

100  
CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 263/2006

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SECTION OFFICER (Judl.)

FORM NO. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET.

org. App/Misc. Petn/Cont. Petn/Rew. Appl..... 26.3.04.....

In O.A.

Name of the Applicant(s) Manjjoy Chetry

Name of the Respondent(s) h. o. I. Govt

Advocate for the Applicant J.L. Sarkar, A. Chakrabarty  
Gmt. K. Datta

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

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
This application is in form is filed C.F. for Rs. 10/- deposited v.d. I.P.C/BD No. 269135/04.	22.11.2004	present : The Hon'ble Mr. K.V. Prahladan, Member (A).  Heard Mr. J.L. Sarkar, learned counsel for the applicant. The application is admitted. Issue notice to the parties. List on 07.01.2005 for orders. pendency of this application shall not be a bar on the respondents for fresh consideration the appeal dated 17.11.2003.
Dated 9.11.04  Dy. Registrar  PAI		
Page 20 & 29 not legible  19/11/04		
Pages 20 & 29 to be replaced.  Dated 19.11.04 S.O.(J) 19.11.04	07.01.2005 mb	Eight weeks time is given to the respondents to file written statement on the prayer of Mr. A. Deb Roy, learned counsel for the respondents. List on 09.03.2005 for orders.
Notice & order sent to D/Section for issuing to resp. No. 1 & 2, by reqd. A/D post.  16/12/04	mb	KV Prahladan Member (A)

6-1-05  
S.R. acc'td  
G

9.3.2005 At the request of Mr.M.U.Ahmed learned Addl.C.G.S.C. time for filing written statement is extended by two weeks.

Post on 28.3.2005.

  
Member

  
Vice-Chairman

7.3.05  
AO. arts. han. seen  
B7td



28.03.2005 Post on 29.3.2005.

bb

  
Vice-Chairman

bb

29.3.05

Post the matter on 12.4.05.

  
Vice-Chairman

11-4-05

AO. arts. han. seen. B7td.



lm

12.4.05. Mr.A.K.Choudhury, Addl.C.G.S.C. seek time to file written statement. Post the matter on 12.5.05 for filing of written statement.

  
Member

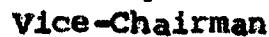
  
Vice-Chairman

Notice duly served on  
resp. No. 1.

lm

12.5.2005 Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents submits that written statement has already been filed. Mr. J.L. Sarkar, learned counsel for the respondent applicant submits that this matter may be posted for hearing. Post on 31.5.2005.

  
Member

  
Vice-Chairman

mb

12.5.2005 Judgment declared at regular court. kept in respective sheeter ARREAS to fix

## Order of the Tribunal

Office Notes	Date	Order of the Tribunal
	31.5.05.	At the request of Mr. J.L. Sarkar learned counsel for the applicant case is adjourned to 3.6.05.  Icr. P. Bhattacharya Member
	3.6.05.	At the request of learned counsel for the parties case is adjourned to 13.6.05.  Icr. P. Bhattacharya Member
	13.6.2005	Mr. J.L. Sarkar, learned counsel for the applicant submits that he would like to ascertain the latest position from the applicant. Post on 12.7.2005.  Icr. P. Bhattacharya Member
WLS has been filed.  30/7/05	12.07.2005	At the request of Mr. A.K. Chaudhury learned Addl. C.G.S.C. the case is adjourned to 5.9.2005.  Icr. P. Bhattacharya Member
WLS has been filed.  21/9/05	05.09.2005	Post before the next Division Bench.  Icr. P. Bhattacharya Member
WLS has been filed.  29/9/05	mb	

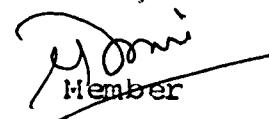
03.10.2005

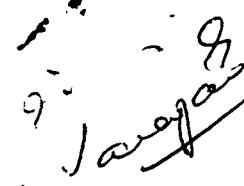
Hearu learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is disposed of in terms of the order.

27.10.05

copy of the  
judgt has been  
sent to the D/L  
for issuing the  
to the application  
as well as to the  
Add. CGSC for  
the Respy.

mb

  
Member

  
Vice-Chairman

  
P.M. 17/10/05

6

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.**

O.A. No. 263/2004

DATE OF DECISION: 03.10.2005.

Sri Manjay Chetry

APPLICANT(S)

Mr. J.L. Sarkar, Mr. A. Chakrabarty

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

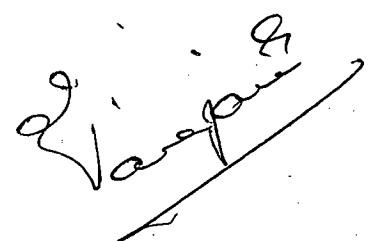
THE HON'BLE MR M.K. MISRA, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble Vice-Chairman.



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**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 263/2004

Date of Order : This the 3<sup>rd</sup> day of October, 2005

The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

The Hon'ble Mr. M.K. Misra, Administrative Member.

Shri Manjay Chetry,  
C/o – Bijay Chetry,  
Kothari finance Pvt. Ltd.,  
A.T. Road, Guwahati – 781 001.

.... Applicant

By Advocate : Mr. J.L. Sarkar, Mr. A. Chakrabarty, Mrs. K. Dutta.

- Versus -

1. Union of India, represented by the Secretary to the Government of India, Ministry of Communication, Department of Post, New Delhi.
2. The Director of Postal Services, Arunachal Pradesh Division, Itanagar – 791 111.

.... Respondents.

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

**ORDER (ORAL)**

**SIVARAJAN. J. (V.C.)**

The applicant was engaged as a casual driver on daily wages in the office of the Director of Postal Services, Arunachal Pradesh Division, Itanagar w.e.f. 14.09.2000 as per Memo No. B-1/Staff/Rlg./Corr dated 14.09.2000. The applicant's service was discontinued w.e.f. 21.11.2001 without any order. He, being aggrieved, filed O.A. No.42/2002 before this Tribunal. The said O.A. was disposed of by order dated 08.11.2002 after hearing the parties at length. The respondents were directed to re-instate the applicant in service. The respondents took up the matter in writ petition No. 2866/2003 before the Hon'ble Gauhati High Court. The High Court by Judgment dated 25.04.2003 confirmed the order of this Tribunal with the observation that the authorities concerned may in their discretion proceed against the applicant in accordance with the provisions of law. Based on the observation made by the High Court, the respondents had issued a communication dated 17.06.2003 (Annexure - C) as follows: -

- " 1. Allows Shri Manjay Chetry as per order of Hon'ble CAT and Hon'ble High Court Guwahati for joining duty without back wages.
- 2. Direct Shri Manjay Chetry to submit his explanation for alleged misbehavior at Postal IQ Guwahati which after investigation by the Chief PMG, Assam Circle Guwahati have been established. He is directed to submit his explanation within 10 days from the date of received of this Memo."

The applicant then made representation dated 01.07.2003 (Annexure - D) in which it is stated that the misconduct mentioned in the communication dated 17.06.2003 has not been intimated to the applicant. The respondents thereafter had issued a copy of the communication dated 31.10.2001 alongwith covering letter dated

*Gp*

03.07.2003 (Annexure - E). The applicant then submitted a detailed objection dated 09.07.2003 (Annexure - F). The Respondents with reference to the representation dated 09.07.2003 issued a communication dated 26.08.2003 (Annexure - I) and also enclosed extract of the report, log book etc. to the applicant. The applicant then sent a reply dated 03.09.2003 (Annexure - J). The 3<sup>rd</sup> respondent thereafter issued the impugned order dated 12.11.2003 (Annexure - K) by which the casual services of the applicant was discontinued with immediate effect. Being aggrieved by the said order the applicant filed an appeal to the 3<sup>rd</sup> respondent (Annexure - L) herself, who issued the communication dated 19.11.2003 (Annexure - M) which reads as follows :-

“Disciplinary must be enforced and not to be abused whether it is a departmental employee or casual worker. The discontinuance order vide this office Memo of even No. dtd 12.11.2003 must be implemented first. After a reasonable gap of days your case as appealed may be reprocessed for further consideration or what course of further steps of actions etc. This is for your information”

The applicant has challenged the order dated 12.11.2003 and communication dated 19.11.2003 (Annexures - K & M) in this O.A.

2. The respondents have filed their written statement and also produced various documents in support, which dealt with the matter on merit.

3. We have heard Mr. J.L. Sarkar, learned counsel for the applicant. Counsel submits that this Tribunal had considered the entirety of the charges levelled against the applicant in the earlier proceeding, which culminated in the order dated 08.11.2003 in O.A. No. 42/2002. Counsel submits that this order had been confirmed by

*GJ*

the Hon'ble High Court in its Judgment dated 25.04.2003 in W.P. (C) No. 2966/2003. Counsel further submits that in view of these two orders practically there is nothing left for being considered by the respondents again against the applicant. Counsel also submits that the impugned order dated 12.11.2003 did not deal with the explanation submitted by the applicant in his reply dated 09.07.2003 (Annexure - F) in which the applicant has clearly stated as to what transpired in the Postal IB, Dispur on 14.10.2001. Counsel submits that reply dated 03.09.2003 in turn referred to the earlier reply dated 09.07.2003, besides other circumstances. Counsel in short submits that the impugned order does not reflect the correct facts and circumstances of the case and that it only reflects an one sided view of the matter. Counsel further submits that when the applicant has filed an appeal before the 3<sup>rd</sup> respondent, it was for the 3<sup>rd</sup> respondent either to forward the same to the competent appellate authority or to inform the matter to the applicant to enable the applicant to file an appeal before the competent authority. Counsel also submits that it was open to the 3<sup>rd</sup> respondent to consider the appeal as a review petition and to dispose of the same urgently considering the special circumstances stated therein. Counsel submits that the 3<sup>rd</sup> respondent instead of doing so has deferred the consideration of the appeal only to see that the impugned order is implemented which was not proper.

4. We have also heard Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents. Though the standing counsel has taken us to the written statement filed by the respondents, he fairly submits that since the matter is still under consideration by the Respondents in the appeal filed by the applicant as stated in the communication dated 19.11.2003 (Annexure - M) it is for the competent authority to



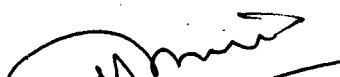
consider the merits of the case in the first instance. The Standing Counsel submits that the appeal petition will be disposed of by the respondents expeditiously.

5. We have considered the rival submissions. We find from the communication dated 19.11.2003 (Annexure - M) that the appeal filed by the applicant against the impugned order dated 12.11.2003 is still pending consideration by the competent authority. When an appeal is provided against the impugned order and the applicant has availed the said remedy, it will not be proper on the part of the Tribunal to go into the merits of the matter at this stage with reference to the arguments made by the parties, particularly in view of the Section 20 of the Administrative Tribunals Act which provides for exhausting the remedy available under law. However, the question regarding continuance of the applicant in service under the respondents is a matter to be considered. Though the services of the applicant was terminated w.e.f. 21.11.2001, pursuant to the direction of this Tribunal as confirmed by the High Court, the 3<sup>rd</sup> respondent by communication dated 25.07.2003 (Annexure - H) had allowed the applicant to join duty and the applicant had in fact joined duty w.e.f. 02.08.2003. Now the services of the applicant was discontinued by order dated 12.11.2003. In view of the fact that an appeal has already been filed and the same is pending, we rather expected the 3<sup>rd</sup> respondent would allow the applicant to continue in service until the appeal is disposed. It is seen that the 3<sup>rd</sup> respondent on the other hand insisted for implementation of the impugned order of discontinuance of service. Neither the counsel for the applicant nor the standing counsel for the respondents was able to tell us as to whether the impugned order has actually been implemented. As a



matter of fact, if the applicant still continue in service, he would be allowed to continue as such till a final decision is taken in the appeal filed by the applicant. On the other hand, if the impugned order had already been implemented and if the applicant is out of service, the competent authority will dispose of the appeal filed by the applicant within a period of three months from the date of receipt of this order. If the appeal memorandum (Annexure - L) is still with the 3<sup>rd</sup> respondent, she has got an option to treat it as a review petition and dispose of the same considering the factual circumstances stated therein and the regret expressed by the applicant. Her observation in paragraph 8 of the impugned order regarding tendering of apology is also relevant in this context. If the 3rd respondent is not inclined to do so, she will forward the same to the competent authority for disposal of the appeal without any delay. The applicant will be afforded personal hearing before taking any decision in the appeal as directed. The competent authority will pass a reasoned order and communicate the same to the applicant without any delay.

The application is disposed of as above.

  
 (M.K. MISRA)  
 ADMINISTRATIVE MEMBER

  
 ( G. SIVARAJAN )  
 VICE CHAIRMAN

/mb/

केन्द्रीय व्यापारिक अधिकारी नियमित  
Central Administrative Tribunal

In The Central Administrative Tribunal

10 NOV 2004

Guwahati Bench :: Guwahati.

गुवाहाटी बैच नं.  
Guwahati Bench

O.A. No 263 /2004

13  
Filing by  
Plaintiff  
10/11/2004

Shri Manjay Chetry

----- VS -----

Union of India & Ors

**LIST OF DATES AND SYNOPSIS OF THE APPLICATION**

8.11.2002 The Hon'ble Tribunal set aside the order of removal and gave direction to the respondents to re-instate the applicant.

5.12.2002 The applicant reported for joining duty.

25.4.2003 The Hon'ble Gauhati High Court dismissed WP (C) No.2966/03 filed by the respondents.

17.6.2003 The applicant was asked to give explanation for alleged misbehaviour.

1.7.2003 The applicant submitted his explanation.

3.7.2003 The applicant was asked to submit detailed explanation for alleged misbehaviour.

9.7.2003 The applicant submitted detailed explanation and requested for detailed enquiry into the said allegations and also requested to supply some documents for his defence.

16.7.2003 The applicant's reply was acknowledged and he was again asked to submit his explanation in detail to dispose the case.

25.7.2003      The applicant was allowed to join duty as casual driver without back wages till further orders.

26.8.2003      The applicant received three documents out of four necessary documents as applied for to defend himself.

3.9.2003      Reply to the letter dated 26.8.2003 was submitted by the applicant.

12.11.2003      The applicant was discontinued from his services by the impugned order with immediate effect without following mandatory provision of Article 311 of the Constitution of India.

17.11.2003      Appeal was made to the respondent No.2 to re-instate him in the service.

19.11.2003      Appeal was turned down by the respondent No.2 whimsically and arbitrarily.

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সেন্ট্রাল অডিনিস্ট্রেটিভ ট্রিভুনাল  
Central Administrative Tribunal

In The Central Administrative Tribunal

10 NOV 2004

Guwahati Bench :: Guwahati.

গুৱাহাটী বেংচ ::  
Guwahati Bench

D.A. No. 263 /2004

Shri Manjay Chetry

Applicant

----- Versus -----

Union of India & Ors

Respondents

I N D E X

Sr.No.	Annexure	Particulars	Page No.
1.		Application	1-10
2.		Verification	11
3.	A	Judgement dated 8.11.02	12-15
4.	B	Letter dated 05.12.2002	16
5.	C	Memo dated 17.06.2003	17
6.	D	Reply dated 01.07.2003	18
7.	E	Memo dated 03.07.2003 with letters dated 31.10.01 and 08.11.01	19-21
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13.	K	Impugned Order dated 12.11.03	34-36
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15	M	Impugned Order dated 19.11.03	38

Filed by:

Chakraborty  
Anupam Chakraborty  
ADVOCATE

16

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

O.A. No. /2004

Shri Manjay Chetry,

C/O Bijay Chetry,

Kothari Finance Pvt. Ltd.,

A.T. Road, Guwahati-781 001.

.....Applicant

-----Vs.-----

1. Union of India represented by  
the Secretary to the Govt. of  
India, Ministry of Communication,  
Department of Post, New Delhi.

2. The Director of Postal Services,  
Arunachal Pradesh Division,  
Itanagar-791 111.

.....Respondents

**Details of the Application :**

**1. Particulars of the order against which the application is made :**

The application is made to set aside and quash impugned orders dated 12.11.2003 and 19.11.2003 by which the services of the applicant was discontinued.

**2. Jurisdiction:**

The Applicant declares that the subject matter of the

Filed by the  
Applicant  
Bijay Chetry  
10/11/2003

Manjot Chhetri

application is within the jurisdiction of the Hon'ble Tribunal.

**3. Limitation:**

The applicant declares that the application is within the period of limitation 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 as such is entitled to the rights and privileges guaranteed by the constitution of India.

4.2 That the applicant was appointed as casual driver in the Office of the Director of Postal Services, Arunachal Pradesh Division, Itanagar w.e.f. 14.09.2000 by Memo No.B-1/Staff/Rlg/Corr dated 14.09.2000. Since the appointment, the applicant has been working with the satisfaction of all the concerned. The applicant worked accordingly in the year 2000 and 2001 for more than 240 days and earned temporary status by operation of law.

4.3 That the applicant begs to state that to his utter surprise he was not allowed to perform his duties w.e.f. 21.11.2001. He was not paid salaries since then nor he was informed any reason for such non payment. Being highly aggrieved by this action of the respondents the applicant moved this Hon'ble Tribunal through O.A. No.42/2002.

4.4 That the respondents contested the aforesaid O.A.

Manjay Chetry

No.42/2002 and filed their written statement on 20.04.2002. In the written statement the respondents had brought allegation of misconduct against the applicant. The respondents also stated that the applicant was terminated from service as he was not found suitable though no order of termination was issued nor any enquiry was held into the allegation.

4.5 That the Hon'ble Tribunal, after hearing the parties in O.A. No.42/2002, was pleased to set aside the order of removal and was further pleased to give direction to the respondents to re-instate the applicant in the post from which the applicant was removed. The applicant, thereafter, reported for joining duty by letter dated 05.12.2002.

Copy of the Judgement and Order dated 08.11.2002 in O.A. No.42/2002 is enclosed as Annexure-A.

Copy of the letter dated 05.12.2002 is enclosed as Annexure-B.

4.6 That the respondents moved the Hon'ble Gauhati High Court through writ petition No.WP(C) 2966/2003 assailing the order of this Hon'ble Tribunal dated 08.11.2002. The Hon'ble High Court was not inclined to interfere with the judgement of the Hon'ble Tribunal because of the fact that the applicant was removed from service on misconduct without initiating formal disciplinary proceeding and was pleased to dismiss the said writ petition on 25.04.2003 with the observation that the authorities

concerned may in their discretion proceed against the applicant in accordance with the provisions of law.

4.7 That the respondents thereafter issued Memo No.8-1/Stff/Rlg/Corr dated 17.06.2003 and ordered to be allowed the applicant for joining duty without back wages. By the said Memo the applicant was also directed to submit his explanation for alleged misbehavior. The applicant on 01.07.2003 submitted his reply which was received and duly acknowledged by the respondents. It is stated that the respondent did not allow the applicant to join the duty even after the said Memo dated 17.06.2003.

Copy of the Memo dated 17.06.2003 is enclosed as Annexure-C.

Copy of reply dated 01.07.2003 is enclosed as Annexure-D.

4.8 That on 04.07.2003 the applicant received Memo dated 03.07.2003 with xerox copy of office letters dated 31.10.2001 and 08.11.2001 respectively. By the said Memo dated 03.07.2003 the applicant was asked to submit his detailed explanation in the matter of alleged misbehaviour. The applicant by letter dated 09.07.2003 submitted his explanation and denied the allegations. He also requested the respondents for detailed enquiry into the said allegations under the Rules and also requested to supply some documents for his defence.

Copy of the Memo dated 03.07.2003 with letters dated 31.10.2001 and 08.11.2001 are enclosed as

Manjari Chakraborty

Annexure-E.

Copy of the reply dated 09.07.2003  
is enclosed as Annexure-F.

4.9 That the applicant begs to state that in letter dated 16.07.2003 the respondents stated that reply of the applicant dated 09.07.2003 has been received by them but that letter is not sufficient to dispose the case and therefore asked him to submit his explanation again in detail. However, the respondents did not disclose about their queries/questions on which they want further explanation from the applicant. The respondents <sup>(Said letter)</sup> also did not speak why his earlier explanation is not sufficient.

Copy of the letter dated 16.07.2003  
is enclosed as Annexure-G.

4.10 That it is stated that the respondents by Memo dated 25.07.2003 allowed the applicant to join duty as casual driver without back wages till further orders. The applicant accordingly joined the duties.

Copy of the Memo dated 25.07.2003  
is enclosed as Annexure-H.

4.11 That the applicant begs to state that the respondents, thereafter, with letter dated 26.08.2003 supplied only three documents out of four necessary documents as applied for by the applicant. It is also stated that the applicant have not received any charge sheet nor any enquiry was made into the above matter. In fact the respondents have not conducted any enquiry under the Rules nor the applicant was called for to defend himself. It is

Manjot Chhetry

humbly submitted that the respondents did not conduct any enquiry under the Rules and adopted a short cut method to decide the case which is violative of principles of natural justice and Article 311 of the Constitution of India. It is also stated that complete copy of investigation report of the CPMG, Assam Circle, Guwahati was not delivered to the applicant.

Copy of the documents supplied by the respondents with letter dated 26.08.2003 are enclosed as Annexure-I.

4.12 That the applicant submitted his reply to the letter dated 26.08.2003 on 03.09.2003 and denied the allegations and prayed to dismiss the allegations.

Copy of the letter dated 03.09.2003 is enclosed as Annexure-J.

4.13 That the respondents by order No. B-1/Staff/Rlg/Corr dated 12.11.2003 discontinued the services of the applicant with immediate effect. The respondent No.2 arrived to the conclusion merely on the basis of allegations and not on proved misconduct. There was no enquiry under the Rules and the respondent No.2 acted mechanically and with complete non application of mind and passed the said impugned order violating the principles of natural justice and mandatory provisions of Article 311 of the Constitution of India. The respondent No.2 has acted merely on the presumption and conjecture. Hence the impugned order dated 12.11.2003 is violative of Article 311 of the Constitution of India.

Copy of the impugned order dated 12.11.2003 is enclosed as Annexure-K.

4.14 That the applicant filed an appeal to the respondent No.2 on 17.11.2003 which was turned down by impugned order dated 19.11.2003. It is also submitted that the respondents have acted whimsically and arbitrarily and failed to afford reasonable opportunity to the applicant to defend his case.

Copy of the appeal dated 17.11.2003  
is enclosed as Annexure-L.

Copy of the impugned order dated  
19.11.2003 is enclosed as  
Annexure-M.

4.15 That the applicant demanded justice which was denied to him and hence file this application bonafide and for the cause of justice.

5. **Ground for reliefs with legal provisions.**

5.1 For that the respondents have terminated the service of the applicant without following the mandatory provisions of Article 311 of the Constitution of India.

5.2 For that the respondents have acted mechanically and without application of mind.

5.3 For that the respondents have failed to hold departmental enquiry under the Rules and adopted a short cut method to punish the applicant.

5.4 For that the respondents have failed to afford reasonable opportunity to the applicant to defend his case.

*Mantay Cheloy*

5.5 For that the respondents have failed to supply the necessary documents as applied for by the applicant to defend his case.

5.6 For that the respondents have also acted arbitrarily by not proceeding against the applicant in accordance with the law as observed by the Hon'ble High Court.

5.7 For that the action of the respondents is the result of whimsical and arbitrariness which offends Article 14, 16 and 21 of the Constitution of India.

5.8 For that the action of the respondents is violative of principles of natural justice and is against the norms of administrative fair play.

5.9 For that malice in law as well as in fact is explicit and the applicant is entitled to the reliefs prayed for.

#### **6. Details of the remedies exhausted**

The applicant declares that there is no other efficacious remedies under any Rule and this Hon'ble Tribunal is the only forum to adjudicate the subject matter.

#### **7. Matters not previously file or pending with any other court**

The applicant declares that he has not filed any case on the subject matter before any court, forum or any

Manjari Chelary

other institution.

8. **Reliefs sought for**

Under the above facts and circumstances the applicant prays for the following reliefs :

8.1 The impugned orders dated 12.11.2003 and 19.11.2003 respectively be set aside and quashed.

8.2 The applicant be re-instated into services with all consequential service benefits.

8.3 The applicant is entitled to the cost of the case which may kindly be quantified by the Hon'ble Tribunal.

8.4 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the ground stated in para 5 above.

9. **Interim Relief**

During the pendency of this application the applicant prays for the following interim reliefs:

9.1 Any relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above relief is prayed for on the ground stated in para 5 above.

10. This application is filed through the Advocate.

Manoj Chetry

11. **Particulars of Postal Order:**

i) IPO No : 204135104  
ii) Date of Issue : 9/11/2004  
iii) Issued from : Guwahati  
iv) Payable at : Guwahati

12. **List of Enclosures**

As per Index.

..... **Verification**

Manjot Chetry

21

III

Verification

I, Manajy Chetry, son of Late Jubraj Chetry, aged about 30 years, a resident of Guwahati, Dist-Kamrup, do hereby verify that the statements made in the paragraphs 1,4,6 to 12 are true to my knowledge and statements in para 2,3 and 5 are true to my legal advice and that I have not suppressed any material fact.

And I, sign this verification on this 6th day of November, 2004.

Manajy Chetry

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 42 of 2002.

Date or Order : This the 8th Day of November, 2002.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

Sri Manjay Chetry  
Working as Casual Driver in the  
Office of the Director of Postal Services  
Arunachal Pradesh Division  
Itanagar-11.

... Applicant.

By Advocate Mr.J.L.Sarkar, A.Chakraborty &  
Mrs.S.Deka.

- Versus -

1. Union of India

Represented by the Secretary  
to the Government of India  
Ministry of Communication  
Department of Post  
New Delhi.

2. The Director of Postal Services  
Arunachal Pradesh Division  
Itanagar - 791 111.

... Respondents.

By Mr.B.C.Pathak, Addl.C.G.S.C.

ORDER

D.N.CHOWDHURY J.(V.C.):

This application under section 19 of the  
Administrative Tribunal's Act, 1985 is made praying for  
conferment of temporary status in the light of the policy  
laid down by the Govt. of India. The basic facts relevant  
for the purpose of adjudication of the case are summed up  
herein below :-

1. The applicant was engaged as a Casual Driver in  
the office of the Director of Postal Services, Arunachal  
Pradesh Division, Itanagar w.e.f.14.9.2000 on daily wages  
basis vide memo No.B-1/Staff/Rlg/Corr dated 14.9.2000.

Contd./2

*Abdul Rehman  
Chakraborty  
Advocate*

The applicant worked accordingly in the year 2000 and 2001. The applicant was sponsored by the Employment Exchange, Naharlagun and his appointment was made after process of selection. After joining under the respondents the applicant rendered his services in the department.

The applicant pleaded that he worked more than 240 days in a year and his total service rendered is one and half years. The applicant pleaded that though he is working under the respondents the respondents has not paid him salary since 21.11.2001. The applicant pleaded before the authority demanding justice. Failing to get appropriate remedy from the authority the applicant moved this Tribunal for redressal of his grievances by way of this application.

2. The respondents submitted its written statement, wherin it was stated that he was selected as a

Casual Driver of the MMS Vehicle No.AR-01-A-3167 on daily wages basis vide order dated 14.9.2000. He was terminated from his service as he was not found suitable for regular absorption. In the written statement in Para

3 the respondents clearly stated that his services was discontinued because of misconduct. He was directed to

submit his explanation and he failed to comply with the

order and accordingly he was discontinued from his service. In the written statement the respondents also

stated that the applicant was working as such a Group-C category Driver, therefore, "Casual Labourers (Grant of

Temporary Status and Regularisation) Scheme, 1989" was not applicable to the applicant. Moreover, the scheme was

Contd./3



operative from 29.11.89 to 1.9.93 only, whereas the applicant was engaged as Casual Driver only from 14.9.2000. The respondents in the written statement clearly stated that the applicant worked on casual basis from 23.9.2000 to 20.11.2001. Since the applicant was not found suitable for the job he was discontinued.

3. I have heard Mr.J.L.Sarkar, learned counsel for the applicant and also Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents at length. On consideration of materials on record, it appears that the applicant worked for more than a year in the department and he was discontinued from service on the alleged misconduct. Admittedly, no enquiry was conducted. His removal from service as Casual Worker on the alleged misconduct without holding enquiry is, therefore, not sustainable. Mr.B.C.Pathak, learned Addl.C.G.S.C., however, submitted that the applicant was a Casual Driver and since there was a proved misconduct on the facts and circumstances the authority bonafide passed the order of termination. There is no dispute that the order of termination/removal is passed because of misconduct. The very foundation of such removal was the alleged misconduct without giving opportunity to the applicant and, therefore, said termination /removal order cannot be sustained. Mr.B.C.Pathak contended that the applicant cannot be conferred temporary status, more so, he was engaged in Group-C and that Temporary Status Scheme is not an ongoing process. The scheme has expired in 1.9.93.

Contd./4



: 4 :

Mr. Pathak's contention has its force and therefore question of granting Temporary Status does not arise, but then it will not preclude the authority to consider his case for regular absorption as per law.

On consideration of all the aspects of the matter, the order of removal is set aside and the respondents are directed to re-instate the applicant in the post from which he was removed.

The application is allowed to the extent indicated above. There shall, however, be no order as to costs.

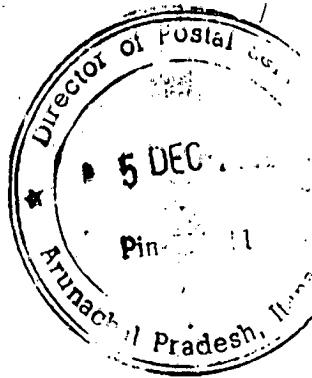
Sd/ VICE CHAIRMAN

bb

TRUE COPY  
10/11/82  
for Section Officer (Judicial)  
Central Administrative Tribunal  
Samasthala Bhawan, Government

To

The Director of Postal Services,  
Arunachal Pradesh Division,  
Itanagar-791111



SUB : Joining in the post of 'Driver' as per direction of Hon'ble CAT, Guwahati in OA No. 42/2002.

Respected Madam,

With due respect I beg to state that I was not allotted to perform my duties as Driver of MMS Vehicle No. AR-01-A3167 w.e.f. 21.11.2001. I filed an O.A. No. 42/2002 before the Hon'ble Central Administrative Tribunal, Guwahati. The Hon'ble Tribunal by order dated 8/11/2002 has been pleased to give direction to re-instate me in the post of Driver. A copy of the order of the Hon'ble Tribunal dated 8/11/2002 is enclosed.

I therefore, request your kind self to pass necessary order/orders in this regard and oblige.

Thanking you,

Yours Faithfully,

( Manjy Chettri )  
C/o Atal kr. Thapa,  
Satellite Complex,  
C-Sector/Itanagar

Registered A.D.

Annexure - C

Department of Post :: India  
Office of the Director Postal Services :: Itanagar

NO.B-1/Stff/Rlg/Corr,

Dated at Itanagar the 17<sup>th</sup> June 2003

WHEREAS Shri Manjay Chetry the then casual driver of Inspection vehicle, Divisional Office Itanagar was absenting from service w.e.f. 21-11-01 which led to his own discontinuation in service.

AND WHEREAS the CAT Guwahati bench vide order OA NO.42/02/3143 dtd 25-11-02 has held "the order of removal is set aside and the respondents are directed to re-instate the applicant in the post from which he was removed".

AND WHEREAS the Hon'ble High Court Guwahati vide its WPC NO.2966/2003 dtd 25-04-2003 perused the judgment and order dtd 08-11-2002 passed by the Central Administrative Tribunal, Guwahati bench in OA NO.42/02 and the reasons recorded by the Tribunal and particularly because of the fact that the respondent was removed from service on misconduct without initiating formal disciplinary proceeding, Hon'ble High Court is not inclined to interfere with the judgment of the learned Tribunal and therefore dismissed the appeal with the observation that the authorities concerned may in their discretion proceed against the respondent in accordance with the provisions of Law".

AND WHEREAS the remark of CO Shillong (competent authority) "DPS may be advised to initiate action as per H/C judgement that the applicant be proceeded against in accordance with the Deptl procedures (Provisions of Law)".

NOW THEREFORE, the undersigned hereby :-

1. Allows Shri Manjay Chetry as per order of Hon'ble CAT and Hon'ble High Court Guwahati for joining duty without back wages.
2. Direct Shri Manjay Chetry to submit his explanation for alleged misbehaviour at Postal IQ Guwahati which after investigation by the Chief PMG, Assam Circle Guwahati have been established. He is directed to submit his explanation within 10 days from the date of received of this Memo.

To,

Manjay Chetry  
C.O Atal Kr. Thapa  
S&S Satellite Complex  
C-Sector, Itanagar.

(M. Iawphniaw)  
Director Postal Services  
Itanagar-791111.

Robert Chetia  
Postmaster  
Advocate

To

The Director of Postal Services  
Itanagar - 791111



Date : 1/7/03

Sub : Reply to office Letter No. B-1/Stff/R lg/Corr.  
Dated 17/6/2003

Respected Madam,

I have received the above letter dated 17/6/2003 on 25/6/2003. In this connection I beg to state the following few lines for your kind consideration.

1. That no specific allegation has been brought against me in the said letter dated 17/6/2003 and hence I am not in a position to submit any detailed reply.
2. That I have never been served with any charge-sheet nor I have any knowledge about any investigation.
3. That I have not been served with a copy of investigation report, if any.
4. That I deny the alleged misbehavior at Postal IQ Guwahati.

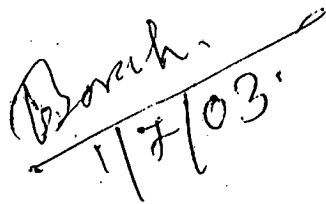
In the above facts and circumstances, your goodself be kind enough to consider my case sympathetically and may be pleased to call for personal hearing to submit further explanations, evidences & witness etc, if required.

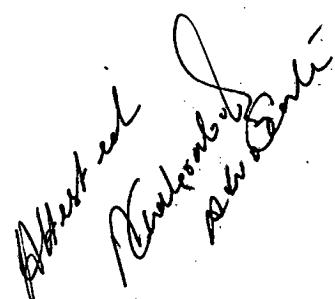
And for this act of kindness I shall remain grateful.

Yours faithfully,

  
(MANJAY CHETRY)

① Enclos D.P.S order copy - ①

  
Borah  
17/7/03

  
Affected  
Directorate  
Guwahati

Regd with A/P



India Post

Office of the Director Postal Services  
Arunachal Pradesh Division  
ITANAGAR - 79111

Under Registered post with A/D

MEMO.NO.B-1/Staff/Rlg/Corr

Dated 03.7.2003

TO

✓ Shri.Manjay Chhetry  
(the then Casual Driver)  
c/o Lal Kr.Thapa  
Satellite Complex  
C-Sector, Itanagar.

Sub:-Misbehaviour of Shri.Manjay Chhetry Casual Driver.

Ref:- Your L.NONil dtd 1.7.2003

Xerox copy of Chief.P.M.G.Assam Circle Guwahati LNO.Staff/IB-Reservation/2000-Pt I dtd 31.10.2001 on the above subject was forwarded to you vide this office L.NO.B-1/Staff/Rlg/Corr dtd 8.11.2001(xerox copy enclosed). But you were not submit explanation on the above matter till date. However copies of the same are again forwarding for your detailed explanation within 7(seven) days from the date of issue of this letter.

Encls:-A.S.A

N.C.HALDER  
(N.C.HALDER) 2/7/02  
Supdt.of Posts  
O/O DPS Itanagar

Attested  
Administrator  
Post Office

20

DEPARTMENT OF POSTS, INDIA  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES  
ARUNACHAL PRADESH DIVISION  
ITANAGAR-791 111

NOTE/Staff/Rig/Cor.

3

Dated at Itanagar the 8.11.2000

TO

Smt. Manju Chhetry  
Casual Driver Ins. Vehicle  
O/O The D.P.S Itanagar-791 111

Sub:-

Misbehavior of Driver

Please find herewith one Xerox copy of L.S.C. No. 133-Preservation 2000-PT I Dt. 31.10.2000 from the C.P.M.G. Aman Circle, Gauhati. It is forwarded to submit your explanation on the matter for further disposal.

Inclos:- As above.

6

(R.K.B.SINGH)  
Director Postal Services  
Arunachal Pradesh Division  
Itanagar-791 111

Missed  
deadlines 1D.

30

S.6/FF

DEPARTMENT OF POSTS  
OFFICE OF THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE: GUWAHATI-781001.

10. Staff/1B-Reservation/2000-Pt.I Dated at Guwahati the 31.10.2001.

To

1.

The PMG, Assam Region, Dibrugarh,

2.

The Director of Postal Services,  
Itanagar.

S.N.D.W.

Sub :-

Misbehaviour of Drivers.

This is to intimate that the caretaker of the Departmental 1B at Dispur has reported that on the night of 14th October, 2001 two drivers one Shri R.B.Chetry, the driver attached to PMG, Dibrugarh and Sri Manjey Chetry, the Driver of the DPS Itanagar consumed wine in the room No.2 of the 1B. Out of intoxication they demanded their accommodation in the room No.2. Both the drivers became angry and misbehaved the care-taker. The care-taker managed to accommodate them in a room in 2<sup>nd</sup> floor which is allotted to the care-taker as residential accommodation. The fact has been enquired through ASPOS(Inv) C.O., Guwahati and found to be correct.

This is for C.O's kind information that the information is per 1B's L.N.C. The dignity and decorum of the 1B appears to have been hampered by such act of the drivers.

It is therefore, requested to take action against the above mentioned drivers.

DIRECTOR OF POSTAL SERVICES

ANUMAKA (AP-1000)

IVANAGAR R.P.M.G.(staff)  
for Chief Postmaster General,  
Assam Circle, Guwahati-781001

R.

R.

To:

Date: 9.7.2003

The Director of Postal Services,  
Itanagar - 791 111

Sub: Reply to the MEMO No. B-1/Staff/R1g/Corr  
Dated 3.7.2003.

Respected Madam,

4.7.2003. I have received the above Memo dated 3.7.2003 on few lines for your kind and sympathetic consideration please.

1. That I deny the alleged misbehavior at Departmental IB at Dispur, Guwahati.
2. That I humbly beg to state the actual facts of the incident for appraisal of Your Honour as under :

That while on duty with the Director of Postal Service, Itanagar at Guwahati I was allowed to stay in the Inspection Bungalow by the care-taker of the said Bungalow on 13.10.2001 in the room no.2 with another Driver Sri R.B. Chetry, Driver of the PMG. On 14.10.2001 with the arrival of guest in the room no.2 we were shifted to the room no.3 of the said Bungalow. At around 9.30 P.M. on 14.10.2001 some personal guest of the care-taker arrived and the care-taker asked me and Sri R.B. Chetry to vacate the room No.3. Then, we requested the said care-taker to accommodate us somehow in the Bungalow because it was difficult to find new accommodation at that hours of night. But the care-taker got furious and threw away my baggage. In this distress condition when I was proceeding to report to my Officer (Director of Postal Service, Itanagar) the care-taker calm-down and requested me not to report against him. Later, the care-taker gave me and the other driver accommodation in his own room. It is stated that I did not report the aforesaid fact anytime to any authority because the care-taker apologized on his mis-behaviour.

2. That I deny that I got intoxicated and mis-behaved the care-taker. I beg to state that I have no knowledge of any enquiry or investigation by the AS POS (INV) C.O., Guwahati into the said matter nor I have ever received any Notice. I was never called for any inquiry by any authority.

3. That I request Your honour for detailed inquiry into the said matter under the Rules and also request you to supply the following documents for my defence :

- i) Copy of the Log Book for the period of 11.10.2001 to 18.10.2001.
- ii) Copy of the register maintained at Departmental IB at Dispur Guwahati for the period 13.10.2001 to 14.10.2001 regarding booking of room.

④ 9/7/03

Robertson  
Kundan Singh  
Delhi

30  
:: 2 ::

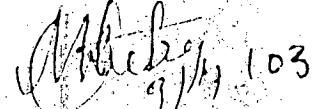
iii) Copy of the Investigation report.

iv) Copy of the Statements of the witnesses examined by the AS POS(INV) C.O, Guwahati.

In the above facts and circumstances, Your Goodself be kind enough to consider my case sympathetically and be pleased to call for personal hearing, if required.

And for this act of kindness I shall remain grateful.

Yours faithfully,

  
(Manjay Chetry)

157507  
I.S.D.

Guwahati

24

Procedure - 67  
भारतीय डाक

INDIA POST

AD  
RE



Office of the Director Postal Services  
Arunachal Pradesh Division  
ITANAGAR - 791111

NO.B-1/Staff/Rig/Corr,  
July'2003

Dated at Itanagar the 16<sup>th</sup>

To,

✓ Shri Manjy Chhetry,  
C/o Atal Thapa, Satellite Complex  
C-Sector, Itanagar.

SUB : REGARDING NON-RECEIPT OF YOUR EXPLANATION

With reference to your letter NO. Nil dtd 15-07-2003 wherein you have mentioned that you have submitted your explanation letter today but this office has not received your explanation along with your letter. However, one letter have been received on 09-07-2003 in which you have denied the charges which is not sufficient to dispose your case.

Therefore, you are again asked to submit your explanation in detail for the alleged misbehaviour occurred at Postal IB for early dispose of the case.

*Langthiaw*  
(M. Langthiaw)  
Director Postal Services  
Arunachal Pradesh : Itanagar.

*Attested  
Chakon  
Dwarkanath*

Regd (AP)

Procedure - 11



Office of the Director Postal Services  
Arunachal Pradesh Division  
ITANAGAR - 79111

NO:B-1/Staff/Rlg/Corr.

Dated: 25.7.2003

The following order is issued to have immediate effect in the interest of service.

Shri. Manjay Chetry, the then Casual Driver of the MMS Vehicle No. AR-01/A 3167, selected vide this office Memo No. B-1/Staff/Rlg/Corr dtd 14-09 dtd 14.9.2000 on daily wage basis, is hereby allowed to join duty as Casual Driver of MMS Vehicle, without back wages till further orders.

This is as per CAT Guwahati Bench Order dtd 25.11.2002, in OA NO. 42/02/3143 and Hon'ble High Court Guwahati order dtd 25.4.2003 in WP(C) NO. 2966/2003.

Sd/-

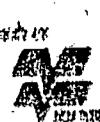
(Ms. M. Lawphniaw)  
Director Postal Services

Copy to:-

1. Shri. Manjay Chetry, c/o Shri. Atal Kumar Thapa, Satellite Complex, 'C' Sector, Itanagar for joining duties in the MMS Itanagar HO within 7 (seven) days of receipt of this order.
2. The C.P.M.G(Vig), N.E. Circle, Shillong for information w/r/t his L.NO. Vig. 5/1/02(CAT), dtd 03.6.2003.
3. P.M. Itanagar HO for information and n/a. He will send a copy of the Charge Report when Shri. Manjay Chetry joins duty.
4. The Main Estt. Divl. Office Itanagar for information and n/a
5. The Estt. Br. Divl. Office Itanagar for information and n/a

*M. Lawphniaw*  
(Ms. M. Lawphniaw)  
Director Postal Services

*Post ext ext  
Shri. Manjay Chetry  
Dew. Gorkhi*



Office of the Director Postal Services  
Arunachal Pradesh Division  
ITANAGAR - 79111

NO:B-1/Staff/Rlg/Corr.

Dated:26.8.2003

TO

✓ Shri.Manjay Chetry,  
c/o Shri. Atal Kumar Thapa, Satellite  
Complex, 'C' Sector, Itanagar

Sub:- Misbehaviour of Casual Driver in the I.B. Dispur Guwahati.

Ref:- Your Letter No. nil dtd 09.7.2003

*(Please hand over to you)*  
The following documents are hereby handing over to you.  
Please submit detailed explanation as asked for vide this office  
letter of even No. dtd 8.11.2001, 3.7.2003, 16.7.2003 within  
10(ten) days of receipt of this letter.

1. Copy of the extracts (Para-4 onwards) of Investigation report.
2. Copy of the Log Book for the period from 11.10.2001 to 18.10.2001.
3. Copy of the register maintained at Departmental IB at Dispur Guwahati. for the period from 13.10.2001 to 14.10.2001.
4. Copy of the statement of the witness examined by the ASP(Inv) C.O. Guwahati (It was not obtained by the ASP Guwahati at the time of Investigation.).

*(N.C.HALDER)* 8/C3  
Supdt.of Posts

*Postmaster  
Arunachal P. O. Sector 3*

in the ground floor as there is chance of theft. This problem can perhaps be solved by extending provision of calling bell to the 2nd floor. The security problems at night need not perhaps be worried as there is inner locking arrangement in the doors. Provision of two concrete boundary walls with iron grill gate appears to be safe. Special care over the locking of gate and doors appears to be safe.

3. The house owner of the building has been staying in the 1st floor of the building. It is surprising to note that the house owner has no separate electric meter to allow the electric consumption of the house owner. The house owner is availing the electric facility at the cost of our department. Water facility is also being availed by the house owner at our cost.

The house owner who is happened to be an Ex-MLA was out of station at the time of my visit and so I could not contact him. However the department may take immediate steps to stop leakage of Govt. money.

4. The caretaker of the 1A has reported that on the night of 14th October, 2001 two drivers - one Shri A. B. Chetri, the driver of PMS, Dibrugarh and the other Shri Ranjay Chetri, the driver of the DPS, Guwahati consumed wine in room No. 2. Out of information, they demanded their accommodation in room No. 2. Meanwhile Dr. Phukan, the CEO PGT Dispensary, Jalgajiguri arrived

there at about 9 PM and he was allotted room no 2. At this both the drivers became angry and they misbehaved. The caretaker managed to accommodate them in 2nd floor in the room which is allotted for the caretaker as residential accommodation. I contacted Dr. Phukan to know about the incident who reported that none but the wine was responsible for the misbehavior to the caretaker.

The DPS, Ifanagan was in room no 1. He did not know anything about the last night's happenings till I informed him.

The decency and decorum of the IB appears to have been hampered by such act of the drivers. Suitable action may perhaps be taken to maintain decency and decorum of the IB.

15/1/1971  
(K. Ahmed)  
ASPOS (INV)  
O/A for CPMG, General

Date	Time		Millimeter / Kilometer reading at start of journey	Miles / Kilometers covered	Period of detention included (in cols. 2 and 3 (for non-duty journeys only)
	From	To			
22-9-61	2	3	67657	5	6
22-9-61	9 AM	6 PM	67657	5	2
23-9-61	8.30 AM	4 PM	67749	92	
24-9-61	9 AM	5 PM	67749	92	01
25-9-61	9 AM	3 PM	67804	55	01
26-9-61	8 AM	5 PM	67804	55	01
27-9-61	9 AM	5 PM	68482	62	02
28-9-61	9 AM	5.30 PM	68501	20	
29-9-61	9 AM	5 PM	68514	13	10
30-9-61	9 AM	5.30 PM	68531	17	01
31-9-61	9 AM	5.30 PM	68544	13	02
1-10-61	9 AM	5.30 PM	68565	20	03
2-10-61	9 AM	5.30 PM	68583	18	04
3-10-61	9 AM	4 PM	68604	11	05
4-10-61	9 AM	5.30 PM	68615	11	06
5-10-61	9 AM	5.30 PM	68626	11	07
6-10-61	9 AM	5.30 PM	68642	16	08
7-10-61	9 AM	5.30 PM	68653	11	09
8-10-61	9 AM	5.30 PM	68677	24	10
9-10-61	2.30 AM	4.30 PM	68722	111	11
10-10-61	2 PM	6 PM	69111	40	12

**ANNEX**  
(See Rule  
**KILOG**

**URE-T  
31) 1 655  
BOOK**

Ministry / Department Postal  
Mail Car No. 3 A Q - 01 - 252

Pass Car No. 5-A-B-01-2527

Oct 2001 November

Date	Time		Millimeter / Kilometer reading	Miles / Kilometers covered	Period of detention included in cols. 2 and 3 (for non-duty journeys only)
	From	To			
1	2	3	4	5	6
5 10 01	9:30 AM	5:30 PM	69150	69209	
5 10 01	9 AM	5:30 PM	69209	69606	
5 10 01	9 AM	5:30 PM	69606	69620	
5 10 01	9 AM	5:30 PM	69620	69634	
5 10 01	9 AM	5:30 PM	69634	69654	
20 10 01	9 AM	5:30 PM	69654	69714	
22 10 01	9 AM	5:30 PM	69714	69742	
23 10 01	9 AM	5 PM	69742	69779	
24 10 01	9 AM	5:30 PM	69779	69813	
25 10 01	9 AM	5:30 PM	69813	69857	
26 10 01	2 PM	6 PM	69857	69875	
27 10 01	3 PM	6:30 PM	69925	69908	
28 10 01	12 PM	4:30 PM	69908	69923	
29 10 01	9 AM	5:30 PM	69923	69952	
2 11 01	9 AM	5:30 PM	69952	69984	
3 11 01	8 AM	5:30 PM	69984	70390	
4 11 01	9:30 AM	9 PM	70380	70826	
5 11 01	9 AM	5:30 PM	70826	70858	
6 11 01	9 AM	5:30 PM	70858	70871	
7 11 01	9 AM	5 PM	70871	70884	

**ANNEX  
(See Rule  
LOG**

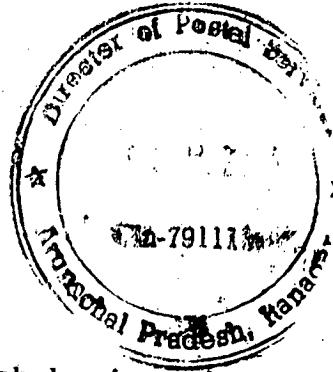
URE-1  
31)  
**BOOK**

1  
-30

S. No.	Room No.	Name of the person	Designation	Purpose	Pay scale	Arrival time	Departure date	Sea	Airfa	Total	goal
93	Book No. 269612	Sunil	100	100	100	100	4/10	0600	10X3	60/-	100
94	Barak Saraihat	K. Ghosh	St PA to Parmpal CPMS Kolkata	Personal	Rs 830/-	1/10 16.40	4/10	0600	10X3	60/-	Parma Gauri Gauri, 14/10
95	Brahmin putra	P. R. Bhattacharya	500/- 500/-	Official	100	2.11.01	6/10	100	10X3	60/-	100
96	Sonaghat	A. V. Gauri	200/- (10)	Official	830/-	1/10 16.01	13/10/2001	100	10X3	60/-	100
97	PHNO.	N. Chitrakar	CPM/-	Official	100	1/10 16.01	13/10	100	10X3	60/-	100
98	Barak	Dr. B.N. Mukherjee	Ch. M.O./C Parichay Jorim	Official	Rs. 15,375/-	14/10/2001	2.11.01	100	10X3	60/-	100
99	Ranu	A.K. B. Singh	DPS 9th Major	Official	13125/-	13/10/2001	13/10/2001	100	10X3	60/-	100
100	Brahmin putra	S. N. Basu	Ex. Fund (10)	Official	830/-	14/10/2001	14/10/2001	100	10X3	60/-	100
101	Ranu	S. Basu	DPS Major	Official	19109/-	25.30.00	20/10/01	1830/-	10	10/-	10
102	Sonaghat	A. K. Bhattacharya charge, S.E.	S.E.	Personal	30/10/2001	6.00 PM	02/11/2001	6.00 AM	10X2X3	60/-	100
103	Barak Gaura	U. N. Sircar	Sunil Sircar Parmanu	Official	22/23/10/11 1/2-11-2001	20.00 PM 11.00 PM	23/10/11	0600 AM	10X2X2	60/-	100
			Sixteen only	Official	AeGC	67.30/-	26/10/2001	13	Slip posted Rs	100/-	100
							26/10/2001	13	Slip posted Rs	100/-	100
							26/10/2001	13	Slip posted Rs	100/-	100

To,

The Superintendent, of Post  
O/O Directorate of Postal Services  
Arunachal Pradesh Division  
Itanagar.



In the Matter of :- Allegation of Misbehaviour in the  
I.B.Guwaahati.

Sub:- REPLY OF LETTER NO.B-1/Staff/R1g/Corr.dtd 26-08-03

Ref:- My Letter dated 01-07-03 and dated 09-07-2003.

Sir,

I have the honour to inform you that, I have already submitted in written the fact of dated 13/10/2001, vide my letter dated 09/07/03.

However, I re-submit the following few lines for your kind information.

1) That Sir, I amazed to see the inquiry report submitted by the ASPO, Guwahati alleging me that I was intoxicated and misbehaved with the Care-taker of Guwahati I.B.

Your kind honour I deny and not admitted. The allegation is false, fabricated, imaginary and mere exaggeration only.

2) Your honour, due to such imaginary and self explanatory contention given by the Care taker of I.B. I was removed from service and I was bound to go to the High Court for justice.

3) As per Court's Order dated... 08-11-2002 : I was allowed to join my duty.

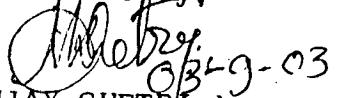
Contd. .P/2

Offical  
Bank of  
Rob. Carter

11 2 11

In view of above, I pray your kind honour kindly  
dismiss the case for which of your kind act I shall remain ever  
greatful to you.

Yours faithfully,

  
( MANJAY CHETRI )  
03-09-03

  
B. B. Chettri  
03/09/03

India Post

Office of the Director Postal Services  
Arunachal Pradesh Division  
ITANAGAR - 791111

NO:B-1/Staff/R1g/Corr.

Dated: 12.11.2003

Shri Manjay Chetry Casual Driver Arunachal Pradesh Postal Division Itanagar was engaged as Casual Driver in Itanagar w.e.f 14.9.2000. He absented himself from service w.e.f 21.11.2001 and his misbehaviour in the Postal IB at Dispur Guwahati ultimately led to his own discontinuation from service.

2. The Hon'ble Guwahati High Court in the order dtd 08.11.2002 in OA No. 42/02/3143, set aside the order of removal and directed to re-instate the applicant in the post from which he was removed without any termination order from this office.

Accordingly Shri Manjay Chetry was ordered to be re-instated to service vide this office Memo. No.B-1/Staff/R1g/Corr dtd 17.6.2003. Thus Shri Manjay Chetry was re-instated to service w.e.f 02.8.2003.

3. In this office letter of even No. dtd 08.11.2001, following an adverse report on misbehaviour of Shri Manjay Chetry in the Postal IB at Guwahati, he was given the opportunity to submit his explanation on the complaint and investigation report from the Chief P.M.G Assam Circle, Guwahati. But Shri Manjay Chetry failed to submit his explanation as a result his services was automatically discontinued from the date of his absence w.e.f 21.11.2001.

4. In accordance with the direction of Hon'ble High Court aforementioned in para 2 above Shri Manjay Chetry has been given again the reasonable opportunity to submit his explanation on the same complaint and investigation report from the

Postmaster  
Dispur  
Bdw. com

Chief.P.M.G Assam Circle, Guwahati vide this office memo of even No. dtd 26.8.2003 along with the copies of the related documents as asked for in his letter dtd 09.7.2003. In response to this office memo of even No. dtd 17.6.2003 Shri. Manjay Chetry submitted his explanation on 03.9.2003.

5. The ASPOs(Inv) O/O the Chief.P.M.G. Guwahati has reported in his investigation report that Shri.Manjay Chetry consumed wine and out of intoxication he on angry mood misbehaved with the caretaker of the IB regarding accomodation and allotment of rooms in the IB. Thereby the decency and decorum of the IB appears to have been violated by such type of misbehaviour and misconduct of Shri.Manjay Chetry.

6. Shri.Manjay Chetry in his explanation dtd 03.9.2003 denied the charges drawn against him and he did not admit that he misbehaved in the Postal IB claiming that the allegations framed against him is false, fabricated and imaginary.

7. I have carefully gone through the explanation submitted by Shri.Manjay Chetry. In his explanation/representation Shri. Manjay Chetry stated that he is amazed to see the Inquiry report submitted by the ASPOs Guwahati alleging that he was intoxicated and misbehaved with the caretaker of Guwahati IB. Shri. Manjay Chetry's mere denial and amazement is far from convincing. Further Shri.Manajay Chetry stated that the charges were imaginary and self explanatory contentions given by the caretaker of IB due to which he was removed from service. In fact the misbehaviour on the part of Shri. Manjay Chetry was beyond any norms of decency and decorum in official campus and hence he deserved discontinuation of his casual engagement as driver.

8. Shri.Manjay Chctry has not made out any point to contradict the charges of misbehaviour out of intoxication in the Postal IB, a misoondut and misbehaviour which led to violation of deoenoy and decorum in the Postal campus. The incidence of drunkenness and misbehaviour was proved beyond doubt as per enquiry report and the Casual Driver Shri.Manjay Chetry could have apologised

for his acts of misconduct, rather he blatantly denied and rather counteralleged that the report was fabricated, false counter and imaginary.

I, Ms.Iawphniaw Director Postal Services, Arunachal Pradesh Division Itanagar having gone thoroughly through the charges framed against Shri.Manjay Chetry and also the explanations made by him. Considering the seriousness of the lapsus and his misconduct I do not find any reasonable scope to retain him as a Casual Driver, hence I pass the following order.

ORDER

I, Smt.M.Iawphniaw Director Postal Services Arunachal Pradesh Division Itanagar hereby order that the casual services of Shri.Manjay Chetry Casual Driver MMS Vehicle may be discontinued with immediate effect.

*M. Iawphniaw*  
(Ms.M.Iawphniaw)

Director Postal Services

Copy to:-

1. Shri.Manjay Chetry, c/o Shri.Atal Kumar Thapa, Satellitic Complex, 'C' Sector, Itanagar for information and to relieve duties in the MMS Vehicle Itanagar HO within 7(seven) days of receipt of this order.
2. The C.P.M.G(Vig), N.E.Circle, Shillong for information w/r/t his L.NO.Vig.5/1/02(CAT), dtd 03.6.2003.
3. P.M.Itanagar HO for information and n/a. He will arrange a suitable Driver for MMS Vehicle and sent a copy of the relinquishing Charge Report of Shri.Manjay Chetry.
4. The Mail Br.Divl.Office Itanagar for information and n/a
5. The Estt.Br.Divl.Office Itanagar for information and n/a

*M. Iawphniaw*  
(Ms.M.Iawphniaw)  
Director Postal Services

To

The Director Postal Services  
Arunachal Pradesh Division  
ITANAGAR - 791 111

Sub: Appeal for reinstatement in Service.

Madam,

With due respect and humble submission I beg to intrude upon your valuable time to lay the following few lines for favour of your kind consideration and sympathetic favourable action.

That Madam your memo no.B-1/Staff/Rig/Corr dtd 12-11-2003 discontinuing me from the casual services of driver MMS vehicle with immediate effect has come to me as a severe shock. As you are aware, I have already faced severe pecuniary hardship during last several months and I have just been able to survive the jolt, the extreme sufferer being the eight-year-old daughter and my wife. I had to forsake the dream of imparting good education to my daughter and keep my family in my native village just for the shake of survival.

At a time when I was replanning the welfare of my family I have been served with yet another notice discontinuing my services to leave me completely shattered.

That Madam, without going into the history of the case and my alleged involvement into the incident I would like to state that the members of my family has become the casualty because of my inapt handling of the entire case.

Further, if my replies to the Department in response to the memos received by me, in any case, has hurt you and caused annoyance and displeasure to your good self, I apologize for the same and request you to continue me in the Department for the same post.

I undertake to abide by the rules and regulations of the Department and behave in a disciplined manner. There are several instances of your benevolence and sympathies towards the employees of the Department and I approach with high hopes of considering my appeal to forgive me as yet another instance of your kindness. I myself and my wife and my daughter shall remain grateful forever to you for this act of your kindness.

With regards.

Yours faithfully,

*Shri Manjy Chetry*  
Shri Manjy Chetry  
Driver MMS Vehicle  
Itanagar HPO  
11/11/03

*Received*  
11/11/03



*Postested  
Central Post Office  
Itanagar*



Office of the Director Postal Services  
Arunachal Pradesh Division  
ITANAGAR - 79111

NO:B-1/Staff/Rlg/Corr

Dated: 19.11.2003

TO:

~~9/2~~ Shri. Manjay Chetry  
Casual Driver  
MMS Vehicle  
Itanagar H.O

Sub:- Appeal for reinstatement in Casual Service.

Ref:- Your Appeal dtd 17.11.2003

Discipline must be enforced and not to be abused whether it is a departmental employee or casual worker. The discontinuance order vide this office Memo of even No. dtd 12.11.2003 must be implemented first. After a reasonable gap of days your case as appealed may be reprocessed for further consideration or what course of further steps of actions etc. This is for your information

*M. Lawphniam*  
(Ms. M. Lawphniam)

Director Postal Services

Copy to:-

1.P.M. Itanagar H.O. for information and the above named Casual Driver should be relieved immediately to implement the first order as mentioned above.

*S.P.K*  
(Ms. M. Lawphniam)  
Director Postal Services

*Pls. check  
Dhankarab  
Post Office*

27 APR 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

Original Application No. 263/2004

Sri Manjay Chetri

... Applicant

- Versus -

The Union of India & Ors.

... Respondents.

IN THE MATTER OF:

Written statement on behalf of the  
Respondents.

I, Shri N.C. Halder, Superintendent of Post Offices, Arunachal Pradesh  
Division, Itanagar, do hereby solemnly affirm and state as follows: -

1. That I am the Superintendent of Post Offices, Arunachal Pradesh Division  
and as such I am fully acquainted and well conversant with the facts and  
circumstances of the case. I have gone through a copy of the application and  
have understood the contents thereof. Save and except whatever is specifically  
admitted in this written statement and the other contentions and statements may  
be deemed to have been denied. I am duly authorized to swear this written  
statement on behalf of all the respondents.

2. That the respondents beg to place the brief history of the case as follows: -

A. The applicant was selected as Casual Driver of the MMS Vehicle  
No. AR-01-A-3167 on daily wage basis vide this office Memo No.  
B-1/Staff/Ruling/Corr dated 14.09.2000. As clearly stated in the  
said Memo the arrangement was purely casual. He was terminated  
from the service as he has found not suitable for regular absorption  
in the post. In the said memo it was clearly laid down that the

*Original Application No. 263/2004  
Sri Manjay Chetri vs  
The Union of India & Ors.  
27 APR 2005  
Shri N.C. Halder, Superintendent of Post Offices, Arunachal Pradesh Division, Itanagar, do hereby solemnly affirm and state as follows: -  
1. That I am the Superintendent of Post Offices, Arunachal Pradesh Division, Itanagar, do hereby solemnly affirm and state as follows: -  
2. That the respondents beg to place the brief history of the case as follows: -  
A. The applicant was selected as Casual Driver of the MMS Vehicle No. AR-01-A-3167 on daily wage basis vide this office Memo No. B-1/Staff/Ruling/Corr dated 14.09.2000. As clearly stated in the said Memo the arrangement was purely casual. He was terminated from the service as he has found not suitable for regular absorption in the post. In the said memo it was clearly laid down that the*

C. A.  
F.  
E.

Central Govt. Standing Counsel  
Addl. Central Govt. Standing Counsel

arrangement was purely casual and may be terminated at any time without notice.

B. The Chief Post Master General, Assam Circle Guwahati brought to the notice of this office (O/O DPS Itanagar) that Shri Manjay Chetry while on duty at Guwahati consumed wine in the I.B. at Guwahati, got intoxicated and indulged in misbehaviour with the inmates of the I.B. The matter was investigated by the Investigation Cell of the Office of the Chief Post Master General, Guwahati and found that the decency and decorum of the I.B. was hampered by the misconduct of the Casual Driver Shri Manjay Chetry. The Casual Driver, the applicant was given to submit his explanation in the matter. He failed to comply with the orders. He was terminated from the service as he was found not suitable for continuance in the service. In the said Memo it was clearly laid down that the arrangement was purely casual and may be terminated at any time without notice.

3. That with regard to the statements made in paragraph 4.1 of the application, the respondents have no comments to offer.

4. That with regard to the statements made in paragraph 4.2 of the application, the respondents state that the applicant was engaged as Casual Driver on daily wages basis vide Memo No. B-1/Staff/Ruling/Corr dated 14.09.2000. The Memo clearly states that the engagement is purely temporary and may be terminated at any time without notice.

A copy of the said Memo dated 14.09.2000 is annexed herewith and marked as ANNEXURE

- A.

5. That with regard to the statements made in paragraph 4.3 of the application the respondents state that the salary was not given to the applicant since he was no more engaged in the work. This was duly intimated to him vide letter as annexed in ANNEXURE - B.

6. That with regard to the statements made in paragraph 4.4 of the application, the respondents beg to state that the Chief PMG, Assam Circle, Guwahati brought the incidence to the notice of this office that Shri Manjay Chetry consumed wine in the Postal IB and indulged in misbehaviour with the caretaker. The matter was investigated by the Assistant Superintendent of Post (Inv.) Office of the Chief PMG, Assam Circle, Guwahati. Since the applicant was engaged in casual basis with no formal appointment order it was not mandatory to initiate departmental disciplinary proceedings.

Copy of inquiry report from the Chief PMG, Assam Circle, Guwahati is enclosed as ANNEXURE - C.

7. That with regard to the statements made in paragraph 4.5 of the application the respondents state that the applicant moves to the Court of Hon'ble Central Administrative Tribunal, Guwahati Bench to which the Hon'ble Tribunal directed to reinstate the application. Honouring the Judgment of the Hon'ble Tribunal this office allowed him to continue work without backwages on casual basis.

The order of reinstatement is enclosed herewith and marked as ANNEXURE - D.

8. That with regard to the statements made in paragraph 4.6 of the application, the respondents state that it is true that this office moved to the Hon'ble Gauhati High Court vide W.P. (C) No. 2966/2003 against the order of the Hon'ble Tribunal. But the Hon'ble High Court rejected the said writ petition and kept stands the order of the Hon'ble Tribunal.

9. That with regard to the statements made in paragraph 4.7 of the application, the respondents beg to state that honouring the Judgment of the Hon'ble Tribunal the applicant was allowed to join duty vide Memo stated above. Further, he was asked to submit his explanation of alleged misbehaviour at Postal IB in Guwahati. The alleged misbehaviour and misconduct duly established after an inquiry conducted by the Assistant Superintendent of Post Offices, Office of the Chief PMG, Assam Circle, Guwahati as stated and annexed in the paragraph 4.4 above.

Copies of the Memo allowing him to join in duty and calling for explanation are annexed herewith and marked as ANNEXURE - E.

10. That with regard to the statements made in paragraph 4.8 of the application, the respondents state that the applicant submitted his explanation, which was received by this office on 01.07.2003 and he denies the charge and further asked for a copy of inquiry report of investigation. His explanation letter reveals the challenging attitude towards the authority.

On 03.07.2003 this office provided the copy of investigation report to the applicant to which he denies to have not received.

Copy of the explanation is annexed as ANNEXURE - F and forwarding letter alongwith report are annexed herewith as ANNEXURE - G(I), G(II), G(III) & G(IV).

11. That with regard to the statements made in paragraph 4.9 of the application, the respondents beg to state that as called for submission of explanation enclosed in as annexure - E above in paragraph 9 and on 03.07.2003 shown in Annexures G(I), G(II), G(III) & G(IV) he submitted his explanation dated 03.09.2003. But, his explanation was not sufficient to acquaint him from the

alleged indulgence of misbehaviour and misconduct as such he was again given an opportunity to submit detail explanation vide this office letter as annexed in

ANNEXURE - H.

12. That with regard to the statements made in paragraph 4.10 of the application, the respondents have no comments to offer.

13. That with regard to the statements made in paragraph 4.11 of the application, the respondents state that the allegation of supplying only three documents out of four is not true. This office had forwarded all four copies/documents vide this office letter No. B-1/Staff/Rlg./Corr, dated 26.08.2003 as below: -

Regarding conduct of inquiry, the incidence took place in the Postal IB under Assam Circle and hence inquiry was conducted by responsible officer from the Chief PMG's office, Guwahati. He was only engaged on causal basis as such it was not mandatory to prepare chargesheet. So, the statement that proper inquiry was not conducted is not true. He was given ample opportunity to submit explanation as reflected in the above paras - hence the principles of natural justice and Article 311 of the Constitution of India are never violated. Rather, the applicant every time denies the charges which indicates that he has tried to prove the inquiry report conducted by a responsible officer of the department is false imaginary and fabricated.

Copy of letter No. B-1/Staff/Rlg/Corr, dated 26.08.2003 is annexed herewith and marked as ANNEXURE - I.

14. That with regard to the statements made in paragraph 4.12 of the application, the respondents state that a reply dated 03.09.2003 received from the applicant as called vide No. B-1/Staff/Rlg/Corr dated 26.08.2003. In his reply the applicant against did not admitted the charges further states that a responsible officer of the department has prepared a false-fabricated and

imaginary report. He pretended to be true and the Government has false report. This plea of the applicant is liable to be rejected on the ground to tarnishing of Government's image.

15. That with regard to the statements made in paragraph 4.13 of the application, the respondents state that the applicant was given a reasonable opportunity to submit his explanation but he never submitted satisfactory explanation. Every time he denies the charges and further alleged that the inquiry report of the department is false imaginary and fabricated.

Careful study and observation of his explanation reveals that his explanation of denying charges ate far from convincing. Misbehaviour on the part of the applicant was beyond the norms of decency and decorum in official campus to which he deserved discontinuation from his causal engagement.

Copies of the details report is annexed herewith and marked as ANNEXURE - K.

16. That with regard to the statements made in paragraph 4.14 of the application, the respondents state that the allegation that the respondents have acted whimsically and arbitrary and failed to afford reasonable opportunity to the applicant to defend his case is not true. He was given ample opportunity to defend his case already stated in the above paras, though he submitted his explanation denying the charges and tried to prove the inquiry report a false one.

17. That with regard to the statements made in paragraph 4.15 of the application, the respondents state that applicant's plea for justice denial is not true. Complete justice was done to the applicant by giving the applicant ample opportunity to defend himself instead to which he alleges that the inquiry report conducted by the department is false.

18. That with regard to the statements made in prayer portion of the application, respondents beg to state that the applicant never submitted any

records in support of his stand. There are sufficient reasons in establishing his involvement in the said misbehaviour and misconduct at Postal IB, Guwahati. Though he was reinstated in duty on casual basis as directed by the Hon'ble Tribunal and the Hon'ble High Court the applicant was again asked to submit his detailed explanation to which he denies the charges and tried to prove the inquiry report conducted from Assam Circle as false imaginary and fabricated.

After going through the explanation it is found that his explanation was not sufficient to acquaint the applicant from the charges. Due to the applicant's misbehaviour and misconduct the applicant deserves discontinuation from casual engagement as his indulgence in the above activity disturb the decorum of an office campus.

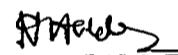
19. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

*N.C. HALDER*  
N.C. HALDER  
Superintendent of Post Office  
Arunachal Pradesh Division  
Itanagar 791 111

8  
VERIFICATION

I, Shri N.C. Halder, presently serving as Superintendent of Post Offices, Arunachal Pradesh Division, Itanagar, being duly authorized and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraph .....1, 3, 4, 12, 13, 18..... of the written statement are true to the best of my knowledge and belief, those made in paragraphs 2, 4, 11, 13, 18..... being matters of record are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 14<sup>th</sup> day of April, 2005.

  
N.C. HALDER  
Superintendent of Post Office  
Arunachal Pradesh Division  
Itanagar - 791 111

Annexure A 9  
62

DEPARTMENT OF POST INDIA  
OFFICE OF THE DIRECTOR OF POSTAL SERVICES  
ARUNACHAL PRADESH DIVISION  
ITANAGAR-791 111.

1/Staff/Rig/Corr

Dated at Itanagar the 14.9.2000

Shri Manjoy Chhetri is hereby selected as Casual Driver of the MMS No AR-01/A 30167 of this office on daily wage basis with immediate

This arrangement is purely Casual and may be terminated at any time with notice.

SAC  
(R.K.B.SINGH )  
Director of Postal Services  
Arunachal Pradesh Division  
Itanagar-791 111.

copy to:

1. P.M., Itanagar H.O. for information & n/a.
2. MMS Bn o/o the DPS Itanagar.
- ✓ 3. Shri Manjoy Chhetri, s/o late Jiuroj Chhetri, c/o Atal Thapa, Satellite Earth Station, Telecommunication Deptt., Itanagar Arunachal Pradesh.

Director of Postal Services  
Arunachal Pradesh Division  
Itanagar-791 111.

Encl. 1  
J.K. Chhetri  
Addl. C.G.S.O.

Annexure - B

10

69

*[Signature]*

*[Signature]*

DEPARTMENT OF POSTS  
o/o THE DIRECTOR POSTAL SERVICES  
ARUNACHAL DIVISION  
ITANAGAR - 791 111

No. B-1/Staff /Ruling/Corr

dated 15.3.2002

TO

Shri.Manjay Chetry  
(the the in Casual Driver)  
Divl. Office . Itanagar -791 111.

Sub:- Non receipt of Monthly salary/wages.

With reference to your L.NO.Nil dated nil regarding non-receipt of monthly salary/wages, the same was not drawn as you have not worked during the period. It is brought to your notice that your engagement as driver was on a purely casual basis and wages payable thereof are for days worked only.

*[Signature]*  
(R.K.B. Singh)  
Director Postal Services,  
Arunachal Pradesh, Itanagar.

*[Signature]*  
R.K. Chetry  
Addl. C. G. S. O.

64

Amendments

DEPARTMENT OF POSTS  
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE, GUWAHATI-781001

10. Stamp/IS/Reservational/2004/1000 Dated at Guwahati the 31.10.2004

OFFICE OF THE DIRECTOR OF POSTAL SERVICES

ARUNACHAL PRADESH DIVISION

ITANAGAR-791111

1000 PRE-PAID REGIONAL OFFICE/0001

OFFICE OF POSTAL SERVICES

ITANAGAR-791111

Dated at Itanagar the 15.10.2004

10. Stamp/IS/Cor

Subj: Misbehaviour of Drivers.

TO:

Chief P.M.G. (Est)

It is informed that the caretaker of the Departmental IB at  
Guwahati on the night of 14th October, 2001 two drivers and Sri  
Manjul Chetry, the driver attached to DPS, Gibrugarh and Sri Manjul Chetry, the  
driver consumed wine in the room No.2 of the IB. But as they were  
drunk they demanded their accommodation in the room No.2. Both the drivers became  
agitated and misbehaved the caretaker. The caretaker managed to accommodate them in  
room No.2 which is allotted to the caretaker as residential accommo-  
dation. The fact has been enquired through ASPOS (INV) C.O., Guwahati and found to be  
correct.

It is for C.O.'s kind information that the information as per Dlct. 1, NO.  
111/2004 and discussed by the DPS appears to have been incorporated  
in the letter.

It is therefore, requested to take action against the above  
two drivers under intimation to this office.

Attested  
MK Chetry  
Addl. C.G.S.O.

✓ Factor : *Chetry*

Minerva D 12/6/2003  
Department of Post :: India  
Office of the Director Postal Services :: Itanagar

NOTE : U/Staff/Rlg/Corr,

Dated at Itanagar the 17<sup>th</sup> June' 2003

WHEREAS Shri Manjay Chetry the then casual driver of Inspection vehicle, Divisional Office Itanagar was absenting from service w.e.f. 21-11-01 which led to his own discontinuation in service.

AND WHEREAS the CAT, Guwahati bench vide order OA NO. 42/02/3143 dtd 25-11-02 has held "the order of removal is set aside and the respondents are directed to re-instate the applicant in the post from which he was removed".

AND WHEREAS the Hon'ble High Court Guwahati vide its WPC NO. 2966/2003 dtd 25-04-2003 perused the judgment and order dtd 08-11-2002, passed by the Central Administrative Tribunal, Guwahati bench in OA NO. 42/02 and the reasons recorded by the Tribunal and particularly because of the fact that the respondent was removed from service on misconduct without initiating formal disciplinary proceeding, Hon'ble High Court is not inclined to interfere with the judgment of the learned Tribunal and therefore dismissed the appeal with the observation that the authorities concerned may in their discretion proceed against the respondent in accordance with the provisions of law.

AND WHEREAS the remark of CO Shillong (competent authority) "DPS may be advised to initiate action as per H/C judgement that the applicant be proceeded against in accordance with the Deptl procedures (Provisions of Law)".

NOW THEREFORE, the undersigned hereby :-

1. Set aside the order of termination and re-instate Shri Manjay Chetry as per order of Hon'ble CAT and Hon'ble High Court Guwahati for re-instatement of Shri Manjay Chetry without back wages.
2. Direct Shri Manjay Chetry to submit his explanation for alleged misbehaviour at Postal HQ Guwahati which after investigation by the Chief PMG, Assam Circle Guwahati have been established. He is directed to submit his explanation within 10 days from the date of received of this Memo.

12/6/2003  
M. Iawphniamaw  
(M. Iawphniamaw)  
Director Postal Services  
Itanagar-791111.

Annexe - E

13

88

India Post

Office of the Director Postal Services  
Arunachal Pradesh Division  
ITANAGAR - 79111

NO.B-1/Staff/Rlg/Corr.

Dated: 25.7.2003

The following order is issued to have immediate effect in the interest of service

Shri. Manjy Chetry, the then Casual Driver of the MMS Vehicle No. AR-01/A.3167, selected vide this office Memo No. B-1/Staff/Rlg/Corr dtd 14-09, dtd 14.9.2000 on daily wage basis, is hereby allowed to join duty as Casual Driver of MMS basis, Vehicle, without back wages till further orders.

This is as per CAT Guwahati Bench Order dtd 25.11.2002 in OA NO.42/02/3143 and Hon'ble High Court Guwahati order dtd 25.4.2003 in WP(C) NO. 2966/2003.

*Amash*  
(Ms. M. Lawphniam)  
Director Postal Services

Copy to:-

1. Shri. Manjy Chetry, c/o Shri. Atal Kumar Thapa, Satellite Complex, 'C' Sector, Itanagar for joining duties in the MMS Itanagar HO within 7(seven) days of receipt of this order.
2. The C.P.M.G(Vig), N.E. Circle, Shillong for information w/r/t his L.NO. Vig.5/1/02(CAT), dtd 03.6.2003.
3. P.M. Itanagar HO for information and n/a. He will send a copy of the Charge Report when Shri. Manjy Chetry joins duty.
4. The Mail Br. Divl. Office Itanagar for information and n/a
5. The Estt. Br. Divl. Office Itanagar for information and n/a

*Amash*  
(Ms. M. Lawphniam)  
Director Postal Services

dc  
Rgd/AD

Attested  
J. H. Chetry  
C. S. C.

Amende-F

To

The Director of Postal Services  
Itanagar - 791111



14  
Date : 17/6/03

Sub : Reply to office Letter No. B-1/Stff/Rlg/Corr.  
Dated 17/6/2003

Respected Madam,

I have received the above letter dated 17/6/2003 on 25/6/2003. In this connection I beg to state the following few lines for your kind consideration.

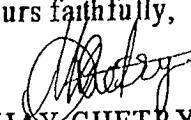
1. That no specific allegation has been brought against me in the said letter dated 17/6/2003 and hence I am not in a position to submit any detailed reply.
2. That I have never been served with any charge-sheet nor I have any knowledge about any investigation.
3. That I have not been served with a copy of investigation report, if any.
4. That I deny the alleged misbehavior at Postal IQ Guwahati.

In the above facts and circumstances, your goodself be kind enough to consider my case sympathetically and may be pleased to call for personal hearing to submit further explanations, evidences & witness etc, if required.

And for this act of kindness I shall remain grateful.

① Enclos D.P.S order copy -

Yours faithfully,

  
(MANJAT CHETRY)

Attested  
A.C. G.S.C.  
Addl. C. G.S.C.

Annexure G

15

31

68

OFFICE OF THE DIRECTOR OF PUBLIC RELATIONS  
OFFICE OF THE DIRECTOR OF PUBLIC RELATIONS  
ARUNA HAL PRADESHI DECISIONS  
ITANAGAR-791 111

Dated at Itanagar the 3.11.2001

NO.B-1/Staff/RD/Cor

Please find herewith one Xerox copy of U.N.O. Staff (D) Reservation 2000/EP dated 31.10.2001 from the CPMG, Assam Circle, Gauhati. It is forwarded to submit you information on the same for further disposal.

✓ ~~for~~ : ~~Storage~~

Attested  
P. K. Chakraborty  
Addl. C. G. S. C.

Annexure - 6 (i)

16

Regd. with A.P.  
(200)



Office of the Director Postal Services  
Arunachal Pradesh Division  
ITANAGAR 79111

Under Registered post with A/D

MEMO. NO.B-1/Staff/Rlg/Corr

Dated 03.7.2003

TO

Shri. Manjy Chhetry  
(the then Casual Driver)  
c/o Atal Kr. Thapa  
Satellite Complex  
C-Sector, Itanagar.

Sub:- Misbehaviour of Shri. Manjy Chhetry Casual Driver.

Ref:- Your L.NONil dtd 1.7.2003

Xerox copy of Chief P.M.G. Assam Circle Guwahati LNO. Staff/IB-Reservation/2000-Pt I dtd 31.10.2001 on the above subject was forwarded to you vide this office L.NO.B-1/Staff/Rlg/Corr dtd 8.11.2001 (xerox copy enclosed). But you were not submit explanation on the above matter till date. However copies of the same are again forwarding for your detailed explanation within 7(seven) days from the date of issue of this letter.

Enclo:-A.S.A

9 NOV 2003  
(N.C.HALDER)  
Supdt. of Posts  
O/O DPS Itanagar

Attested  
AK Chhetry  
Addl. C. G. S. O.

- quin : 210000

103  
D.P.S.  
Gumkhali

Armenval - 6 (ii)

17

Regd/ A.D.

गारतीय डाक



25

India Post

Office of the Director Postal Services  
Arunachal Pradesh Division  
ITANAGAR - 791111

NO.B-1/Staff/Rlg/Corr,  
July'2003

Dated at Itanagar the 16

To,

Shri Manjy Chhetry,  
C/o Atal Thapa, Satellite Complex  
C-Sector, Itanagar.

SUB : REGARDING NON-RECEIPT OF YOUR EXPLANATION

With reference to your letter NO.Nil dtd 15-07-2003 wherein you have mentioned that your have submitted your explanation letter today but this office has not received your explanation along with your letter. However, one letter have been received on 09-07-2003 in which you have denied the charges which is not sufficient to dispose your case.

Therefore, you are again asked to submit your explanation in detail for the alleged misbehaviour occurred at Postal IB for early disposal of the case.

101(6/7)

( M.Jawphnianw)  
Director Postal Services  
Arunachal Pradesh :: Itanagar.

Attested  
M.K.Ch.  
Addl. G.G.S.C.

Enquiry report on 1B, Dikpur

1. As directed by the APMG (C 21), C.G. Guwahati, I visited the 1B at Dikpur, Guwahati at about 6 PM on 15/10/01. There are 4 rooms in the Portal 1B and the details of the occupants on the day of my visit are as under -

Room No 1 (Rihim) - BPS, Joraiygar along with his family has been occupying the room since 13/10/01.

Room No 2 (Barak) - Dr. Phukan, the CMO of P.T Dispensary, Jalsaiguri has been occupying in the room since 14th October, 2001.

Room No 3 (Sarighat) - one H.E electrical has been occupying the room since 14.10.01.

Room No 4 (Brahmaputra) - This room has been occupying by ~~Shri~~ Mahanta, the Caretaker of the 1B. His family members comprising of his wife and two children, are staying in this room.

2. Shri Mahanta, the caretaker of the 1B has been given residential accommodation in the 2nd floor of the building. The usual accommodation has not been availed by him on the plea that it would be inconvenient in his part to attend the occupants of the 1B from the 2nd floor as he may not hear their call to attend them. He has also stated that it is risky to stay in the 2nd floor leaving the belongings of the 1B.

P. T. O.

in the ground floor as there is chance of theft. This problem can perhaps be solved by extending provision of calling bell to the 2nd floor. The security problems at night need not perhaps be worried as there is inner locking arrangement in the doors. Provision of two concrete boundary walls with iron grill gate appears to be safe. Special covers over the locking of gate and doors appears to be safe.

3. The house owner of the building has been staying in the 1st floor of the building. It is surprising to note that the house owner has no separate electric meter to allow the electric consumption of the house owner. The house owner is availing the electric facility at the cost of our department. Water facility is also being availed by the house owner at our cost.

Re std. write  
to House of  
representatives  
water.

The house owner who is happened to be an Ex-MHA was out of station at the time of my visit and so I could not contact him. However the department may take immediate steps to stop leakage of Govt. money.

4. The caretaker of the ID has reported that on the night of 14th October, 2001 two drivers - one Shri R. B. Chetri, the driver of PMG, Dibrugarh and the other Shri Manjy Chetri, the driver of the BPS, Jorhat arrived concerned wine in room no 2. Out of information, they demanded their accommodation in room no 2. Meanwhile Dr. Phukan, the CMO PGT Dispensary, Jorhat arrived

D.T.O

there at about 9 PM and he was allotted room no 2. At this both the drivers became angry and they misbehaved the caretaker. The caretaker managed to accommodate them in 2nd floor in the room which is allotted for the caretaker as residential accommodation.

I contacted Dr. Phukan to know about the incident who reported that none but the wine was responsible for the misbehavior to the caretaker.

The DPS, Jorhat was in room no 1. He did not know anything about the last night's happenings till I informed him.

The decency and decorum of the IB appears to have been hampered by such act of the drivers. Suitable action may perhaps be taken to maintain decency and decorum of the IB.

Allover 16/10/11

(K. Ahmed)

ASPOS (INR)  
O/P for C.M.G, Guwahati

Autographed  
AK Chakraborty  
Asst. C. G. S. C.

Annexure (i) (iv)

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Office of the Director Postal Service  
Arunachal Pradesh Division  
ITANAGAR - 791111

87

Dated: 26.8.2003

NO:B-1/Staff/Rlg/1/003.

TO

Shri Manjy Chetry,  
c/o Shri Atal Kumar Thapa, Satellite  
Complex, 'C' Sector, Itanagar

Sub:- Misbehaviour of Casual Driver in the I.P. Disp. Guwahati

Ref:- Your Letter No. nil dtd 09.7.2003

The following documents are being forwarded to you. Please submit detailed explanation as asked for vide this official letter of even No: dtd 8.11.2001, 3.7.2003, 16.7.2003 within 10(ten) days of receipt of this letter.

1. Copy of the extracts (Para-4 onwards) of Investigation report.

2. Copy of the Log Book for the period from 11.10.2001 to 18.10.2001.

3. Copy of the register maintained at Departmental I.B in Disp. Guwahati for the period from 13.10.2001 to 14.10.2001.

4. Copy of the statement of the witness examined by the A.D.P.I.C.O. Guwahati (It was not obtained by the A.D.P.I.C.O. at the time of Investigation.).

1. Price  
2. Date  
3. Subdt. of

Attested  
H. C. G.  
Addl. G. G. S. O.

To.

Armenor H

22



The Superintendent, of Post  
O/O Directorate of Postal Services  
Arunachal Pradesh Division  
Itanagar.

In the Matter of :- Allegation of Misbehaviour in the  
I.B.Guahati.

Sub:- REPLY OF LETTER NO:B-1/Staff/Rlg/Corr:dtd 26-08-03

Ref:- My Letter dated 01-07-03 and dated 09-07-2003.

Sir,

I have the honour to inform you that, I have already submitted in written the fact of dated 13/10/2001, vide my letter dated 09/07/03.

However, I re-submit the following few lines for your kind information.

1) That Sir, I amazed to see the inquiry report submitted by the ASPO, Guahati alleging me that I was intoxicated and misbehaved with the Care-taker of Guahati I.B.

Your kind honour I deny and not admitted. The allegation is false, fabricated, imaginary and mere exaggeration only.

2) Your honour, due to such imaginary and self explanatory contention given by the Care taker of I.B. I was removed from service and I was bound to go to the High Court for justice.

3) As per Court's Order dated..... 08-11-2002 : I was allowed to join my duty.

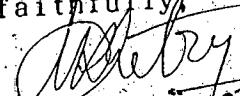
Contd..P/2

23.

11.2.11

In view of above, I pray your kind honour kindly  
dismiss the case for which of your kind act I shall remain ever  
greatful to you.

Yours faithfully

  
( MANJAY CHETRI ) 03-9-03

Attested  
M.C. Chetri  
Addl. C. G. S. C.

Annexure - I - 24

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Office of the Director Postal Services  
Arunachal Pradesh Division  
ITANAGAR - 786001

MOB-1/Staff/Rlg/Corr

Dated: 26.10.2003

TO

Shri Manjay Chetry  
c/o Shri Atal Kumar Thapa, Satellite  
Complex, C' Sector, Itanagar

Sub: - Misbehaviour of Casual Driver in the I.B. Dispur Guwahati.

Ref: - Your Letter No. mli dtd 09.7.2003

The following documents are hereby ~~handing over~~ forwarded to you. Please submit detailed explanation as asked for vide this office letter of even No. dtd 8.11.2001, 3.7.2003, 16.7.2003 within 10(ten) days of receipt of this letter.

1. Copy of the extracts (Para-4 onwards) of Investigation report.
2. Copy of the Log Book for the period from 11.10.2001 to 18.10.2001.
3. Copy of the register maintained at Departmental I.B at Dispur Guwahati for the period from 13.10.2001 to 14.10.2001.
4. Copy of the statement of the witness examined by the ASP (INV) C.O. Guwahati (It was not obtained by the ASP Guwahati at the time of investigation.)

Attested  
(N.C. HALDAR)  
Supdt. of Posts  
26.10.2003  
87

Attested  
MK Chetry  
Addl. C. G. S. C.

Prmenote - K  
IndiastampOffice of the Director Postal Services  
Arunachal Pradesh Division  
ITANAGAR - 791111

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NO.B-1/Staff/Rlg/Corr. Datcd:12.11.2003

Shri Manjay Chetry Casual Driver Arunachal Pradesh Postal Division Itanagar was engaged as Casual Driver in Itanagar w.e.f 14.9.2000. He absented himself from service w.e.f 21.11.2001 and his misbehaviour in the Postal IB at Dispur Guwahati ultimately led to his own discontinuation from service.

2. The Hon'ble Guwahati High Court in the order dtd 08.11.2002 in OA No. 42/02/3143, set aside the order of removal and directed to re-instate the applicant in the post from which he was removed without any termination order from this office.

Accordingly Shri Manjay Chetry was ordered to be re-instated to service vide this office Memo No.B-1/Staff/Rlg/Corr dtd 17.6.2003. Thus Shri Manjay Chetry was re-instated to service w.e.f 02.8.2003.

3. In this office letter of even No. dtd 08.11.2001, following an adverse report on misbehaviour of Shri Manjay Chetry in the Postal IB at Guwahati, he was given the opportunity to submit his explanation on the complaint and investigation report from the Chief P.M.G Assam Circle, Guwahati. But Shri Manjay Chetry failed to submit his explanation as a result his services was automatically discontinued from the date of his absence w.e.f 21.11.2001. Shri Manjay Chetry has been given a reasonable opportunity to submit his explanation on the same complaint and investigation report from the

4. In accordance with the direction of Hon'ble High Court aforementioned in para 2 above Shri Manjay Chetry has been given again the reasonable opportunity to submit his explanation on the same complaint and investigation report from the

Chief P.M.G Assam Circle, Guwahati vide this office memo of even No. dtd 26.8.2003 along with the copies of the related documents as asked for in his letter dtd 09.7.2003. In response to this office memo of even No. dtd 17.6.2003 Shri. Manjay Chetry submitted his explanation on 03.9.2003.

5. The ASPOs(INV) O/O the Chief P.M.G. Guwahati has reported in his investigation report that Shri. Manjay Chetry consumed wine and out of intoxication he on angry mood misbehaved with the caretaker of the IB regarding accomodation and allotment of rooms in the IB. Thereby the decency and decorum of the IB appears to have been violated by such type of misbehaviour and misconduct of Shri. Manjay Chetry.

6. Shri. Manjay Chetry in his explanation dtd 03.9.2003 denied the charges drawn against him and he did not admit that he misbehaved in the Postal IB claiming that the allegations framed against him is false, fabricated and imaginary.

7. I have carefully gone through the explanation submitted by Shri. Manjay Chetry. In his explanation/representation Shri. Manjay Chetry stated that he is amazed to see the Inquiry report submitted by the ASPOs Guwahati alleging that he was intoxicated and misbehaved with the caretaker of Guwahati IB. Shri. Manjay Chetry's mere denial and amazement is far from convincing. Further Shri. Manjay Chetry stated that the charges were imaginary and self explanatory contentions given by the caretaker of IB due to which he was removed from service. In fact the misbehaviour on the part of Shri. Manjay Chetry was beyond any norms of decency and decorum in official campus and hence he deserved discontinuation of his casual engagement as driver.

8. Shri. Manjay Chetry has not made out any point to contradict the charges of misbehaviour out of intoxication in the Postal IB, a misconduct and misbehaviour which led to violation of decency and decorum in the Postal campus. The incidence of drunkenness and misbehaviour was proved beyond doubt as per enquiry report and the Casual Driver Shri. Manjay Chetry could have apologised

for his acts of misdemeanour, rather he blatantly denied and rather counteralleged that the report was fabricated, false counter and imaginary.

I, Ms. Lawphnian Director Postal Services, Arunachal Pradesh Division Itanagar having gone thoroughly through the charges framed against Shri. Manjy Chetry and also the explanations made by him. Considering the seriousness of the lapsus and his misconduct I do not find any reasonable scope to retain him as a Casual Driver, hence I pass the following order.

ORDER

I, Smt. M. Lawphnian Director Postal Services Arunachal Pradesh Division Itanagar hereby order that the casual services of Shri. Manjy Chetry Casual Driver MMS Vehicle may be discontinued with immediate effect.

*M. Lawphnian*  
(Ms. M. Lawphnian)  
Director Postal Services

Copy to:-

1. Shri. Manjy Chetry, c/o Shri. Atal Kumar Thapa, Satellite Complex, "C" Sector, Itanagar for information and to relieve duties in the MMS Vehicle Itanagar HO within 7(seven) days of receipt of this order.
2. The C.P.M.G(Vig), N.E. Circle, Shillong for information w/r/t his L.NO. Vig.5/1/02(CAT), dtd. 03.6.2003.
3. P.M. Itanagar HO for information and n/a. He will arrange a suitable Driver for MMS Vehicle and sent a copy of the relinquishing Charge Report of Shri. Manjy Chetry.
4. The Mail Br. Divl. Office Itanagar for information and n/a
5. The Estt. Br. Divl. Office Itanagar for information and n/a

*M. Lawphnian*  
(Ms. M. Lawphnian)  
Director Postal Services

*Mr. Chetry*  
*Addl. C.G.S.O.*