

50/100

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

3

(DESTRUCTION OF RECORD RULES,1990)

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✓ O.A/T.A No. 257/04

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SECTION OFFICER (Judl.)

Don  
19/11

FORM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET.

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

257/2004

In O.A. ....

Name of the Applicant(s) Prasenmananda Nath

Name of the Respondent(s) U.O. 1208.

Advocate for the Applicant Mr. S. Sarma, M.K. Mazumdar, Miss U. Das  
and Miss B. Devi

Counsel for the Railway/C.G.S.C. CASE.

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

9.11.04.

This application is in form  
is filed C. F. No. 307-  
deposited vide P.D.  
No. 114 422266  
Dated 17.9.04.

Dy. Registrar

Present: Hon'ble Mr. Justice R.K. Batta,  
Vice-Chairman.

Hon'ble Mr. K.V. Prahladan, Administrative  
Member.

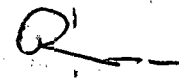
Heard Mr. S. Sarma, learned counsel  
for the applicant and Mr. A. Deb Roy, Id.  
Sr. C.G.S.C. for the Respondents.

The learned counsel for the appli-  
cant states that applicant would be  
satisfied if directions are given to  
complete the de novo enquiry within a  
given time frame and <sup>if</sup> such directions  
are given the applicant would not  
press this application on merits. In  
our view the application can be dispo-  
sed of with direction <sup>that</sup> the de novo  
enquiry in all respects be completed  
by the Respondents within a period of  
six months from to-day. In case the  
applicant is aggrieved as a result of  
de novo enquiry he shall be at liberty  
to seek remedy available in law on  
the basis of the said cause of action.  
A copy of this order duly certified by  
the Deputy Registrar, be handed over  
to learned Sr. C.G.S.C. for the Res-  
pondents within three days from to-day.

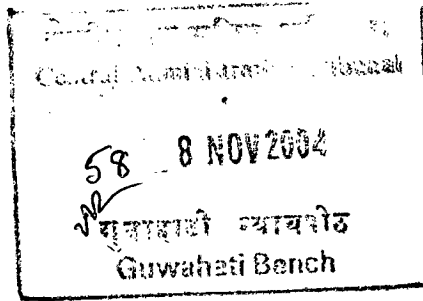
contd/-

9.11.04. The application is disposed of with the aforesaid direction. The Respondents shall file compliance report before this Tribunal <sup>at</sup> the end of six months and the matter be listed on Board for the purpose of compliance after six months.

  
Member

  
Vice-Chairman

lm



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No.....of 2004

BETWEEN

Shri P. ~~Man~~mananda Nath ..... Applicant.

AND

Union of India & ors..... Respondents.

I N D E X

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Filed by : *Asha Das*

Regn.No.:

File :c:\WS\paramana

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No.....of 2004

Shri ~~Prem~~mananda Nath

..... Applicant.

AND

Union of India & ors.

..... Respondents.

SYNOPSIS

The applicant who was holding the post of Assistant Post Master General was charge sheeted vide memo dated 22.2.02 pertaining to a false and fabricated charge stated to be occurred from the period from 1.5.91 to 23.12.91. Pursuant to the said memorandum of charges a regular departmental proceeding was initiated by appointing IO and PO. After the completion of the proceeding IO submitted its report dated 12.5.03 without supplying the same to the applicant exonerating him from the charges. During the currency of the proceeding i.e. on 29.2.04 the applicant on attaining the age of superannuation was retired from his service. However as per the procedure without there being any sanction from the higher authority the respondents continued to proceed with the departmental proceeding and subsequent issued the impugned order dated 18.10.04 remanding back the matter to IO for further enquiry. The

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applicant being aggrieved by the aforesaid action/inaction on the part of the respondents have come under the protective hands of this Hon'ble Court seeking an urgent and immediate relief as the respondents in the name of the aforesaid departmental proceeding withheld his pensionary dues. In spite of repeated requests the respondents are yet to release his pensionary dues.

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Filed by  
The applicant  
through  
Alaka Das.  
Advocate  
8/11/04

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An application under section 19 of the Central  
Administrative Tribunal Act.1985)

O.A.No. .... of 2004

BETWEEN

Sri P. ~~Pr~~umananda Nath  
S/o Late Pitambar Ch. Nath,  
Resident of Vivekananda Road,  
Silchar, Assam.

..... Applicant.

- AND -

1. The Union of India.  
Represented by Secretary to the  
Govt. of India.  
Ministry of Communication,  
Deptt. of Posts, Dak Bhawan,  
New Delhi-110001
2. The Chief Post-Master General  
Deptt. of Posts  
Assam Circle, Meghdoot Bhawan,  
Guwahati-781001.
3. The Director,  
Postal Service, Ambala,  
(Enquiry Officer)  
Office of the Chief Post Master General,  
Haryana Circle, Ambala-133001.
4. The Assistant Director General (Vigilance)  
Deptt. of Posts, Dak Bhawan,  
New Delhi-110001.

..... Respondents.

DETAILS OF THE APPLICATION

1. THE PARTICULARS AGAINST WHICH THIS APPLICATION IS MADE:

This application has been made against the order  
issued by the Assistant Director General (Vigilance) dated  
18.10.04 by which the proceeding initiated against the

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applicant has been re-opened by remitting the case to the Enquiry officer. The applicant through this application also challenges the very initiation of the departmental proceeding under Rule 14 of the CCS(CCA) Rules 1965 against him after a delay of about 11 years that too at the feg end of his service career only with a sole purpose to harass him without any basis.

2. LIMITATION:

The applicants declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

3. JURISDICTION:

The applicants further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the applicant who was holding the post of Assistant Post Master General was charge sheeted vide memo dated 22.2.02 pertaining to a false and fabricated charge stated to be occurred from the period from 1.5.91 to 23.12.91. Pursuant to the said memorandum of charges a regular departmental proceeding was initiated by appointing IO and PO. After the completion of the proceeding IO submitted its report dated 12.5.03 without supplying the same to the applicant exonerating him from the charges. During the currency of the proceeding i.e. on 29.2.04 the



applicant on attaining the age of superannuation was retired from his service. However as per the procedure without there being any sanction from the higher authority the respondents continued to proceed with the departmental proceeding and subsequent issued the impugned order dated 18.10.04 remanding back the matter to IO for further enquiry. The applicant being aggrieved by the aforesaid action/inaction on the part of the respondents have come under the protective hands of this Hon'ble Court seeking an urgent and immediate relief as the respondents in the name of the aforesaid departmental proceeding withheld his pensionary dues. Inspite of repeated requests the respondents are yet to release his pensionary dues.

4.2. That the applicant is a citizen of India and as such he is entitled to all the rights, privileges and protection as guaranteed by the Constitution of India and laws framed thereunder.

4.3. That the applicant while was working as Assistant Master General under Respondent No.2 was issued with a memorandum of charges vide memo No.26-6/94 Vig. dated 22.2.02 enclosing the statement of article of charges and imputation of misconduct or misbehaviour as well as list of documents and witnesses. The allegation made in the said memorandum of charges basically relating to passing of two numbers of bills amounting to Rs.28,300 in different dates during the period from 1.5.91 to 23.12.91.

A copy of the said memorandum of charges dated 22.2.02 is annexed herewith and marked as Annexure-1.

4.4. That the applicant immediately on receipt of the said charge sheet, submitted a written representation dated 7.03.02 indicating the factual aspect of the matter and through his said representation he denied the charge made in the memo dated 22.2.02. It is pertinent to mention here that in the said representation the applicant while highlighting the factual aspect of the matter also pointed out his achievements during his service tenure.

A copy of the said representation dated 7.3.02 is annexed herewith and marked as Annexure-2.

4.5. That the disciplinary authority however without taking into consideration the representation filed by the applicant, took a decision to proceed with the matter and to that effect the Respondent No.3 appointed IO and PO vide orders dated 12.8.02 and 12.8.02.

Copies of the orders dated 12.8.02 and 12.8.02 are annexed herewith and marked as Annexure-3 and 4 respectively.

4.6. That the respondents although took a decision to proceed departmentally against the appointing IO and PO, but the said authority took a long time to start the proceeding. The applicant who at the relevant point of time was at the verge of retirement kept of apprising the authority for finalising the proceeding and finally the respondents started the daily hearing on 31.1.03. It is noteworthy to mention here that prior to that, vide notice dated 11.11.02 the applicant was asked to nominate Defence Assistant and he

was also given the intimation regarding daily hearing of the said proceeding. Accordingly the applicant vide his letter dated 26.11.02 nominated one Sri S.Das, Superintendent of Post Offices, Jorhat as his Defence Assistant.

The applicant craves leave of this Hon'ble Tribunal to produce the notice dated 11.11.02, his letter dated 26.11.02 and the order sheets dated 31.1.03 at the time of hearing of this case.

4.7. That the applicant begs to state that as per the scheduled date of hearing i.e. 31.1.03 the respondents have covered substantial part of the proceeding by examining ~~same~~ of the witnesses except SW-4 and SW-8 who were not present. The IO as per the procedure prescribed under the CCS(CCA) Rules 1965 issued notices to SW-4 and SW-8 for their appearance fixing another dated on 14.2.03. As per the office records notices have been duly received by said SW-4 and SW-8 prior to 14.2.03 but surprisingly enough, on 14.2.03 both of them were not present and both of them did not inform the IO regarding their inability to remain present on the day. However the IO for ends of justice adjourned the hearing till 15.2.03. On 15.2.03 also both SW-4 and SW-8 did not appear and hearing took place and the IO examined the applicant.

Copies of the order sheets dated 14.2.03 and 15.2.03 are annexed herewith and marked as Annexure-5 and 6 respectively.

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4.8. That the applicant after such closure of the enquiry kept on waiting for the enquiry report but same was never supplied to him as required under the CCS(CCA) Rule 1965. The applicant requested the concerned authorities to furnish him the enquiry report and to finalise the proceeding before his retirement (29.2.84) but same yielded no result in positive. It is noteworthy to mention here that the concern authority acceding to request made by the applicant wrote numbers of DO letters requesting early finalisation of the departmental proceeding initiated against him but nothing came out positive. Similarly the Chief Post Master General as well as Assistant Post Master General also pursuing the matter of the applicant for its early disposal in view of his retirement but same yielded no result in positive. Even the enquiry officer did not furnish him the enquiry report dated 12.5.83 wherein it has categorically mentioned that the charge leveled against the applicant could not be proved.

The applicant craves leave of this Hon'ble Tribunal for a direction towards the respondents to produce all the aforesaid DO letters at the time of hearing of this case.

4.9. That as stated above on 29.2.84 the applicant on attaining the age of superannuation as retired from his service. However, due to the pendency of the aforesaid departmental proceeding he is yet to receive his pensionary dues. The applicant requested the authority concern for settlement of his pensionary dues but in return the said authorities have shown their inability to do so due to

pendency of the said proceeding. Since the report of the IO was in favour of the applicant although not communicated, the disciplinary authority ought to have dropped the charges but with some ulterior motive the said authority issued the impugned order dated 18.10.04 by which while indicating the enquiry report the disciplinary authority while invoking Rule 15(1) remitted back the matter to the IO for further enquiry directing him to record the evidences of SW-4 and SW-8 who remained absent even after repeated notices from the IO.

A copy of the said impugned order dated 18.10.04 is annexed herewith and marked as Annexure-7.

4.10. That the applicant begs to state that the plain reading of the charge leveled against him clearly indicates the malafide intention on the part of the respondents to harass him. Apparently the alleged incident reflexed the period of 1991 and the charge sheet was issued in the year 2002. Apart from that it reveals from the daily order sheet more particularly the order sheet dated 15.2.03 that the applicant at the relevant point of time was availing casual leave which was duly sanctioned and as such it can easily be presumed that he was no way connected with the alleged charge. On this score alone the proceeding initiated against the applicant is required to be set aside including the impugned order dated 18.10.04.

4.11 That the applicant begs to state that during the currency of the proceeding he participated in the said proceeding and at no point of time there has been delay in

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the said proceeding on his account. Although notices were issued to SW-4 and SW-8 i.e. Sri H.S.Tutiya, Dy.DEQD (retired) and Sri T.Thangzalian, Inspector CBI, they did not appear on the scheduled dates and as such the IO rightly concluded the proceeding after exhausting all the possible means enforcing their attendance. However in the impugned order dated 18.10.04 the disciplinary authority made a remark that adequate steps have not been taken enforcing the attendance of said SW-4 and SW-8. It is noteworthy to mention here that at the time of considering the evidence by IO the reports of SW-4 and SW-8 have been taken into consideration and as such the comments made in the impugned order dated 18.10.04 is not at all sustainable and liable to be set aside and quashed.

4.12. That the applicants begs to state that the respondents have acted in clear violation of the Rules contained in the CCS(CCA) Rules 1965 in not supplying the enquiry report. The respondents even at the time of issuance of the impugned order dated 18.10.04 never supplied him the copy of the enquiry report dated 12.5.03 which has caused serious prejudice to the defence of the applicant and same is in direct violation of the settled proposition of the law laid down by the Hon'ble Apex Court in number of cases. On this score alone the impugned order dated 18.10.04 as well as the proceeding is not at all sustainable and liable to be set aside and quashed.

4.13. That the applicant begs to state that as per the settled proposition of law, after the retirement of the applicant the respondents ought to have taken due

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sanction/approval for continuation of the said proceeding which was in fact closed in favour of the applicant after submission of the enquiry report dated 12.5.03. However in the instant case no such sanction has been intimated to the applicant. Apparently on evaluation of the records of the proceeding it is crystal clear that the applicant is no way connected with the charge and even if SW-4 and SW-8 presented their case, same could not have affected the finding of the IO as their evidences were not at all relevant for the purpose of determining the facts as well as in recording its findings. However without taking into consideration these aspects of the matter the disciplinary authority issued the impugned order which is not at all sustainable and liable to be set aside and quashed.

4.14. That the applicant begs to state that on attaining the age of superannuation he was retired from his service w.e.f. 29.2.04 but due to pendency of the so-called departmental proceeding which in fact came to an end in his favour, he is yet to receive his pensionary dues and the respondents have virtually punished him by withholding said dues which is not permissible under the rules holding the field. It is pertinent to mention here that regarding withholding of his pensionary dues the respondents are yet to furnish him any suitable reply which clearly indicates the ulterior motive on the part of the respondents and as such appropriate direction need be issued to the respondents to release all the pensionary dues including penal interest forthwith.

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4.15. That the applicant begs to state that due to pendency of the disciplinary proceeding the respondents have not yet finalise the pension papers of the applicant and as a result of such inaction the applicant is yet to receive his pensionary dues and is facing tremendous financial hardship. It is under these peculiar fact situation the applicant has come under the protective hands of this Hon'ble Tribunal seeking an urgent and immediate relief for redressal of his grievances. It is also under these peculiar fact situation the applicant prays for an interim order directing the respondents to finalise his pensionary dues during the pendency of this OA.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents in initiating the departmental proceeding and issuing the impugned order dated 18.10.04 dated too without following the due procedure laid down in the CCS(CCA) Rules 1965 is per-se illegal and same are liable to be set aside and quashed.

5.2. For that the respondents have acted contrary to the settled proposition of law as well as rules guiding the field in issuing the memorandum of charge after a lapse of about 11 years and as such same is not at all sustainable and liable to be set aside and quashed.

5.3. For that the respondents have acted contrary to the settled proposition of law in not furnishing the enquiry report dated 12.5.03 to the applicant causing serious prejudice to his defence and as such entire proceeding is



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liable to be set aside and quashed.

5.4. For that the respondents have acted illegally in issuing the impugned order dated 18.10.04 that too after his retirement and without supplying the enquiry report dated 12.5.03 and as such same is not sustainable and liable to be set and quashed.

5.5. For that in any view of the matter the impugned action of the respondents are not sustainable in the eye of law and liable to be set aside and quashed.

The applicants craves leave of the Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicants declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

The applicants further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

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8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicants most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicants:-

8.1. To set aside and quash the impugned order dated 18.10.04 along with the proceeding and to exonerate the applicant from the charge issued under memorandum of charge dated 22.2.02 and to release his pensionary dues forthwith along with an interest 21% p.a. on such delayed settlement of dues.

8.2. Cost of the application.

8.3. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

That the applicant during the pendency of this application prays for an interim order directing the respondents to release all his pensionary dues forthwith.

10. ....

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 116 422266  
2. Date : 22/9/04  
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

## VERIFICATION

I, Shri ~~Romananda~~ Nath, aged about 61 years, son of late Pitambar Ch. Nath, at resident of Vivekananda Road, Silchar, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs ~~4-2, 4-3, 4-4, 4-5, 4-6, 4-8, 4-10, 4-11, 4-12, 4-13, 4-14, 4-15~~..... are true to my knowledge and those made in paragraphs ~~4-3, 4-4, 4-5, 4-7, 4-8, 4-9~~... are also matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

I am the applicant in the instant application and as such well convergent with the facts and circumstances of the case and also competent and authorised by the other applicants to sign the verification.

And I sign on this the Verification on this the 8/11 day of Nov... of 2004.

*Romananda Nath*

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Annexure - 1<sup>20</sup>

Confidential

No. 26-6/94-Vig.  
Government of India  
Ministry of Communications  
Department of Posts

Dak Bhawan, Sansad Marg,  
New Delhi - 110 001.

Dated: 22.2.2002

MEMORANDUM

The President proposes to hold an inquiry against Shri Premananda Nath, Asstt. Postmaster General (Technology/Estt.), Office of the Chief Postmaster General, Assam Circle, Guwahati under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. Shri Premananda Nath is directed to submit within 10 days of receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

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

Contd. .... 2/-

Attested  
WDM  
Advocate.

5. Attention of Shri Premananda Nath is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri Premananda Nath 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.

By order and in the name of the President.

  
(S.S.K. RAO)  
ASSTT. DIRECTOR GENERAL (VIG.)

To

✓ Shri Premananda Nath,  
Asstt. Postmaster General (Technology/Estt.),  
Office of the Chief Postmaster General,  
Assam Circle, Guwahati - 781 001.

(Through CPMG, Assam Circle, Guwahati-781 001.)

Attested  
  
Advocate.

ANNEXURE-I

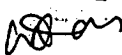
STATEMENT OF ARTICLES OF CHARGE FRAMED  
AGAINST SHRI PREMANANDA NATH, ASSTT. POSTMASTER  
GENERAL (TECHNOLOGY/ESTT.), OFFICE OF THE CHIEF  
POSTMASTER GENERAL, ASSAM CIRCLE, GUWAHATI.

That the said Shri Premananda Nath while functioning as Sr.Postmaster, Guwahati GPO during the period from 1.5.91 to 23.12.91 wrongfully passed for payment of two numbers of false and forged bills/vouchers of arrears of family pension under the "Employees Family Pension Scheme, 1971" amounting to Rs.28,300/- in total on different dates during the said period.

It is, therefore, alleged that by the aforesaid acts, the said Shri Premananda Nath failed to exercise the verification and checks before passing the bills/vouchers of arrears of pension as required, under Rule 115(1) and 118 of Posts & Telegraphs Financial Hand-Book, Vol.II (First Edition - Reprint), failed to maintain absolute integrity and devotion to duty and contravened the provisions laid down in Rule 3(1)(i) and 3(1)(ii) of CCS(Conduct) Rules, 1964.

\*\*\*\*\*

Attested

  
Advocate

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SHRI PREMANANDA NATH, ASSTT. POSTMASTER GENERAL (TECHNOLOGY/ESTT.), OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE, GUWAHATI.

That the said Shri Premananda Nath presently working as Asstt. Postmaster General (Technology/Estt.), Office of the Chief Postmaster General, Assam Circle, Guwahati had functioned as Sr.Postmaster, Guwahati GPO during the period from 1.5.91 to 23.12.91. During 1991 to 1993, Shri Ghanashyam Buzarbaruah, Postal Assistant in the Accounts Branch of the same GPO had fraudulently withdrawn and misappropriated pension arrears to the tune of Rs.3,84,407.15 in total on different occasions from the accounts of different pensioners under "Employees Family Pension Scheme, 1971" by preparing false vouchers and getting signatures of different passing officers on these false vouchers. In fact, the payment of these arrears of pension had already been made to the actual pensioners earlier in the same GPO. Out of the false and forged vouchers by which the fraudulent withdrawals were made, the said Shri Premananda Nath had signed and passed the vouchers shown below for payment in his capacity as Sr.Postmaster on the dates shown against each of them:-

Sl. No.	Name of the Pensioner	Period of arrear	Amount and date of genuine payment	Date of subsequent fraudulent payment
1.	Smt.Tarubala Deb	1.4.84 to 31.5.89	Rs.11,624/- 18/21.7.89	14.10.91
2.	Smt.Gul Bahar	14.12.86 to 30.9.90	Rs.16,676/- 11.10.90	21.10.91

The said Shri Premananda Nath failed to exercise the verification and checks before passing the bills/vouchers of pension as required

Attested  
  
 Advocate.

under Rule 115 (1) and 118 of Posts & Telegraphs Financial Hand-Book, Vol.II (First Edition - Reprint), and thus facilitated making of fraudulent payment of pension arrears amounting to Rs.28,300/- in total, and caused loss to the Government.

Therefore, it is alleged that by the aforesaid acts, the said Shri Premananda Nath failed to exercise the verification and checks before passing the bills/vouchers of arrears of pension as required under Rule 115(1) and 118 of Posts & Telegraphs Financial Hand-Book, Vol.II (First Edition - Reprint), failed to maintain absolute integrity and devotion to duty and contravened the provisions laid down in Rule 3(1)(i) and 3(1)(ii) of CCS (Conduct) Rules, 1964.

\*\*\*\*\*of Rs.18,000/-

The charges are on the  
Government of India and also  
Shri Premananda Nath

Amount of Rs.28,300/-  
(Twenty Eight Thousand and Three Hundred)

Amount of Rs.28,300/-  
(Twenty Eight Thousand and Three Hundred)

Amount of Rs.28,300/-  
(Twenty Eight Thousand and Three Hundred)

Attested

*Handwritten signature*

Advocate



ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE  
FRAME AGAINST SHRI PREMANANDA NATH, ASSTT. POSTMASTER  
GENERAL (TECHNOLOGY/ESTT.), OFFICE OF THE CHIEF POSTMASTER  
GENERAL, ASSAM CIRCLE, GUWAHATI, ARE PROPOSED TO BE  
SUSTAINED.

- ✓1. Paid voucher dated 14.10.91 for an amount of Rs.11,624/- being the arrears of pension paid to the name of Smt. Tarubala Deb (alleged to be false).
- ✓2. Paid voucher dated 21.10.91 for an amount of Rs.16,676/- being the arrears of pension paid to the name of Smt. Gul Bahar (alleged to be false).
3. Paid voucher dated 11.10.90 for an amount of Rs.16,676/- being the arrears of pension paid to the actual pensioner Smt. Gul Bahar (Genuine).
4. Schedules of pension payment containing entries of the payment made falsely on 14.10.91 and 21.10.91 (2 sheets).
5. HO Cash Book of Guwahati GPO containing entry of charges against the fraudulent payment of pension (EFPS) on 14.10.91 in the GPO and also containing signature dated 15.10.91 of Shri Premananda Nath as Senior Postmaster (2 sheets).
6. HO Cash Book of Guwahati GPO containing entry of the charges against the fraudulent payment of pension (EFPS) on 21.10.91 in the GPO and also containing signature dated 22.10.91 of Shri Premananda Nath as Sr.Postmaster (2 sheets).
7. Treasurer's Cash Book of Guwahati GPO containing entries of fraudulent pension payment (EFPS) on 14.10.91 and 21.10.91 (2 sheets).
8. ATR's Rough Book containing the entry of fraudulent payment of pension (EFPS) on 14.10.91 and 21.10.91 in the GPO, Guwahati (2 sheets).
9. Opinion No.DXC-235/95 dated 27.2.96 of the Govt. Examiner of Questioned Documents.

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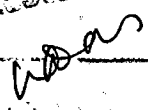
Attested  
*W.Dan*  
Advocate.

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SHRI PREMANANDA NATH, ASSTT. POSTMASTER GENERAL (TECHNOLOGY/ESTT.), OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE, GUWAHATI, ARE PROPOSED TO BE SUSTAINED.

1. Shri Nagendra Nath Sarma, APM (A/cs) (Retired) Guwahati GPO – now at Birubari P.O. Gopinath Nagar, Guwahati-16.
2. Shri Sukumar Paul, Dy. Postmaster-II, Guwahati GPO (the then APM(A/cs) Guwahati GPO).
3. Shri Lalit Ch. Deka, Group-D, Accounts Branch, Guwahati GPO.
- ✓ 4. Shri H.S. Tutija, M.Sc., Dy. GEQD (Retd.), 22 Golden Palace Colony (A.B. Road) near Raj Shree Automobile (Godbadi Bridge), Indore (MP) – 452 009.
5. Shri Kanak Ch. Das, Postal Asstt., Silpukhuri SO, Guwahati-3 (the then PA, Accounts Branch, Guwahati GPO).
6. Shri Chandiram Kalita, Postal Asstt., North Guwahati SO (the then PA(Receipts), Guwahati GPO).
7. Shri Dwijen Medhi, Postal Asstt., Fancy Bazar SO, Guwahati-1 (the then Bill Clerk, Accounts Branch, Guwahati GPO).
- ✓ 8. Shri T. Thangzalian, Inspector, Central Bureau of Investigation (Investigating Officer of the Case).

\*\*\*\*\*

Attested  


To

The Director General  
(Vigilance)  
Department of Posts:  
DakBhavan,  
New Delhi - 110001.

(Through : The Chief Postmaster General, Assam Circle,  
Guwahati-781001.)

Subject:-

Submission of defence statement in connection with Rule-14 of CCS(CCA) Rules 1965 drawn against Sri Premananda Nath, Assistant Postmaster General (Technology/ Estt), Office of the Chief Postmaster General, Assam Circle, Guwahati vide D.G Posts, New Delhi memo no. 26-6-94-vig dated 22-2-2002.

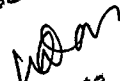
Sir,

I beg to acknowledge the receipt of above memo delivered to me on 26<sup>th</sup> Feb'2002.

That Sir,

Before defending myself against the unjust charges framed against me after a spell of 11 years, I feel it necessary to bring before your kind notice the following few instances of my past service activities involving my integrity and devotion to duty acknowledged by the Central Government as well as State Government and also by Hon'ble Prime Minister's Secretariat.

Attested

  
Advocate.

That Sir,

From today nearly 11 years ago, while I was holding the charge of the Sr. Postmaster, Guwahati GPO, covering the period from 1-5-91 to 24-12-91, the department of Posts felicitated me with "Dak Seva Award" for the year 1991-92 after evaluation of my performance of utmost devotion to duty and exemplary leadership qualities in a most volatile and trying situation. The commendation certificate dated 10-10-92 issued by Sri R Thiagrajan, former Chief Postmaster General, Assam Circle, Guwahati. Xerox copy of the certificate is annexed at Annexure - "A". It will speak for itself.

That Sir,

Due to my extreme devotion to duty and sincerity, active participation in various capacity for implementation of new schemes/ systems in the field of Postal operation, Shri H.D. Deve Gowda, the then Hon'ble Prime Minister of India awarded me "Mohila Samriddhi Award - 1996" followed by issue of commendation certificates to me by the State Government authority on 26.1.96 for successful implementation of MSY, the scheme introduced by the Hon'ble Prime Minister of India. (Annexure- "B")

That Sir,

The quality of integrity & utmost devotion to duty, I displayed in various capacity can also be assessed from the commendation certificates issued by :-

- (i) Shri A.N.D. Kachari, IPS, former DPS(HQ), O/o the Chief Postmaster General, Assam Circle, Guwahati on 15.4.1997. (Annexure - "C")

*Annexure*  
*WDR*  
*15.4.1997*

- 23 -
- (ii) Sri M S Rao, IAS, Deputy Commissioner, Cachar, Silchar dated 4.4.1995 ( Annexure - "D" )
- (iii) Shri M.S.Rao, IAS, Deputy Commissioner, Cachar District on 26.1.96, ( Annexure - "E" )
- (iv) Chairman, Town Official Language Implementation Committee, Silchar, Ministry of Home Affairs, Department of Official Language, Government of India dated 2.5.1997. ( Annexure - "F" )
- (v) Shri P.K.Barthakur, IAS, Deputy Commissioner, Cachar District on 19.1.98 ( Annexure - "G" ).

Thus after a long spell of 11 years, I do not think that any authority can tarnish my hard earned talented and faithful service career by a single stroke with frivolous/fabricated and fake charge.

That Sir,

It is a fact that I worked as Sr. Postmaster, GPO Guwahati.

I have been charged for non checking and verification of bills/vouchers of arrear of pension payment as required under Rule-115( 1 ) and Rule 118 of P&T FHB Vol.II and thereby failed to maintain absolute integrity and devotion to duty.

In this connection, I beg to state that at every stage of inquiry conducted in this case, I disowned my signature on the bills and vouchers when shown to me. If any official, in an organised way, skillfully forged my signatures and managed to defraud the Government money, I being the Head of office in a Gazetted Head Post Office cannot be held responsible. Moreover, on both the dates i.e. on 14.10.91 and on 21.10.91, none came to me for authorization of payment of arrear pensions while treasury works fell

Noted

Advocate

24

30

under the control of Deputy Postmaster -I. Copy of the distribution of works is enclosed as Annexure - "H". Since myself was not aware of the alleged fraudulent payment of arrear payment of pension, question of violation of the provisions of quoted Rules does not arise keeping in view the guidelines given in note-I below the rule 115(1) of P&T FHB Vol-II.

That Sir,  
Integrity means - uprightness, honesty and purity while devotion to duty means faithful service. In this instant case, I was quite ignorant about these alleged fraudulent payments of arrear payment of pension. Thus lack of absolute integrity and devotion to duty on my part does not arise, where I have been rewarded with "DAK SEVA AWARD" for working with extreme devotion to duty in most volatile and trying situation when the Guwahati GPO was stronghold of indiscipline and the morale of the Supervisory staff was at its Nadir.

In view of the fact and circumstances narrated above, I beg to refute the charges brought against me and also I beg to pray before your kind honour to exonerate me from the charges taking into consideration of my faithful services I rendered in the Department and relieve me from my mental agony and for which act of kindness I shall remain grateful to you.

Enclosures: Annexure "A" to "H".

Dated at Guwahati,  
The 7.03.2002

Yours faithfully,  
*Premananda Nath*  
(PREMANANDA NATH)  
Asstt. Postmaster General (Technology / Estt)  
O/O The Chief Postmaster General,  
Assam Circle, Guwahati - 781 001.

Attested  
*[Signature]*  
Advocate.

Annexure - 3  
31

- 25 -

GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS & IT  
DEPARTMENT OF POSTS  
(VIGILANCE SECTION)

DAK BHAWAN, SANSAD MARG,  
NEW DELHI - 110001

No.: 26-6/94-Vig.,

Dated: 12 August, 2002.


ORDER

WHEREAS an inquiry under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against Shri Premananda Nath, Assistant Postmaster General (Technology/Estt.), office of the Chief Postmaster General, Assam Circle, Guwahati.

AND WHEREAS the President considers that an Inquiring Authority should be appointed to inquire into the charges framed against the said Shri Premananda Nath.

NOW, THEREFORE, the President, in exercise of the powers conferred by sub-rule (2) of the said Rule, hereby appoints Shri V.C. Roy, Director of Postal Services (HQ), office of the Chief Postmaster General, Assam Circle, Guwahati - 781001 as the Inquiring Authority to inquire into the charges framed against the said Shri Premananda Nath.

By order and in the name of the President.

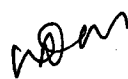
  
(S.S.K. RAO)  
Asstt. Dir. General (Vig.)

Copy to :

✓ Shri Premananda Nath, Assistant Postmaster General (Technology/Estt.), office of the Chief Postmaster General, Assam Circle, Guwahati.

( Through CPMG, Assam Circle, Guwahati - 781001 ).

**Attested**

  
Advocate.

- 26 -

Annexure - 4  
32

GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS & IT  
DEPARTMENT OF POSTS  
(VIGILANCE SECTION)

DAK BHAWAN, SANSAD MARG,  
NEW DELHI - 110001.

No.: 26-6/94-Vig.,

Dated: 12 August, 2002.

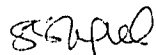
ORDER

WHEREAS an inquiry under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against Shri Premananda Nath, Assistant Postmaster General (Technology/Estt.), office of the Chief Postmaster General, Assam Circle, Guwahati.

AND WHEREAS the President considers that a Presenting Officer should be appointed to present, on behalf of the President, the case in support of Articles of charge.

NOW, THEREFORE, the President in exercise of the powers conferred by sub-rule (5) (c) of Rule-14 of the said Rules, hereby appoints Shri Sudhir Ghosh, Assistant Director (Mails & WLF), office of the Chief Postmaster General, Assam Circle, Guwahati - 781001, as Presenting Officer.

By order and in the name of the President.


  
( S.S.K. RAO )  
Asstt. Dir. General (Vig.)

Copy to :

✓ Shri Premananda Nath, Assistant Postmaster General (Technology/Estt.), office of the Chief Postmaster General, Assam Circle, Guwahati.

( Through CPMG, Assam Circle, Guwahati - 781001 ).

**Attested**

  
Advocate



DAILY ORDER SHEED DATED 14.02.2003

1. Further hearing in the case of departmental inquiry against Sri P. Nath, the then Senior Postmaster, Guwahati GPO and now APMG (Technology), O/O the Chief PMG, Guwahati under Rule 14 of CCS (CCA) Rules, 1965 was held today in the chamber of DPS (Hq) Guwahati.
2. The following were present:
  1. Sri S. Ghose, Presenting Officer
3. Today, examination of two State witnesses i.e. Sri H S Tutija, SW-4, and Sri T. Thangzlian, SW-8 is to be done. However till now i.e. 1300 hours, they have not turned up. The PO requested to wait till evening.
4. Sri P Nath, the Charged Officer and Sri S. Das, Defence Assistant, informed over telephone that they are engaged for some urgent official work and requested for postponement of inquiry for today. They assured that if witnesses turn up, they will be able to attend the inquiry; otherwise they requested to hold the inquiry on 15.2.2003.
5. The request was granted as PO had no objection.
6. The inquiry was adjourned and shall resume on 15.2.2003 at 1100 hours. If the witnesses turn up today, the P.O. is requested to produce them tomorrow for further inquiry.

*[Signature]*  
14-2-03  
(V C ROY)  
INQUIRY OFFICER  
& DPS(Hq), GHY

*[Signature]*  
14-2-03  
(S GHOSE)  
PRESENTING OFFICER  
& AD A/C, GHY

*[Signature]*  
*[Signature]*  
(P NATH) CHARGED OFFICER & APMG(TECH) GHY  
(S DAS) DEFENCE ASSTT & SPOS JORHAT

**Attested**  
*[Signature]*  
Advocate.

EXAMINATION OF CHARGED OFFICER BY INQUIRY OFFICER :

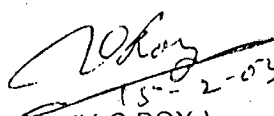
Question : Please see S-I and S-II on, which your signature above the rubber stamp of Senior Postmaster, Guwahati GPO is present. Along with it please see S-IX where the examiner has mentioned that signature is genuine. What do you have to say about this.

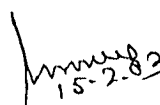
Answer : On 14.10.1991, I was on Casual Leave as per D-I. So, the question of genuineness of my signature does not arise. Similarly the signature on S-II fully tallies with the signature of S-I and I claim both as being not my signature. My signature is on D-I which does not tally with either S-I or S-II. Therefore I can not claim any genuinity or otherwise on S-IX, but I can evidently say that S-I and S-II does not bear my signature.

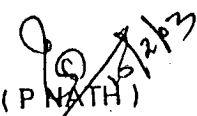
Question : Is it possible that you wrote in order book of Guwahati GPO that you are proceeding on Casual Leave and subsequently you cancelled your leave and continued to perform your duty of Senior Postmaster from 14.10.1991 onwards for next six days.

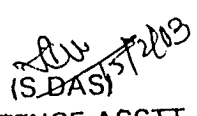
Answer : No Sir, I did not cancel my casual leave and proceeded on leave as is evident from the signature of my substitute on the order book dated 14.10.1991 exhibited in D-I and the signature of Senior Postmaster on S-V (2) dated 15.10.1991.

Examination of I.O is over..

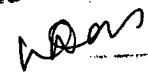
  
(V C ROY)  
INQUIRY OFFICER  
& DPS(Hq), GHY

  
(S GHOSE)  
PRESENTING OFFICER  
& AD A/C, GHY

  
(P NATH)  
CHARGED OFFICER  
& APMG(TECH) GHY

  
(S DAS)  
DEFENCE ASSTT  
& SPOS JORHAT

Attested

  
advocate.

No. 26-6/94-Vig.  
Government of India  
Ministry of Communications  
Department of Posts

Dak Bhawan, Sansad Marg,  
New Delhi - 110 001.

Dated: 18.10.2004

ORDER

The President, in exercise of the powers conferred by sub-rule (2) of Rule 14 of CCS (CCA) Rules, 1965, appointed Shri V.C. Roy, the then Director Postal Services (HQ), office of the Chief Postmaster General, Assam Circle & now DPS, Ambala, vide Order No.26-6/94-Vig dated 12.8.2002, as the Inquiring Authority to inquire into the charges framed vide Memorandum No.26-6/94-Vig dated 22.2.2002 against Shri P.Nath, APMG and now retired. The said Inquiring Authority submitted his Inquiry Report dated 12.5.03 through the CPMG, Assam Circle. Having carefully considered the inquiry report, the disciplinary authority, i.e. the President of India, has observed as follows:-

- (i) That the report dated 27.2.1996 obtained through GEQD (Ex. S-IX) is an important document and its validity or otherwise cannot be determined without recording the evidence of SW-4 and SW-8.
- (ii) That the summons issued to the Dy. GEQD (SW 4) do not bear either the opinion number or the reference of the letter vide which the opinion was made available as clearly mentioned in para 3 of GEQD letter dated 22.2.1996 (Ex. S - IX).
- (iii) That the I.O. has failed to take necessary action to enforce attendance of the two crucial witnesses (SW-4 & SW-8) whose evidences are material in the case.

2. On the basis of the above observations, the disciplinary authority, under Rule 15 (1) of CCS (CCA) Rules, 1965, remits the case to the I.O. for further inquiry for recording the evidence of GEQD as well as the Investigating Officer of CBI and report.

3. The receipt of the Order may be acknowledged.

By order and in the name of the President.

(S.S.K. RAO),  
ASSTT. DIRECTOR GENERAL (VIG.)

- Encls: (a) Documents : D-I TO D-IV AND Ex. S-I TO Ex. S-IX (FOLDER - I).  
(b) Daily Order Sheets & other related documents  
(SI. No. 1 to 39) - FOLDER - II.  
(c) One copy of I.O.'s Report.

To  
Shri V.C. Roy,  
Director Postal Services, Ambala & Inquiry Officer,  
Office of Chief Postmaster General,  
Haryana Circle,  
Ambala - 133 001.

P.T.O.

Attested

Advocate.

Copy to:-

- ✓ 1. Shri Premananda Nath, Retired Asstt. Postmaster General(Technology/Estt.), Office of the Chief Postmaster General, Assam Circle, Guwahati - 781 001 (Through CPMG, Assam Circle, Guwahati).
2. Shri Sudhir Ghosh, Assistant Director (Mails & WLF), office of the Chief Postmaster General, Assam Circle, Assam Circle Guwahati and Presenting Officer (Through CPMG, Assam Circle, Guwahati).
3. Shri S.K. Das, Chief Postmaster General, Assam Circle, Guwahati -781 001 with the request that the enclosed memoranda, in original, may please be got delivered to Shri Premananda Nath, Retired Asstt. Postmaster General (Technology/Estt.), Office of the Chief Postmaster General, Assam Circle, Guwahati - 781 001 and Shri Sudhir Ghosh, Assistant Director and their dated acknowledgement sent to the Directorate for record.

*S.S.K. RAO*  
(S.S.K. RAO)  
ASSTT. DIRECTOR GENERAL (VIG.)

Attested  
*hoo*  
Advocate.