

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 801/2003

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SECTION OFFICER (Judl.)

( RULE - 4 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Original Application No. 80/03

Misc. Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant (s) A.B. Deori

- vs. -

Respondent (s) H.O.P. Toms

Advocate for the applicant (s) P.D. Gogoi, P.K. Boruah

Advocate for the respondent (s) Adv. C. A. K. Chowdhury  
for Repp. 2, 3, 4, 5.

Notes of the Registry	Date	Order of the Tribunal
Application is admitted but not in time Condonation Petition is filed / not filed C.R. for Rs. 50/- deposited vide IPO/R. No. 79607785 Dated 29.4.03 <i>Deori</i> <i>By, Registrar</i>	29.4.2003	Heard Mr. P.D. Gogoi, learned counsel for the applicant. The application is admitted, call for the records. List the case on 30.5.2003 for order.
Steps along with envelopes taken.	30.5.2003	Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman The Hon'ble Mr. S.K. Hajra, Member (A).  Await service report. Put up again on 20.6.2003 for orders.
On vikaladnama is mentioned OA No 285/02. Pl. verify the above.	mb.	<i>Deori</i> Sav Member
13 20/4/03: OA No is correct <i>Deori</i> Advocate		Vice-Chairman
Notice performed & sent to D.Ls for serving the respondent No 1 to 3 to be legal. A.D. 6/5/03 S.M. No. 900 W 902 dtd. 6/5/03		

① Service report are  
STILL awaited.

31  
19.6.03

20.6.2003

On the prayer of Mr. A. Deb Roy,  
further four weeks time is allowed to  
the respondents to file written state-  
ment.

List again on 5.8.2003 for  
orders.

Member

Vice-Chairman

mb

20.6.2003

Put up again on 5.8.2003 to  
enable the respondents to file written  
statement on the prayer of Mr. A.K.  
Choudhury, learned Addl. C.G.S.C. for  
the respondents.

Crin 31/7/03 M

Member

Vice-Chairman

mb

5.8.2003

List again on 8.9.2003 to enable  
the respondents to file written statement.  
This order is passed in presence of Mr.  
A.K. Choudhury, learned Addl. C.G.S.C.  
for the respondents.

Member

Vice-Chairman

mb

8.9.2003

Present : The Hon'ble Mr. K.V. Prahalad-  
an, Member (A).

12-9-03

w/s submitted  
by the respondents Nos.  
1, 2 and 3.

Ran.

KV Prahalad  
Member

mb

22.10.2003

No Division Benc is sitting today.

List the matter again on 27.11.2003  
for hearing.

27/11/03

no Benc.

as at 18.12.03

27/11/03

Vice-Chairman

26.2.2004 Present: The Hon'ble Shri Shanker Raju  
Judicial Member.

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

Heard learned counsel for the  
parties.

The application is dismissed  
for the reasons recorded separately.

No costs.

*ICN*  
Member (A)

*h*  
Member (J)

bb

*Received copy  
12/3/04*

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. / XXX. No. 1001 80 of 2003.

DATE OF DECISION 26.2.2004.

.....Shri A.B.Deori.....APPLICANT(S).

.....Mr.P.D.Gogoi & Mr.P.K.Baruah.....ADVOCATE FOR THE  
APPLICANT(S).

-VERSUS-

.....Union of India & Others.....RESPONDENT(S)

.....Mr.A.K.Chaudhuri, Addl.C.GS.C.....ADVOCATE FOR THE  
RESPONDENT(S).

THE HON'BLE MR. SHANKER RAJU, JUDICIAL MEMBER.

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

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 (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.80 of 2003.

Date of Order : This, the 26th Day of February, 2004.

THE HON'BLE SHRI SHANKER RAJU, JUDICIAL MEMBER.

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

Shri A.B.Deori  
S/o of Sri Jadu Deori  
Ex-Sub Post Master, Bordumsa  
Resident of Village: Mahadevpur No.4  
P.O: & P.S: Mahadevpur  
Dist: Lohit, Arunachal Pradesh. . . . . Applicant.

By Advocates Mr.P.D.Gogoi & Mr.P.K.Baruah.

- Versus -

1. Union of India  
Represented by the Secretary  
to the Government of India  
Ministry of Communication  
Department of Posts  
New Delhi.
2. Chief Postmaster General  
N.E.Circle, Shillong-1  
Meghalaya.
3. Director of Postal Services  
Arunachal Pradesh Division  
Itanagar - 791 111. . . . . Respondents.

By Mr.A.K.Chaudhuri, Addl.C.G.S.C.

O R D E R (ORAL)

SHANKER RAJU, MEMBER (J):

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

2. The applicant impugns order of removal dated 16.4.2002 as well appellate order dated 18.9.2002 upholding the punishment.
3. While working as Sub Postmaster, Bordumsa S.O. in Arunachal Pradesh during the period 25.12.1994 to 1.6.1999, on 6 (six) Article of charges relating to misappropriation and short crediting of Govt. money, a proceeding was drawn against the applicant under Rule 14 of the CCS (CC&A) Rules, 1965. The applicant admitted the charges of Article I, II, IV & VI unequivocally. He admitted the charges in Article V

partially, but denied Article of charge III. The Enquiry Officer on the basis of his admission, in his findings held the Article of charges I, II, IV, V & VI against the applicant as proved exonerating him from charge III. On receipt of the Enquiry Report and on representation a punishment of removal from service was inflicted upon on a serious misconduct, which was on appeal affirmed by the appellate authority having gone to the punishment's proportionality, giving rise to the present O.A.

4. Mr.P.K.Baruah, learned counsel for the applicant, contents that shortage of money was admitted in equivocally and as the money was refunded to the Govt., punishment cannot be sustained. However, he has not pointed out any illegal infirmity cropped up in the impugned order of the respondents.

5. Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. for the respondents, vehemently opposed the contentions and stated that Postal Life Insurance Premium money, Telephone Revenue collection amount, Money Order and Commission amount as well as Savings Bank Deposit/Withdrawal and Recurring Deposits/Withdrawal amounts had been short credited and misappropriated by the applicant. The error in counting the money is not correct as the Incharge of the Post Office whenever accepts any money has to deposit on account of different Heads. The same cannot be kept by the employee unauthorisedly. The short credit and misappropriation of Govt. money by the applicant was to the tune of Rs.28,205/-. The applicant used the non credited Govt. money since 1995 onwards and ultimately deposited the amount on 3.7.2002, that too not for his own accord, which clearly pointed out towards his guilt.

6. An admission which is absolute, unconditional, unequivocal and in clear terms can be relied to arrive at a finding of guilt against a Govt. servant. From the perusal of the admission, we find that the admission is clear. There is no error in totalling or counting the money as the same

has been done deliberately by the applicant and when caught returning the amount only on 3.7.2002 clearly shows his criminal bend of mind. As a Govt. servant, being the custodian of public money, it is duty of the applicant not to use Govt. money for his personal matter, but to deposit the same in Govt. account. The charges levelled against the applicant have been proved from the documentary evidence and the amount has been short credited by the applicant.

7. Honesty, devotion to duty is sinequanon of becoming a Govt. servant. Admission of the applicant conclusively points towards his guilt and misconduct as well as onther evidences on record. The defence of inadvertence and ignorance and short counting are demolished by the subsequent act of the applicant of depositing the amount. If the applicant has not misappropriated any amount, he would not have deposited the amount.

8. Be that may so, we do not find any procedural illegality or infirmity in the Enquiry Report as well as orders passed by the disciplinary and appellate authority. Proportionality of punishment has also been gone into.

9. Applying the test of common reasonable prudent man the act of misappropriation and short crediting the amount is gravest act of misconduct in which the punishment imposed against the applicant is commensurate.

On careful consideration of rival contentions and for the reasons recorded above, the O.A. is ~~bereft~~ <sup>bereft</sup> of merit and accordingly the same is dismissed.

No order as to costs.

*K. V. Prahladan*  
( K. V. PRAHLADAN )  
ADMINISTRATIVE MEMBER

*S. Raju*  
( SHANKER RAJU )  
JUDICIAL MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

Guwahati Bench  
Guwahati Bench

CA 89/03

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

Original Application No.

Shri A.B. Deori

.... Applicant.

Versus -

Union of India & Others

.... Respondents.

I N D E X

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10.	Vakalatnama	...

For use in Tribunal Office

Date of filing

Registration No.

Registrar.

Synopsis

1. The application was earlier admitted on 4-9-2002 and notice was issued to the Respondents. But the Hon'ble Chairman CAT, who came on circuit to Guwahati asked the counsel for the applicant to withdraw the application on 8-1-03 as the result of the departmental appeal was awaited. As a result the application was shown as withdrawn with the ~~xxxx~~ liberty to resubmit it after disposal of the departmental appeal (vide Annexure-VII, Page-52). The departmental appeal was by then dismissed by the appellate authority which was then not communicated to the counsel for the applicant. The application is resubmitted with due deference to the direction of the Hon'ble Tribunal.
2. The applicant joined as postal Assistant on 1-1-1991 under the postal department in Arunachal Pradesh.
3. During his posting at Bordumasa, Arunachal Pradesh as Sub Post Master from 25-12-1994 to 1-6-1999 the applicant was placed under suspension for alleged short credit of cash amounting to Rs. 28,205.00.
4. The Memorandum and Articles of charge was framed against the applicant for alleged misappropriation of above cash amount under Memo No.F-2/AB Deori/99-2000 dtd. 5-10-2001 (Annexure-I P. 14).

5. The applicant subsequently made up the said short credit of cash by depositing the same on 7-3-2002.
6. Inspite of depositing the short credit the applicant was removed from service by the Respondent No.3 vide Memo No.F-2/AB Deori/99- 2000 dtd. 16-4-2002 (Annexure-IV - P.33) .
7. The applicant preferred an appeal before the Respondent No.2 against the impugned order of removal from service which was dismissed on 18-9-2002 (Annexure-VI, P.49) .

The applicant prays for setting aside the impugned order dated 16-4-2002 and the impugned appellate order dated 18-9-2002 on the grounds set out in the application.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCHL

File by  
Abhay  
Original  
Arunachal  
Abhay Deori  
Deori

Original Application No. 80 of 2003.

Shri A. B. Deori  
son of Sri Jadu Deori  
Ex Sub Post Master, Bordumsa,  
Resident of village Mahadevpur No.4  
P. O. & P. S. Mahadevpur, District -  
Lehit, Arunachal Pradesh.

... Applicant.

-Versus -

1. Union of India,

represented by the Secretary  
to the Govt. of India, Ministry  
of Communication, Department  
of Posts, New Delhi.

2. Chief Postmaster General,

N. E. Circle, Shillong- 1,  
Meghalaya.

3. Director of Postal Services

Arunachal Pradesh Division,  
Itanagar - 791 111.

... Respondents.

(cntd.... 2)

DETAILS OF APPLICATION :-

1. Particulars of Orders:- (i) Order dated 16.04.2002, against which the application is made. passed by the Director of Postal Services, Arunachal Pradesh, Itanagar, removing the applicant from service, communicated in his Memo. No. F. 2/A. B. Deori/99-2000 dated 16.04.2002.

(ii) Order dated 18.9.2002 passed

by the Chief Postmaster General, Shillong dismissing the departmental appeal and upholding the order of the Director of Postal Services, Arunachal Pradesh, Itanagar

2. Jurisdiction of:- the Court.

The applicant declared that the subject matter of the order against which redressal is sought is within the jurisdiction of the Tribunal.

3. Limitation :-

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

\*.

(contd.....3)

Deori

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Abhay

4. Facts of the case:- 1. That the applicant joined as postal Assistant on 1.1.1991 under the Postal Department in Arunachal Pradesh. While he was posted as Sub Post Master, Bordumsa S.O. in Arunachal Pradesh Postal Division, he was placed under suspension for alleged short credit of money under different accounts, all amounting to - Rs. 28,335.00 which finally stood at Rs. 28,205.00 during the period from 25.12.1994 to 1.6.1999. Six Articles of charges had been served on the applicant, alleging violation of the provisions of Rule 3(1)(i)(ii) and (iii) of CCS(Conduct) Rules, 1964. The applicant while denying intention to misappropriate the money has made up the whole shortage of Rs. 28,205.00 by depositing the same at Nampeng SO on 7.3.2002 as the ~~ftb~~ shortage occurred due to <sup>some</sup> ~~some~~ error in accounting and and totalling figures which did not come to the notice of the applicant due to his overwork coupled with family problems and limited working hands. Deposit of whole amount found short had been recorded in the findings

ef the Inquiry Authority.

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

A copy of the receipt Book No. WB.13604 Receipt No. 25 dated 7.3.2002 for Rs. 28,205/- deposited by the applicant is annexed hereto as Annexure-1(1).

2. That in spite of making up the entire alleged shortage of cash amount by depositing the same on 7.3.2002 at Nampong SO the Disciplinary Authority who assured the applicant to deal with the applicant ~~if~~ leniently once the alleged shortage is made up removed applicant from service by awarding the highest punishment.

3. That the Inquiry officer committed gross irregularities while conducting the Inquiry into the <sup>A</sup>rticles of charges as will be evident from the following facts, viz:-

(i) All the documents relied upon by the prosecution had been produced by the presenting officer before the Inquiry officer and their examination and analysis had been confined to the Presenting officer and the Inquiry Officer, who was subordinate to the Disciplinary Authority. The genuineness of those documents and the relevant portion of the documents utilised against the applicant have not been testified by the lone prosecution witness in the person of Shri K. Pandit, SDI, Post, Jairampur, examined by the prosecution, nor by any other witness. These documents not being ~~by~~ duly exhibited and their veracity not proved and the

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portions of the documents used against the applicant not being testified and not being duly established by any witness cannot form part of the Departmental Inquiry Proceedings. The Inquiry officer has thus committed gross procedural irregularities to the prejudice and to the detriment of the applicant by arriving at his findings on the basis of these unestablished documentary evidences.

A copy of the findings of the Inquiry Officer is annexed hereto as Annexure-2.

ii) That the Inquiry officer arrived at his final conclusion and prepared his findings on the basis of the report submitted to him by the Presenting Officer bearing No. F-3/Disc/A.B.Deori dated 14.2.2002 in which he stated in paragraph 4 of his said letter "that the examination and analysis of documentary evidence with respect to each article of charge was done by the P.O. (i.e. presenting officer) of the case in the subsequent hearing on 13.02.2002. The presenting officer is a committed person weded to the successful conduct of the case. His examination and analysis cannot be impartial. Such examination and analysis of documents by the presenting officer which are relied upon by the Prosecution and accepted by the Inquiry officer to arrive at his findings without these documents being testified by a witness with respect to their genuineness and correctness of figures is totally against the principle of natural justice and fair and impartial conduct of quasi-judicial proceedings like the instant one.

A copy of the said letter No. F-3/Disc/A.B.  
Deori dated 14.02.2002 is annexed hereto as Annexure '3'.

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

iv) That the Inquiry officer submitted his findings, holding that charges in Article I, Article II, Article IV Article- V and Article VI stand proved despite the fact that he committed gross irregularities and improprieties during inquiry to the charges as stated hereinabove. The charge No. 3 has not been proved.

v) The applicant admitted the shortage of cash money due to the reasons stated above and made up the whole shortage of money depositing the same at Nampeng SO on 7.3.2002. There was no misappropriation of money nor less of Govt. money.

vi) That the Disciplinary Authority of its own further examined the listed documents in the absence of evidence on record to substantiate the charges which he

(contd.,..,7)

V7  
Ans  
Belkomga  
Abhay

cannot do suemette. He is to rely on the evidence on record and arrive at his final conclusion on the evidence on record. Additional evidence in support of the charges cannot be considered by him behind the back of the charged official (i.e. the applicant). The Disciplinary authority has committed gross irregularities by considering additional documentary evidence by further examination of the same behind the back of the applicant. This is against the set and accepted principles of quasi-Judicial proceedings like the instant one, causing prejudice to the applicant. Inspite of gross irregularities committed in the conduct of the inquiry into the charges by the Inquiry officer as well as the Disciplinary authority, the applicant was punished with the removal from service.

18  
Abhay Bokomya Deon

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

4. That being highly aggrieved by the impugned order of removal from service dated 16.4.2002, the applicant preferred a departmental appeal to the Chief Post Master General, N.E. Circle, Shillong- 1, Meghalaya on 7.5.2002 but the said departmental appeal was dismissed and by the appellate authority upheld the order of removal, passed by the Director of Postal Services.

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

( contd.....8)

A copy of Order of the Chief Postmaster General dated 18.4.2002 is annexed hereto as Annexure '6'

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

5. Grounds for relief with legal provisions:

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

- : G R O U N D S :-

(1) For that the impugned order dated 16.4.2002 and the impugned appellate order dated 18.9.2002 are arbitrary and biased and violative of articles 14 and 21 of the Constitution of India and are liable to be set aside and quashed.

(2) That the Inquiry officer committed gross irregularities while conducting inquiry into the charges in as much as the examination and analysis of the documents produced by the presenting officer in support of the charges have been confined to the presenting officer and the Inquiry officer themselves. The genuineness of

of these documents and the relevant portion of these documents used against the applicant have not been testified by the lone prosecution witness in the person of Shri K. Pandit. These documents not being duly exhibited and their veracity not proved nor the portions of these documents used against the applicant testified and duly established by any witness, these documents should not have formed part of the Departmental Inquiry Proceedings. The applicant has been greatly prejudiced for these gross irregularities and for arriving at the findings on the basis of unestablished documentary evidence.

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

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

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

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

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

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

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

(10) For that the applicant being a tribal person from Assam - Arunachal Pradesh border and having nothing to fall back upon for his sustenance and the sustenance of his wife and children after his removal from service deserves to be leniently dealt with by awarding a lesser punishment other than removal from service.

**(6) Details of remedies exhausted:**

The applicant declares that he has filed an application before the Hon'ble Tribunal which was numbered as OA 285 of 2002. The application was admitted on 4.9.2002 and records were/called for and was awaiting for written statement of the Respondents.

On 8.1.2003 when the application came up for orders, the application was withdrawn by the applicant's advocate (vide Annexure-7 to the application) on the direction of the Hon'ble Chairman of the Central Administrative Tribunal who came on circuit and was the Presiding officer of the Tribunal at Guwahati on that date to resubmit the application after the disposal of the Departmental appeal, which was then pending as per records. The results of the departmental appeal, which was received by the applicant by then was not passed on to the applicants' advocate on the day the application was withdrawn. The departmental appeal being/dismissed by the Respondent No.2 the applicant is submitting this original application afresh.

**(7) Matters not previously filed or pending with any other Courts.**

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

**(8) Relief sought :**

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

i) To set aside and quash the impugned order, bearing Memo. No. F-2/A. B. Deori/99-2000 dated 16.04.2002, removing the applicant from service and to set aside and quash the appellate order bearing Memo No. STAFF/109-13/2002 dated 18.9.2002, dismissing the departmental appeal.

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

(9) Interim relief:- No. Interim order is prayed for.

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

- i) I.P.O. No. 7G 607785
- ii) Date of issue :- 24.2.2003
- iii) Payable at Guwahati.

(11) List of enclosures :-

1. Statement of Articles of charges framed against Shri A.B. Deori, the then S.P.M. Bordumsa S.C. (Annexure- 1).
2. Report of Inquiry of the Inquiry Officer with his findings ( Annexure - 2).
3. Letter No. F-3/Disc/A. B. Deori dated 14.02.2002 from Shri M.A. Malai, Presenting Officer to Shri G.C. Singha, Inquiry Authority ( Annexure- 3).
4. Impugned punishment order bearing Memo. No. F-2/A. B. Deori/99-2000 dtd. 16.04.2002 (Annexure- 4).
5. Departmental appeal dtd. 7.5.2002 (Annexure- 5).
6. Impugned order dated 18.9.2002 (Annexure- 6) (Contd.....)
7. Order of the Hon'ble Tribunal dtd 8.1.2003 (Annexure- 7) (Contd....)

**VERIFICATION**

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

I sign this verification on this 10<sup>th</sup> day of April 2003 at Guwahati.

*Abhay Bekomya Deori*  
Signature.

MEMORANDUM

NO. F-2/A. B. Deori/99-2000

Dt. at Itanagar the 5/10/2001

The undersigned Proposesto hold an inquiry against shri A. B. Deori the then SPM Bordumsa SO under Rule 14 of the Central Civil Services (Classification Control and APPEal ) Rules 1965 . The substance of the imputation 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(Annex) . A Statement of the imputations of misconduct or misbehaviour in ~~behaviour~~ Support of each article of charge is enclosed (Annex-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 (Annex iii and iv) .

2) Shri A. B. Deori is directed to submit whin 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in Person .

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

4) Shri A. B. Deori 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 A. B. Deori 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 A. B. Deori is aware of such a representation and 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 Memorendum may be acknowledged .

Director Postal Services,  
Arunachal Pradesh Division,  
Itanagar

T O

Shri A. B. Deori  
SPM (now under suspension)  
P. O. Nampong .

Alleged  
Advocate

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

### ARTICLE -I

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

### ARTICLE -II

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

### ARTICLE -III

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

Attn: Mr.  
Om Prakash  
Advocate

Annexure-1

ARTICLE -IV

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

ARTICLE -V

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

ARTICLE-VI

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

ANNEX

ANNEX -II

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

ARTICLE -I

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

contd...

*Atty (T) Chaudhary  
Advocate*

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

Therefore ,  
Rs. 100/- on 29-06-1996  
Rs. 12/- on 14-11-1996  
Rs. 24/- on 28-12-1996  
Rs. 7/- on 17-12-1997

In Total Rs. 143/- was short credited.

*Ans for  
Gyan  
Parivart*

Thus Rs. 143/- was short credited by Shri A.B. Deori i/c/w PLI receipt violating the provision of Rule 3(1)(i) (ii) & (iii) of CCS (Conduct) Rules, 1964.

#### ARTICLE -II

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

contd. ..

-17-

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

2. On 19-04-1999 TRC collection was Rs. 698/- Which was not charged in S.O.a/c.

Therefore, Rs. 230/- on 24-02-1998

Rs. 698/- on 19-04-1999

Total Rs. 928/- was short credited.

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

### ARTICLE -III

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

1. On 20-07-1995 MSY deposit amounting to Rs. 30/- was not taken into S.O. a/c .

2. On 28-8-95 MSY deposit amounting to Rs. 100/- was not taken into SO etc.

Therefore, Rs. 30/- on 20-07-1995

Rs. 100/- on 28-08-1995

Total Rs. 130/- was short credited.

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

RTS 1/2  
Bord/Adv.

contd...

ARTICLE -IV

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

1. On 14-10-1995 NO commission was Rs. 292/- but Rs. 192/- was charged in so a/c.
2. On 11-12-1995 MO commission against MO No.2087 should be Rs. 25/- for value of Rs. 500/- but only Rs. 15/- was shown in MO issue journal and also charged in S.O. a/c.
3. On 22-05-1996 MO commission as per MO issue journal was Rs. 79/-but Rs. 74/- was charged in S.O. a/c.
4. On 09-05-1996 MO commission should be Rs. 11/- but Rs. 6/- had been journalized and also charged in S.O. a/c.
5. On 11-10-1996 amount i/r/o MO value was Rs. 5168/- but 4168/- was shown in the MO issue journal also charged in S.O. a/c.
6. On 01-11-1996 the amount i/r/o MO value was Rs.1185/- but Rs. 1085/- has been shown in the MO journal & also charged in S.O. a/c.
7. On 07-11-1996 the total MO commission was Rs. 455/- but shown as Rs.445/- in MO journal & also in SO a/c.
8. On 16-09-1998 the total MO commission was Rs.394/- but shown as Rs. 294/- in MO journal & also S.O. a/c also.

contd..

*After 1st  
Dharm/Provocate/*

9. On 08-04-1999 the total MO value was Rs. 6939/- but  
Rs. 6930/- in SO a/c.

Therefore ,	Rs. 100/-	on 14-10-1995
	Rs. 10/-	on 11-12-1995
	Rs. 50/-	on 22-05-1996
	Rs. 5/-	on 09-05-1996
	Rs. 1000/-	on 11-10-1996
	Rs. 100/-	on 01-11-1996
	Rs. 10/-	on 07-11-1996
	Rs. 100/-	on 16-09-1998
	Rs. 9/-	on 08-11-1999

Total Rs. 1339/- was short credited.

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

#### ARTICLE - V

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

1. On 19-03-1998 Rs. 15000/- was deposited aagainst  
Bordumsa SB a/c no. 100091. The amount was posted  
in the ledger card and also shown in SB long  
Book but not charged in S.O. a/c .

2. On 12-09-1998 Rs. 200/- was deposited against  
Bordumsa SB a/c no. 100075. The amount was  
posted in the ledger card but not shown in  
SB long Book and not charged in S.O. a/c .

contd.

Amrit  
Dhama  
Advocate

3. The following amounts were posted in the ledger card against Bordumsa SB a/c No.100026 on different dates. But these deposits were not shown in the long Book and not charged in S.O.a/c.

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

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

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

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

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

contd..

Ans. to  
Dinesh  
Ravat

37

Annexure-1.

Therefore,

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

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

ARTICLES - VI

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

1. On 09-07-1997 total RD deposit was Rs. 350/- but only  
Rs. 250/- was taken into S.O. a/c.
2. On 05-12-1998 total RD deposit was Rs. 1715/- but  
Rs.1700/- only was taken into a/c.
3. On 21-04-98 total RD deposit was Rs.400/-but Rs. 200/-  
only was taken into a/c .
4. On 08-12-1998 total RD deposit was Rs. 2330/- but  
Rs. 2300/- only was taken into a/c.

*Anil Kumar  
Gupta  
Alvania*

contd..

Annexure-1.

5. On 28-12-1998 Rs. 100/- was deposited against RD a/c no. 80053 but same had not been taken into a/c.

6. RD deposit on 21-01-1999 was Rs. 1500/- against RD a/c No 80073, 80074 and 80075 of deno Rs. 500/-each and instalment for the month of January 1999 in each case .But the amount of Rs.1500/- was not taken into a/c .Acter this deposit 5 more deposits were made in each RD a/c for the month of Feb'1999 to June'1999 on different dates, but neither the amounts were shown in RD Journal nor charged in S.O.a/c.Thus Rs. 3000/- against each RD a/cs (3 nos.)were short credited. In total Rs.9000/-was short credited against RD a/c ~~nos~~ no. 80073, 80074 and 80075.

7. On 24-02-1999, 12-03-1999 & 10-04-1999 Rs. 900/- was deposited against RD a/c no.80086 but not charged in S.O a/c .After wards Rs.600/-was credited to Govt. a/c on 12-04-1999 but balance Rs.300/- was not credited.

Therefore,

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

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

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

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

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

RD a/c no.80053.

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

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

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

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

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

contd..

*Ans. to  
Ques. 1  
Ans. to  
Ques. 2*

Annexure-1

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

ANNEX-III

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

1. PLI collection register w.e.f. 11-01-1996 to 09-06-1998
2. RD journal register w.e.f. 1) 16-07-96 to 03-09-1998  
2) 04-09-1998 to 19-06-2000
3. S.O.a/c book w.e.f. 1) 24-09-1994 to 28-07-1995  
2) 29-07-1995 to 08-1997  
3) 01-09-1997 to 31-07-1999
4. MSY long book w.e.f. 26-09-1994 to 25-04-1997
5. SB long book w.e.f. 27-02-1997 to 12-07-1999
6. TRCm list w.e.f. 1) 08-10-1997 to 23-04-1998  
2) 29-12-1998 to 27-05-1999.
7. MO issue journal w.e.f. 1) 30-09-1995 to 10.11.1995  
2) 13-11-1995 to 20-12-1995  
3) 30-04-1996 to 15-06-1996  
4) 19-08-1996 to 11-10-1996  
5) 14-10-1996 to 27-11-1996  
6) 28-08-1998 to 22-10-1998  
7) 16-03-1999 to 24-05-1999.
8. RD P/B no. 80075, 80074, 80073, 80086, 80053
9. SB P/B No. 100026, 100104, 100102
10. Attested copy of lodger card is to SB a/c no. 100104  
100075, 100091, 100026.

ANNEX-IV

LIST OF WITNESS :

1. Shri K.Pandit, SCI post (East) Jairampur- 792 121

Sd/Illegible.

*Amrit  
Gopal  
Ahuja*

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

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

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

Article-I

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

Article-II

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

contd..

*Post  
Photo*

ANNEXURE -2

3X

Article-III

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

Article-IV

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

Article-V

The said Shri A.B.Deori while functioning as the SPM Bordumsa SO during 25.12.1994 to 10.06.1999 short credited Rs. 16,060/- in c/w SB deposit deposit to the account of Bordumsa SO and thus violated the provision of Rule 3(1)(i) (ii) & (iii) of CCS (Conduct)Rules,1964.

Article-VI

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

contd..

Alastor  
Mont  
Adviser

ANNEXURE-2

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

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

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

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

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

2.4. The CO admitted the charge in Article-V partially

2.5 The CO denied the charge in Article-III.

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

contd..

*Present  
Only  
Present*

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

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

**5.1 Article-I:**

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

**5.2 Article-II :**

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

**5.3 Article-III:**

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

**5.6 Article-VI**

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

*Ansari  
Abdul  
Ahmed*

*contd..*

ANNEXURE-2

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

FINDINGS ::

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

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

*Ans. to  
D.P.M.  
Advocate*

(G.G. Singha)  
DYSP & Inquiring Authority

ANNEXURE - 2

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

No. F-3/Disc/A.B. Deori dated at Itanagar the 14.02.02.

To,

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

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

Ref:- Minutes of the hearing into the said case  
on 14.02.2002.

Sir,

I, Shri M.A. Malai, SDI (West), Itanagar has  
been appointed as Presenting Officer c/w the aforesaid  
case vide DPS/Itanagar Memo. No. F-2/A.B. Deori/99-2000  
dated 23.11.2001 to present the case against Shri A.B.  
Deori, the then SPM, Bordumga SO issued vide DPS/Itanagar  
Memo. No. F-2/A.B. Deori/99-2000 dated 05.10.2001.

2. The preliminary hearing into the said case  
was held on 12.02.2002 and subsequent hearing into the  
case was also held on 13.02.2002 and 14.02.2002 at  
Itanagar, Shri A.B. Deori, the charged official attended  
the hearing on all dates mentioned above.

(contd....)

*Pls. check  
B.M.A.  
R.P.*

3. At the outset during the preliminary Hearing, the charged official was given to state whether he admitted the articles of charge. The CO stated that he first wished to examine the listed documents and to state his admittance of articles of charge or otherwise. As many as 29 (twenty nine) documents listed in Annexure- III of the charge sheet in support of the articles of charge were given to the CO for his examination. The listed documents mentioned in Minutes of the hearing dated 12.02.02. were taken into state exhibits after CO's examination and his statement of their genuineness. In para 5 of the minutes of the hearing dated 12.02.02, the CO admitted the minutes of the hearing dated 12.02.02, the CO admitted the articles of Charge- I, Article- II Article- IV and Article- VI fully and unequivocally. The CO denied the charge in Article- III, but he partially admitted the charge in Article- V.

4. The examination and analysis of documentary evidences with respect to each article of charge was done by the PO of the case in the subsequent hearing on 13.03.2002 and the minutes of the hearing dated 13.02.2002 is self explanatory about the fact in issue.

5. The CO was given to state his defence article of charge-wise on 14.02.2002 with reference to the minutes of the hearing held on 13.02.2002. The minutes of the hearing dated 14.02.2002 is self explanatory. The CO admitted the charge in Article- I, Article- II, Article- IV and Article- VI fully and unequivocally on the day's hearing

(contd....)

*Ansrip  
B/S/1  
Annexure*

dated 12.02.02. Moreover in examination and analysis of the relevant documents on 13.02.02. and the CO's defence in article of charge wise on 14.02.02, it is clear that the charged official is fully responsible for Govt. loss mentioned in charge of Article-I, Article-II, Article-IV and Article -VI and the charges on the above Articles are proved.

6. The CO partially admitted the charge in Article-V on 12.02.02 and he admitted the said charge in Article-VI fully on 14.02.02, after duly examined the relevant documents and it is also proved with documentary evidences.

7. Examination of relevant documents with respect to the charge in Article-III reveals that Rs. 30/- was withdrawn by the customer of RSY a/c No. 16022 on 20.07.95 and Rs. 100.00 was drawn by the customer of RSY a/c No. 16031 on 20.08.95. Hence, there is contradiction with the charge framed to this extent.

8. From the above, the charged official admitted fully the charges in Article-I, Article-II, Article-IV, Article-V and Article-VI and from the relevant documentary evidences, these articles of charges have been proved. As such, the charged official is wholly responsible for the loss of Govt. cash amounting to Rs. 28,205.00 ( Rupees twenty eight thousand two hundred five ) only.

*Ansud  
Gopal Bhattacharya*

9. As the charged official admitted all given charges in Article-I, II, IV, V and VI and denied the

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

With regards.

Yours faithfully,

( M.A. Malai )  
Presenting Officer,  
and  
SDI (West), Itanagar- 791 111

*M.A. Malai  
Presenting Officer  
SDI (West), Itanagar- 791 111*

\*\*\*\*\*

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

Annexure :

Memo. No. F-2/A.B. Deori/99-2000 Date : 16.04.2002

Shri A.B. Deori the then SPM Bordumsa SO in Arunachal Pradesh Postal Division was proceeded against vide this office Memo. No. F - 2/AB Deori/99-2000 dated 05.10.2001. The substance of the imputation of the misconduct or Mis-behaviour in support of the charges in Article-I; II; III; IV; V and VI framed against Shri A.B. Deori runs as under:

Article- I

The said Shri AB Deori while working as the S P M Bordumsa SO during 25.12.94 to 01.06.99 short credited ~~Rs. 143.00~~ Rs. 143.00 ( Rupees one hundred and fortythree only) in respect of PII receipts as below :-

1. PII Collection on 29.06.96 was Rs. 4509.00 (Rupees four thousand five hundred and nine only) but charged in SO account Rs. 4409.00 ( Rupees one hundred only) was short credited.
2. PII collection on 14.11.96 was Rs. 2077.00 ( Rupees two thousand and seventy seven only) plus Rs. 12.00 (DF) = Rs. 2089.00 ( Rupees two thousand and eightynine only) but Rs. 2077.00 was charged in SO Account. Thus Rs. 12.00 was short credited.
3. On 28.12.96 PII collection was Rs. 2171.00 plus Rs. 24.00 (DF) = Rs. 2195.00 but Rs. 2171.00 was charged in SO Account. Thus Rs. 24.00 was short credited.

(contd....)

Annexure  
Part 1

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

Therefore: Rs. 100-00 on 19-06-96

Rs. 12-00 on 14-11-96

Rs. 24-00 on 28-12-96

Rs. 7-00 on 17-1-297

In total Rs. 143-00 was short credited

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

#### Article - II

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

1. on 24-02-98 TRC collection was Rs. 238-00 which was not charged in the SO Account .

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

Therefore: Rs. 230-00 on 24-02-98  
Rs. 698-00 on 19-04-99

Rs. 928-00 was short credited .

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

*Shri K.L. Joshi  
Advocate*

contd.....

:: 35 ::

Article - III

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

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

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

Therefore : Rs. 30-00 on 20-07-95

Rs. 100-00 on 28-08-95

Rs. 130-00 was short credited

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

Article - IV

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

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

2) On 8 11-12-95 MO Commission was Rs. 292-00 was charged in the SO Account against MO No. 2087. should be Rs. 25-00 for value of Rs. 500-00 but only Rs. 15600 was shown in MO Issue journal and also charged in the SO Account.

A.M.T.W.  
D.P.D.  
Annexure

contd.....

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:: 36 ::

3. On 22-05-96 MO commission as per MO issue Journal was Rs. 79-00 but Rs. 74-00 was charged in SO Account.

4. On 09-05-96 MO Commission should be Rs. 11-00 but Rs. 6-00 had been journalised and also charged in the SO Account.

5. On 11-10-96 the amount in respect of MO value was Rs. 5168-00 but Rs. 4168-00 was shown in the MO issue journal and also charged in the SO Account.

6. On 01-11-96, the amount in respect of MO value was Rs. 1185-00 but Rs. 1085-00 had been shown in the MO Issue Journal and also charged in the SO Account.

7. On 07-11-96, the total MO Commission was Rs. 455-00 but shown as Rs. 445-00 in MO Issue Journal and also in the SO Account.

8. On 16-09-98 the total MO commission was Rs. 394-00 but shown as Rs. 294-00 in MO Issue Journal and also in the SO Account.

9. On 08-04-99 the total MO value was Rs. 6939 but Rs. 6930-00 was shown in the SO Account.

Therefore : Rs. 100-00 on 14-10-95

Rs. 10-00 on 11-12-95

Rs. 5-00 on 22-05-96

Rs. 5-00 on 09-05-96

Rs. 1000-00 on 11-10-96

Rs. 100-00 on 01-11-96

Rs. 10-00 on 07-11-96

Rs. 100-00 on 16-09-98

Rs. 9-00 on 08-04-99

Total Rs. 1339-00 was short credited.

contd.....

*After  
Due  
Amount*

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

Article -v

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

against

1. On 19-03-1998 Rs. 15000-00 was deposited ~~against~~ Bordumsa SB Account No. 100091 . The amount was posted in the ledger Card and also shown in the SB long book but not charged in SO A/C .
2. On 12-09-98, Rs. 200-00 was deposited against Bordumsa SB Account No. 100075 . The amount was posted in the ledger card but not shown in the SB long book and not charged in SO A/C .
3. The following amounts were posted in the ledger card against Bordumsa SO SB A/C No. 100026 on different dates but these deposits were not shown in the SB long book and not charged in SO A/C .
  - a) On 18-08-1998 Rs. 50-00
  - b) On 10-09-98 Rs. 50-00
  - c) On 03-02-99 Rs. 50-00
  - d) On 22-03-99 Rs. 50-00

Total Rs.200-00

contd. ....

Attn: Mr.  
D.S.L. Advocate

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4. On 23-10-98 Rs. 50-00 and on 04-12-98 Rs. 100-00 was deposited against Bordumsa SO SB A/C No. 1000104. Both the amounts were posted in the ledger card but not shown in the SB book and not charged in the SO A/C.

5. It is found that Bordumsa SO SB book bearing No. 1000102 was issued by Shri AB on 20-09-97 in the name of Mrs. Jangko Langkho and following transactions were made thereafter.

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

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

*Abul Deori*  
contd.....

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Therefore :

Rs. 15000-00 against Bordumsa SO SB A/C No. 100091 on 19-03-1998.

Rs. 200-00 against Bordumsa SO SB A/C No. 100075 on 12-09-1998.

Rs. 50-00 against Bordumsa SO SB A/C No. 100026 on 18-08-1998.

Rs. 50-00 against Bordumsa SO SB A/C No. 100026 on 10-09-1998.

Rs. 50-00 against Bordumsa SO SB A/C No. 100026 on 03-02-1999.

Rs. 50-00 against Bordumsa SO SB A/C No. 100026 on 22-03-1999.

Rs. 50-00 against Bordumsa SO SB A/C No. 100104 on 23-10-1998.

Rs. 100 -00 against Bordumsa SO SB A/C No. 100104 on 04-12-1998.

Rs. 500 -00 against Bordumsa SO SB A/C No. 100102

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Total Rs. 16050-00 was short credited by Shri A B Deori in connection with SB deposits violating the provisions of Rule -3 (I) (i) (ii) and (iii) of (conduct ) Rules : 1964 .

#### Article -VI

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

1. On 09-07-1997 total RD deposits was Rs. 350-00 but only Rs. 250-00 was taken into SO Account .
2. On 05-12-1998 total RD deposit was Rs. 1715-00 but only Rs. 1700-00 was taken into account .
3. On 21-04-1998 RD deposit was Rs.400/- but Rs.200/- was only was taken into account .

Kuntha  
Oonal Advocate

:: 40 ::

4. On 08-12-1998 total RD deposit was Rs. 2330-00 but Rs. 2300-00 only was taken into account.

5. On 28-12-1998, Rs. 100-00 was deposited against RD Account No. 800053 but the same amount has not been taken into Account.

6. RD Deposit on 21-01-1999 was Rs. 1500-00 against the RD Account No. 80073, 80074 and 80075 of Denomination Rs. 500-00 each and instalment for the month of January/1999 in each case. But the amount of Rs. 1500-00 was not taken in account. After this deposit five more deposits were made in each RD account for the month of February/1999 to June/1999 on different dates but neither the amounts were shown in RD journal nor charged in the SO Account. Thus Rs. 3000-00 against each RD Accounts (3 nos) was short credited. In total Rs. 9000-00 was short credited against RD account No. 80073 ; 80074 and 80075.

7. On 24-02-99, 12-03-99 & 10-04-99 Rs. 900-00 was deposited against RD Account No. 80086 but not charged in the SO Account No. 80086 but not charged. Afterwards Rs. 600-00 was credited to Govt. Account On 12.04.99, but balance Rs. 300-00 was not credited.

Therefore,

Rs. 100-00 short credited on 19.07-1997  
Rs. 15-00 short credited on 05-12-1998  
Rs. 200-00 short credited on 21-04-1998  
Rs. 30-00 short credited on 08-12-1998  
Rs. 100-00 short credited on 28-12-1998 in SO A/C No. 80053.  
Rs. 3000.00 short credited in r/o RD A/C No. 80073,  
Rs. 3000-00 short credited in r/o RD A/C No. 80074  
Rs. 3000-00 short credited in r/o RD A/C No. 80075  
Rs. 300-00 short credited in r/o RD A/C No. 80085.

*Shri K. D. Deori  
Advocate*  
Total Rs. 9745-00 was short credited by Shri A. P. Deori in respect of RD deposits violating the provisions of Rule (i) (ii) and (iii) of CCS (conduct) Rules, 1964.

contd.....

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Shri AB Deori submitted his reference statement against the charges vide his letter No. Nil dated 19-10-01 which was received at this office on 29-10-2001. It was proposed to hold an inquiry into the charges and Shri G.G. Singha, Dy. Supdt. of Posts, Itanagar, was appointed as Inquiring authority vide this office Memo of even No. dated 23-11-2001, to inquire into the charges framed against Shri AB Deori. Shri MA. Malai SDI West Sub-Division, Itanagar was appointed as the presenting officer to present the case on behalf of the Department.

The Inquiring authority held hearing on 12-02-02, 13-02-02 and 14-02-02 and concluded the hearing. Shri G.G. Singha submitted his Inquiry Report vide his letter No. Nil, dated 12-03-2002. I have read the Inquiry Report. The Inquiry has been held in a fair manner. The charges were read out to the charged official Shri AB Deori and explained to him in his vernacular. He was given ample opportunity to examine the documents listed in Annexure-III of the charge sheet. He was also informed of the provisions of the Rules entitling him to engage a Defence Assistant to assist him in presenting the defence in his case. Shri AB Deori wished/desired to plead himself without engaging any Defence Assistant. The Inquiring authority served the charged official Shri AB Deori with a copy of the brief submitted by the Presenting Officer for submission of his counter defence written representation. The inquiring authority has taken into account the counter defence representation received from Shri AB Deori while preparing his inquiry report.

Rajesh  
Advocate

contd.....

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The inquiring authority based on documentary evidence and the admittance of the charged official shri AB Deori , has found the charges in Article -I,II,IV, V and VI stands proved ; whereas the IA held that the charge in Article -III is not proved.

A copy of the Inquiry Report was forwarded to shri AB Deori vide this office letter of even No. dated 15-03-02 . for submission of his defence representation , if any, before final order is issued by the Disciplinary authority. Shri AB Deori submitted his representation vide his letter No. Nil dated 27-03-2002, which was received at this office on 2-4-02,

Findings by the Disciplinary authority :-

I have further examined the listed documents in annexure-III, of the charge sheet carefully and minutely .

The PLI journals of Bordumsa SO on 29-6-96, 14,11,96 28,12,97 and 17-12-97 with the SO Account book of Bordumsa SO on the relevant dates and found that the charged official short credited Rs. 100.00 Rs. 12.00 / 24.00 and Rs. 7.00 respectively . Thus A B Deori short credited Rs. 143.00 in total towards PLI receipt's at Bordumsa SO on different dates and thereby misappropriated amount by violating the provisions of Rule-3(I)(i) and (ii) and (iii) of CCS (conduct Rules, 1964 and hence the charge in Article -I is sustained on documentary evidence.

Further examination of Bordumsa SO money order issued  
contd.....

*A. K. Deori  
Joint  
Secretary*

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

Further examination of Bordumsa SO Savings Bank long books, attested ledger cards in respect of SB A/C Nos. 100104, 100075, 100091, and 100026, SO Account Books and SB Pass Books bearing A/C NO. 10026, 100104, and 100102, reveal that Shri AB Deori short credited to the tune of Rs. 16050.00 in Govt. account towards

different accounts and thereby misappropriated the amount by violating the provisions of Rule 3(1) (i) (ii) and (iii) of CCS (conduct) Rule, 1964 and hence

in Article -V is sustained on documentary evidence.

Further examination of Bordumsa SO RD Journals and

contd.....

Rule 12  
Ans K  
Parasai

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

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

From the facts in issue on the basis of listed documentary evidence and also admittances of the charges in Article -I, II, IV, V and VI fully and unequivocally by the charged official shri AB Deori, the charges in Article -III is not sustained. The charges in Article -I,

*Shri R. Choudhury  
Advocate*

contd.....

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II, IV, V, and VI already proved are serious charges. The charged official Sri AB Deori not only misappropriated Govt. receipts but also caused breach of faith in handling public money under his custody. He did not show any integrity and showed lack of devotion to duty. I see no ground for leniency in the case.

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

To,

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

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

*Master  
Obd/Parwan*

To

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

Dtd. 7/5/02

Sir,

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

1. That I was holding the charge of sub-Postmaster of Bordumsa Sub-office, District of Changlang, Arunachal Pradesh during the period from 25-12-94 to 1-6-99.
2. That during my posting at Bordumsa in the aforesaid period there was a short credit of Postal cash to the tune of Rs. 28,205/- (Rupees twenty eight thousand two hundred five) only for which a disciplinary proceeding was initiated against me by the Director, Postal Services, Arunachal Pradesh, Division, Itanagar, vide his memorandum No. F -2/A. B. Deori/99-2000 dtd. 5-10-2001.
3. That the Director of Postal Services, Arunachal Pradesh Division issued a Memorandum No. FRS2/AB Deori /99-2000 dtd. 16-4-2002 removing me from service for alleged misappropriation of postal cash.
4. That during my posting as Sub-Postmaster, Dordumsa, Sub-office, the sub-Divisional Inspector Jayrampur, Arunachal Pradesh Inspected the accounts of Bordumsa sub-office every year and no shortfall in cash credit

RMS/HB  
Doral Advocates

contd.....

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was found in their reports. However when the short cash of Rs. 28,205/- was detected, I being a loyal employee deposited the said short cash to post office account of Nampong, sub-office, vide AC G-67 receipt No. 25 dated 7-3-2002, as at that time I was at Nampong.

5. That I am the only ~~earning~~ earning member of my family having my wife and three minor school going ~~children~~ children.
6. That a great injustice has been done to me by removing me from service as I recouped the short amount of Rs. 28,205/- to the Postal Deptt. after the same was detected.
7. That the alleged charge of short credit of cash was not intentional and the lapse accrued due to heavy pressure of work as I was to manage the whole affairs of the sub-office at Bordumsa single-handedly.
8. That I further inform your honour that during my more than ten years of service period there was no record of misappropriation of money except the said alleged short credit of cash.
9. That the Director of Postal services, Itanagar took a drastic step by removing me from service

contd.....

Subsd  
Post  
Agmmt

:: 48 ::

even though I deposited the short credit of cash amounting to Rs. 28,205/- before I was dismissed from service .

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

Yours faithfully,

*A. B. Deori  
Abhas Bekomja Deori*

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

Dt. 7/5/02 ,

Abhas Bekomja Deori .

ANNEXURE - 6

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

MEMO NO. STAFF/109-13/2002, Dated at Shillong, the 18.9.2002.

O R D E R

Sub:-

Decision on Appeal preferred by Shri A.B. Deori, formerly SPM, Berdumsa S.O., Arunachal Pradesh Division, against the orders of removal from service issued by DPS, Arunachal Pradesh Division vide Memo. No. F-2/A.B. Deori/99-2000 dt. 16.4.2002.

X Shri A.B. Deori, formerly SPM, Berdumsa S.O. in Arunachal Pradesh Postal Division was proceeded against under Rule- 14 of CCS(CCA)Rules, 1965 vide DPS, Arunachal Pradesh Memo. No. F-2/A.B. Deori/99-2000 dated 5.10.2001. The charges against Shri A.B. Deori was that while working as SPM, Berdumsa S.O. for the period from 25.12.94 to 01.6.99, he had misappropriated Government cash through collection of PLI, TRC, MSY, MO Commission, Savings Bank deposits and RD deposits. As required under Rule-14 of CCS((CCA)Rules, 1965, an inquiry was conducted to look into the charges levelled against him by Shri G.G. Sinha, Inquiry Officer appointed by the Disciplinary Authority. The Inquiry Officer submitted his report with his findings on 12.3.2002. The Inquiry Officer concluded that based on documentary evidences of irregularities as well as the fact that Shri A.B. Deori admitted the charges after examination of the documents five out of six Articles of charges and the statement of imputations of misconduct were proved.

2. The Disciplinary Authority after going through the report of Inquiry Officer and with due regard to all other relevant aspects of the case issued the orders of removal of Shri A.B. Deori from service. The orders of the Disciplinary Authority was issued on 16.4.2002.

- 50 -

3. Shri A.B. Deori later submitted an appeal to the Chief Postmaster General, the Appellate Authority, against the orders of removal from service & issued by the DPS, Arunachal Pradesh Postal Division. In his appeal Shri A. B. Deori has taken the plea that non credit of cash by him was not intentional and that the lapses occurred due to heavy pressure of work. The reasons for non-credit however are not convincing at all. If the short credit was due to inadvertency it would invariably have been detected at the time of counting of cash and tallying the cash which is a daily business of the Postmaster. The fact cannot be ignored that Shri A. B. Deori accepted the incidence of non-credit of the deposits and  $\neq$  credited the amount to the Post Office long after the dates of collection of the cash only after it was pointed out to him after its detection. It shows that the omission could not be anything but intentional. There is no doubt that Shri A.B. Deori did this with a fraudulent intention. It is a clear instance of lack of integrity. I do not agree that the decision of the Disciplinary Authority is harsh and drastic.

Abhay  
Deori  
Advocate

(contd.....3)

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Considering the seriousness of the lapses, I consider the punishment of removal from service a just and agreeable one and therefore, I uphold it.

( P. K. CHATTERJEE )

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

Shri A.B. Deori,  
Ex. SPM, Berdumsa S.O.  
Arunachal Pradesh Division,  
(Through DPS, Itanagar)

Copy to :-

1. Shri A. B. Deori, Ex. SPM, Berdumsa S.O.  
(through DPS, Itanagar)
2. The Director Postal Services, Arunachal Pradesh Division, Itanagar.
3. Office copy.

*Pls. file  
Dear Advisor*

ORDER SHEET  
APPLICATION NO.

285/02 OP/99

Applicant(s) A. B. Deori

Respondent(s) B. C. Pathak

Advocate for Applicant(s) P. K. Baruah, P. Deka

Mr. B. C. Pathak,

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

8.1.2003

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

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

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

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

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

Contd..



53  
O.A.285/2002

Contd..

8.1.2003 By way of abundant caution it is made clear that nothing is an expression of opinion on the merits of the case which may cause prejudice to either side.

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

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)



Certified to be true Copy  
নথিপতি স্বীকৃতি

6/3/03

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

6/3/03

(84)

केन्द्रीय नियन्त्रित नियन्त्रित नियन्त्रित
Central Administrative Tribunal
1 SEP 2003
গুৱাহাটী ন্যায়বোৰ্ড
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :::: GUWAHATI

Union of India & Ors. vs.  
Respondents  
M. Lawphnial, Guwahati Bench  
8/10/2003  
Case No. 1

In the matter of :

O.A. NO. 80 OF 2003

Shri A.B. Deori.

..... Applicant.  
- Vs -

Union of India & Ors.

..... Respondents.

Written Statement for and on behalf of Respondents

No. 1, 2 and 3.

I, M. Lawphnial, Director Postal Services, Office of the Department of Post, Arunachal Pradesh, Itanagar, do hereby solemnly affirm and say as follows :-

1. That I am the Director Postal Services, Office of the Department of Post, Arunachal Pradesh, Itanagar and as such acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement, the ~~other~~ other contentions and statements may be deemed to have been denied and the applicants should be put to strict proof of whatever they claim to the contrary. I am authorised and competent to file this written statement on behalf of

M. Lawphnial  
Director of Posts  
Arunachal Pradesh  
Itanagar-791111 the Respondents.

M. Lawphnial  
Director of Posts  
Arunachal Pradesh  
Itanagar-791111

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2. That with regard to para 1, 2 and 3, of the application the respondents beg to offer no comments.

3. That with regard to ~~short credit~~ the statement made in para 4(1) of the application the respondents beg to state that the applicant joined in the Department of Post as Postal Assistant on 31.12.1991 ( not on 01.01.1991 as stated in the OA ). The applicant worked as Sub-Postmaster Bordumsa Sub-Post Office during 25.12.1994 to 01.06.1999. During the said period he misappropriated Government money as given below :-

A. Short credit of Postal Life Insurance premium Money :

On 29.06.1996 the PLI collection was Rs. 4509.00 but he credited Rs. 4409.00 in the Government account . Thus, he short credited of Rs. 100.00 ( Rupees one hundred ) only.

On 14.11.1996 total PLI collection was Rs. 2089.00 but he credited in the account Rs. 2077.00. Thus, he short credited of Rs. 12.00.

On 28.12.1996 total PLI collection was Rs. 2195.00 but credited Rs. 2171.00 in the account. Thus, he short credited of Rs. 24.00.

On 17.12.1997 total PLI collection was Rs. 1535.00 but he credited Rs. 1528.00 in the account. Thus, be short credited of Rs. 7.00.

Therefore, during 19.06.1996 to 17.01.1997 he has misappropriated Rs. 143.00 in respect of Postal Life Insurance

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**B. Telephone Revenue Collection Amount :**

On 24.02.1998 total Telephone Revenue Collection was Rs. 238.00 but he did not credit in the Government account.

On 19.04.1999 total Telephone Revenue Collection was Rs. 698.00 but he did not credit in the Government account.

Thus, he misappropriated Govt. money amounting to Rs. 928.00 in respect of Telephone Revenue Collection.

**C. Money Order Issue and Commission amount :**

On 14.01.1995 total Money Order Commission for Money Orders issued was Rs. 292.00 but credited Rs. 192.00 in the account. Thus, he short credited Rs. 100.00.

On 11.12.1995 total Money Order Commission was Rs. 25.00 against the value of MO Rs. 500.00 but credited in the account Rs. 15.00. Thus, he short credit Rs. 10.00.

On 22.05.1996 total Money Order Commission was Rs. 79.00 but credited only Rs. 74.00. Thus, he short credit Rs. 5.00.

On 09.05.1996 total Money Order Commission was Rs. 11.00 but credited only Rs. 6.00. Thus, he short credit Rs. 5.00.

On 11.10.1996 value of Money Order issued was Rs. 5168.00 but credited Rs. 4168.00. Thus, he short credit Rs. 1000.00.

On 01.11.1996 the amount in respect of Money Order value was Rs. 1185.00 but Rs. 1085.00 had been shown in the account. Thus, he short credit Rs. 100.00.

On 07.11.1996 total Money Order Commission for Money Order value was Rs. 455.00 but credit only Rs. 445.00. Thus, he short credited Rs. 10.00.

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Postmaster  
Divisional Manager  
Division No. 79111

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On 16.09.1998 total Money Order Commission was Rs. 394.00 but credited in the account Rs. 294.00. Thus, he short credited Rs. 100.00.

On 08.04.1999 value of total Money Order issued was Rs. 6939.00 but credited Rs. 6930.00. Thus, he short credited Rs. 9.00 in the account.

Thus, he misappropriated Rs. 1339.00 in respect of Money Order issue value and commission.

**E. Saving Bank Deposit/Withdrawal.**

On 19.03.1998 Rs. 15000.00 was deposited vide SB account No. 100091, but the amount was not credited in the account whereas it was posted in the ledger card, long book.

On 12.09.1998 Rs. 200.00 was deposited vide SB account No. 100075 but not credited in the account.

On 18.08.1998, 10.09.1998, 03.02.1999 and 22.03.1999 a sum of Rs. 200.00 was deposited against SB account No. 100026 but the same was not credited in the account.

On 23.10.1998 Rs.50.00 was deposited in SB account No. 100104 but it was not credited in the account. On 04.12.1998 Rs. 100.00 was deposited in the same account but it was also not credited in the account.

It is found that Bordumsa Sub Post Office SB book bearing No. 1000102 was issued by Shri A.B. Deori on 20.09.1997

~~Rsxx100x00xwasxdepositedxinxthe~~ in the name of Mrs. Jangko-

~~Langkhok and following transactions were made thereafter~~

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<u>Date</u>	<u>Deposit</u>	<u>Withdrawal</u>	<u>Balance</u>
20.09.1997	500.00	-----	500.00
06.10.1997	500.00	-----	1000.00
05.12.1997	500.00	-----	1500.00
13.01.1998	-----	1000.00	500.00

But actually no account was opened no ledger card was found in respect of this account and no specimen signature was found in specimen signature book. All the above noted transactions were made neither noted in the long book nor charged in the S.O. Account. Shri A.B. Deori paid the withdrawal amount from his personal fund and the balance amount of Rs. 500.00 was kept to himself.

Thus, the applicant while working as SPM Bordumsa misappropriated Govt. money amounting to Rs. 16050.00 in respect of various ~~if~~ SB deposits as above.

**F. Recurring Deposits/Withdrawals.**

On 09.07.1997 total RD deposits was Rs. 350.00 but he credited only Rs. 250.00 in the account. Thus, he short credited Rs. 100.00.

On 05.12.1998 total RD deposits was Rs. 1715.00 but credited in the account Rs. 1700.00 . Thus, he short credited Rs. 15.00.

On 21.04.1998 total RD deposits was Rs. 400.00 but credited Rs. 200.00 in the account. Thus, he short credited Rs. 200.00.

On 08.12.1998 total RD deposits was Rs. 2330.00 but credited

Rs. 2300.00 in the account. Thus he short credited Rs. 30.00.

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on 28.12.1998 Rs. 100.00 was deposited against account No. 800053 but it was not credited in the account.

On 21.01.1999 Rs. 1500 was deposited vide RD account No. 800073, 800074 and 800075 but it was not credited in the account. Again advance deposits were made against the same account numbers from Feb '99 to Jun '99 @ Rs. 500.00 each amounting to Rs. 7500.00 but it was again not credited in the account.

On 24.02.1999, 12.03.1999 and 10.04.1999 Rs. 900.00 was deposited against RD account No. 80086 but only Rs. 600.00 was credited in the account. Thus, he short credited Rs. 300.00.

The reason given by the applicant for his entanglement in the multiple fraudulent activities as it was due to error in accounting is not true. The Incharge of the Post Office whenever he accepts money from depositors for SB/RD or any amount from customers in respect of PLI Premium. Telephone Revenue collection and Money Orders issued should be credited entire amount to the Post Office account and not keep any part of the case unauthorisedly.

The short or non-credit is not a matter of one day's mistake but from the records it is clear that the applicant systematically managed to short or non-credit the amount collected on various occasions whether it was PLI premium, TRC, MO Issue and SB/RD deposits.

The applicant misappropriated the Govt. money to the tune of Rs. 28205.00. He was duty bound to the Govt. to recoup the short credited amount.

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अरणाचल प्रदेश में व्यवस्था  
आन्ध्राप्रदेश विभाग  
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Recouping the misappropriated Govt. money at a later dated cannot be a ground for exoneration. It the entire amount of

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loss incurred to the Govt. was credited at a later date by the charged official, it was a bounding duty on his part to do so. In fact he had already enjoyed the use of the non-credited Govt. money since 1995 onwards till the date of deposit 03.07.2002 that too not made on his own accord.

In his report the Inquiry Officer cited the statement of the applicant in his representation that he has deposited the amount involved in the case on 03.07.2002 at Nampong Sub - Post Office. The statement in the OA that the whole amount found short have been deposited/recorder in the findings of the IO is not true.

4. That with regard to the statement made in para 4(2), of the application the respondents beg to state that the Disciplinary Authority dully considered the facts of the case. He found that the charged official the applicant not only misappropriated the Govt. money but also cause breach of faith in handling public money under his custody. He did not showed any integrity and showed lack of devotion to his duty. The Disciplinary Authority did not find any ground for leniency in the case contrary to the claim of leniency cited in the O.A. by the applicant.

5. That with regard to the statement made in para 4.3(i), of the application the respondents beg to state that from the inquiry of the Inquiry Officer, it is clear that the charged official was given every reasonable opportunity to the charged official in the hearing on 12.02.2002 by reading out the charges and explaining to him in vernacular. The charged

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official stated that he understood the charged framed against him. The charged official was given to state whether he admitted the charges framed against him the charge sheet. The charged official stated that he wished to for examine the listed documents and state his admission of the charges or otherwise.

The Presenting Officer was given to produce the listed documents. The Presenting Officer produced the documents and the Charged Official was given to examine the documents. On completion of examination of the documents the charged official was again given to state whether he admitted the charges framed against him. The charged official stated that he admitted the charges in Article-I, Article-II, Article-IV and Article- fully and unequivocally.

The allegation in the OA that the examination and analysis of the documents were confined to the Presenting Officer and Inquiry Officer is not true. The charged official the applicant was given all the reasonable opportunity to examine the documents and the Charged Official examined the documents only after which he admitted the charges framed against him.

The charged official the applicant at the end of the Inquiry, was served with a copy of the brief submitted by the Presenting Officer for preparation and submission of written representation. In his representation the charged official the applicant did not make any mention/allegation against examination of the documents, only he begged pardon for the mistake committed by him requesting for a "Sympathetic view". The applicant was given all the reasonable

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opportunities to defend himself. The allegation in the OA that the Inquiry Officer committed gross procedural irregularities is not true.

6. That with regard to the statement made in para 4(ii), of the application the respondents beg to state that procedurally, the Inquiry Officer served a copy of the brief submitted by the Presenting Officer to the Charged official the applicant. The Inquiry Officer arrived at his findings based in the documentary evidences of irregularities in the accounts committed by the applicant as also the fact that the applicant admitted the charges after examination of the documents. The allegation in the OA that the Inquiry Officer arrived at his conclusion based on the report of the Presenting Officer is not true.

7. That with regard to the statement made in para 4(iii), of the application the respondents beg to state that procedurally, when the defence of the charged official on documentary evidences was over the Presenting Officer was given to present the witness listed in the charge sheet. The Presenting Officer presented that the charged official has admitted all the Articles of Charges except Article-III and does not find it necessary to present a witness as no new points are likely to come up unless the charged official has anything to examine the witness. Procedurally, the charged official stated that he does not desire to examine the witness as he has no new points in defence. The allegation in the OA that the lone prosecution witness was

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examined by the Presenting Official and cross examined by the Inquiry Officer and re-examined by the Inquiry Officer is not true.

8. That with regard to the statement made in para 4(iv), of the application the respondents beg to state that the Inquiry Officer submitted his report with the findings that the charges in Article-I, II, IV, VI and VII stands proved clearly adding that the charge in Article-III is not proved.

The allegation in the OA that the Inquiry Officer committed gross irregularities and improprieties during inquiry is not true as stated in para-4.3(iii) above.

9. That with regard to the statement made in para 4.3(v), of the application the respondents beg to state that the applicant misappropriation of money and no loss of Govt. money is not true.

10. That with regard to the statement made in para 4.3(vi), of the application the respondents beg to state that the Disciplinary Authority made his order based on the facts in the issue on the basis of listed documentary evidences.

The allegation in the OA that the Disciplinary  
considered additional documentary evidences is not

11. That with regard to the statement made in para 4, of the application the respondents beg to state that the Appellate Authority, the Chief Postmaster General, NE Circle, Shillong duly examined and upheld the orders of the Disciplinary

Disciplinary Authority considering the seriousness of the lapses.

12. That with regard to the statement made in para 5, of the application the respondents beg to state that the caste creed of any official is not taken into consideration in the matter of disciplinary action. The dismissed official has brought to the caste discrimination factor with an ill motive to discredit the Disciplinary Authority.

13. That with regard to the statement made in para 5(1) to (10), of the application the respondents beg to state that in the foregoing paras, grounds for relief are not genuine and hence, liable to be set aside/rejected the OA by the Hon'ble CAT.

14. That with regard to para 6 to 11, of the application the respondents beg to offer no comments.

*M. D. Singhania*  
निदेशक भारत सरकार  
Director of Postal Services  
अस्थानीय प्रदेशी विभाग  
Arunachal Pradesh Division  
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Verification.....

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**VERIFICATION**

I, M. Iawphniaw, Director Postal Services, Office of the Deptt. of Postal , Arunachal Pradesh, Itanagar, being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1, 2, + 4 of the application are true to my knowledge and belief, those made in paragraphs 3 - 12 being matter of record are true to my information derived therefrom and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 20 th day of August, 2003.

M. Iawphniaw  
Deponee देवीक डाक सेवा  
 Director of Postal Services  
 Arunachal Pradesh  
 Itanagar-791111