

100  
**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 110/2004  
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**SECTION OFFICER (Judl.)**

FORM NO. 4  
(SEE RULE 12)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

110/04.....

Org. App. / Misc Petn / Cont. Petn / Rev. Appl.....

In O.A.....

Name of the Applicant(s) ... Liban Chandrea Bame.....

Name of the Respondent(s) ... H. U. I. Joms.....

Advocate for the Applicant ... A. R. S. K. Das, Abdul Matlib, M. H. Ahmed

Counsel for the Railway / CGSC.....

ORDER OF THE TRIBUNAL

OFFICE NOTE

DATE

This application is on form 11.5.2004  
is filed/C. F. No. 10/.....  
deposited under I.P.C. / B  
No. 110/389292

Dated 5.5.04.....

*Deb Roy*  
Dy. Registrar

steps taken with  
envelope.

Present: Hon'ble Shri M.K. Gupta,  
Judicial Member

Hon'ble Shri K.W. Prahladan,  
Administrative Member.

Mr A. Deb Roy, learned Sr.  
C.G.S.C. is present on behalf of the  
respondents. None <sup>appear</sup> for the applicant even  
on the second call.

Heard Mr A. Deb Roy, learned Sr.  
C.G.S.C. and perused the pleadings.  
Orders passed separately.

*K. W. Prahladan*  
Member (A)

*SPJ*  
Member (J)

nkm

20.5.04

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

*SPJ*  
9/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.110 of 2004

Date of decision: This the 11th day of May 2004  
(At admission stage)

The Hon'ble Shri M.K. Gupta, Judicial Member

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

Shri Liban Chandra Boro  
Postal Assistant,  
Barpeta Head Office,  
Barpeta. ....Applicant  
By Advocates Mr A.R. Sikdar,  
Mr Abdul Matlib and Mr M.H. Ahmed (absent).

- versus -

1. The Union of India, through the Secretary, Ministry of Communication (Post), Government of India, New Delhi.
2. The Director of Postal Services (HQ), Assam Circle.
3. The Chief Post Master General, Meghdoott Bhawan, Guwahati.
4. The Superintendent of Post Offices, Nalbari-Barpeta Division, Nalbari.
5. The Inspector of Posts, Barpeta Sub Division, P.O. & P.S. Barpeta, Assam. ....Respondents

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

.....

O R D E R (ORAL)

M.K. GUPTA, JUDICIAL MEMBER

In this application the applicant, who had been working as Postal Assistant was placed under suspension vide order dated 25.9.2003 on the ground that disciplinary proceedings were contemplated against him. The said suspension continues to be in operation. A Memo under Rule 14 of the CCS (CCA) Rules, 1965 was issued on

16.1.2004 (Annexure-2).

2. Since the learned counsel for the applicant was not available, we perused the pleadings wherein it is contended that despite the fact <sup>that</sup> about four months have passed, neither any Inquiry Officer nor any Presiding Officer has been appointed and the applicant is due to attain the age of superannuation on 30.6.2004. Since he continues to be under suspension as well as facing disciplinary proceedings, he would suffer immensely in terms of that his retirement benefits would also be withheld. It is further stated in the application that the respondents have not disposed of his appeal filed against the said suspension order.

3. In this application the applicant has prayed for a direction to the respondents to revoke the suspension order dated 25.9.2003. In the alternative, direction is also sought ~~to~~ the authorities concerned to conclude the disciplinary proceedings expeditiously.

4. The fundamental right to speedy trial was recognised by the Constitution Bench of the Hon'ble Supreme Court in A.R. Antulay Vs. R.S. Nayak, (1992) 1 SCC 225. The said principles were extended by the Hon'ble Apex Court in the disciplinary proceeding <sup>initiated</sup> ~~against~~ against the delinquent official as well, vide Judgment reported in (1998) 4 SCC 154, State of A.P. Vs. N. Radhakishan.

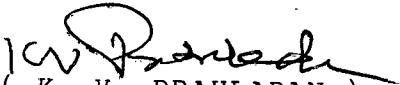
5. In view of the fact that the applicant is due to attain the age of superannuation on 30.6.2004 and charge memo had already been issued on 16.1.2004, as well as no steps have been taken by the respondents to conclude the

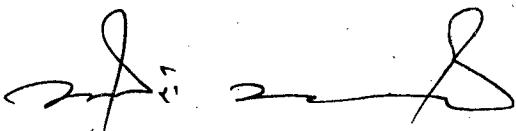
said.....



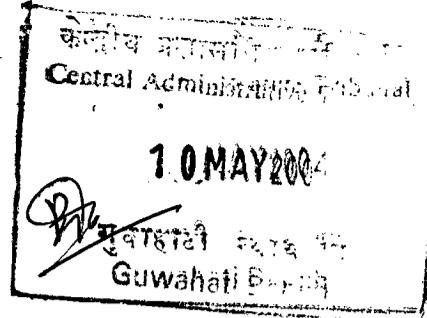
said proceedings, we are of the considered view that in the interest of justice, to issue direction to the respondents to conclude the proceedings expeditiously preferably within a period of six months from the date of receipt of a copy of this order. It is expected that both sides shall cooperate in the conclusion of the said proceedings.

6. Accordingly the O.A. is disposed of at the admission stage.

  
( K. V. PRAHLADAN )  
ADMINISTRATIVE MEMBER

  
( M. K. GUPTA )  
JUDICIAL MEMBER

nkm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GAUHATI BENCH, GUWAHATI

Original Application No. 110 /2004

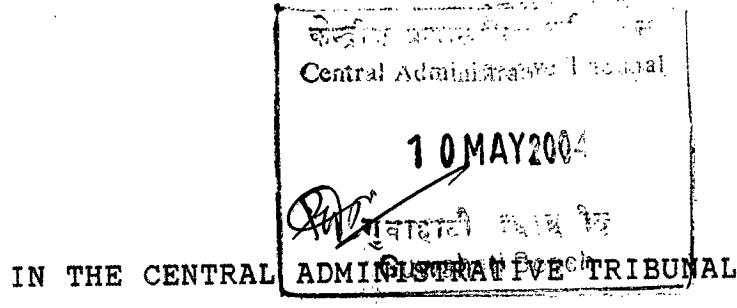
Sri Liban Chandra Baro ----- Applicant

Vs-

Union of India & Others ----- Respondents

SYNOPSIS

The applicant in the above noted case, while was serving as postal Assistant (P.A.) Barpeta Head Office, received an order dated 25-9-2003 (Annexure -1) issued under the signature of the Superintendent of Post Offices, Nalbari-Barpeta Division placing him under suspension on certain allegation committed during his service period as SPM at Bhella SO. The applicant preferred an appeal dated 25-10-2003 (Annexure- 6) praying for revocation of the same. The respondent authority neither passed any speaking order disposing of the claim for revocation of the suspension order nor has taken any initiative to conduct and close the proceeding likely to be contemplated as per suspension order although the applicant seeking expeditious disposal of the same on ground of his retirement w. e.f. 30-6-2004. Hence this application.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH, GUWAHATI

Original Application No.

/2004

Sri Liban Chandra Boro

---- Applicant

Vs-

Union of India & Others

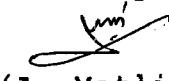
--- Respondents

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Date : 6.5.04

Filed by

  
(A. Matlib)

Advocate

Filed by the applicant  
through  
Abdur Mattoo  
Advocate  
G.S.OA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH, GUWAHATI

(An application under Section 19 of the Central Administra-  
tive Tribunal Act, 1985)

Original Application No.

110 /2004

Sri Liban Chandra Boro

---- Applicant

Vs-

Union of India & Others

---- Respondents

Details of the Applicant

1. Name of the Applicant : Sri Liban Chandra Boro  
S/O\_ Late Gangaram Boro  
R/O- Vill & P.O. Narua  
P.S - Mukalmua  
Dist- Nalbari, Assam

2. Designation : P A (Postal Assistant)  
Barpeta Head Office  
Barpeta

Particulars of Respondents

Name and designation : 1) The Union of India through the  
of the respondents Secretary, Ministry of Communica-  
tion (Post), Govt. of India, New  
Delhi - 110001.

2) The Director of Postal Services  
(HQ), Assam Circle

Liban Chandra Boro

3) The Chief Post Master General  
(CPMG), Meghdoct Bhawan, Guwahati-1

4) The Superintendent of Post Offices  
Nalbari, Barpeta Division, Nal-  
bari- 781335

5) The Inspector of Posts  
Barpeta Sub Division  
P.O. & P.S. Barpeta, Assam

Particulars of Orders against which the Application is made

~~1. 23/2~~

1. Against the order No. FI-01/NSC/A/02-03 dated 25-9-2003  
under the signature of the Superintendent of Post Offices,  
Nalbari- Barpeta Division, Nalbari whereby the applicant is  
placed under suspension.

2. Jurisdiction of the Tribunal :

The applicant declares that the cause of action has  
arisen within the jurisdiction of this Hon'ble Tribunal.

3. Limitation :

The applicant declares that the application is filed  
before this Hon'ble Tribunal within time limit prescribed  
under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the Case :

4.1 That the applicant is a citizen of India and permanent  
resident of vill & P.O.- Narua, P.S. Mukalmua and Dist-  
Nalbari, Assam.

The applicant passed H.S.L.C.Examination in the year

*Deban Chandra Baru*

1963 and thereafter he was in search of job to maintain his family. Having eligibility and requisite qualification the petitioner was appointed as Postal Assistant under the respondent authority in the year 1964 and was posted at Tezpur Postal Head quarter. During the service period the applicant was transferred and posted at various places. In the year 2000 the petitioner was posted as SPM at Bhella Sub-Post Office where he worked upto 7-1-2003 in which date he has been again posted at Barpeta HQ in the same capacity.

4.2 That the applicant begs to state that while he was serving and functioning as P.A. at Barpeta HQ an order dated 25-9-2003 issued under the signature of Sri S. Das Superintendent of Post Offices, Nalbari-Barpeta Division contemplating a disciplinary proceeding against the applicant on 4 (four) nos. of charges with certain allegations committed during his service period as SPM at Bhella. So, by the said order ~~said~~ the applicant was also placed under suspension in exercise of power conferred by the Sub-Rule -(I) of Rule 10 of the Central Civil Service (CCA Rule) 1965.

A copy of the suspension order is  
annexed as Annexure-1.

4.3 That the applicant begs to state that the Superintendent of Post Offices Nalbari-Barpeta Division by memorandum dated 16-1-2004 drawn up the departmental proceeding by proposing to hold an enquiry against the applicant under Rule - 14 of the CCS (CCA) Rules, 1965. The said memorandum was also enclosed with the statement of allegations and 4(four) nos. charges and directed him to submit written statement in reply to the memorandum of charges. The appli-

*Lilam Chandra Baru*

applicant received the aforesaid memorandum of charges with show cause notice on 1st week of February 2004 and immediately after receipt of the same he made a short application dated 7-2-04 to the Superintendent of Post Offices, Nalbari-Barpeta Division wherein he denied all the charges leveled against him and express his willingness to be heard in persons during the proposed enquiry proceedings. The applicant in making such short application also made prayer orally that he is also likely to make a detailed reply to the show cause notice very soon and accordingly he submitted the same through regd. AD post on 4-3-04 which was received on 5-3-04. In the show cause notice the applicant made reply denying all the charges and also prayed for to be reinstated him in service acquitting from the charges as the same being not proper and justified.

Copy of the Show Cause notice vide memorandum dated 16-1-2004 along with statement of allegations is annexed as Annexure- 2.

A typed copy of the letter dated 7-2-04 denying the charges is annexed as Annexure-3.

A typed copy of the reply to Show cause dated 4-3-2004 and A/D card are annexed as Annexure - 4 and 5 respectively.

4.4 That the applicant begs to state that before the show cause and its reply dated 4-3-04 and letter dated 7-2-04 he made an appeal dated 25-11-03 to the respondent authority

*Liban Chandra Baru*

under Section 23(1) of the CCS CCA Rules, 1965 praying for revoking the suspension order dated 25-9-2003 vide Annexure - 1 wherein he prayed for reinstatement in service. The respondent authority however, did not pay any consideration upon the said prayer and issued show cause notice.

A typed copy of the appeal dated 25-10-03 is annexed as Annexure- 6.

4.5 That the applicant begs to state that the respondent authority although drawn up the departmental proceeding vide show cause notice dated 16-1-04 to hold an enquiry against the applicant on the basis of charges leveled against him but neither any enquiry officer nor any Presiding Officer has been appointed in conducting the proposed proceeding. The respondent authority during this period did not make any communication to the applicant as regards either about holding the enquiry proceeding or on the questions of consideration of prayer of the applicant, made in the appeal dated 25-10-03 and in the reply to show cause dated 4-3-04 for revoking the suspension and reinstatement in service.

4.6 That the applicant begs to state that respondent authority issued a letter dated 23-4-03 to the applicant denying to revoke the suspension order date 25-9-03 but the same issued without considering the points raised by the applicant.

#### 5. Grounds for relief with Legal Provisions :

I. For that the learned Superintendent of Post Offices, Nalbari-Barpeta Division, Nalbari committed grave error of law and facts in passing the impugned order of suspension

*Lebon Chandra Baru*

dated 25-9-2003 vide Annexure- 1 and the same liable to be revoked.

II. For that the learned authority passed the impugned order of suspension without any basis or provisions of law and procedure.

III. For that the impugned action of the authority in passing the Suspension Order dated 25-11-03 and keeping the enquiry proceeding in cold storage without taking any initiative to close the same by conducting it in a reasonable spell of time. The callousness of the authority in conducting the enquiry proceeding is evidently clear inasmuch as of the fact that till now no enquiry officer/presenting officer has been appointed to conduct the same. The applicant on many occasion requested the authority by oral approach either to dispose off the proceeding expeditiously within a reasonable spell of time or to reinstate him in service. The urgency of the early disposal of the proceeding is sought for by the applicant because he is to retire from service on 30-6-04. The respondent authority being fully aware of this fact is not paying any consideration either to conduct the proceeding expeditiously or to dispose of the appeal dated 25-11-03. This action has not only violated the principle of Natural Justice but also caused infringement of his right guaranteed under Article 14 & 21 of the Constitution of India.

IV. For that the applicant submits that the respondent authority did not disposed of the appeal dated 25-10-2004 preferred under Rule 23(1) of the CCS(CCA) Rules, 1965. The letter dated 23-4-2004 issued to the applicant in denial of revoking suspension dated 25-9-2004 is passed without appli-

*Liban Chandra Baw.*

cation of judicious mind and the same can not be treated disposal of claim of the applicant.

V. For that the applicant begs to submit that during his service career he discharged his duty with best of his ability and sincerity to the satisfaction of all concerned and there is no stigma, blemish or adverse remark on him except the present proceeding. The applicant may have committed same mistakes but without any intention and due to old age, weak memory and infirmness. Therefore the authority is prayed for to treat him leniently.

VI. For that the applicant is on the verge of retirement and hence he sought for early disposal of the proceeding preferably before his retirement. But the action of the respondent in delaying the proceeding inordinately has caused injustice and suffering.

VII. For that in my view of the matter the impugned action of the respondent authority in prejudicing the petitioner's claim for early disposal of the proceeding and revoking the suspension is not sustainable in law.

6. Details of Remedies :

The humble applicant submitted his representation/ appeal dated 25-10-03 not considered.

7. Matters not previously filed or pending with any other Court/ Tribunal :

The applicant declares that he has not filed any application, writ petition or suit regarding the present matter any court of law or Tribunal and no case is pending before any court.

*LeLoan Chandy Bar.*

8. Relief sought for :

Under the facts and circumstances of the case as stated above, the humble applicant most respectfully prays for following relief :

(i) That this Hon'ble Tribunal may kindly be pleased to pass an order directing the Superintendent of Post Offices, Nalbari-Barpeta Division, Nalbari to revoke the suspension order dated 25-9-2003 or alternatively to direct the same authority to conclude departmental proceeding if any drawn up against him expeditiously--preferably before his retirement on 30-6-2004 in the interest of justice.

✓

(ii) To pass any other order or orders as deem fit and proper by the Hon'ble Tribunal in the interest of justice.

9. INTERIM RELIEF PRAYED FOR :

In the interim, the applicant prayed for :

There shall not be any bar to consider and disposed of the claim of the applicant in conducting and closing the proceeding if any drawn up against him and he may be allowed to continue to draw his subsistence allowances in regular manner and no recovery proceeding shall be drawn up against him in the interest of justice.

10. Details of Postal order :

Postal Order No. : 11 G 389292

Date of issue : 05-05-2004

Issued from : Head Post office, Meghcroft Bhanam.

Payable at : Guwahati

*Lokan Chandra Baro.*

11. List of particulars:

As per Index

VERIFICATION

I, Shri Liban Chandra Boro, Son of Late Gangaram Boro, resident of village & P.O. Narua, P.S. Mukalmua, District - Nalbari, Assam P.A. (Postal Assistant) Barpeta Head Office, Barpeta do hereby verify that the contents in paragraph 1, 2, 3, 4, 6, 7, 10, and 11 are true to my knowledge and paragraphs 5, 8 & 9 believed to be true as legal advice and I have not suppressed any material fact.

And I sign this verification on this 6th day of May, 2004 at Guwahati.

Place : Guwahati

Date : 6.5.04

*Liban Chandra Boro*

Signature of the applicant

Annexure - 1

DEPARTMENT OF POSTS : INDIA  
Office of the Superintendent of Post Offices Nalbari Barpeta Division  
Nalbari-781335

Memo No : FI-01-NSC/A 02-03

Date :: 25.9.2003

ORDER

WHEREAS, a disciplinary proceeding against Sri Liban Ch. Baro then SPM, Bhella and now PA, Barpeta HO is contemplated.

NOW, therefore, the undersigned, in exercise of the power conferred by the sub rule (1) of Rule 10 of the Central Civil Service (CCS) Rules, 1965, hereby places the said Sri Liban Ch. Baro under suspension with immediate effect.

It is further ordered that during the period that order shall remain in force the headquarters of Sri Liban Ch. Baro, PA Barpeta HO, should be Barpeta and the said Sri Liban Ch. Baro shall not leave the headquarters without obtaining the previous permission of the undersigned.

(S. Das)

Superintendent of Post Offices  
Nalbari Barpeta Division  
Nalbari-781335

Copy to:-

✓ 1. Sri Liban Ch. Baro, PA Barpeta HO for information. Orders regarding subsistence allowance admissible to him during the period of his suspension will be issued separately.

2. The PM, Barpeta HO for information and necessary action.

3. The SDI(P)/Barpeta HO for information.

4. OC.

✓ 10/9/03  
Superintendent of Post Offices  
Nalbari Barpeta Division  
Nalbari-781335

Certified to be true copy  
Advocate

DEPARTMENT OF POSTS : INDIA  
Office of the Superintendent of Post Offices Nalbari Barpeta Dn.  
Nalbari-781335

No : F1-01/NSC/A/02-03

Dated at Nalbari the 16.1.04

MEMORANDUM

The president/undersigned proposes to hold an inquiry under para 1st Sri **Liban Ch. Baro**, PA Barpeta HO (U/S) 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 (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witness by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. Sri **Liban Ch. Baro** is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

4. Sri **Liban Ch. Baro** 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 refuse 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 Sri **Liban Ch. Baro** invited to Rule-20 of the CCS (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 Sri **Liban Ch. Baro** is aware of such a representation and that it has been made at his instance and action. will be taken against him for violation of Rule-20 of the CCS (Conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

*Recd 16/1/04*  
(S. Das)  
Superintendent of Post Offices  
Nalbari Barpeta Division  
Nalbari-781335

To

Sri **Liban Ch. Baro** .....  
PA, Barpeta HO (U/S) .....

*Certified to the Govt  
in force*  
*Parroti*

ANNEXURE-I

Statement of articles of charge framed against Sri Liban Ch. Baro, then SPM, Bhella SO now PA, Barpeta HO(U.S.).

Article-I

That the said Sri Liban Ch. Baro, while functioning as SPM, Bhella SO during the period from 6.12.99 to 7.1.03 accepted applications and money from the purchaser of National Savings Certificates (VIII Issue) on different dates, issued necessary NSC against the amount to them, duly signed and placing office date stamps on them, but the amounts so collected were not credited to the Govt account on those days or later and misappropriated the entire amount. Again he misused the NSC worth Rs 43,000/- from his office stock. Thereby Sri Baro violated the provisions of Rule 103 of FHB Vol I, Rule 20(1)(i)(ii), Rule 4 and note 5 below Rule 20 of POSB Man Vol II and Rule 84 of Postal Man Vol VI Part III. Thus Sri Baro displayed lack of integrity, devotion to duty and acted in a manner which is unbecoming of a Govt servant as enjoined in Rule 3(1)(i)(ii)(iii) of CCS(Conduct) Rules, 1964.

Article-II

That the said Sri Liban Ch. Baro, while functioning as such during the aforesaid period accepted money from the depositors of SB/RD accounts, on different dates, for deposits into their accounts, noted the deposits, placed date stamps in the pass book, but the amounts so collected were not credited to the Govt accounts on those dates or later and the amount was misappropriated. Again Sri Baro fraudulently withdrawn Rs 15000/- from SB a/c No 1501911 on 6.12.99 by forging the signature of the depositor and allowed withdrawal of Rs 2500/- in SB a/c No 1502144 on 23.11.01 without entry in long book and a/c book. Thereby Sri Baro violated the provisions of Rule 103 of FHB Vol I, Rule 33(5) and 46(6) of POSB Man Vol I and Rule 84 of Postal Manual Vol VI Part III. Sri Baro by his above acts displayed lack of integrity, devotion to duty and acted in a manner which is unbecoming of a Govt servant as enjoined in Rule 3(1)(i)(ii)(iii) of CCS(Conduct) Rules, 1964.

Article-III

That the said Sri Liban Ch. Baro, while functioning as such during the aforesaid period issued order to Md. Fazlul Haque, GDS Packerman, Bhella SO irregularly to perform all office works on 2.4.00 as a result of which Md. Fazlul Haque got the chance to commit fraud in SB/RD accounts and TRC collection. Sri Baro also failed to credit the amounts of SB/RD deposit and TRC to the Govt account which was handed over by Md. Fazlul Haque to him on different dates. Thereby Sri Baro violated the provisions of Rule 103 of FHB Vol I and by the above act he failed to maintain absolute integrity and devotion to duty and acted in a manner which is unbecoming of a Govt servant as enjoined in Rule 3(1)(i)(ii)(iii) of CCS(Conduct) Rules, 1964.

Article-IV

That the said Sri Liban Ch. Baro while functioning as such during the aforesaid period accepted Telephone bills with money from the telephone subscribers on different dates, issued receipts in Eng-9 impressed office date stamp on receipts and handed over to the subscribers, but the amounts so collected were not deposited to the Govt account on those days.

or later and misappropriated the entire amount of collection. He also did not credit the IRC collection handed over to him by Md. Fazlul Haque, GDS Packer, on different dates Thereby Sri Baro violated the provisions of Rule 103 of FHB Vol I and Rule 84 of Postal manual Vol VI Part III and by his above act he displayed lack of integrity and devotion to duty and acted in a manner which is unbecoming of a Govt servant as enjoined in Rule 3(1)(i)(ii)(iii) of CCS(Conduct) Rules, 1964.

#### ANNEXURE-II

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Sri Liban Ch. Baro, then SPM, Bhella SO now PA, Barpeta HO(U/S).

##### Article -I

That the said Sri Liban Ch. Baro, while functioning as such during the aforesaid period accepted applications for purchase of NSC (VIIIth Issue) from the following purchasers on the dates shown against each, collected the amounts mentioned against each and issued prescribed NSCs equivalent to the said amounts to them. The NSCs were impressed with Bhella SO date stamps, made the required entries in the NSCs and application form, signed and handed over to the purchasers. But the sale proceeds of NSCs were not accounted for in the SO account on those dates or later and misappropriated the entire amount of Rs 3,38,500.00(Rupees three lakhs thirty eight thousand five hundred only). No NSC issue journals also prepared against those sales and the amounts were not credited to his a/c. Thereby he violated the provisions of Rule 103 of FHB Vol I, Rule 20(1)(i)(ii) and Note 5 below Rules of 20 of POSB Man Vol II and Rule 84 of Postal Man VI Part III.

<u>Name of holder</u>	<u>Particulars of NSC</u>	<u>Amount</u>	<u>D/o purchase</u>	<u>Regn No</u>
1. Sri Chandramohan Das	6NS/23DD906468	Rs 5000/-	28.2.01	06
2. Sri Narayan Ch. Sarma	6NS/43CC804545-47	Rs 3000/-	28.2.01	07
	6NS/32EE791652	Rs 10000/-	28.1.02	21
3. Sri Rameswar Das	6NS/20DD729511	Rs 5000/-	16.2.01	44
4. Syed Nazemuddin Ahmed	6NS/34CC149311	Rs 1000/-	21.2.01	73
5. Nurmohammad	6NS/43CC804548	Rs 1000/-	1.3.01	07
6. Syed Wahidur Rahman	6NS/43CC804549-51	Rs 3000/-	28.2.01	09
7. Nurul Haque	6NS/32EE791640-41	Rs 20000/-	2.3.01	10
8. Amarjyoti das	6NS/34CC149312-14:Rs 23000/- 6NS/32EE991642-43:	6NS/32EE991642-43:	30.3.01	13
9. Bhabesh Das	6NS/34CC149315-16	Rs 2000/-	31.3.01	12
10. Ms Jahanara Begum	6NS/23DD906969	Rs 5000/-	18.4.01	13
11. Md. Siddique Ali	6NS/32EE791645	Rs 10000/-	18.8.01	14
12. Md. Sundar Ali	6NS/34CC149334: 6NS/23DD906470:	Rs 6000/-	13.9.01	15
13. Md. Manjur Rahman	6NS/34CC149335-38	Rs 4000/-	6.10.01	16
14. Md. Babul Ojha	6NS/32EE791644: 6NS/32EE791646:	Rs 20000/-	6.12.01	17
15. Syed Abular Rahman	6NS/32EE791647-48	Rs 20000/-	8.12.01	18
16. Md. Tajum Ali	6NS/32EE791649-50	Rs 20000/-	20.12.01	19

17. Md Farid Ali	6NS/32EE791651	Rs 1000/-	17.1.02	20
18. Smt Jaymati Talukdar	6NS/34CC149339:	Rs 6000/-	30.1.02	22
	6NS/23DD906471:			
19. Ms Joytun Nessa	6NS/32EE791653-54	Rs 2000/-	xxx	23
20. Md. Farid Ali	6NS/23DD906472	Rs 5000/-	19.2.02	24
	6NS/43CC804552	Rs 1000/-	21.2.02	25
	6NS/34CC149317	Rs 1000/-		
21. Mohimuddin Ahmed	6NS/23DD906473	Rs 5000/-	22.2.02	26
	6NS/23DD906482	Rs 5000/-	13.4.02	28
	6NS/23DD906483	Rs 5000/-	2.8.02	28
22. Md. Safiqur Rahman	6NS/23DD906475	Rs 5000/-	25.2.02	27
23. Md. Safiur Rahman	6NS/23DD906474	Rs 5000/-	25.2.02	28
24. Md. Nayan Ali Ahmed	6NS/32AA791655	Rs 1000/-	25.2.02	29
25. Sri Niron Pathak	6NS/34CC149318-20	Rs 3000/-	26.2.02	30
	6NS/23DD906476	Rs 5000/-		
26. Sri Arabinda Pathak	6NS/23DD906477	Rs 5000/-	26.2.02	31
27. Ms Iman Khatun	6NS/34CC149326	Rs 1000/-	11.10.02	32
	6NS/23DD906484	Rs 5000/-		
28. Syed Wahidur Rahman	6NS/18BB027796	Rs 500/-	27.2.02	33
	6NS/34CC149321-22	Rs 2000/-		
	6NS/23DD906479	Rs 5000/-		
29. Sri Debraj Das	6NS/34CC149323	Rs 1000/-	28.2.02	34
	6NS/23DD906478	Rs 5000/-	26.2.02	32
30. Md. Abdul Latif	6NS/23DD906480	Rs 5000/-	28.2.02	35
31. Ms Suriya Begum	6NS/23DD906481	Rs 5000/-	11.4.02	27
32. Md. Tajel Ali	6NS/32EE291656	Rs 10000/-	1.8.02	29
33. Md. Mahmudur Rahman	6NS/32EE791657-58	Rs 20000/-	2.8.02	30
34. Miss Baby Ahmed	6NS/32EE791636-37	Rs 20000/-	20.2.01	1
35. Md. Abbas Ali	6NS/32EE791638	Rs 10000/-	23.2.01	x
	Total	Rs 3,38,500/-		

Again Sri T.C. Kalita, SDIPOs, Barpeta visited Bhella SO and verified the stock of NSC of the SO on 11.12.02 Sri Baro could not furnish the disposal of the following NSCs received by him from Barpeta HO. Sri Baro made some fictitious entries in the stock book to tally the balance somehow. Neither the credit particulars in SO account nor the application for purchase of NSC could be produced by Sri Baro against these NSCs. Thereby he failed to keep his office NSC in his personal safe custody as envisaged in Rule 4 of POSB Man Vol II.

Deno Rs 1000/-	6NS/34CC149324-25 = 2 No x 1000 = Rs 2000.00
	6NS/43CC 804544 = 1 No x 1000 = Rs 1000.00
Deno Rs 5000/-	6NS/23DD906466-67 = 2 No x 5000 = Rs 10000.00
Deno Rs 10000/-	6NS/32EE791639 = 1 No x 10000 = Rs 10000.00
	6NS/32EE791659-60 = 2 No x 10000 = Rs 20000.00
	Total Rs 43,000.00 ✓

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Thus by his above acts Sri Baro displayed lack of integrity, devotion to duty and acted in a manner which is unbecoming of a Govt servant as enjoined in Rule 3(1)(i)(ii) & (iii) of CCS(Conduct) Rules, 1964.

Article-II

That the said Sri Liban Ch. Baro, while functioning as such during the aforesaid period accepted money from the depositors of SB/RD accounts mentioned below on different dates, for deposits in their respective accounts, but the amount so collected were not deposited in the SO accounts on those days or later and the entire collection of Rs 43,850.00 was misappropriated by him, violating the provisions of Rule 103 of FHB Vol I. Sri Baro made the entries of deposits in the respective pass books, impressed office date stamp in them and signed, but the transactions were not noted in the long books/RD journals and list of transactions on those days and also not included in day's account. Thereby Sri Baro violated the provisions of Rule 46(6) of POSB Man Vol I and Rule 84 of Postal Man Vol VI Part III.

Ser	A/C No	Name of depositor	D/o non credit	Total amt of non credit
1.	RD 9028	Miss Margina Begum	30.9.00, 1.12.00 31.7.01, 17.6.02 30.10.02	Rs 350.00
2.	RD 9117	Md. Moksed Ali	25.8.01	Rs 300.00
3.	RD 9237	Md. Zakir Hussain	23.5.00, 30.3.01 23.5.01	Rs 1200.00
4.	RD 9268	Sri Prafulla Das	2.8.00	Rs 200.00
5.	RR 9281	Md. Milan Hussain	10.7.01, 18.10.01	Rs 600.00
6.	RD 9306	Mrs Mazeda Begum	2.6.00	Rs 100.00
7.	RD 9348	Md. Hashim Ali	28.9.01, 26.6.02 31.7.02, 31.12.02	Rs 4000.00
8.	RD 9380	Miss Jarifa Yasmin	31.5.02	Rs 150.00
9.	RD 9383	Sri Manabendra Pathak	31.3.01, 15.6.01	Rs 900.00
10.	RD 9389	Miss Kakoli Sarma	5.4.02	Rs 200.00
11.	RD 9397	Md. Ritu Ali	18.8.01, 18.12.02	Rs 300.00
12.	RD 9398	Miss Rajina begum	9.6.01, 18.8.01,	Rs 600.00
13.	RD 9405	Smt Era Devi	20.4.01	Rs 100.00
14.	RD 9413	Masikan Nessa	25.5.01, 5.9.01	Rs 1500.00
15.	RD 9497	Miss Mridula Begum	11.6.02	Rs 300.00
16.	RD 9518	Jyolisman Sarma	10.10.02	Rs 200.00
17.	RD 9533	Umesh Ch. Deka	27.3.02	Rs 50.00
18.	RD 9539	Anil Patowary	10.8.02	Rs 200.00
19.	RD 9545	Smt Makhyada Talukdar	28.2.02, 28.6.02	Rs 300.00
20.	RD 9558	Noor Mohammad	11.12.02	Rs 100.00
21.	RD 9169	Md. Ashif Ahmed	25.8.01	Rs 50 .00
22.	RD 9116	Smt Bhabani Pathak	28.4.01, 24.9.01 30.9.02	Rs 800.00
23.	RD 9323	Sri Ugra Sen Das	31.3.01, 18.3.02	Rs 100.00

Contd....5

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24.	SB 1502189	Smt Jili Begum	16.6.01, 5.12.02 11.12.02, 23.12.02 18.12.02	Rs 9200.00
25.	SB 1501957	Smt Syeda Babi Ojha	6.10.00, 18.1.01 10.4.01, 20.10.01 14.11.02 10.1.03(Advance date)	Rs 1000.00
26.	SB 1501013	D.P. Amuthi Soul Samabaya Samittee	16.6.00	Rs 1000.00
27.	SB 1502049	Md. Nazibur Rahman	28.10.00, 25.5.01	Rs 7700.00
28.	SB 1502144	Sajati Mahila Samittee	23.10.01, 23.11.01	Rs 350.00
29.	SB 1502211	Miss Eliza Begum	29.12.01	Rs 9000.00
30.	SB 1501930	Mrs Suriya Begum	22.9.00, 10.10.00	Rs 3000.00
				<u>Total Rs 43,850.00</u>

Again Sri Baro fraudulently withdrawn Rs 15000/- on 6.12.99 from SB a/c No 1501911 held by Md. Latif Ali without entering the amount in the pass book. The depositor denied the withdrawal. Another withdrawal of Rs 2500.00 was allowed from SB pass book a/c No 1502144 on 23.11.01 without charging the amount in the a/c book or long book. Thereby Sri Baro violated the provisions of Rule 33(5) of POSB Man Vol I and Rule 84 of Postal man Vol VI Part III.

Thus by his above acts Sri Baro displayed lack of integrity, devotion to duty and acted in a manner which is unbecoming of a Govt servant as enjoined in Rule 3(1)(i)(ii)(iii) of CCS(Conduct) Rules, 1964.

### Article-III

That the said Sri Liban Ch. Baro, while functioning as SPM, Bhella SO during the aforesaid period issued an order in plain paper on 2.4.00 directing Md. Fazlul Haque, GDS Packerman Bhella SO to perform all office work and mentioning the fact that Sri Baro will be held responsible if some mistake is committed by Md. Fazlul Haque in performance of the office duty. The appointing authority of GDS Packerman, Bhella is SDIPOs, Barpeta, who can only issue such order in exigency of public service. Sri Baro also did not obtain any permission from the said SDIPOs, for issuing such irregular order. Moreover allowing to perform such financial transaction to an unauthorized person is highly objectionable for which the Dept had to suffer loss. Thereby Sri Baro misused his official position by issuing irregular order. Taking advantage of such order Md. Fazlul Haque, GDS Packerman, performed SB/RD transactions, telephone ~~revenue collections~~ and handed over the day's collection under receipt to Sri Baro on the following dates. But the said amounts neither entered in the SB long book/RD journal/~~DR~~ ~~receipts~~ nor accounted for in the SO accounts on those dates or later. Thereby Sri Baro violated the provisions of Rule 103 of FHB Vol I.

- (1) Receipt dated 30.6.01 for Rs 1500.00
- (2) " dated 31.7.01 for Rs 1500.00
- (3) " dated 31.8.01 for Rs 1500.00
- (4) " dated 29.9.01 for Rs 1500.00
- (5) " dated 31.10.01 for Rs 1500.00
- (6) " dated 28.11.01 for Rs 1000.00

Contd ....6

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(7) " dated 29.12.01 for Rs 2200.00  
(8) " dated 29.1.02 for Rs 2200.00  
(9) " dated 31.5.02 for Rs 500.00  
(10) " dated 28.6.02 for Rs 1500.00  
(11) " dated 29.7.02 for Rs 12100.00  
(12) " dated 26.8.02 for Rs 1750.00  
(13) " dated 30.9.02 for Rs 3600.00  
(14) " dated 30.10.02 for Rs 3500.00  
(15) " dated 12.11.02 for Rs 4200.00  
(16) " dated 27.11.02 for Rs 3000.00  
(17) " dated 20.12.02 for Rs 500.00  
(18) " dated 31.12.02 for Rs 3500.00

Rs.

Thus Sri Baro by his above acts failed to maintain absolute integrity, devotion to duty and acted in a manner which is unbecoming of a Govt servant as enjoined in Rule 3(I)(i)(ii)(iii) of CCS(Conduct) Rules, 1964.

#### Article-IV

That the said Sri Liban Ch. Baro, while functioning as such during the aforesaid period received 5 telephone revenue receipts book (Eng-9) from Barpeta HO for use at Bhella SO. The Nos of the receipt books were GH-1685, GH-1690, GH-1846, GH-1429 and GH 1436, out of the above receipt book he used receipt book No GH-1685, GH-1690, GH-1846 and GH-1429 during his period and rest was used by his successor as per record. But the office copy of only receipt book No GH-1685 could be traced out in the office and others were either destroyed or hidden by Sri Baro. On collecting the subscribers original receipts with telephone bills, and checking their credit particulars with the office copies of TRC journal it appears that Sri Baro did not credit the TRC amount on the date of collection. Moreover, the date of issue in the original receipts (Party's copy) does not tally with the date of office copies of receipt, as shown in the enclosed ANNEXURE-A. Thereby Sri Baro credited the TRC money very lately in violation of the provisions of Rule 103 of FHB Vol I and Rule 84 of Postal Manual Vol VI Part III. Sri Baro, also did not credit the TRC collection from receipt No 81 of receipt book No 1690, entire TRC collections received in s/o receipt book No GH-1846, and upto receipt No 127 of receipt book No GH-1429 as shown in the said ANNEXURE-A and thus he misappropriated an approximate amount of Rs 1,57,072.00 of TRC collection. The actual amount of misappropriation could not be ascertained due to non-availability of party's copy or office copy of the TRC receipts. He also did not credit the TRC collection handed over to him by Md. Fazlul Haque, GDS Packerman, Bhella SO on different dates as shown in enclosed ANNEXURE-C. By non-crediting the Govt money to the Govt account Sri Baro violated the provision of the above Rules.

Thus by the above acts Sri Baro displayed lack of integrity, lack of devotion to duty and thereby acted in a manner which is unbecoming of a Govt servant as enjoined in Rule 3(I)(i)(ii)(iii) of CCS(Conduct) Rules, 1964.

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ANNEXURE-III

List of documents by which the articles of charges framed against Sri Liban Ch. Baro, then SPM, Bhella SO now PA, Barpeta HO(U/S) are proposed to be sustained.

1. Original NSC Purchase Application Guard file of Bhella SO from 12.2.00 to 27.2.03(2 Nos)
2. Stock Book of NSC/KVP, Bhella SO from 6 1999 to Jan/03
3. SO a/c book of Bhella SO from 6.12.99 to Jan/03
4. Original Applications for purchase of NSC in f/o purchasers mentioned in article I of ANNEXURE-II.
5. SB long book of Bhella SO from 12.5.00 to 31.3.03(8 Nos)
6. RD journals of Bhella SO from 6.10.99 to 24.6.03
7. Original SB/RD pass books mentioned in Article II of ANNEXURE-II.
8. SB/RD LOT of Bhella SO for the dates mentioned in Article II of ANNEXURE-II.
9. Photo copy of order issued by Sri L.C. Baro, SPM, Bhella to Md. Fazlul Haque dt 2.4.00
10. Photo copies of RD money receipt handed over by Md. Fazlul Haque to Sri L.C. Baro mentioned in Article III of ANNEXURE-II.
11. Original telephone bills with PO receipts(Eng-9) mentioned in Article IV of ANNEXURE-II.
12. TRC Schedule of Barpeta HO from Nov/2000 to Jan/03
13. SO Summary of Barpeta HO from Dec/99 to Jan/03.
14. Photo copies of 58 TRC hand receipts mentioned in Annexure C of Article IV of ANNEXURE-II
15. TRC journal(office copy) of Bhella SO dtd 22.12.00, 18.1.01, 3.2.01, 8.2.01, 14.2.01, 15.2.01, 22.2.01, 10.3.01, 17.3.01, 29.3.01, 10.4.01, 26.4.01, 27.4.01, 15.5.01, 17.5.01, 15.6.01, 5.7.01, 19.7.01, 10.8.01, 18.10.01, 15.12.01, 20.12.01, 21.2.02, 26.2.02, 27.2.02, 28.2.02, 9.3.02, 12.3.02, 15.3.02, 3.4.02, 20.4.02, 20.6.02, 27.6.02, 12.7.02.
16. Used TRC receipt book No GH-1685 of Bhella SO.

ANNEXURE-IV

List of witnesses by whom the article of charges framed against Sri Liban Ch. Baro, then SPM, Bhella SO now PA, Barpeta HO(U/S) are proposed to be sustained.

1. Sri T.C. Kalita, then SDIPOs, Barpeta now PM, Nalbari HO.
2. Md. Fazlul Haque, GDS Packerman, Bhella SO (on put off duty)
3. Md. Latif Ali, Vill Dargapur PO : Bhella
4. Miss Anima Deka Sil, Sajati Mahila Samittee, Bhella
5. Smt Harbala Barman, Sajati Mahila Samittee, Bhella

*Certified to be true copy  
Barpeta*

To

The Superintendent of Post Offices  
 Malbari Bamata Division  
 Malbari : Assam.

Dated 7-2-2004

Subject : Regarding submission of statement of defense against  
 Rule 14 case of CEC (CON) Rules, 1964 framed against  
 undersigned.

Ref:- P.O.S. No. 2004/10/2004 dated at Malbari the 16/2/2004

S.S.

With kind reference to your memo No. cited under reference in the above mentioned subject. It is intimated that I do not agree with each article of charge and allegation framed against me.

It is also intimated that I am willing to be heard in person before an enquiry authority.

Yours faithfully

Sd/-

( Sri Liban Ch. Baru

P.A. Bamata H.O.C./S

Dated 7-2-2004.

Certified to be true  
 S. S.  
 Director

To,

The Superintendent of Post Offices,  
Nalbari-Barpeta Division,  
Nalbari - 781 335.

Sub : Reply to Show cause

Ref : (1) Memorandum No. F1-01/NSC/A/02-03 dtd. 16.1.04 -  
issued under your signature.

(2) My Letter dtd. 7.2.2004.

Sir,

With reference to the subject cited above I have the honour to lay the following few lines for favour of your kind consideration in response to the memorandum of show cause under reference no.1.

#### Charge under Article No.1

The charges made under Article No.1 are not true. While I was serving and functioning as SPM, Bhella S.O., discharged my duties with due devotion and integrity. The sale proceeds of NSC were collected and credited to the credit register and accounted for in the S.O. Account on the dates. However in some cases because of some unavoidable situation and personal difficulties the said sale proceeds were not credited on the date, but later on all such sale proceeds were accounted in proper register and deposited to the appropriate place.

#### Charge under Article No.11

That the allegation of not depositing the accepted money from various depositors of SB/RD Accounts in the respective accounts are also not true. The amounts so collected were duly deposited except some few cases wherein some unavoidable

*Certified to be true copy  
in  
Advocate*

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personal difficulties I could not deposit in time. However, all such accounts were made upto date by depositing the money so collected in the respective accounts.

#### The Charge under Article No. III

Under Article III charges against me have been made alleging that while I was functioning duties as S.P.M., Bhella SO, during the period from 6.12.99 to 7.1.03, I have allegedly ordered one Md. Fazlul Haque, GDS Peckerman Bhella SO to perform all office work of Bhella SO without authority. This allegation is also not true. I have not ordered him to do so. What he has done in his own record without any permission of me. The said Fazlul Haque collected money and did not deposit in the accounts of depositors. I shall not be held guilty for the fault of said Md. Fazlul Haque. However, the all such irregularities in depositing the amount have been made corrected by me later on.

#### The Charges under Article - IV

That the charges under this article is also not true. I being appointed as SPM, Bhella SO, properly maintained the records of the receipt books. The alleged missing of Receipt Book is not due to fault of me and those missing has been happened without the knowledge of me. The irregularities of TRC collection not because

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of me. However, all the non deposited amount has been deposited by me.

In connection with the aforesaid charges of financial irregularities I have been served a notice dated 19.12.03 by your honour directing me to deposit the amount within fifteen days from the date of receipt of the said letter failing which I was threatened to face disciplinary action against me besides reporting the matter to the police. On apprehension of such police harassment I deposited an amount of Rs.6,63,422/- (Rupees six lakhs sixty three thousand four hundred twenty two) only up till now (Copy of letter dated 19.12.03 and details of deposits are enclosed herewith).

That Sir, some inadvertent mistakes have been committed in maintaining the records and depositing the amount so collected in proper time, but such mistakes have been made good by depositing said amount with immediate effect and delay so caused in making good of cash and account was not intentional, but due to some of my personal difficulties. If I have committed any mistake I may be exonerated as a first instance.

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That Sir, I have been serving under the Department since 1964 and no such allegations or charges have ever been framed against me except the present one.

That Sir, I am now on the verge of retirement and because of my old age, infirmness and also because of my weak memory I might have committed some mistakes, but without any intention.

Under the above facts and circumstances it is therefore, prayed that your honour would be kind enough to consider my case and be pleased to acquit me from the charges levelled against me and I may be reinstated in service revoking the suspension order dated 25.9.2003 and thus oblige.

Yours faithfully,

Sidh-Libanchi-Bare.

Date : 4.3.04

Place : Nalbari.

Certified to be true  
J. M.  
Advocate

प्राप्ति-स्वीकृति (राट) / ACKNOWLEDGEMENT

\* एक रजिस्टर्ड वीपा - पत्र/पोस्ट कार्ड/पैकेट/पार्सल प्राप्त हुआ।  
\* Received a Registered Letter/Postcard/Packet/Parcel

क्रमांक

No.

पाने वाले का नाम

The Sub-Postmaster of ~~Post Office~~

Addressed to (मानें)

Post offices

Mukhoni - Broadgate Dvis.

Mukhoni - २४१३३५

वीपा का मूल्य (रुपयों में)

Required for Rupees

मिसारा कर्मियों

Date of Delivery

19. पाने वाले के हस्ताक्षर / Signature of addressee

\* अनीवायिक को काट दिया जाय। Score out the matter, not required.

\* केवल वीमा वस्तुओं के लिए For insured articles only.

आर.पी. 54

R.P.-54

भारतीय डाक-विभाग  
DEPARTMENT OF POSTS, INDIA

लारीख-मोहर

प्रेषक डाकघर को नाम-मोहर  
Name-Stamp of office of posting

Date Stamp

प्रेजनेशन का पता / Sender's Address

501, Lachan Chundor, Dibrugarh

Assam - 781001

Via - Darrang

Dibrugarh - Assam

पिन/ Pin

Certified true to the best of my knowledge and belief

To

The Superintendent of Post Offices,  
Nalbari-Barpeta Division, Nalbari - 781335

Date - 25-10-2003

Sub : An appeal praying for revoking the Suspension order dated 25-10-2003 or alternatively to conclude the proceeding if any drawn up against me.

Sir,

With due respect and humble submission I would like to lay the following few lines for favour of your kind consideration and disposal :

- (a) That Sir, I have been placed under suspension on 25-9-2003 on allegation of misappropriation of govt. funds.
- (b) That Sir, the allegation of misappropriation is denied by me. I may have committed some mistake in maintaining the day to day accounts because of personal difficulty of healths etc. because of my old age but without any intention.
- (c) That Sir, I have repaid and deposited the amount and I may be exonerated.
- (d) That Sir, I am on the verge of retirement (on 30-6-2004), therefore the proposed enquiry proceeding if any drawn up against me may kindly be conducted expeditiously so that it is concluded before my retirement.

*- Certified to be true copy  
A. D. Sarker*

Under the above facts and circumstances it is therefore prayed that your honour would be kind enough either to revoke the suspension or to conclude the proposed proceeding preferably before my retirement and thus obliged.

Yours faithfully

*Dibon Borty Boro-*

P.A. Barpeta H.O (U/S)

Vill. & P.O. Narua  
Via- Bortola  
Dist- Nalbari, Assam