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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No...03/2006

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: - 3, 2004

Mise Petition No: 8

Contempt Petition No: 7

Review Application No: 1

Name of the Appellant(s): Smt. H. P. K. Devi

Name of the Respondent(s): W. G. C. C.

Advocate for the Appellant: - Mr. K. Bhattacharjee
" T. Dhar, S. D.

Advocate for the Respondent: - C.G.S.C.

Notes of the Registry	date	Order of the Tribunal,
<p><i>This application form but not in time for the date of hearing filed / not filed C.P. for Rs. 50/- vide IPO P. No 38270/1 dated 31.12.03.</i></p> <p><i>W. G. C. C.</i></p>	7.1.2004	<p>Heard Mr. K. Bhattacharjee, learned counsel for the applicant, and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.</p> <p>The O.A. is admitted, call for the records. Issue notice to the parties.</p> <p>List on 12.2.2004 for orders.</p>
<p><i>Stamps & envelope filed.</i></p> <p><i>W. G. C. C.</i></p>	19.2.04	<p>On the prayer of Mr A. Deb Roy, learned Sr.C.G.S.C four weeks further time is granted to the respondents to file written statement.</p> <p>List on 19.3.04 for order.</p>
<p><i>I issue notice as per Court's order dated 1-1-04.</i></p> <p><i>W. G. C. C.</i></p> <p><i>No W.L.S have been filed.</i></p> <p><i>2004-3-04</i></p>		<p><i>I.C. D.</i> Member</p>

19.3.2004

List on 21.4.2004 for hearing.

In the meanwhile, the respondents may file written statement.

Notice & order
dt-7/1/04 sent
to D/Section for
issuing to respondent
nos 1 to 4.

mb

(L.S.)
21/1/04

KV. Purushotham
Member (A)

22.4.2004 On the plea of counsel for the respondents, the case is adjourned.
List on 24.5.2004 for hearing.

mb

24.5.2004 Pass over.

KV. Purushotham
Member (A)

mb

25.5.2004

None appears for the parties.

List again on 8.6.2004 for hearing.

KV. Purushotham
Member (A)

mb

8.6.04.

Heard learned counsel for the parties. Judgment delivered in open Court. Kept in separate sheets. Application is allowed. No costs.

KV. Purushotham
Member (A)

11.6.04
Copy of the judgment
has been sent to the
D/sec. for issuing the
same to the applicant
by post.

(L.S.)

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.XXNo. 11 13 of 2004

DATE OF DECISION 8.6.04.

Smti H.Chandra Kala Devi,APPLICANT(S).

Mr.K.Bhattacharjee, Mr.T.Dhar, Mmrs.Dey.ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

Union of India & Ors.RESPONDENT(S)

Mr.A.Deb Roy, Sr.C.G.S.C.ADVOCATE FOR THE
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
RESPONDENT(S).

THE HON'BLE MR.MR.K.V.PRAHLADAN, MEMBER(ADMN)

THE HON'BLE

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

Judgment delivered by Hon'ble Member (ADMN)

6/25
Smti H.Chandra Kala Devi,RESPONDENT(S)
Mr.K.Bhattacharjee, Mr.T.Dhar, Mmrs.Dey.ADVOCATE FOR THE
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
RESPONDENT(S).

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 ?

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 3 of 2004.

Date of Order: This the 8th Day of June 2004.

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

Smti H.Chandra Kala Devi
Wife of Late H.Lalbehari Singha of Tezpur
Part-VII.
Silchar - 8 Cachar, Assam.....Applicant
By Advocate Mr.K.Bhattacharjee , Mr.T.Dhar, Mr.S.Dey.

-Vs-

1. Union of India
Represented by the Secretary
Dept. of Post, New Delhi-1.
2. The Chief Post Master General,
Assam Circle, Meghdoot Bhawan
Guwahati-1.
3. The post Master General,
Assam Region,Dibrugarh,
4. The Superintendent of R.M.S.
S-Division, Silchar,Cachar,Assam. Respondents.

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

O_R_D_E_R.

K.V.PRAHLADAN, MEMBER(A):

In this application the applicant has stated that the husband of the applicant,Late H.Lal Behari Singha while working as Registration S.A. with Dimapur R.M.S/1, the Superintendent had brought allegation against her Late husband for not detecting on 1.1.86 the irregularity regarding receipt of MO and High Value Money Order (HMO). The Department therefore, had sustained the loss of Rs. 24,320/-. The applicant's husband was under suspension from 22.9.1986 to 13.9.1995. The appellate authority revoked the suspension order. The suspension order dated 16.5.88 was set aside by the appellate

✓

contd/-

authority on ~~30.9.1988, passed by~~ Shri G.H. Ramlia, Judicial Magistrate(1st Class) Dimapur, Nagaland in G.R. Case No. ~~199~~ ^{SV} ~~acquired the A plent of all liabilities~~ 195/86 dated 19.1.2002. The Superintendent R.M.S.'s' Division Silchar, vide his order dated 22nd March, 2002 stating interalia that during the period of suspension Late H.Lal Behari Singha S.A. was allowed to draw his subsistence allowance for the period from 22.9.96 to 13.9.1995 which should be treated as period spent on duty for the purpose of pension. The pay and allowance for ~~was to~~ the period of suspension ~~will~~ ^{was to} be limited to the subsistence allowance already paid for the said period. In the case of Manzoor Ahmed Mazumdar, Vs. State of Meghalaya and others, Civil Appeal No.2566 of 1988, reported in SCC(L&S) Vol.1, 1998 the Apex Court held as follows:-

"4. In view of the decision in M.Gopalkrishna Naidu' it must be held that even though there is no express requirement in Fundamental Rule 54(3) for giving an opportunity to the employee before passing an order, giving of such an opportunity is implicit in the exercise of the power which has been conferred by the said provision. It was, therefore, necessary for the competent authority to afford an opportunity to the appellant before passing the order regarding pay and allowances payable to the appellant in respect of the period of suspension (sic, absence). Since this was not done in the present case, the order dated 12.8.1982 can not be upheld and has to be set aside. For the same reason the impugned judgment of the Hon'ble High Court has also to be set aside. It will be opened to the respondents to pass a fresh order in accordance with law. After affording an opportunity to the appellant."

2. Heard both the learned counsel for the applicant and for the Respondents. From the materials on record it appears that the applicant was not given any opportunity as mentioned in the letter dated 22nd March, 2002(Annexure IV). Accordingly, I set aside the order dated 22nd March, 2002.

3. The Respondents are directed to release the full pay and allowances of the suspension period as indicated above. The application is allowed. No order as to costs.

KV Prahладан
(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER

LM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH, GUWAHATI.

G.A. NO. 3 /2003/

Smt. H. Chandra Kala Devi

-Vs-

Union of India & Others.

Dates and Synopsis of the case in this application-

<u>Dates -</u>	<u>Synopsis of the Case</u>
17-10-86	The applicant's husband late H.Lal Behari Singha while working as Registration S.A. with Dimpu R.M.S. failed to detect on 1-1-86 the irregularity regarding receipt of M.O. and HMO bundles without entry in Registration list and for not bringing the matter to the Notice. Thus he violated the rule 86(2) of P & T Manual Vol.-III for which deptt. had to sustain a loss of Rs. 24,320/- for payment of compensation to Sender. The applicant's husband was placed under Suspension w.e.f. 22-9-86 and a department proceeding was initiated against him the authority also filed a FIR against him and case was registered u/s 409 I.P.C.

contd..2.

(2)

16-5-88

That after enquiry of the departmental proceeding the authority Ordered that applicant's husband be punished with penal recovery of Rs. 6,000/- from his pay and allowances in 35 monthly instalment at Rs. 166.00 per month, and the last instalment at Rs. 190.00

29-6-88

The applicant's husband late H.Lal Behari Singha preferred an appeal before the appellate authority against the order dtd.- 16-5-88.

30-9-88

The appellate authority on going the records and impugned order, had passed an order wherein it was stated that it was not correct to punish late H.Lal Behari Singha by recovery Rs. 6000/- from his pay and allowances for this vague charge and order that the punishment order issued by the Superintendent RMS.'S' Division, Silchar dtd. 16-5-88 is set aside and the money recovered from the pay and allowances of H.Singha be refunded back to him.

4-9-95

The authority revoked the suspension order dt. 17-10-86 after the lapse of 7 years, after the quashing of impugned order dtd.- 16-5-88 by appellate authority on 30-9-88.

(3)

16-1-02

Judicial Magistrate vide his Order dt.

16-1-02 acquit late H.Singha from the liability of the case which was lodged by the Deptt.

22-3-02

The applicant's husband received a order dt.22-3-02 on 25-3-02 from Supdt. RMS'S Division stating that due to the pendency of Prolong Court case the period of suspension could not regularised earlier and ordered that from 22-9-86 to 13-9-95 should be treated as period spent on duty for the purpose of pension. The pay and allowances for the period of suspension will be limited to the subsistence allowances already paid for the said period.

27-3-02

The applicant's husband died due to ~~cardiac~~ failure before his death he desire to prefer an appeal against such illegal order.

30-4-02

As per desire of late husband the applicant preferred an appeal before the authority.

23-4-03

In persuant to the said appeal the Respondent No.3 vide letter dtd. 23-4-03 has called for certain report from the Respondent No.4

contd..4.

(4)

15-7-03 As ~~per~~ the applicant appeal was not disposed of the applicant prefer reminder, to her appeal but with no response.

Hence this application before the Hon'ble Tribunal.

P R A Y E R -

- 1) To set aside the impugned order dtd. 22-3-02 passed by respondent No. 4.
- 2) To direct the respondent to release full pay and allowances of the suspension period and also to pay the annual increments with all service benefit to her deceased husband and to fix family pension accordingly.
- 3) Any other relief(s), to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BRANCH.

(AN Application under section 19 of the Administrative
Tribunal Act, 1985).

(For use in the Tribunal's Office)

Signature

Date :

O.A. No. 3 / 2003/

Between.

Smti H. Chandra Kala Devi
wife of Late H. Lalbehari Singha
of Tarapur Part-VII
Silchar-8 Cachar, Assam.

.... Applicant.

- versus -

1. Union of India
represented by the Secretary
Dept. of Post; New Delhi-1.

2. The Chief Post Master General
Assam Circle, Meghdoott Bhawan
Guwahati- 1.

3. The Post Master General,
Assam Region, Dibrugarh.

4. The Superintendent of R.M.S.
S-Division, Silchar, Cachar
Assam.

.... Respondents.

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1. Particulars of Order(s) against which the application is made:

The applicant through this application assails the order under Memo No.B-877 Dt. at Silchar 788001 the 22nd March 2002, issued by the superintendent R.M.S. "S" Division Silchar-788001 by which Late H. Lal Behari Singha was placed under suspension with effect from 22-9-1986 by order under Memo No.even Dt. 17-10-86. The suspension was revoked by office Memo of even No.Dt.4/9-95 and Late H. Lal Behari Singha S.A. joined his duty on 14-9-95 and ordered that the suspension period of Late H. Lal Behari Singha, S.A. from 22-9-86 to 13-9-95 be treated as period spent on duty for the purpose of pension. And the pay and allowances for the period of suspension will be limited to the subsistence allowance already paid for the said period.

2. Jurisdiction of the Tribunals.

The applicant declared that the subject matter of this application is within the jurisdiction of Hon'ble Tribunal.

3. Limitation.

The applicant also declares that the present application is within the limitation period as has been prescribed under section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the Case.

(i) That the applicant is a citizen of India and is permanently residing at Tarapur Part-VII, Silchar, in the

District of Cachar, Assam. The applicant as such as guaranteed under the constitution and the relevant Rules framed there under.

(ii) That the applicant states that the Late husband of the applicant, Late H. Lal Behari Singha while working as registration S.A. with Dimapur R.M.S./1, the Superintendent had brought alligation against my Late husband for not detecting on 1-1-86 the irregularity regarding receipt of MO and HEMO bundles without entry in the registration list in time from Nepali Gaon SO and for not bringing the matter to the notice of the H.S.A. of the Set. Thus he had violated the rule 86(2) of P & T manual Vol.VII for which department had to sustain a loss of Rs.24,320/- for payment of compensation to the senders of the insured articles. He was placed under suspension with effect from 22-9-86 as per Memo of even No Dt. 17-10-86 and a departmental enquiry was initiated against him.

(iii) That the appellant states that for the reasons stated in the sub para (ii) above, charge sheet No.K 5/4/86-87 dt. 11-2-88 was served on him. Among other things in the statement of alligation that the appellant husband was responsible for violation of Rule 86(2) of P & T manual Vol.-VII for which the department had to sustain a loss of Rs.24,320/- in the shape of compensation payment to the sender of the insured articles in the case.

(iv) That the appellant states that in reply to the above alligations that the appellant husband submitted a reply stating inter alia that he had no lapses on his part regarding the insured letters, insured bundles and registered letters and thus he was not at fault and there was no

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violation of Rule 86(2) of P & T Manual Vol.VII.

(v) That the appellant states that after enquiry of the Departmental Proceeding the ^{authorised} ~~appellant~~ had ordered that Late H. Lal Behari Singha SA. be punished with penal recovery of Rs.6,000/- from his pay and allowances in 35 monthly instalments at Rs.166.00 per month and last instalment at Rs.190.00 with immediate effect. And this order was passed on 16-5-88 as per memo No.K-5/4/86-87 Dt. 16-5-88.

(vi) That the appellant states that the husband of the appellant against the order of punishment of penal recovery had preferred an appeal on 29-6-88.

A copy of the appeal dt. 29-6-88 is annexed here to as Annexure- I.

(vii) That the appellant states that the appellate authority by memo No.Staff/9-27/88 dt. 30th Sept/88 and ordered that it was not correct to punish Sri Singha by recovering Rs.6,000.00 from his pay and allowances for this vague charges. Hence the punishment order issued under memo No.K-5/4/86-87 dt. 16-5-88 was set aside and money recovered may be returned back.

A copy of the memo dt. 30th Sept'88 is annexed here to as Annexure- II.

(viii) That the appellant states that the authority on the same facts and alligations had submitted an F.I.R. with Police Station (West) Dimapur on 16-4-86 against the husband of the petitioner. This reffer to Dimapur (West) P.S. Case No.19 dt. 17-4-86 and after investigation of the case, Police submitted charge sheet in the case against the husband of the petitioner on 27-7-87 under Section 409 I.P.C.

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(ix) That the appellant states that the trial of the case was held and the husband of the petitioner was acquitted from the liability of this criminal case on 16-1-2002.

A copy of the order is annexed hereto as

Annexure- III.

(x) That the appellant states that the appellate authority set aside the charges levelled against the husband of the petitioner by order No. Staff/9-27-88 dt. 30th Sept'88. But surprisingly the revocation of suspension order was issued on 4-9-95 after the lapse of 7 years of quashing of the case by the Appellate Authority.

(xi) That the appellant states that after the revocation order suspension her husband joined the service and thereafter submitted number of representations before the authority for regularisation of his suspension period and release of his annual increments and there was no reply to it till 2001.

(xii) That the appellant states that the Superintendent R.M.S.-'S' Division Silchar vide his order dtd. 22nd March, 2002 stating inter alia that during the period of suspension Late H. Lal Behari Singha S.A. was allowed to draw his subsistence allowance, an amount to equal have salary and other allowances as admissible which he would have average pay or half pay. Due to the pendency of prolong court case the period of suspension could not regularised earlier and had also ordered from 22-9-86 to 13-9-95 should be treated as period spent on duty for the purpose of pension. The pay and allowance for the period of suspension will be limited to the subsistence allowance already paid for the said period.

(A copy of order dt. 22-3-02 is annexed hereto as Annexure No.IV).

(xiii) That the petitioner states that her deceased husband received the said order dt. 22-3-02 on 25-3-03 and on perusal of the same her husband expressed his desire that he would prefer an appeal against such illegal order. But due to the ill luck her husband died on 27-3-02 due to cardiac failure and as such the present applicant felt that it is necessary to pursue the matter before the authority as it was the deceased last wish before his death.

A copy of the appeal dt. 30-4-2002 is annexed herewith as Annexure-V.

(xiv) That the applicant states that there after the respondent^{no.3} vide RO No.AP/RP/3-1/2000/Part-II dt. Dibrugarh 23-4-03 where by the authority has called certain reports from the Supdt. R.M.S. "S" division Silchar to settle my appeal dt. 30-4-02 but the said appeal has not yet been disposed of and as such the applicant vide her letter dated 15-7-03 has preferred appeal.

A copy of the letter dt. 15-7-2003 annexed hereto and marked as Annexure-VI.

(xv) That the applicant states that after the death of her husband she preferred an appeal before the authority to settle the issue and was expecting an answer from the authority. That the authority as per letter dt. 30-4-02 called for certain documents. The said letter in this application could not be annexed as it is misplaced and takes ^{they have} ~~they have~~ of the court to call for the said letter for the purpose of limitation and proper adjudication of the case. And if there is any delay in filing this

application the applicant prays that the delay may be condone as she is praying for the entitlement of her husband's dues.

5. Grounds for present application :

- a) For that the appellant husband being exonerated from the charge by the appellate authority and there after not reinstating the appellant husband for seven years without any cogent reason has caused prejudice to her husband in terms of financial benefits and as such the reason reflected in the order dt. 22nd March, 2002 is liable to be set aside.
- b) For that the appellant husband being allowed to join on 14-9-95 and there after passing the impugned order which amounts to punishment after the lapse of 7 years in respect of regularisation of his subsistence allowance without affording any opportunity is illegal and is liable to be set aside and quashed.
- c) For that the husband being fully exonerated by the both the appellate authority as well as by the Court of law and there after depriving the appellant husband from getting his legitimate dues as provide under F.R.54 B is amount to the violation of Service Rule. And the same is liable to be set aside. For that the disciplinary authority while issuing the impugned order dt. 22nd March '02 has not taken into consideration the order of the appellate authority as well as the order of the Court by which the appellant husband was exonerated from all the charges that was levelled against him. And there after denying the pay

and allowances of the suspension period of the appellant's husband, is amounts to punishment which cannot be sustained in Law and as such the impugned order is liable to be set aside and quashed.

d) For that the issue of the impugned order dt. 22nd March '02 by the disciplinary authority without any having any charge upon the appellant's husband is against the principle of service Jurisprudence and as such on this score alone the impugned order is liable to be set aside and quashed.

e) For that from the plain reading of impugned order dt. 22nd March '02 would go to show that the denial of his pay and allowances for the period of suspension which was limited to the subsistence allowance is amount to punishment, which is contrary to the appellant authority order and as such the said impugned order is liable to be set aside.

f) For that the action of the Disciplinary authority in passing the impugned order after the lapse of 7 years is an arbitrary action with any basis and if such order is allowed it would have a consequential effect on pensionary benefits.

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g) For that any view of the matter the impugned order is bad in law ~~as~~ as well as in fact. Hence the same is liable to be set aside and quashed.

6. Details of Remedies exhausted :

That the applicant declares that there is no other alternative efficacious remedy other than to approach this Hon'ble Tribunal for getting redress. The applicant being a widow also deserves an order from this Tribunal to protect herself and her family from irreparable loss and injury.

7. Whether any appeal or suit is pending before any court with regard to the subject to agitation :-

That the applicant declares that there is no suit, application, or writ petition is pending or filed any such proceeding before any court or Tribunal with regard to the matter as agitated in this application.

8. Details of reliefs sought for :

Under the facts and circumstances as narrated above, the applicant humbly prays that this Hon'ble Tribunal may be pleased to admit this application call for the records and after hearing the parties may be pleased to pass an order setting aside the impugned order dt. 22nd March '02 Annexure- and further be pleased to issue directions upon the Respondents to release the full pay and allowances of the suspension period and also to pay the annual increments with all service benefits to her

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deceased husband and to fix the family pension, i.e. being to be fixed consequent to the above direction and orders/or pass any other or further orders as to your Lordship may deem fit and proper.

9. Interim Relief if any :

No

10. Particulars of I.P.O.

I.P.O. No. 11638770 dt. 31.12.03 for Rs.50.00 only is enclosed.

VERIFICATION

I, Smti H. Chandra Kala Devi, wife of Late H. Lal Bihari Singha aged about 54 years of Tarapur Part-7 Silchar-8 Cachar, Assam, the applicant of the connected application do hereby verify that the statements made in paragraphs of this application 4(i)iiii v vi viii x xi xii xiv xv 5 are true to my knowledge and those are made in paragraphs 1, 4(vii) ix xiiii are matters of informations derived from records which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

I sign this verification on this 2nd day of

January 04.

H. Chandra Kala Devi

Signature.

Annexure

To the Director General, Government of Assam
Office of the Additional Post Master General
Assam Region, Guwahati.
through the Superintendent, R.M.S. 85 Division,
SILCHAR.

Subject: An appeal against imposition of a heavy
monitory punishment with payment amount
of Rs. 6,000/- (Rupees Six thousand/-)
in 35 instalments by the Superintendent
R.M.S. "85" Division, Silchar vide his N.C.O.
No. K-5/4/86-87, dtd. Silchar 15/5/88 (copy
enclosed) - prayer for revocation of the
punishment - case of Sri H.Lal Behari Singha
S.A. under suspension, S.R.O. Tinsukia now
under H.R.O., Silchar.

Respected Sir,

Would you kindly allow me to trouble you
valued times with the following few lines in view
of your kind consideration and favourable judgment.

That Sir, while I worked as registration S.A.
with Dimapur R.M.S./1 dated 1.1.86 I received a registered
bag closed by Nopali Gaon S.O. dtd. 31.12.85 for Dimapur
/2 at about 0635 hours with smudged seal and neck tie
of the Regd. bag in loose condition from the H.S.A. of
the Set. I, at once brought the matter to the notice of
the H.S.A. The Regd. bag was opened in presence of the
H.S.A. of the Set. On opening the Regd. bag, 7 RMs
8 Ins letters, and 4 IBs were received correctly as per
entry in the Regd. list from inside the Regd. bag closed
by Nopali Gaon S.O. dtd. 31.12.85 for Dimapur R.M.S./2.
I, also received one M.O. and one HMO bundle without
entry in the Regd. list from inside the said bag.
The M.O., HMO bundles which were received without entry
in the Regd. list from inside the Regd. bag of Nopali-
gaon S.O. dtd. 31.12.85 were taken into account in
Regd. list of Nopali Gaon S.O. with ink and a remark
was made in the Regd. list of Nopali Gaon S.O. dtd.
31.12.85 as "reported" with my dated signature. The
irregularity as regards receipt of one MO and one
HMO bundle was noted in the common Note Book of the
maintained by the H.S.A. of the Set. The case

Office Superintendent
R.M.S. 85 Division
Silchar
29/6/88

Attested
S.P.

common Note Book and the Regd. list of the Napaligaon S.O. were handed over to the H.S.A. ~~Set~~ of the Set personally by me for reporting the matter in his D.R. of the dtd. 1.1.86. Approximately after 15 minutes the Registered List of Napaligaon S.O. was returned back to me by the H.S.A. So, I was sure that the matter was regarding receipt of M.O. and HMO bundles without entry in the registered list from Napaligaon S.O. was reported by the H.S.A. in his D.R. of dtd. 1.1.86. After completion of my works, the received copies of the Registered List, despatching list and the balanced registered abstract were submitted to the H.S.A.

That Sir, the Superintendent, R.M.S., "B" Division, Silchar, vide para-2 of his Memo No. K-5/4/86-87, has brought allegation against me for not detecting the irregularity regarding receipt of M.O. and HMO bundles without entry in the registered list in time from Napaligaon S.O. and for not bringing the matter to the Notice of the H.S.A. of the Set. Had the irregularity as regards, the receipt of M.O. and HMO bundles been brought to the notice of the H.S.A. of the Set in time, the case might have been detected earlier and the enquiry into the case was not frustrated for which, the Superintendent, R.M.S., "B" Division, Silchar has made me responsible for violation of Rule 86(2) of P&T Manual Volume - VII for which department has to sustain a loss of Rs. 24,320/- for payment of compensation to the senders of the ins. articles.

That Sir, R.M.S. work is a good team work of a Set where good faith, good relation, co-operation, mutual understanding should be prevailed with the staff of duty for smooth functioning of a Set.

That Sir, I worked as registration S.A. with Dimapur R.M.S./1 dtd. 1.1.86 abiding Rule 86(2) of P&T Manual volume - VII. The receipt of M.O. and HMO bundles without entry in the registered list from Napaligaon S.O. dtd. 31.12.85 was detected promptly and the matter was brought to the notice of the H.S.A. of the Set timely. The H.S.A. of the Set knew the fact as the registered bag of Napaligaon S.O. dtd. 31.12.85

Dated
Date

- 13 -

page ... (3)

with smudged seal and a abnormal Gap in neck-tie of the registered bag was opened in presence of him and the contents thereof were received with scrutiny including one MO and one HMO bundles without entry in the registered list in presence of him (the H.S.A. of the Set). It is not understood the reason for his failure to report the matter in his D.R. of dtd. 1.1.86. For not reporting the matter as regards receipt of MO and HMO bundles from Nepaligon S.O. dtd. 31.12.85 the all responsibilities were imposed on my shoulder by the Superintendent, R.M.S. "S" Division, Silchar and made me guilty for loss of Insured articles contained in 2nd page of the registered list of Nepaligon S.O. as per opinion of the Superintendent, R.M.S. "S" Division, Silchar. It is not understood as to how the 2nd page of the registered list of Nepaligon S.O. dtd. 31.12.85 containing insured articles which was not received by me, came to the light of the Superintendent, R.M.S. "S" Division, Silchar. After opening the Mail Bags at the H.S.A. of the Set, taken the received copies of the registered list from my table to check the registered lists with reference to the opening Register of Mail bags maintained by him and during that time, he could have put his dated, initial in the registered list of Nepaligon S.O. where a remark was made by me as "reported". But the HSA will fully abstained from putting his initial and refrained from reporting the matter in his DR of dtd. 1.1.86 to harnes me. Was the inquiry into the case not frustrated for not reporting the matter in his DR of dtd. 1.1.86 ? Had the irregularity as regards receipt of MO and HMO bundles been reported by the H.S.A. of the Set in his DR of dtd. 1.1.86, I would not be victim of the loss case.

That Sir, it is learnt that the Mail bag of Nepaligon S.O. dtd. 31.12.85 which was due to be opened by Dimapur RMS/2 dtd. 31.12.85 was not opened by the Set and keeping 12 hours in deposit the same was forwarded to mail Agent.../4

After
date

page ... (4)

to Mail Agent, Dimapur R.M.S. where the said Mail bag suffered another 12 hours detention for overnight. Had the Mail bag of Nopalgon S.O. dtd. 31.12.85 been opened by the Dimapur RMS/2 dtd. 31.12.85, the irregularity regarding receipt of MO and HMO bundles without entry in the registered list from Nopalgon S.O. dtd. 31.12.85, could have been detected 24 hours before the Mail bag was opened by the Dimapur RMS/1 dtd. 1.1.86 and the enquiry into the case would not be frustrated.

In conclusion, I fervently pray that your honour would graciously be kind enough to consider my case with lenient views and exonerate me sympathetically from the pecuniary punishment inflicted on me by the Superintendent RMS "3" Division, Silchar vide his Jeno No. K-5/4/86-87, dtd. 16.5.88.

- (a) Had the irregularity as regards, receipt of M.O. and H.V.M.O. bundles been reported by the HSA of the SGT in his DR of dtd. 1.1.86, I would not be victim of loss case.
- (b) Had the mail bag of Nopalgon S.O. dtd. 31.12.85 which was due to be opened by Dimapur RMS/2, dtd. 31.12.85 been opened by the SGT within it's prescribed duty hours, I would not be a victim of loss case.
- (c) Had the movement of the mail bag of Nopalgon S.O. dtd. 31.12.85 together with it's all exhibits been properly examined by the enquiry officer into the case, I. would not be a victim of loss case.

under the circumstances, what I have stated in the proceeding para, everything is left in your kind hands.....

Attested
S. K. D.

page ... (5)

kind hands, for judgment, so that the poor employee of yours, may not be a victim of utter ruination together with his innocent family members and oblige thereof.

Subject
Dated, Silchar
the 27th June '88.

Yours faithfully
Sri Nandal Bihari Singh

(Sri H. Lal Bihari Singh) only

(under suspension under H.R.C. 1910)

(Now under H. K. & C.)

• A B C D E

which will allow the stick to pass through the skin, and then the stick will be held firmly in place by the adhesive.

1. ~~.....~~ H.W. was noted in the ~~.....~~ Note Book of the maintained by the H.S.A. of the set. Thereafter the

After ~~the~~ ~~the~~

16
11 20
DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL :: A.

Memo No. Staff/9-27/88
Dated Guwahati, the 30th Sept 1988

This is an appeal dated 29-6-88 preferred by Shri H. Lal Behari Singh, S.A., SRO Tinsukia against the punishment order issued by SRM 'S' Division Silchar vide his Memo No.K5/4/86-87 dated 16-5-88.

Shri Singh was proceeded under Rule 16 of C.C.S.(C.C.A.)Rules, 1965 and the statement of imputation of misconduct and misbehaviour are as under:-

"Shri H. Lal Behari Singh S.A. under suspension SRO Dibrugarh (now under SRO Tinsukia) while working as Regn. S.I. with Dibrugarh RMS/1 dated 1.1.86 received the Regd. bag closed by Nepaligaon SO dated 31-12-85 for Dibrugarh RMS at about 06.35 hours correctly from H.S.A. of the Set in good and sound condition. On opening the said registered bag, Shri Singh found 7 RIs, 8 Is letters and 4 IBs entered in the Regd. list correctly as per entry in the relevant regd. list in good condition with correct weight. Shri Singh also received MO. and H.V.M.O. bundles without entry and the same were entered in the regd. list by Shri Singh in ink and remark was made as "Reported" with his dtd signature. The said report was also made in the Note Book of the Set but the signature of the HSA of the set was not taken by him (Shri Singh) in the note book. The statement obtained from Shri Singh indicate the said happenings. As such it is evident that the irregularity regarding receipt of MO. and H.V.M.O. bundles as without entry was not detected in time as well as the same was not brought to the notice of the H.S.I. of the Set in time by Shri Singh, the case might have been detected earlier no doubt but Shri Singh failed to do so for which the enquiry into the case was frustrated.

Thus Shri H. Lal Behari Singh, Regn. S.A. of Dibrugarh RMS/1 dated 1.1.86 is responsible for violation of Rule 86(2) of P&T Man. Vol. II for which department has to sustain a loss of Rs. 24,320/- in the shape of compensation payment to the senders of the Insarticles in this case."

Shri H. Lal Behari Singh

- 2 -

After receiving the defence statement from Shri Singha the SRM "S" Division, Silchar has imposed the penalty of recovery of Rs.6,000/- from the pay and allowances of the officials. In his appeal to the undersigned Shri Singha has stated that he has received the Nepaligaon S.C. Registered Bag dated 31-12-85 for Dimapur RMS-II on 1-1-86. As the bag was not in proper shape the bag was opened in presence of H.S.A. of the Set. On opening the Bag 7 R.Ls ; 8 Insured Letters and 4 Insured Bundles were received correctly as entered in the registered list. He had also received one M.O. and one HVMO bundles without entry in the list. This was taken into account and entered later on in the registered list with ink. The irregularity in this regard was noted in the common note book of the Set maintained by H.S.A.. It is not known, why the H.S.A. did not report the matter in his Daily Report. For not reporting this matter all the responsibilities were imposed on him by the Superintendent. He had also stated that this part of malpractice was due to be opened by DMR RMS-II dated 31-12-85. But this was not done thereby the bag suffered 24 hours delay.

I have gone through the case and the appeal and find that nowhere it is mentioned where the first whether the first page of the registered list which was received by Shri Singha contained the grand total of 7 R.Ls + 8 Ins letter + 4 L.B.s. If it contained the grand total then the enquiry and the responsibility could have been on different line. In this instant case, Shri Singha received the articles of first class with the registered list as per entry. He might have received these articles with grand total as of first page. In that case, he can be wholly responsible to the extent that he could not report the irregularity of receiving the MO/HVMO list to the H.S.A. of the Set. So, I find that the enquiry of the case has not been made properly and the charges against the official also has not been made properly. So, I find that it is not correct to punish Shri Singha by recovering Rs.6000/- from his pay and allowances for this vague charges. Hence, I accept the appeal preferred by Shri Singha and order that the punishment order

Issued ..

Shri Singha

issued by the Superintendent, R.M.S. 'S' Division, Silchar vide his Memo No.K5/4/86-87 dated 16-5-88 is set aside and money recovered from the pay and allowances of Shri H. Lal Behari Singh due to this order of SRM "S" Division, Silchar may be refunded back to him.

Sd/-

Sd/- S.C. Sarma
Director of Postal Services (HQ)
O/o the Postmaster General,
Assam Circle, Guwahati-11

Memo No. Staff/9-27/88 Dtd. Guwahati, the 30th Sep. 88

Copy to :-

1. Shri H. Lal Behari Singha, S.A., S.R.C., Tinsukia (under suspension) (now under H.R.O., Silchar) for information with reference to his appeal dated 29-6-88 (Registered with A/D).
- 2- The Superintendent of R.M.S. 'S' Division, Silchar
3. The O.R. file of the official through SRM Silchar
4. The Punishment Register.
- 5- Spare.

(S.C. Sarma) Director of Postal Services (HQ)
O/o the Postmaster General,
Assam Circle, Guwahati - 11

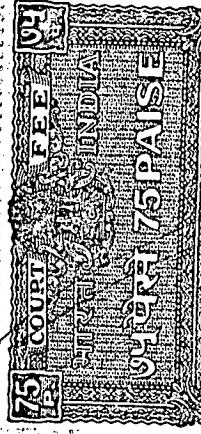
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Attest
Deka

- 19 -

Annexure - 8/11

FOLIO



Date of application for copy	Date fixed for notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and follio	Date on which the copy was ready for delivery	Date of making over the copy to the applicant
16-1-2002	16-1-2002	16-1-2002	19-1-2002	19-1-2002

EXTRACT COPY OF THE ORDER PASSED BY SHRI. G.H. RAMLIA
JUDICIAL MAGISTRATE (1ST CLASS) DIMAPUR, NAGALAND IN
G.R. CASE NO. 195/ '86.

The State of Nagaland,

....Complainant.

- Versus -

Shri. H.Lal Bihari Singha,

....Accused.

DATED.
16-1-2002.

O R D E R

Both the parties appeared as fixed earlier.

The Learned defence Counsel Shri.P.B.Paul submitted that this is a long pending case dragging on for nearly sixteen years in the Court of law.

But on the otherhand this case has been taken up by the complainant department and decided by the concerned Authority Director of Postal Services (H.Q) Assam vide Memo No. Staff/9-27/88 Dt. Guwahati 30-9-88.

However, in order to avoid further complication for his service the petitioner/accused may be acquitted and disposed off the case accordingly in the interest of natural justice where no one should be punished twice for one same offence.

The Ld.Counsel for the accused further submitted that in view of the Supreme Court India directive in Writ petition (C) No.1128 of 1986 being forwarded by the Dept of Justice and law vide Order No.111-1204/dtd. 19-7-96 writ with Hon'ble Gauhati High Court Kohima Bench oral directive and the offence memorandum issued by A.D.C(J) Dmr, vide (J) Dmr Memo 1995 dtd.5-8-97 for...

Certified True Copy

*Attested
Deka
19/1/02*

PESHKAR

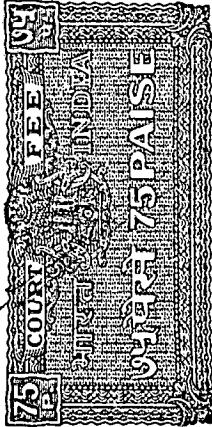
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Judicial Magistrate 1st Class
Dimapur, Nagaland

contd.. 2/-

-20-

FOLIO



Date of application for copy	Date fixed for notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and folio	Date on which the copy was ready for delivery	Date of making over the copy to the applicant
16-1-2002	16-1-2002	16-1-2002	19-1-2002	19-1-2002

-2-

..for immediate disposal of long pending cases.

The Ld. Counsel further submitted that the petitioner is in old age due for retirement within three years of time lesser chance for further commission of any offence.

Therefore in view of the guided principle the accused may be acquitted and disposed off the case considering the decision made by the complainant Dept (a copy of which is enclosed for reference).

The Ld. Addl. P.P. Shri, P. Keppen appeared for the State and submitted that this case could not be taken up expeditiously due to obvious reason and transfer and posting of the trial Court Magistrates the case was delayed and kept pending till today. But this case had since been settled departmentally by the complainant dept the prosecution has no objection to disposed off the case in view of the direction given by the higher Court.

Perused the record. Heard the parties at length. This is a long pending case. This case was settled by the complainant dept Sudpt R.M.W.S. S.Division Silchar Assam vide Memo No.K.5/4/86-87, dtd.16-5-88 awarding punishment against the accused H.Lal Bihari Singha, S.A. Pay Rs 1240/- be punished with panel recovery of Rs 6,000/- (Rupees six thousand) only from his pay and allowances in 35 instalments i.e., Rs 166/- p.m, and last one instalment at Rs 190/- total 35 + 1 = 36 instalment with immediate effect.

However, the accused went for appeal against the above noted Order, and the reviewed Order Memo No. Staff /9-27-88 dtd. Guwahati the 30th Sept 88 was passed by the ...

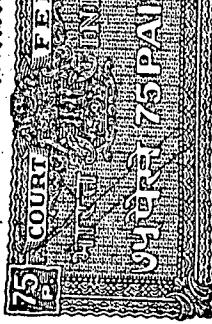
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Copy

P.C.C.
19/1/02

Attested
PESAKAR
in
Judicial Magistrate 1st Class
Dimapur; Nagaland

FOLIO



Date of application for copy	Date fixed for notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery	Date of making over the copy to the applicant
16-1-2002	16-1-2002	16-1-2002	19-1-2002	19-1-2002

-3-

...the Head of the dept shri.S.C.Sharma, Director of Postal Service H.Q.Guahati, Assam overruled the earlier Order passed by his subordinate officer.

In view of the above observation I am convinced and satisfied to acquit the accused from the liability of this case and disposed off this long pending case adhere to the direction given by the higher Court to disposed off the long pending case expeditiously in the interest of Administration of justice.

Passed this Order in presence of both the parties in my open Court today the 16-01-2002.



Sd/- G.H. RAMLIA
Judicial Magistrate (First Class)
Dimapur : Nagaland.

Certified True Copy

16/1/02
BESHAKAR
1st Class
Judicial Magistrate 1st Class
Dimapur : Nagaland

Attested
Date

Annexure - 1

To

The Post Master General,
Assam Region, Dibrugarh.

Sub:- An appeal

Date :- 15.07.2003.

Ref:- RO number AP/RP/3-1/2000/Part-II ,Dtd.Dibrugarh
the 23.04.2003.

Sir,

In inviting a reference to my original application dtd. 30.4.02 and your letter referred to above. I beg to state that I am still in a dark about the outcome of my appeal. It has been observed through the letter under reference that, certain reports are being called from the Supdt. RMS 'S' Division, Silchar and I hope the same has been furnished by the SRM by the time.

Sir, my husband was innocent. He had been put to unnecessary harrassment for long long years. Due to this he had to suffer both mentally and economically, and consequent on which his health broke down seriously. It is also perhaps one of the reason of his premature of death.

That Sir, neither the DPS HQ Assam circle Guwahati nor the honourable court of Nagaland found my husband guilty. So the order of the Supdt. RMS 'S' Division, Silchar regarding restriction of pay of my husband to a lower stage is against of justice and in human. Had he been alive he could had appeal to the higher authority for giving him the full benefit of pay along with all incremental benefit.

Sir, my husband fell victim of injustice an for which myself the widow has been suffering severely because of getting less pension than that of what it has been actually due.

So, I pray you kindly to consider the case sympathetically and review the order of the Supdt. RMS 'S' Division, Silchar and get me to receive the higher rate of pension and all other pensionary benefits as per fixation on the real stage of pay. Hope your honour would be so kind as to do needful quite early.

With regards.

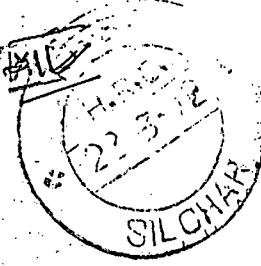
Your's faithfully,

H. Chandra Kala Devi
w/o Lt. H. Lalbikari Singh
Tarapur. Pari - VI
Silchar - 8

0000

Attested
Geka

23
Annexure B
**DEPARTMENT OF POSTS INDIA
OFFICE OF THE SUPERINTENDENT RMS 'S' DIVISION,
SILCHAR-788001**



Memo. No. B-877

Dated at Silchar-788001,
The 22nd March, 2002

Sri H. Lal Bihari Singh, SA, SRO Tinsukia, was placed under suspension with effect from 22-09-1986 vide this office Memo. of even No. dated 17-10-86. The suspension was revoked vide this office Memo. of even No. dated 04-09-95. Sri H. Lal Bihari Singh, SA, joined to his duty on 14-09-95.

During the period of suspension, Sri H. Lal Bihari Singh, SA, was allowed to draw his subsistence allowance, an amount equal to leave salary and other allowances as admissible which he would have drawn if he had been on leave on half average pay or half pay. Due to pendency of prolonged court case, the period of suspension could not be regularized earlier.

I, Sri C.R. Deb, Superintendent, RMS 'S' Division, Silchar, do hereby order that the suspension period of Sri H. Lal Bihari Singh, SA, from 22-09-86 to 13-09-95 should be treated as period spent on duty for the purpose of pension. The pay & allowances for the period of suspension will be limited to the subsistence allowance already paid for the said period.

Sdt
(C. R. Deb)
Supdt. RMS 'S' Division,
Silchar-788001

Copy to :

1. Sri H. Lal Bihari Singh, SA, under HRO/ Silchar-788001.
2. The HRO(a/c), RMS 'S' Division, Silchar-788001.
3. The DA(P), Calcutta-69.
4. The Postmaster General(Vig), Dibrugarh Region, Dibrugarh with reference to RO's letter No. Vig/Misc/RO/98 dated 14-03-2002.

(C. R. Deb)
Supdt. RMS 'S' Division,
Silchar-788001

*✓ Checked
Sdt*

Appendix

To
The Chief Postmaster General
Assam Circle
Guwahati

Sub:-

A humble prayer for the
compassionate appointment of
my son and regularization
of other financial benefits, due
in favour of my late husband
H. Lalbehari Singha a EX SA
of RMS S' Division, SILCHAR

Sir,

It is to bring your kind notice
that my husband late H. Lalbehari Singha
EX SA of RMS S' Division, SILCHAR, breathed
his last on 27.3.2002 while in service due
to CARDIO RESP FAILURE.

That Sir, my husband left behind
wife and five (5) children.

THE DETAILS OF SURVIVING FAMILY
MEMBER'S ARE AS FOLLOWS.

1. Smt. H. Chaudhurakata Devi (widow)
2. Sri H. Raju Singha son (eldest)
3. " " Rajesh Singha "
4. " " Sanjeeb Singha "
5. " " Sudersh Singha "
6. Miss. H. Sangeeta (Vanti) Singha (daughter)

That Sir, among my elder son
H. Sanjeeb Singha all the 5 (five) of the family
are fully dependent on my late husband
H. Lalbehari Singha EX SA RMS S' Division,
SILCHAR.

My eldest son from time of my
husband was also unable to establish his
own living with his small earnings, so no
financial help can be expect from him.

That even during the late time service
of my husband the family as a whole
lived very tragic life. My late husband was
kept under suspension for a period of 09 (Nine)
years approximately i.e. 01.09.1986 to 04.09.1995,
and from 1995 as it could be easily imagine
that how much had this family suffered

contd on Page (2)

Attested
Sekha

to bear their living expenses like food, education of going school children and unforeseen expenses with the very meager amount of subsistence allowances paid to my late husband.

That Sir, it took nearly 09 (nine) years to settle the departmental proceeding against my husband though the appellate authority, after careful consideration of the case, "set aside" my husband from all the charges levelled against him by an order NO. STAFF/9-27-88 dated 30th September 1988 and wrote over the court of DIMAPUR had also acquitted my husband from all the liability of the case settled by the complainant department (Superintendent) Q.M.S. 'S' Division, Silchar, Assam vide memo NO. K.5/A/86-87 dated 16.5.88. At a same time it is also ordered to refund the recovery to my husband of any made from his pay as penalty by the disciplinary authority.

But ^{more} surprisingly the revocation of suspension order was issued on 04.9.95 after lapse of 07 (seven) years of quashing of the case by the appellate authority. Moreover disciplinary authority (Superintendent 'S' Division, Silchar) on his said revocation order quoted as such:-

Q.M.S. 'S' Division, Silchar, do hereby order that the suspension period of Sri H. Lalchand Silchar, SA from 22-09-86 to 18-09-95 should be treated as period spent on duty for the purpose of pension. The pay and allowances for the period of suspension will be limited to the subsistence allowance already paid for the said period"

That Sir, it is quite surprising that, despite the case was set aside by the appellate authority, and acquit my husband by court, how the worthy Superintendent in the revocation order say that pay and allowances of my late husband was restricted to the subsistence allowance?

Here I earnestly request "the Chief post Master General" to look into the following few facts -

(1) Why the suspension of my husband was last for 09 (nine) years?

Shrestha
Sekhar

(2) Why notice of revocation of suspension order was issued after 07 (seven) years of the set aside of the penalty order whereas the legal opinion was also in favour of my late husband?

(3) Why the suspension period has been limited to the subsistence allowance once the case was set aside by an appeal and acquit my husband by court?

From the above it is very clear that my late husband had not given free and fair justice, as a result 110 families of a 4000+ area unemployable, hamper proper education of children too.

To survive the helpless family I urge the worthy Chief Post Master General, Officer Circle, Gandhara.

(a) To review the said revocation order of suspension by treating the period on duty with full pay and allowances.

(b) To review the pay of my late husband regulation all the encumbrances due to him.

(c) To settle all the pending/overdue claims at the earliest.

(d) To review the proportionality/upgrade due to him and fix his pay accordingly.

(e) To give int. in official name of M/s Srinivas - Sri H. Sudheer Srinivas on extreme compassionate ground.

Urge early action may kindly be done.

- Yours faithfully,

H. Chandrika Kala Devi
(Smt. H. CHANDRAKALA DEVI)

C/o. Lata H. Lalchand

EX SA RMS S'Division
SILEHAR

dated with Regd. No. 1

Wrote
10/4/2015 April 2007

Wrote
10/4/2015

To

The Post Master General ,
Assam Region, Dibrugarh.

Sub:- An appeal

Date :- 15.07.2003.

Ref:- RO number AP/RP/3-1/2000/Part-II ,Dtd.Dibrugarh
the 23.04.2003.

Sir,

In inviting a reference to my original application dtd. 30.4.02 and your letter referred to above. I beg to state that I am still in a dark about the outcome of my appeal. It has been observed through the letter under reference that, certain Reports are being called from the Supdt. RMS 'S' Division, Silchar and I hope the same has been furnished by the SRM by the time.

Sir, my husband was innocent. He had been put to unnecessary harassment for long long years. Due to this he had to suffer both mentally and economically, and consequent on which his health broke down seriously. It is also perhaps one of the reason of his premature of death.

That Sir, neither the DPS HQ Assam circle Guwahati nor the honourable court of Nagaland found my husband guilty. So the order of the Supdt. RMS 'S' Division, Silchar regarding restriction of pay of my husband to a lower stage is against of justice and in human. Had he been alive he could had appeal to the higher authority for giving him the full benefit of pay along with all incremental benefit.

Sir, my husband fell victim of injustice an for which myself the widow has been suffering severely because of getting less pension than that of what it has been actually due.

So, I pray you kindly to consider the case sympathetically and review the order of the Supdt. RMS 'S' Division, Silchar and get me to receive the higher rate of pension and all other pensionary benefits as per fixation on the real stage of pay. Hope your honour would be so kind as to do needful quite early.

With regards.

Your's faithfully,

H. Chandra Kala Devi

w/o H. H. Lalhara Singh

Tanapin Pt-VII

Sil-8.

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Attested
Deeka