala under duress, threat and compulsion from the service union has dropped the said charge sheet under memo No. SB/AAR/02 dated 5 Aug. 02.</p>

Contd/-

3.4.2003

Therefore, by the order of the competent authority the memo No. SB/AAR/02 dtd 5 Aug. 2002 dropping the said charge sheet stands cancelled. As such, the charge sheet under Rule-14 of CCS9CCA) Rules, 1965 against Shri Kanti Ranjan Deb Barma, Dy Postmaster, Agartala H.O. issued by DPS Agartala under memo No. SB/AARB/02 dated 30 July, 02 'STANDS'

The applicant assailed the above order before this Bench by way of an Original Application which was numbered as O.A. No.1/2003. By order dated 9.1.2003 the O.A. was disposed of directing the Chief Post Master General, N.E. Circle to consider the representation submitted by the applicant and pass a speaking order within a time prescribed. While disposing the application this Bench also directed the applicant to submit his reply to the memorandum/articles of charges within one month, but thereafter, till the representation is decided, further action was not to be taken and same would be subject to the final order that may be passed by the Chief Postmaster General, N.E. Circle. Persuant thereto, a speaking order was passed vide order dated 31.1.2003 rejecting his representation and directed the disciplinary authority to continue the disciplinary proceeding and conclude at the earliest.

Mr. C. Singha, learned counsel appearing for the applicant contended that the impugned order dated 31.1.2002 is patently unlawful and requires to be quashed. Learned counsel Mr. Singha, also submitted that the disciplinary proceeding that was initiated was finally withdrawn and therefore, initiation of departmental proceeding by reviewing its earlier order does not arise. In the absence of statutory provision for review the impugned action is unsustainable in law learned counsel for the applicant further submitted. I

3.4.2003

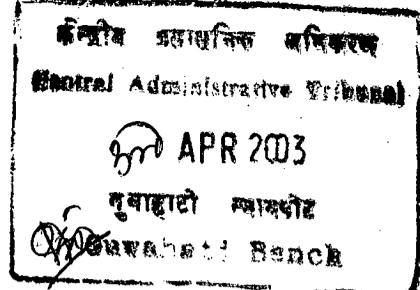
I have also heard Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

On consideration of materials on record, I am not inclined to intervene the matter at this stage. The authority has already initiated departmental proceeding and the applicant also submitted his written statement. Therefore, it would be appropriate to direct the authority to conclude the proceeding with utmost expedition, keeping in mind the facts that the applicant had already retired. The applicant may also file additional written statement, if he so desires raising all the available legal grounds within fifteen days from today. The respondents are also ordered to conclude the disciplinary proceeding as early as possible within three months from the date of receipt of certified copy of the order. It is, however, not to be reiterated that the time schedule for conclusion of the departmental proceeding within the specified time will also depend on the extent of co-operation extended by the applicant. The applicant Shri Kanti Ranjan Deb Barma is also thus ordered to offer full assistance and collaboration to the disciplinary authority in expeditious disposal of the proceeding. Needless to state that the respondents shall continue to pay the provisional pension to the applicant during the pendency of the proceeding and the same shall be subject to the outcome of the departmental proceeding.

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

4.4.2003
Copy of the order
was seen sent to the
S.P.C. for issuing the
same to the applicant
by post.
APR

Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Applicationof 2003 .

BETWEEN

KANTI RANJAN DEBBARMA

....Applicant .

VERSUS

UNION OF INDIA AND OTHERS

....Respondents .

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Submitted by

Chandrasekhar Sinha
Advocate
C.S. Sinha

Kanti Ranjan Debbarma 5
Handwritten Name

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - GUWATHI.

GUWATHI BENCH

(An application under section 19 of the Administrative Tribunals Act , 1985.)

Original Application No. / 2003.

BETWEEN

1. Kanti Ranjan Debbarma ,S/O Late Ramchandra Debbarma .Ex-D.P.M.(H.S.G.- I),Agartala , H.O., Thakurpalli Road, Krishna Nagar, Agartala – 799001.

.....Applicant.

VERSUS

- 1.Union of India , represented by the Secretary , Ministry of Communication , (Postal Service) , Govt. of India .
- 2.Director General , Department of Post , Dak Bhavan , New Delhi – 110001 .
- 3.The Chief Post Master General , N.E. Circle , Shilong – 793001, Meghalaya .
- 4.The Director Postal Services , Agartala – 799001 , Tripura (west) .

.....Respondents .

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

The applicant is aggrieved of the disciplinary proceeding drawn against him by Director Postal Service , Agartala , 799001, vide memo no SB/AARB/02 Dated 30.07.02 and by memo no-staff /109-25/2002 dated 31.01.2003 passed by the Chiefe Postmaster Genaral,N.E.-Circle,Shilong. Hence this application.

2. JURISDICTION OF THE TRIBUNAL : - The applicant declares that the subject matter of this application falls within the jurisdiction of this Hon'ble Tribunal .

3. LIMITATION : - This applicant is very much within the limitation the Act .

4. FACTS OF THE CASE : -

i)That the applicant joined the Service of the Postal Department, Govt. of India on 13.07.64 as P. A(Postal Assistant).Thereafter on completion of 16 years of service he was promoted to L.S.G. (Lower Selection Grade) in the year november 1983 .After completion of 26 years of service he got promotion to H.S.G.- II in the year october 1991.

ii)That the applicant was promoted to the Post of H.S.G.- I Cadre vide order no staff/9-4/2001,dated 23.10.01 and latter on by partial modification by order no staff/9-4/2001 dated 13.02.02 he was communicted with the order of promotion as well as the posting and on receiving the same on 19.02.02 he joined the post on 28.02.02 (afternoon) .Thereafter it was only on 11.05.02 he got the memo no BB-HSG-I / PROMN /2001 Dated 19.02.02 as regards his posting as Deputy Post Master at Agartala Head Office issued by the Director of Postal services Agartala .

Copies of memo dated 23.10.01 , 13.02.02 and 19.02.02 are enclosed as Annexures 1, 2 and 3 respectively .

Kanti Ranjan Debnath
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Anubhab Nihal
Anubhab Nihal

Manti Rajjan Debbarma
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 Subashini
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iii)That while working as Deputy Post Master (H.S.G.-I) the Director Postal Services, Agartala , 799001 issued memo no SB/A.A.R.B/02 dated 30.07.02 proposing for holding an inquiry against the applicant under Rule 14 of the C.C.S.(C.C&A) Rules 1965 on the charges of violation of Rule 3(I) (i) (ii) (iii) and Rule 3(2) (ii) and Govt. of India's decision no. 13 under Rule 3 of C.C.S.(Conduct) Rules 1964 , which the applicant received on 06.08.02 vide Agartala , RL NO. A/D NO. 1911 dated 30.07.02 .

Copy of the memorendum dated 30.07.02 is enclosed as Annexure - 4 .

iv)That on 05.08.02 the Director Postal Services , Agartala issued memo no. SB/AAR/02 and droped the office memo dated 30.07.02 , which the applicant received on 06.08.02 . vide Agartala. RL No.- 1927 dated 05.08.02 .

Copy of the memo dated 05.08.02 is enclosed as Annexure - 5 .

v) That on 12.08.02 memo no Rule 14/K. Debbarma/2002 was issued by D.P.S. , H.Q. for the chief Post Master General , N.E. Circle , Shilong to the effect that the memo no. SB/AAR/02 dated 05.08.02 was cancelled and as such the proceeding issued by D.P.S. , Agartala under memo no - SB/AAR/02 dated 30.07.02 become operative .The applicant received the said memo dated 12.08.02 on 24.08.02 vide Shilong , GPO Rf no - PS-RLAD - 3708 Dated 12.08.02 .

Copy of the memo dated 12.08.02 is enclosed as Annexure - 6 .

vi)That on 31.08.02 the applicant retired from Service and that was approved by memo no - staff/7-102/94 dated 20.08.02 .

Copy of the memo is enclosed as Annexure - 7 .

vii)That ^{for} setting aside of the order dated 30.07.2002 and 12.08.2002, the applicant approached this Ld. Central Administrative Tribunal with O.A.No.- 1/2003, by dispossessing

which on 09.01.2003, the Ld. Tribunal directed the Chief Post Master General, N.E. Circle to consider the representation of the applicant pending before him and pass an speaking order within one month from the date of receipt of the order dated 09.01.2003, and the authority vide memo no. staff /109-25/2003 dated 31.01.2003 did not consider his case in his favours and as such the applicant has been compled to approached this Ld. Tribunal again seeking ends of Justice.

Copies of order dated 09.01.2003 and representation dated 30.08.2002 and order in memo dated 31.01.2003 are enclosed as Annexures 8, 9 and 10 respectively.

5) GROUND FOR RELIEF :-

- i) For that the Director Postal Service acted beyond jurisdiction by issueing memo no- SB/AAR/02 , dated 30.07.02.
- ii) For that the departmental proceeding was started against the applicant before his retirement from service and the authority allowed him also to go on retirement and in such situation the present proceeding can not continue in any rule and /or law.
- iii) For that Respondent No. 4 initiated departmental proceeding against the applicant vide memo dated 30.07.02 and droped the same vide memo dated 05.08.02 .But Respondent No. 3 cancelled memo dated 05.08.02 by memo dated 12.08.02 by showing a reason having no connection with the applicant .
- iv) For that the memorandum dated 30.07.02 and memo dated 12.08.02 are the result of ill-will towards the applicant and as such they can not stand in the eye of law .
- v) For that the observation made in memo no. staff /109-25/2002 dated 31.01.2003 are not reasonable and justified.

Therefore this memo dated 31.01.2003 deserves to be declare as nonest in the eye of law.

Mantirajan Selvarao
Lokhandwala
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6) DETAILS OF REMEDIES EXHAUSTED :-

The applicant declares that he has no other remedy than to approach this Hon'ble Tribunal for ends of justice .

7) MATTERS NOT PREVIOUSLY FILE OR PENDING BEFORE ANY OTHER COURT:-

The applicant declares that seeking setting aside of orders dated 30.07.2002 and 12.08.2002, he filled O.A.No.- 1 - 2003 before this Ld. Tribunal and that was dispossessed off on 09.01.2003 with directors to the authority to dispossess of the representation of the applicant pending before him.

8) RELIEF SOUGHT FOR :-

Under the facts and circumstances stated above , the applicant most respectfully prays that the Hon'ble Tribunal may be pleased to admit this application , call for the records of the case and upon hearing the parties on the cause or causes that may be shown , be pleased to grant the following relief to the applicant :

- i) To set aside memorandum no. - SB/AAR/02 , Dated 30.07.02.,article charges .
- ii) To set aside memo no. Rule 14/K. DebBarma /2002 , dated 12.08.02 .
- iii) To set aside memo no.-staff /109-25/2002 dated 31.01.2003 declaring unreasonable and unjustified.
- vi) Pass any other relief/reliefs, to which the applicant is entitle under the fact and circumstances of the case and as may be deem proper by the Hon'ble Tribunal .

9) INTERIM ORDER PRAYED FOR :-

The applicant prays for an interim order (i) for staying the operation of Disciplinary proceeding vide memorandum no. SB/AARB/02 dated 30.07.02 and the inquiring proceeding

Mani Ranjan DebBarma
Handwritten by

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before the Inquiring Authority pending disposal of the original petition and (ii) pass any other interium order directing the respondent Authority to make regular payment of Pension to the petitioner pending disposal of the petition .

10) **THE APPLICATION IS FILED THROUGH ADVOCATE.**

Mr. Chandra shekhar Sinha, Advocate.

11) **PARTICULARS OF POSTAL ORDER NO - 8.02.149210 of Rupees fifty only dated 31.3.03**

12) **LIST OF ENCLOSUREST AS STATED IN THE INDEX.**

VERIFICATION

I shri Kanti Ranjan Debbarma, S/O Late Ramchandra Debbarma, presently retired from Service from the post of Deputy Post Master (H.S.G.- 1), Postal Department under Ministry of Communication , resident of Thakur Palli Road, Krishna nagar, P.S.-Agartala,Dist.- Tripura West. Aged about 61 years, do hereby solemnly affirm and verify that statement made in paragraph 1 to 12 are true to my knowledge and I have not suppressed any material facts.

And I sign this verification on this ^{3^r} day of March , 2003.

Kanti Ranjan Debbarma

(7) 6
ANNEXURE - 1
✓
DEPARTMENT OF POST
OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E.CIRCLE, SHILLONG

No. Staff/9-4/2001

Dated at Shillong 23-10-2001

Orders of the competent authority is here by conveyed to appoint the following officials to officiate in HSG-I cadre on regular basis w.e.f the date of their assumption of charges and until further orders.

2. The officials on promotion to HSG-I cadre are posted to the post as mentioned against each .

Srl No.	Name of official	community	Post to which posted on Promotion.
1.	Shri M.K.Debbarma	ST	Dy. P.M: Agartala
2.	Shri Ramendu Bagchi	OC	SPM, Dimapur.
3.	Shri Lalhuliana	ST	Manager , PSD, Silchar
4.	Shri B.L.Chakraborty	OC	Postmaster, Dharmanagar
5.	Shri Sibendra Ch. Dutta	OC	Postmaster, Aizawl.
6.	Shri P.D.Bargohain	OBC	Postmaster, Itanagar
7.	Shri Kanti Rn Debbarma	ST	Postmaster, Tura
8.	Shri Ramakanta Das	SC	Postmaster, Imphal

3. The officials should be relieved latest by 15-11-2001 and they should join their respective posts by 27-11-2001 positively. However, before their relief, it should be ensured that no vigilance/ disciplinary case is pending against them or no punishment is current. In such case a report may be sent to this office for decision.
4. The officials who have been promoted to HSG-I cadre, will be on probation for 2 years.
5. All the officials, who wish to give option for choosing date for fixation of pay under FR22(1)a(i), should do so within one month from the date of promotion.
6. relevant charge reports may be sent to all concerned.

Niranjan Das
(Niranjan Das)
Asst. Director(Staff)

Copy for information and necessary action to:-

- 1-5. The DPS Agartala/Aizawl/Imphal/Itanagar/ Kohima.
- 6. The SSPOs, Meghalaya, Shillong.
- 7. The Supdt. Of POs Dharmanagar
- 8. The Supdt. Postal Store Depots, Silchar
- 9. The Sr. Postmaster, Shillong GPO
- 10-17. The Postmaster, Agartala/R.K.Pur/Dharmanagar Aizawl /Imphal /Kohima/ Itanagar/Tura.
- 18-26 Official concerned.
- 27-35 P/F of the officials.

Niranjan Das
Asst. Director(Staff)
For chief Postmaster General
N.E.Circle, Shillong-793001

Recd
on 19.2.02

(8) ANNEXURE 2
13

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

No. Staff/9-4/2001

Dated at Shillong, the 13th Feb' 2002.

In partial modification of this office memo. Of even No. dtd. 23-10-2001, order of the competent is hereby conveyed to the following promotion/posting in HSG-I cadre in the interest of service.

<u>Sl.No.</u>	<u>Name</u>	<u>Community</u>	<u>Present Posting</u>	<u>Posting on</u>	<u>Promotion/transfer</u>
1	Sri Kanti Rn.	ST Debbarma	PRI(P)-I Agartala HPO	Dy. PM, Agartala H.O vice Sri M.K. Debbarma, retiring on 28-2-02.	

The official should be relieved from the present post on 28-2-2002 A/N to enable him to join his new posting on 28-2-2002 A/N on 1-3-2002 V/N.

3. The official should exercise option for fixation of pay under FR-22(1) a (i) within one month from the date of joining.
4. Relevant charge reports should be exchanged and sent to all concerned.

Copy to:

Regd ✓

- (1) The D.P.S., Agartala for information & necessary action.
- (2) The Postmaster, Agartala.
- (3) Sri Kanti Rn. Debbarma, PRI(P) -> Agartala H.O.
- (4) P.F. of the official.

sd/-
(Niranjan Das)

Asstt. Director (Staff)

For Chief Postmaster General,
N.E. Circle, Shillong.

sd/-
For Chief Postmaster General,
N.E. Circle, Shillong.

Recd on 11.5.02 (9) 8 ANNEXURE 14

DEPARTMENT OF POSTS:INDIA

O/O the Director Postal Services:Tripura State:Agartala-799001

No. BB-HSG1/PROMN/2001 Dated at Agartala, the 19th Feb' 02

In pursuance of the Chief Postmaster-General, N.E. Circle, Shillong Memo No. Staff/9-4/2001 dated 13.02.02, the following official is promoted to HSG-I cadre in the scale of Rs.6500-200-10500/- with immediate effect. On promotion, the said official is posted against the post shown against him until further order.

Sl. No.	Name of the official	Commu- nity.	Present post.	Place of posting on promotion.
1.	Shri Kanti Rn. Debbarma.	S/T	A.P.M.	Dy. P.M., Agartala I.O.

1. The official should be relieved from the present Post on 28.02.2002 A/N to enable him to join his new posting on 28.02.2002 A/N or 01.03.2002 F/N.
2. The official should exercise option for fixation of pay under FR-22(1) a(i) within one month from the date of joining.
3. Relevant charge reports should be exchanged and sent to all concerned.

Director Postal Services
AGARTALA-799001

COPY TO:-

1. The Chief P.M.G., N.E. Circle, Shillong-793001 w.r.t. C.O's Memo No. Staff/9-4/2001 dated 13.02.02 for information.

2. The Postmaster, Agartala I.O. for information and necessary action.

3. The official concerned.

4. P/F of the official.

5. The Budget Branch, O/O the DPS, Agartala.

6. O/C.

7-8. Spars.

Director Postal Services,
AGARTALA-799001.

Raw on 6/8/02 at the window 10 (10)
Vide Agartala PL NO D/D NO 19/1 (d) 30/7/02

ANNEXURE - 1

Department of Posts :: India

Office of the Director Postal Services : Agartala - 799 001.

No. SB/A.A. R.B/02

Dated at Agartala, the 30th July, 2002

MEMORANDUM

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

2. Shri Kanti Ranjan Debbarma DPM Agartala HO is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

4. Shri Kanti Ranjan Debbarma DPM Agartala HO 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 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 Kanti Ranjan Debbarma DPM Agartala HO 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 Kanti Ranjan Debbarma DPM Agartala HO 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.

Rehbarjit
Director Postal Services
Agartala - 799 001

To

Shri Kanti Ranjan Debbarma
DPM
Agartala HO

Agartala AD

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ANNEXURE I

Statement of articles of charge framed against Sri Kanti Ranjan Deb Barma, DPM, Agartala H.O.

ARTICLE I

Sri Kanti Ranjan Deb Barma , DPM, Agartala H.O.while working as APM (NSC/KVP), Agartala H.O. during the period from 1.1.2002 to 12.1.2002 and from 30.1.2002 to 31.1.2002 issued Agent's Receipt books to the following Authorised Agents on the dates noted against each exceeding the prescribed limit and conditions as prescribed under Dte. New Delhi letters no. 107/24/96-SB.II dated 26.8.1998 and no. 107-24/96-SB dated 24.11.1998 circulated vide DPS, Agartala letter no. SBR-16/Rlg/Corr/III dated 12.1.1999.

Name of Authorised Agent.	Value of Agent's Receipt books issued	Date of supply
Asish Sutradhar	Rs. 250000	3.1.2002
Rajib Acharjee	250000	
Rajib Acharjee	250000	4.1.2002
P.K.Paul	300000	7.1.2002
Atanu Ghosh	450000	9.1.2002
P.K.Paul	450000	
Atanu Ghosh	860000	10.1.2002
Asish Sutradhar	460000	
P.K.Paul	560000	
Subhash Das	260000	
Asish Sutradhar	460000	11.1.2002
Parimal Saha	450000	
Rakhal Saha	250000	12.1.2002
Santosh Banik	450000	
Subhash Das	250000	
A.R.Sutradhar	450000	31.1.2002
Gita Saha	300000	
P.K.Paul	500000	
Santosh Banik	550000	

By the above mentioned acts Sri Kanti Ranjan Deb Barma , DPM, Agartala H.O. while working in the aforesaid post during the aforesaid period deliberately violated the instructions contained in Dte. New Delhi letters no. 107/24/96-SB.II dated 26.8.1998 and no. 107-24/96-SB dated 24.11.1998 circulated vide DPS, Agartala letter no. SBR-16/Rlg/Corr/III dated 12.1.1999 and thereby violated provisions of Rule 3(1)(i)(ii)(iii) and Rule 3(2)(ii) and Govt. of India's decision no. 13 under Rule 3 of C.C.S (Conduct) Rules 1964.

ANNEXURE II

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Sri Kanti Ranjan Deb Barma, DPM, Agartala H.O.

ARTICLE I

Sri Kanti Ranjan Deb Barma , DPM, Agartala H.O.while working as APM (NSC/KVP), Agartala H.O. during the period from 1.1.2002 to 12.1.2002 and from 30.1.2002 to 31.1.2002 issued Agent's Receipt books to the following Authorised Agents on the dates noted against each exceeding the prescribed limit and conditions as prescribed under Dte. New Delhi letters no. 107/24/96-SB.II dated 26.8.1998 and no. 107-24/96-SB dated 24.11.1998 circulated vide DPS, Agartala letter no. SBR-16/Rlg/Corr/III dated 12.1.1999.and without any checking whether the the receipts issued to the concerned Agents were consumed and cash deposited in the Post Office

Name of Authorised Agent.	Value of Agent's Receipt books issued	Date of supply	Amount deposited by the Agent.
Asish Sutradhar	Rs. 250000	3.1.2002	Rs. 110000
Rajib Acharjee	250000		80000
Rajib Acharjee	250000	4.1.2002	0
P.K.Paul	300000	7.1.2002	63000
Atanu Ghosh	450000	9.1.2002	0
P.K.Paul	450000		130000
Atanu Ghosh	860000	10.1.2002	350000
Asish Sutradhar	460000		75000
P.K.Paul	560000		43000
Subhash Das	260000		45500
Asish Sutradhar	460000	11.1.2002	184600
Parimal Saha	450000		5000
Raldhal Saha	250000	12.1.2002	100000
Santosh Banik	450000		210000
Subhash Das	250000		31000
A.R.Sutradhar	450000	31.1.2002	105000
Gita Saha	300000		61000
P.K.Paul	500000		43000
Santosh Banik	550000		32000

It is clearly instructed in the aforesaid letters that whenever a new receipt book is supplied to an Agent , it is required to be ensured that the authorized limit of Rs. 50000 is not exceeded per agent and amount collected by the Agent has been deposited in the P.O. by checking the counterfoils of the used receipt books and if the receipt books have been consumed and the cash has been deposited in the Post Office, the Agent can again obtain the receipt books on the same day and the Agent would not retain cash more than Rs.50000 at a time. But by the above mentioned action Sri Kanti Ranjan Deb Barma, DPM, Agartala H.O. while working as APM (NSC/KVP), Agartala H.O. during the period from 1.1.2002 to 12.1.2002 and from 30.1.2002 to 31.1.2002

deliberately offered scope to the above mentioned Agents to retain cash more than the prescribed limit irregularly.

By the above mentioned acts Sri Kanti Ranjan Deb Barma , DPM, Agartala H.O. while working in the aforesaid post during the aforesaid period deliberately violated the instructions contained in Dte. New Delhi letters no. 107/24/96-SB.II dated 26.8.1998 and no. 107-24/96-SB dated 24.11.1998 circulated vide DPS, Agartala letter no. SBR-16/Rlg/Corr/III dated 12.1.1999 and thereby violated provisions of Rule 3(1)(i)(ii)(iii) and Rule 3(2)(ii) and Govt. of India's decision no. 13 under Rule 3 of C.C.S (Conduct) Rules 1964.

ANNEXURE III

List of documents by which the articles of charge framed against Sri Kanti Ranjan Deb Barma, DPM, Agartala H.O. are proposed to be sustained.

1. Stock Register of Agent's Receipt book of Agartala H.O. from 19.11.2001 to 5.4.2002.
2. Agent's Commission paid lists of NSC / KVP of Agartala H.O. dated 3.1.2002, 4.1.2002, 7.1.2002, 9.1.2002, 10.1.2002 , 11.1.2002, 12.1.2002, 31.1.2002.
3. Agent's Commission paid lists of MIS / TD of Agartala H.O. dated 3.1.2002, 4.1.2002, 7.1.2002, 9.1.2002, 10.1.2002 , 11.1.2002, 12.1.2002, 31.1.2002.
4. Copies of Dte. New Delhi letters no. 107/24/96-SB.II dated 26.8.1998 and no. 107-24/96-SB dated 24.11.1998 circulated vide DPS, Agartala letter no. SBR-16/Rlg/Corr/III dated 12.1.1999.

ANNEXURE IV

List of witnesses by whom the articles of charge framed against Sri Kanti Ranjan Deb Barma, DPM, Agartala H.O. are proposed to be sustained.

NIL.

1200 M 6/8/02 23 (14) a
6/8/02
vide Stg 1- RL No 1927 dtd 5/8/02

ANNEXURE - 5

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES : AGARTALA.

Memo. No SB/AAR/02

Dated at Agartala, the 5th August, 2002

The disciplinary proceeding under Rule - 14 of CCS (CCA) Rules, 1965 drawn against Sri Kanti Ranjan Deb Barma, Dy. Postmaster, Agartala H.O. under this office memo of even No. dated 30.7.2002 is hereby treated as dropped.

Trishaljit
(Trishaljit Sethi)
Director Postal Services
Agartala - 799 001.

5/8/2002

Copy to :

Rego AD

1. Sri Kanti Ranjan Debbarma, DPM, Agartala H.O.
2. The Chief P.M.G. (Vig.), N.E. Circle, Shillong.
3. Fraud Branch, o/o the DPS, Agartala.
4. O/c.
5. Spare.

Trishaljit
Director Postal Services
Agartala - 799 001.

5/8/2002

Ranjan Deb Barma
21/8/02
Vide Shillong g PO S/N 713/02/02
RL NO PS-RLAD-3708 DD 12.8.02

(15)

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL:N.E.CIRCLE:SHILLONG

No. Rule-14/K. DebBarma/2002

Dated Shillong, the 12-8-2002

Shri Kanti Ranjan Deb Barma, Dy. Postmaster, Agartala HO was charge sheeted by D.P.S., Agartala under Rule-14 of CCS (CCA) Rules, 1965 vide DPS Agartala memo No. SB/AARB/02 dated 30 July 02.

The D.P.S., Agartala under duress, threat and compulsion from the service union has dropped the said charge sheet under memo No. SB/AAR/02 dated 5 Aug, 02.

Therefore, by the order of the competent authority the memo No. SB/AAR/02 dated 5 Aug, 2002 dropping the said charge sheet stands cancelled. As such, the charge sheet under Rule-14 of CCS (CCA) Rules, 1965 against Shri Kanti Ranjan Deb Barma, Dy. Postmaster, Agartala HO issued by DPS Agartala under memo No. SB/AARB/02 dated 30 July, 02 STANDS.

Sdy
(LALHLUNA)

Director of Postal Services(Hq)
For Chief Postmaster General,
N.E. Circle, Shillong.

Copy to :-

- 1) The D.P.S., Agartala
- 2) The Postmaster, Agartala.
- 3) Shri Kanti Rn. Deb Barma, DPM, Agartala H.O.
- 4) PF of the official.

W.L

(LALHLUNA)
Director of Postal Services(Hq)
For Chief Postmaster General,
N.E. Circle, Shillong.

(16)

ANNEXURE-7 21

RECEIVED

20/8/2002

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

No. Staff/7-102/94

Dated at Shillong, the 20th August 2002

To,

~~Sri S. C. Deb Barma,
Dy. Supl. of Post Offices,
Agartala.~~

~~ADM BS~~

Sub:-

Superannuation Pension - case of Sri Kanti Ranjan Deb Barma,
Deputy Postmaster, Agartala H.O.

Ref:-

Your letter No.C2-5/2002-03 dated 16-8-2002.

I am directed to convey the approval of the competent authority
allowing Sri Kanti Ranjan Deb Barma, Deputy Postmaster, Agartala H.O. to
retire from service on superannuation pension w.e.f. 31-8-2002 after
observing all necessary formalities in this regard ~~at your end.~~

Copy to:-

1. P.F. of Sri K. R. Deb Barma.
2. The Postmaster, Agartala.
3. The D.D.A.(P), Shillong.

Sd/-

(J. M. Dutta)

For Chief Postmaster General,
N. E. Circle, Shillong.

RJD

✓

Sure
For Chief Postmaster General,
N. E. Circle, Shillong.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.1 of 2003

And

Misc. petition No.1 of 2003

Date of decision: This the 9th day of January 2003

(At Admission Stage)

The Hon'ble Mr Justice V.S. Aggarwal, Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

Shri Kanti Ranjan Debbarma,
 Son of Late Ramchandra Debbarma,
 Ex-D.P.M. (H.S.G.-1), Agartala, H.O.,
 Thakurpalli Road, Krishna Nagar,
 Agartala.

.....Applicant

By Advocate Mr Chandrasekhar Sinha.

- versus -

1. The Union of India, represented by
 The Secretary,
 Ministry of Communication (Postal Service),
 Government of India,
 New Delhi.
2. The Director General,
 Department of Post,
 Dak Bhawan, New Delhi.
3. The Chief Post Master General,
 N.E. Circle,
 Shillong, Meghalaya.
4. The Director, Postal Service,
 Agartala, Tripura (West).Respondents

By Advocate Mr A.K. Chaudhury, Addl. C.G.S.C.

.....

ORDER (ORAL)AGGARWAL. J. (CHAIRMAN)

The applicant (Kanti Ranjan Debbarma), by virtue of the present application seeks setting aside of the orders dated 30.7.2002 and 12.8.2002. By virtue of the order dated 30.7.2002 a memorandum pertaining to certain imputations of misconduct and misbehaviour had been served on the applicant. By the subsequent order, copy of



which is Annexure-6, the Director of Postal Services on behalf of the Chief Postmaster General, N.E. Circle, has recalled the order of 5.8.2002.

2. The sequence of events can be delineated to be:

That, the applicant contends that he had attained the age of superannuation. Thereafter, the departmental action had been purposed to be initiated by virtue of the order dated 30.7.2002, copy of which is Annexure-4. It is contended that, subsequently, on 5.8.2002 the disciplinary proceeding initiated against the applicant had been dropped and the said order reads:

"The disciplinary proceeding under Rule - 14 of CCS (CCA) Rules, 1965 drawn against Sri Kanti Ranjan Deb Barma, Dy. Postmaster, Agartala H.O. under this office memo of even No. dated 30.7.2002 is hereby treated as dropped.

Sd/-
Director Postal Services
Agartala - 799 001"

Within a week of the said order, the second impugned order dated 12.8.2002 has been passed and the said order

reads:

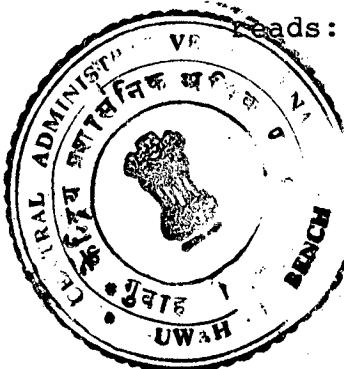
"Shri Kanti Ranjan Deb Barma, Dy. Postmaster, Agartala HO was charge sheeted by D.P.S., Agartala under Rule-14 of CCS (CCA) Rules, 1965 vide DPS Agartala memo No.SB/AARB/02 dated 30 July 02.

The D.P.S., Agartala under duress, threat and compulsion from the service union has dropped the said charge sheet under memo No.SB/AAR/02 dated 5 Aug. 02.

Therefore, by the order of the competent authority the memo No.SB/AAR/02 dted 5 Aug. 2002 dropping the said charge sheet stands cancelled. As such, the charge sheet under Rule-14 of CCS (CCA) Rules, 1965 against Shri Kanti Ranjan Deb Barma, Dy. Postmaster, Agartala H.O. issued by DPS Agartala under memo No.SB/AARB/02 dated 30 July, 02 'STANDS'."

The grievance of the applicant in this regard is that having dropped the disciplinary proceeding by order dated 5.8.2002 the respondents could not recall the said order.

18 Ag



3. At this stage we restrain ourselves from making any observation on the legal submission referred to above. But, we take care to note that the respondents in the order dated 12.8.2002 had mentioned that the earlier order dropping the departmental action had been recalled under duress, threat and compulsion from the service union and therefore, the said order had been cancelled/recalled.

4. Mr Chandrakhar Sinha, learned counsel for the applicant while making the submissions told us that a representation in this regard has already been filed with the authorities.

5. Keeping in view the above said fact, when the representation in this regard is already pending or in other words the alternate remedy is being availed, we direct the Chief Postmaster General, N.E. Circle, Shillong, to consider the same and pass an appropriate order which would be a speaking order within one month of the receipt of a certified copy of this order passed by this Tribunal.

6. The learned counsel for the applicant had an apprehension that in the meantime the departmental proceeding may be concluded. Our attention has been drawn to an order purported to have been passed appointing an Inquiry Officer. Taking stock of the said fact and keeping the scales open, we direct that the applicant would submit his reply to the memorandum/articles of charge within one month, but thereafter, till the representation is decided, further action be not taken and would be subject to the final order that may be passed by the Chief Postmaster General, N.E. Circle.

Shillong.....

UAG

Shillong.

7. With this the O.A. disposed of.



nkmm

Sd/ CHAIRMAN

Sd/ MEMBER (A)

Certified to be true Copy

नियमित अधिकारी

10/11/03

Section Officer (J)
C.A.T. GUWAHATI BENCH
Guwahati-781005

10/11/03

To

Shri P.K. Chatterjee,
 Disciplinary Authority
 &
 Chief P.M.G., N.E. Circle,
 Shillong-793001.

Sir,

Most respectfully and humbly I beg to lay before you the following facts for kind consideration.

1. That Sir, the Director Postal Services, Agartala, Smt. Trishaljit Sethi is a person of communal character. Myself being a Member of Tribal Community 'ama a Man' of humble origins, simple thought and devoid of pretensions caused her ire, not because of anything else, but because I am a tribal. In her opinion all Tribals are either extremists or collaborators of extremists and this opinion has been expressed by her in many times.
2. That Sir, the DPS, Agartala issued a show cause notice to me and the same was promptly replied to, but the DPS on 30.7.02 issued a Chargeshoot under Rule 14 of C.C.S. (CCA) Rules, 1965 vide its order No. SB/AARB/02, which not only smacks of bias but also of a vindictive attitude.
3. That Sir, the DPS/Agartala is not the Disciplinary Authority with regard to the Deputy Postmaster (HSG-I Gr'C' post in non Secretariate Office) as per Part-III, Central Civil Services Group 'C' Sl. No. 4 (II) of the Schedule to C.C.S. (CCA) Rules, 1965.
4. That Sir, as I am going to be retired on 31.8.02, the Postal unions jointly moved the DPS, Agartala and requested to withdraw the Chargeshoot on humanitarian ground and for that they gave a representation. After that the DPS/Agartala dropped the said Charge-shoot vide its No. SB/AAR/02 dated Agartala the 5.8.02 and a copy of which annexed here to as Annexure-I.
5. That Sir, thereafter the DPS (HQ), Shillong, Sri Lalhluana vide its No. Rule-14/K.Deb Barma/2002 dated Shillong the 12.8.2002 issued an order standing the chargeshoot of the DPS, Agartala on the ground that the original Chargeshoot dropped due to duress, threat and compulsion from service Union "and by the order of competent authority."
6. That Sir, the so called use of force by service union is baseless, and no enquiry was made by the DPS (HQ) before taking it to be true.
7. That Sir, the application of C.C. S. (CCA) Rules is a matter involving the Disciplinary Authority and the Charged Officer directly as the Rules itself, the DPS (HQ), Shillong being a third person under the CCS (CCA) Rules in the instant case, has effectively interfered unauthorisedly in the disciplinary authority or the Chief P.M.G. and in the name of unspecified "Competent Authority".

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---: (2):---

8. In this circumstances I pray that you would be kind enough to look into the matter and to be taken necessary action on judicious view.

Dated at Agartala,

The 30th August/02.

Yours faithfully,
Kanti Ranjan Debbarma
(KANTI RANJAN DEBBARMA)
Dy. Postmaster (HSG-I)
Agartala-799001.

Copy to the DPS
(1) Sri Lalchand the DPS HQ. Shillong
to the DPS Agartala

(21)

Received from
DPS Office, Agartala
under Receipt at
12.45 hrs. on 21.2.03
The Ch was given
by the DPS Office on 11.2.03

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

Memo No. Staff/109-25/2002,

Dated at Shillong, the 31.01.2003.

Sub:- Speaking order on representation dated 30th August, 2002 by Shri Kanti Ranjan Debbarma retired Dy. Postmaster, Agartala H.O. as per the order of Hon'ble CAT, Guwahati Bench in O.A. No. 1/2003 and M.A. No.1/2003 filed by shri Kanti Ranjan Debbarma.

The points made by Shri Kanti Ranjan Debbarma in his representation dated 30.8.2002 have been carefully gone through and the observations of the Chief Postmaster General, N.E. Circle, Shillong on the points are as follows :

The first allegation made by Shri Kanti Ranjan Debbarma is that he is a tribal and DPS, Agartala acted with bias against him for being a tribal and that the DPS was a person of communal character. Shri Debbarma has made that allegation without substantiating it. Merely issuing a charge sheet against an official for a lapse in his work does not prove any bias or prejudice on the part of the Disciplinary Authority. Therefore, the allegation of Shri Debbarma is untenable.

The next allegation of Shri Debbarma was that the DPS, Agartala issued a charge sheet under Rule-14 of CCS (CCA) Rules inspite of his having replied to the show-cause notice issued by the DPS, Agartala. This, according to Shri Debbarma, smacks of vindictive attitude. This allegation is also not supported by facts and therefore not agreeable. While as a convention and general practice a show cause notice is issued before taking disciplinary action against an official, it does not mean that the actions stop at that. If the explanation against the show cause is not satisfactory, the Disciplinary Authority has every right to proceed further. This action in no way smacks of any prejudice or vindictive attitude on the part of DPS, Agartala.

Shri Kanti Ranjan Debbarma has also alleged that DPS, Agartala was not the Disciplinary Authority for HSG-I Dy. Postmaster, the post Shri Kanti Ranjan Debbarma was holding. Part III of Schedule to CCS(CCA) Rules, 1965 deals with General Central Services Gr. C and for Department of Posts. The Schedule issued by D.G. Posts in their SO No.2454 dated 27.8.90 is relevant and as per this disciplinary authority competent to impose all punishments under Rule 11 of CCS (CCA) Rules is DPS in respect of Postmaster/ministerial staff in HSG.

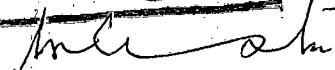
(22)

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Shri Kanti Ranjan Debbarma has further contended that DPS (HQ) issued, irregularly and without appropriate reason orders reviving the disciplinary action proposed against Shri Kanti Ranjan Debbarma even after the charge sheet was dropped by DPS, Agartala on a peaceful persuasion by a group of staff. This point made by Shri Debbarma is not at all acceptable. As a matter of fact, the incident of 5.8.2002 leading to the dropping of charge sheet against Shri Debbarma by DPS, Agartala are now well known and established. It is proved that DPS, Agartala was compelled under threat and duress to withdraw the charge sheet as a large number of staff confined DPS, Agartala inside her chamber for a long time, threatened, coerced and intimidated her to withdraw the charge sheet. There were extreme unruliness inside her office and the incident which took place could in no way be termed as peaceful.

DPS (HQ) also did not transgrace his authority by issuing orders for revival of the charge sheet as he simply acted under the orders of the competent authority i.e. Chief Postmaster General.

However, as requested by Shri Kanti Ranjan Debbarma, the undersigned has already ordered that the disciplinary proceedings against him should be initiated and concluded at the earliest to spare Shri Debbarma the mental worry and tension arising from pendency of the disciplinary proceedings.


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

Copy to:-

1. Shri Kanti Ranjan Debbarma, Ex-Dy. Postmaster, Agartala H.O.
(Through the DPS, Agartala).

2. The Director Postal Services, Agartala Division, Agartala.

3. The APMG (Vig), C.O., Shillong.

4. Office copy.