

50/100

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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 332/04

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SECTION OFFICER (Judl.)

FORM No.4  
(SEE RULE 42)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Original Application No. 332/04

Misc. Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicants: H. P. Neanbany

Respondents U. U. I. Gers.

Advocates for the Applicant Mr. S. Sarma, Miss U. Das, Miss B. Devi

Advocates of the Respondents Case

Notes of the Registry Date \_\_\_\_\_ Order of the Tribunal

The application is in form  
is filed/C.F. P. Rs. 50/-  
deposited vide IP/20  
No. 206/137/04  
Dated 27.9.04

17.01.2005

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

The Hon'ble Mr.K.V.Prahladan  
Member (A).

Heard Ms.U.Das, learned counsel for  
the applicant and also Mr. A. K.  
Chaudhuri, learned Addl. C.G.S.C.  
for the respondents.

Learned counsel for the  
applicant states that an appeal  
dated 6.9.2004 has been filed by  
the applicant against the impugned  
order dated 9.8.2004, but the same  
has not been decided. In that view  
of the matter, the application can  
be disposed of by issuing direction  
to the appropriate authority i.e.  
respondent no.3 the Director of  
Postal Services (HQ), C.P.M.G., N.E  
Circle, Deptt. of Posts, Shillong-1  
to dispose of the appeal dated  
6.9.2004 within a period of three  
months from the date of receipt of  
this order.

The application stands disposed  
of accordingly at the admission  
stage itself. Respondents shall

R

Contd./2

Dy. Registrar

PP

Steps taken without  
envelops.

PP

Annexure '3' not legible.  
Pl. put when remove trial  
above.

NS  
27/12/04

Defects removed.

PP

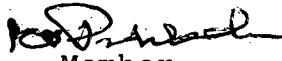
Defects removed and  
place available court for  
admission on 17/1/05.


NS  
17/1/05

Contd.

17.1.2005 file compliance report after three months. Matter be listed for compliance report on 29.4.2005.

As per order  
Dt. 17/1/05, order  
sent to D/section  
for issuing to  
resp. No-3.

  
Member  
bb

  
Vice-Chairman

Ceas  
7/2/05. D-No = 263  
Dt = 11/2/05.

10.2.05

Copy of the order  
has been sent to the  
Office for issuing the  
order to the L/Advocate  
for the parties.

ATP

Received copy of  
order

Alsha Das  
Advocate  
11/2/05

28-4-05

Issued vide D/No. 263  
dated 11/2/05 to the  
Respondent NO. 3 by  
Regd. Post.

N. S. Das  
28-4-05

29.04.2005

Present: Hon'ble Justice Sri G.

Sivaraman, Vice-Chairman

This application was disposed of at the admission stage by order dated 17.01.2005 directing the 3<sup>rd</sup> respondent - Director of Postal Services (HQ), C.P.M.G., N.E. Circle Department of Posts, Shillong - 1 to dispose of the appeal dated 06.09.2004 within a period of three months from the date of receipt of copy of the order. The case was posted today for reporting compliance.

Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. appearing on behalf of the respondents has now placed before the Bench a copy of the order dated 05.04.2005 and submitted that the direction issued in the order dated 17.01.2005 has been complied with.

Mr. S. Sarma, learned counsel for the applicant submits that the party has already received the order but this is not an order of disposal of the appeal as directed by this Tribunal.

After perusal of the order, it is seen that the order-dated 05.04.2005 is issued in place of the original order after rectifying the illegality

Contd/-

Contd/-  
29.04.2005

pointed out in the appeal memorandum. However, the present order is also one of removal of the applicant from service.

Mr. S. Sarma, learned counsel for the applicant further submits that against the order dated 05.04.2005, an appeal has already been filed before the Competent Appellate Authority. If that be so, the said authority shall dispose of the said appeal in accordance with law as expeditiously as possible, at any rate within a period of three months from the date of receipt of copy of this order.

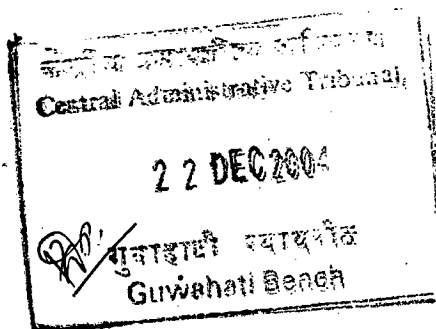
This application is accordingly closed.

  
Vice-Chairman

/mb/

10.8.05

Copy of the order  
has been sent to the  
Office for issuing  
the order to the  
applicant as well  
as to the Adm. Officer  
for Regd.  
SS



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Title of the case : O.A. No. 332 of 2004

BETWEEN

Shri Hari Prasad Neaupaney. .... Applicant.

AND

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

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Filed by : U. Das, Advocate,

Regn.No.:

File :.. C:\WS7\NEOPANY.

Date :

*Filed by -  
the applicant  
through  
Usha Das  
Advocate*  
1.11.04

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

D.A.No. 332 of 2004

BETWEEN

Sri Hari Prasad Neaupaney  
S/o Lt. B.P. Neaupaney  
R/o, C/o Subhash Pan Shop  
Rynguh Bazar, Shillong-6,  
Meghalaya.

..... Applicant.

AND

1. Union of India,  
Represented by the Secretary to the Govt. of India,  
Ministry of Communication,  
Department of Posts,  
Dak Bhawan, New Delhi-1.
2. The Chief Post Master General,  
Deptt. of Posts,  
N.E.Circle,  
Shillong-793001.
3. The Director of Postal Services (HQ)  
O/o Chief Post Master General,  
N.E.Circle, Deptt. of Posts,  
Shillong-1.
4. The Assistant Director (Staff)  
O/o Chief Post Master General,  
N.E.Circle, Deptt. of Posts,  
Shillong-1.

..... Respondents.

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION  
IS MADE:

This application is directed against the order  
issued vide memo No. Staff/3-ED/PF/99 dated 9.8.04 issued by

the Assistant Director (Staff) for Chief Post Master General, N.E. Circle.

2. LIMITATION:

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

3. JURISDICTION:

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

4. FACTS OF THE CASE:

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

4.2. That the applicant in the instant application got his initial appointment as Extra-Departmental Agent in the departmental inspection bungalow at Oakland, Shillong under the Postal Department vide an order issued by the Chief Post Master General, NE Circle, Shillong bearing memo No.Staff/32-16/EB/93 dated 14.11.96.

A copy of the said appointment order dated 14.11.96 is annexed herewith and marked as Annexure-1.



A

4.3. That the applicant pursuant to the aforesaid order of appointment continued to discharge his duty to the best of his ability and without any blemish from any quarter. However, all on a sudden w.e.f. 13.9.03 the applicant felt ill and due to such illness he could not attend his duty w.e.f. 14.9.03. The applicant immediately rushed to the doctor and took his advise and treatment. The consulting doctor diagnosed the applicant to be suffering from peripheral neuralgia and sciatica and advised him to take rest for about 2 months.

A copy of the medical certificate dated 14.9.03 is annexed herewith and marked as Annexure-2.

4.4. That the applicant who was staying in a rented house was alone and there was nobody to look him after during the period of his ailment. It was under this circumstance the applicant was compelled to stay with one of his known person Sri Ram Bahadur Magar at Umpling, Shillong-6 and he was undergoing treatment upto 10.1.04. The applicant immediately informed the concerned authority regarding his ailment and also intimated regarding his address with a prayer to allow him to avail medical leave. Thereafter the applicant after regaining his health submitted representation to the Assistant Director (Staff), Circle Office, Shillong praying for allowing him to resume duty.

4.5. That the respondents however, without taking into

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consideration the prayer made by the applicant issued the memorandum of charges vide memorandum dated 2.1.04. The only charge leveled against the applicant is regarding his absence from 14.9.03 onwards without any information to the competent authority.

A copy of the said memorandum of charge dated 2.1.04 is annexed herewith and marked as Annexure-3.

4.6. That the basic contention raised in the charge sheet dated 2.1.04 is relating to applicant's remaining absent from duty w.e.f. 14.9.03 without any intimation and to that effect he was given an intimation on 8.10.03 through a registered letter to explain the absence. However, the said letter dated 8.10.03 could not be delivered with the remark that the addressee left the Oakland I.B. The respondents however, did not send any other letter to his alternative address. It is pertinent to mention here that the applicant during his ailment informed the authority regarding his alternative address with a prayer to allow him to avail medical leave but his such request was never acceded to. The Respondents authority knowing fully well about the alternative address of the applicant never served any intimation in the said address keeping him in dark about the development. It is pertinent to mention here that the authority concerned however sent the memorandum of charge dated 2.1.04 to his alternative address and the said fact clearly indicates that the respondents authorities knew the alternative address of the applicant.

4.7. That immediately on receipt of the charge-sheet dated 2.1.04, the applicant submitted representation dated 11.1.04 to the concern authority enclosing the medical certificate as well as fitness certificate with a prayer to allow him to resume duty.

A copy of the said representation dated 11.1.04 is annexed herewith and marked as Annexure-4.

4.8. That the respondents inspite of the repeated requests made by the applicant never allowed him to resume duty. The respondents to that effect issued an order dated 8.3.04 rejecting the requests of his reinstatement and the applicant was requested to cooperate in the proceeding. for early disposal of the case.

A copy of the said order dated 8.3.04 is annexed herewith and marked as Annexure-5.

4.9. That the applicant in terms of the order dated 8.3.04 continued to participate in the departmental proceeding through his Defence Assistant Sri R.B.Roy. As per the procedure the applicant submitted his written brief explaining the case in detail and pointing out the procedural defects in the said proceeding.

A copy of the said written brief is annexed herewith and marked as Annexure-6.

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4.10. That the respondents immediately on receipt of the written brief submitted its enquiry report vide official letter dated 11.6.04 asking the applicant to submit representation against the said report. In the enquiry report, the enquiry officer while discussing certain irrelevant facts gave its finding that the explanation given by the applicant regarding his absence is not satisfactory.

A copy of the said enquiry report dated 11.6.04 is annexed herewith and marked as Annexure-7.

4.11. That immediately on receipt of the enquiry report the applicant submitted his representation dated 23.6.04 indicating the facts and circumstances prevailing at that point of time with a prayer to consider his case sympathetically.

A copy of the said representation is 23.6.04 is annexed herewith and marked as Annexure-8.

4.12. That the disciplinary authority after the receipt of the representation dated 23.6.04 issued the impugned order dated 9.8.04 removing the applicant from his service.

A copy of the said impugned order dated 9.8.04 is annexed herewith and marked as Annexure-9.

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4.13. That the applicant after the issuance of the impugned order of removal submitted the statutory appeal dated 6.9.04 to the Appellate authority i.e. the Director of Postal Services, Head Quarter N.E. circle, Shillong with a prayer to exonerate him from the charge and to allow him to resume duty.

A copy of the said appeal dated 6.9.04 is annexed herewith and marked as Annexure-10.

4.14. That the applicant begs to state that the charge leveled against him by issuing the charge sheet dated 2.1.04 contains no relevant facts to disclose the case against the applicant, as same is totally vague and indefinite one. Admittedly on the basis of the said charge sheet no departmental proceeding could have been initiated against the applicant. The applicant while making representation against the said charge sheet has clearly pointed out these aspect of the matter but the concern authority miserably failed to take into consideration those aspect of the matter and decided to proceed with the enquiry. It is noteworthy to mention here that the applicant along with his said representation dated 11.6.04 submitted the medical certificate as well as the fitness certificate but the authority concern never took into consideration the certificates and took a decision to proceed with the enquiry process. On this score alone entire proceeding including the impugned order is liable to be set aside and quashed.

4.15. That the applicant begs to state that the respondents authority took a very close view of the matter and decided to proceed departmentally against the applicant without taking into consideration the attending facts and circumstances of the case. The respondents conducted the enquiry with a predetermined mind and at each and every stage the applicant was denied with the opportunity of hearing. The listed documents were never allowed to be confronted by the applicant and most of them were never furnished to the applicant causing serious prejudice to his defence. The IO each and every occasion denied the applicant his right of cross-examination to the witnesses and the records relied by them were never furnished to him. The aforesaid procedural irregularities has caused serious prejudice to the defence of the applicant and on this score alone entire proceeding is liable to be set aside.

4.16. That the applicant begs to state that bare reading of the enquiry report submitted by the IO, through the communication dated 11.6.84, it is crystal clear that the reason regarding absence of the applicant from duty has been admitted. From the enquiry report it also reveals that the applicant due to circumstances beyond his control could not intimate the authority regarding his absence. However the IO while concluding its report observed that the applicant's explanation is not satisfactory. The IO even after admitting the factual position has come to a perverse finding holding the applicant to be guilty of the charge. The aforesaid enquiry report basing on the perversity is not

at all sustainable and same is liable to be set aside.

4.17. That the applicant submits that the respondents while proceeding against the applicant have violated each and every procedural rules and with a closed mind denied the applicant the opportunity of hearing. The most vital records as well as the witnesses were never examined nor the applicant has been provided with the opportunity of hearing. The aforesaid illegalities have seriously caused prejudice to the defense of the applicant and same has vitiated the entire proceeding. Apart from that the applicant who was out of job was never allowed to resume his duty, nor he was paid his remuneration and same has caused serious prejudice to his defence. On this score the entire proceeding as well as the impugned order is liable to be set aside and quashed.

4.18. That the applicant submits that the disciplinary authority while passing the impugned order dated 9.8.04 has violated the provisions of the rules. The said disciplinary authority has failed to take into consideration the relevant factual aspect of the matter in passing the impugned order. From bare reading of the impugned order dated 9.8.04 it is crystal clear that the said disciplinary authority has failed to apply his independent mind while passing the said order as such same can not be treated to be an order sustainable in the eye of law and as such same is liable to be set aside and quashed. Even if the charge is taken to be proved against the applicant same is shockingly disproportionate in the facts and circumstances of the case

and same is required to be interfered with by the Hon'ble Tribunal.

4.19. That the applicant begs to state that against the said impugned order dated 9.8.04, he has submitted appeal dated 6.9.04 and same is yet to be disposed of. The applicant is presently out of job and there is nobody to look him after. Due to the issuance of the impugned order the applicant is now facing tremendous financial hardship and same has caused total dislocation in the day to day life of the applicant. The applicant in fact kept on visiting the office of the respondents from time and again but due to various reason said authority refuses to entertain his appeal. The authority has also raised the issue regearing the authority to entertain the appeal and on the plea his said appeal is yet to be disposed of. It is therefore, the applicant without even waiting for disposal of the appeal has come under the protective hands of this Hon'ble Tribunal seeking redressal of his grievances..

5.

#### G R O U N D S

5.1 For that the action/inaction on the part of the Respondents in proceeding departmentally against the applicant is per se illegal and arbitrary and same depict total malafide intention of the Respondents. It is therefore the entire action on the part of the respondents including the impugned order is liable to be set aside and quashed.

5.2 For that prima-facie the action/inaction on the



part of the Respondents in not following the rules in proceeding departmentally against the applicant that too without providing him the reasonable opportunity of hearing is per-se illegal and arbitrary and same is liable to be set aside and quashed.

5.3. For that the issuance of charge sheet as well as the subsequent proceeding clearly depicts the malafide intention of the respondents and on this score alone the proceeding is liable to be set aside and quashed.

5.4. For that the Respondents have acted illegally in passing the impugned order dated 9.8.04 removing him from the service and bare reading of the same clearly depicts total non-application of mind by the respondents.

5.5. For that the action on the part of the Respondents in harassing the applicant and thereby removing him from the service without any rhymes and reasons is illegal and same is liable to be set aside and quashed.

5.7. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

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

6. DETAILS OF REMEDIES EXHAUSTED:

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

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

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

8. RELIEF SOUGHT FOR:

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

8.1. To set aside and quashed the impugned proceeding initiated against the applicant pursuant to the charge sheet dated 02.01.04 as well as the impugned order dated 09.08.04, and to reinstate him in his service with full back wages.

8.2. Cost of the application.

8.3. Any other relief/reliefs to which the applicant is

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D

entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant does not pray for any interim order at this stage.

10. ....

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

1. I.P.O. No. : 206 113710  
2. Date : 29.9.04  
3. Payable at : Guwahati..

12. LIST OF ENCLOSURES:

As stated in the Index.

VERIFICATION

I, Shri Hari Prasad Neopany, aged about 27 years, s/o Late D.P. Neopany at present resident of C/O Subhash Pan Shope, Rynggeeh Bazar, Shillong-6. Meghalaya, do hereby solemnly affirm and verify that the statements made in paragraphs 4.4, 4.6, 4.14-4.19..... are true to my knowledge and those made in paragraphs 4.2, 4.3, 4.5, 4.8 & 4.13 are also matter of records and rests are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 22<sup>nd</sup> day of Dec, of 2004.

*Hari Prasad Neopany.*

Signature.

DEPARTMENT OF POST  
OFFICE OF THE CHIEF POSTMASTER GENERAL, NORTH EASTERN CIRCLE,  
SHILLONG 793 001.

Memo No.: Staff/32-16/EB/93/

Dated at Shillong 14/11/96.

1. Shri Hari Prasad Neeupenay son of Barga Prasad Neeupenay, is hereby appointed as EO, Masalchi Departmental I.O. Shillong with immediate effect. He shall be paid such allowances as are admissible from time to time.
2. Shri Hari Prasad Neeupenay should clearly understand that his employment as EO Masalchi shall be in the nature of a contract liable to be terminated by him or by the undersigned by notifying the other in writing and that his conduct and service shall also be governed by the Post and Telegraphs Extra Departmental Agents (Conduct and Services) Rules, 1964 as amended from time to time.
3. If these conditions are acceptable to him, he should communicate his acceptance in the enclosed preforma.

( P.K. Mandi Nazimdar )  
Asst. Postmaster General,  
For, Chief Postmaster General,  
North Eastern Circle, (8)  
Shillong 793 001.

Copy to :-

1. The A.O. (A/Cs) Circle Office, Shillong.
2. The J.A.O. (BGT) Circle, Office, Shillong.
3. The Welfare Officer, Circle Office, Shillong.
4. Shri Hari Prasad Neeupenay, EO Masalchi, Departmental I.O., Shillong. He may prove furnish acceptance of this offer in the enclosed preforma.
5. File No. Staff/26-11/91.
6. Office copy.
7. Spare copy.

For, Chief Postmaster General,  
North Eastern Circle, Shillong  
Pin 793 001.

Advocate.

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PREScribed FORM UNDER S.R. 229 A.C.  
50

Signature of applicant

DR. T. K. Roy after careful personal examination of the case hereby certify that MR. HARI PRASAD NEAUPANANY whose signature is given above, is suffering from PERIPHERAL NEURALGIA & SCIATICA and I consider that a period of absence from duty of 63 days with effect from 14/9/03 to 15/11/03 is absolutely necessary for the restoration of his health.

Date: 14/9/03

14/9  
Government Medical Attendant  
Pasteur Institute  
Meghalaya Shillong  
Regd. No. 3026  
authorised Medical Attendants  
Central Govt. Employees

Attested  
Associate.

DEPARTMENT OF POSTS, INDIA  
OFFICE OF THE POSTMASTER GENERAL N.E.CIRCLES:SHILLONG-793001

Memo No.Staff 32-16 ED-93

Dated at Shillong the 27th Jan 2004

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Hari Prasad Neaupany GDS Masalchi ... with postal IB Oakland under CO Shillong under rule 10 of the Deptt. of posts GDS (Conduct and Employment) Rules 2001. The substances of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is setout in the enclosed statements of Articles of charge (ANNEXURE-1). A list of document by which and the list of witness by whom the articles of charge are proposed to be sustained are also enclosed (ANNEXURE-III and IV).

2. Sri Hari Prasad Naupanany is directed to submit within 10 days on the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

4. Shri Hari Prasad Neaupany is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rules 10 of Deptt. of Posts GDS (Conduct and Employment) Rules 2001 or the orders/directions issued in pursuance of the said Rules, the inquiry authority may hold the inquiry against him *ex-parte*.

5. Attention of Shri Hari Prasad Neaupany is invited to rule 29 of Deptt. of Posts GDS (Conduct and Employment) Rules 2001 under which no employee shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be prescribed that Shri Hari Prasad Neaupany is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 29 of Deptt. of Posts GDS (Conduct and Employment) Rule 2001.

6. The receipt of this Memorandum may be acknowledged.

BY REGD/AD  
Copy to:  
Shri Hari Prasad Neaupany  
C/O -SUBASH PANSOP  
UMPLING, SHILLONG-6

(B.K.Halder)  
Asstt.Director(Staff)

For Chief Postmaster General  
13 N.L.Circle, Shillong.

*Attested  
was  
Advocate*

- 18 - 24

ANNEXURE-I

statement of article of charge framed against Shri Hari Prasad Neaupanany. Masalchi Postal IB, Oakland.

Article-I

That the said Shri Hari Prasad Neaupanany, while functioning as GDS Masalchi Postal I.B. Oakland during the period from 15.11.96 onwards deserted and remained absent from duty with effect from 14.9.03 onwards without any information to the competent authority causing serious dislocation in service warranting action laid down in Rule 7 (b) of Department of Posts GDS (Conduct and Employment) Rules 2001.

By his above act the said Shri Hari Prasad Neaupanany failed to maintain absolute integrity, and devotion to duty as required under Rule-21 of the above Rules.

ANNEXURE-II

Statement of imputation of misconduct or misbehaviour in support of the article of charge framed against Shri Hari Prasad Neaupanany, Masalchi Postal I.B. Oakland.

Shri Hari Prasad Neaupanany while working as GDS Masalchi Postal I.B. Oakland during the period from 15.11.96 onwards remained absent from duty with effect from 14.9.03 and left the station without any information to the competent authority whatsoever and caused serious dislocation in service. The said Shri Neaupanany was however asked to explain the reason of his such unauthorised absence and why disciplinary action will not be taken against him vide the notice letter of ..... dated 8.10.03 under Regd. Post. But the letter could not be delivered to him and returned undelivered with remarks addressee left Oakland I.B. & Hence returned to sender.

The said Shri Neaupanany was thereafter put off duty vide this office memo No. Even dated 12.11.03, which also could not be delivered even to his home address and returned undelivered with remarks "Addressee left without instruction". Shri Neaupanany did not furnish any information till date.

By his above act the said Shri Hari Prasad neaupanany failed to maintain absolute integrity and devotion to duty as required under Rule 21 of Department of Posts GDS (Conduct and Employment) Rules 2001 warranting action laid down in Rule 7(b) of the said Rules.

ANNEXURE-III

List of documents by which the article of charge framed against Shri Hari Prasad Neaupanany GDS Masalchi Postal IB Oakland are proposed to be sustained.

1. Letter No.B2/ALsc/IB/03 dtd.26.9.03 from A.D.(Bldg).Co. Shillong
2. Undelivered letter No.Staff 32-16/ED 93 dtd.8.10.03 with cover from A.D..... C.O. Shillong.
3. Undelivered letter No.Staff 32-16/ED/93 dtd.12.11.03 with ... from A.D. (Staff) C.O.Shillong.



ANNEXURE-IV

List of witnesses by whom the article of charge framed against Shri Hari Prasad Neaupanany GDS Masalchi Postal I.B. Oakland are proposed to be sustained.

1. Shri K.K.Choudhury then A.D.(Bldg.) no ASP(Cell) C.O. Shillong.

\*\*\*

Attended  
has  
Advocate

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

Memo No. Staff 32-16 ED-93

Dated at Shillong, the 2<sup>nd</sup> Jan 2004.

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri Hari Prasad Neaupany, C.O. Masochi a/c with Postal IB, Oakland under C.O., Shillong under Rule 10 of the Deptt. of Posts GDS (Conduct and Employment) Rules 2001. The substance of the imputations of mis-conduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statements of articles of charge (ANNEXURE-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (ANNEXURE-II). A list of documents by which and a list of witness by whom, the articles of charge are proposed to be sustained are also enclosed (ANNEXURE-III & IV).

2. Shri Hari Prasad Neaupany is directed to submit within 10 days on the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

4. Shri Hari Prasad Neaupany is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rules 10 of Deptt. of Posts GDS (Conduct and Employment) Rules, 2001 or the orders/directions issued in pursuance of the said Rules, the inquiry authority may hold the inquiry against him ex-parte.

5. Attention of Shri Hari Prasad Neaupany is invited to rule 29 of Deptt. of Posts GDS (Conduct and Employment) Rules 2001 under which no employee shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri Hari Prasad Neaupany is aware of such a representation and that it has made at his instance and action will be taken against him for violation of Rule 29 of Deptt. of Posts GDS (Conduct and Employment) <sup>Rule</sup> 2001.

6. The receipt of this Memorandum may be acknowledged.

BY REGDAD

Copy to:-

Shri Hari Prasad Neaupany,  
C/O "SUBASH PAN SHOP"  
UNPLING, SHILLONG-6.

*Recd*  
(B. K. Halder)  
Asstt. Director (Staff)

*Recd*  
Chief Postmaster General,  
Shillong

*Attest*  
*Advocate*

ANNEXURE-I

Statement of article of charge framed against Shri Hari Prasad Neaupanany, Masalehi Postal I.B. Oakland.

Article - I

That the said Shri Hari Prasad Neaupanany, while functioning as GDS Masalehi Postal I.B. Oakland during the period from 15-11-96 onwards deserted and remained absent from duty with effect from 14-9-03 onwards without any information to the competent authority causing serious dislocation in service warranting action laid down in Rule 7 (b) of Department of Posts GDS (Conduct and Employment) Rules 2001.

By his above act the said Shri Hari Prasad Neaupanany failed to maintain absolute integrity and devotion to duty as required under Rule-21 of the above Rules.

ANNEXURE-II

Statement of imputation of misconduct or misbehaviour in support of the article of charge framed against Shri Hari Prasad Neaupanany, Masalehi Postal I. B. Oakland.

Shri Hari Prasad Neaupanany while working as GDS Masalehi Postal I. B. Oakland during the period from 15-11-96 onwards remained absent from duty with effect from 14-9-03 and left the station without any information to the competent authority whatsoever and caused serious dislocation in service. The said Shri Neaupanany was, however asked to explain the reason of his such unauthorised absence and why disciplinary action will not be taken against him vide the office letter of even no. dated 3-10-03 under Regd. Post. But the letter could not be delivered to him and returned undelivered with remarks "addressee left Oakland I.B. & hence returned to sender".

The said Shri Neaupanany was thereafter put off duty vide this office memo No. even dtd. 12-11-03, which also could not be delivered even to his home address and returned undelivered with remarks "Addressee left without instruction". Shri Neaupanany did not furnish any information till date.

By his above act the said Shri Hari Prasad Neaupanany failed to maintain absolute integrity and devotion to duty as required under Rule 21 of Department of Posts GDS (Conduct and Employment) Rules 2001 warranting action laid down in Rule 7 (b) of the said Rules.

ANNEXURE-III

List of documents by which the article of charge framed against Shri Hari Prasad Neaupanany, GDS Masalehi Postal I.B. Oakland are proposed to be sustained.

1. L.R. No.B7/AF/c/IB/03 dtd.26-09-2003 from A.D. (Bldg) C.O., Shillong.
2. Undelivered letter No.Staff 32-16 IB/98 dtd.8-10-03 with cover from A.D.(Staff) C.O., Shillong.
3. Undelivered letter No.Staff 32-16 IB/03 dtd.12-11-03 dtd.12-11-03 with cover from A.D.(Staff) C.O., Shillong.

ANNEXURE IV

List of witnesses by whom the article of charge framed against Shri Hari Prasad Neaupanany, GDS Masalehi Postal I.B. Oakland are proposed to be sustained.

1. Shri K. K. Choudhary then A.D. (Bldg) no ASP(Cell) C.O., Shillong.

Attested  
  
Advocate

To:  
The Postmaster General  
H.E. Circle  
Shillong - 793001.

(Through proper channel)

Sub: Clarification against memo no. Staff/32-16/  
ED/93, dated, 2nd, Jan, 2004.

Sir,

With due respect and humble submission  
I would like to lay following few lines for your  
Sympathetic Consideration.

That Sir, I have been issued official  
Memorandum vide no. Staff/32-16/ED/93, dated:  
2nd, Jan, 04, That Sir, I felt suddenly ill  
on the day 13-09-03 and rushed to the doctor  
and was under medical observation and to take  
complete rest w.e.f. 14-09-03. Again on 15-11-03  
I felt severe pain and rushed to Dr. P.K. Roy and  
was under medical treatment and advised to  
take rest for another 57 days. And after felt  
little better I will resumed to my duty to day  
the 11th, Jan'03.

Therefore, I would like to request  
you to kindly consider my case <sup>more</sup> Sympathetically  
and on humanitarian ground and <sup>exempt</sup> ~~consider~~ my  
absence ~~for~~ leave for above mentioned period.

Contd. - P. 2.

Attest  
[Signature]  
[Signature]

And I promise to discharge my duty  
more sincerely and maintain absolute integrity  
and devotion in future.


~~Yours~~  
Yours faithfully

Encls: ① Medical Certificate -  
2 nos.

② Fitness Certificate  
4 nos.

Dated, Shillong  
the 11th, Jan 04.

(Hari Pr. Neaupany)  
GDS; Masulchi  
Postal I B, Oakland  
Shillong - 1.

  
A. H. H. H.

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ANNEXURE -

5

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

No. Staff 3-ED/TF/99

Dated at Shillong, the 8<sup>th</sup> March 2004.

To,

Sri Hari Prasad Neaupaney,  
C/O "SUBASHI PANSIOP"  
Rynjah, Shillong-6.

Ref:-

Your letter No.Nil dated 1-3-2004.

With reference to your letter above, this is to intimate that no joining order can be issued till finalisation of the disciplinary proceedings initiated against you under Rule 10 of GDS (Conduct & Employment) Rules 2001. Therefore you are requested to co-operate with the I.O for prompt settlement of the case.

(B. R. Halder)  
Asstt. Director (Staff)  
For Chief Postmaster General,  
N. E. Circle, Shillong.

Advocate.

Charged Official's written brief in connection with disciplinary/inquiry proceedings against Shri Hari Prasad Neaupaney, GDS Masalchi, Postal I.B., Oakland, Shillong under Rule-10 of GDS (Conduct & Employment) Rules, 2001 : Department of Posts.

Shri Hari Prasad Neaupaney the Charged Official (C.O.) was appointed as ED (GDS) Masalchi in the Postal Inspection Bungalow, at Oakland, Shillong on regular basis w.e.f. 15-11-1996 where he worked continuously without any disruption of service till 13-9-2003. After performing his duty on 13-9-03, the official started to feel physical discomfort and left for his dwelling place at Umpling, Shillong-6 for rest.

2) Next morning i.e., on 14-9-03, Shri H.P. Neaupaney visited a senior Doctor in the city for medical check-up and treatment. The concerned Doctor detected the actual ailment that the patient was suffering from, and prescribed medicines together with a medical certificate advising rest by abstaining from duty for a period of 63 (sixty three) days from 14-9-03 to 15-11-03 in the first spell for restoration of health. After expiry of prescribed period, Shri H.P. Neaupaney visited the said doctor for check-up and further treatment since he was not completely cured. The Doctor continued his treatment and issued similar certificate for rest for another 57 (fifty seven) days from 16-11-03 to 11-1-2004 in the 2<sup>nd</sup> spell. During this period, Shri Neaupaney started to recover by taking rest and medicines as prescribed by the Doctor, and on completion of prescribed period, he reported to the Doctor about his total recovery from illness and requested him (Doctor) to check-up finally to decide possibility whether he (Shri Neaupaney) could joint his duty or not. Accordingly, the Doctor carefully examined Shri Neaupaney and issued a certificate dated 12-1-2004 declaring him recovered from illness and fit to resume duties.

3) But, in the meantime, Shri H.P. Neaupaney, had received the Memorandum No. Staff/32-16/ED-93 dated 2-1-2004 under Registered post at the following address,

Shri Hari Prasad Neaupaney,  
C/O "SUBASH PAN SHOP"  
UMPLING, SHILLONG - 6.

The said memo. contained the Articles of charges and list of documents by which the article of charges against Shri Hari Prasad Neaupaney are proposed to be sustained. Besides, it was proposed in the said memo, to hold an inquiry against Shri Neaupaney under Rule-10 of the Department of Posts GDS (Conduct and Employment) Rules 2001.

4) However, being fully unaware of the fact that his service was already put off sometime earlier, Shri H.P. Neaupaney reported to the ADPS (Staff) on 12-1-04 and submitted an application together with medical certificates and fitness certificates supplied by the attending Doctor, explaining the reason for not attending office since 14-9-2003. The ADPS (Staff) received the application and certificates from Shri Neaupaney, but did not allow him to join his duty for the reason that inquiry under Rule-10, as cited above, was contemplated.

5) Subsequently, inquiry proceedings were started by formation of Inquiry Authority with appointment of Shri S.K. Chakraborty, ASPOs (Cell), C.O., Shillong as Inquiry Officer and Shri Bidhan Ch. Das, SDIPOs, North Sub division, Shillong as Presenting Officer while Shri Hari Prasad Neaupaney (CO) had nominated Shri R.B. Roy, PA (BCR) C.O., Shillong as his Defence Assistant. The preliminary hearing date was fixed by the I.O., on 15-3-2004 in which the Charged Official was present accompanied by his D.A. Besides inspection of listed documents, the C.O., had sought for some additional documents as listed below for his defence.

Attested  
[Signature]  
Att. Officer

- i) Medical Certificate dated 14-9-03
- ii) Medical Certificate dated 16-11-03
- iii) Medical Certificate (Fitness) dated 12-1-04
- iv) Defence statement submitted in reply to charge sheet.

6) The regular first hearing of inquiry was fixed by the I.O., on 3-4-04. Prior to that, the C.O., submitted a requisition dated 19-3-04 seeking production of Shri Ram Bahadur Magar as Defence witness. On the first hearing date on 3-4-04, the deposition of Shri K.K. Choudhury, (Prosecution witness) the then AD (Bldg) in the form of examination-in-chief, cross examination and re-examination was obtained. The next and second and last hearing was fixed and held on 10-4-04 as per decision and arrangement made by the I.O., in which the deposition of Shri Ram Bahadur Magar, Defence witness was obtained.

7) After going through the Article of charges and inspecting the listed and requisitioned documents as well as examination/cross examination of both, prosecution and defence witnesses by 10-4-04, findings as noted in the following paras, could be traced out.

Findings :-

8) Summarily, the charges leveled against Shri Hari Prasad Neaupaney are as follows:-


i) "The official deserted and remained absent from duty w.e.f., 14-9-03 onwards without any information to the competent authority....."

ii) "..... The official remained absent from duty w.e.f., 14-9-03 and left the station without any information to the competent authority ....."

The C.O., had sincerely admitted, on the date of preliminary hearing, that he was absent from duty w.e.f., 14-9-03, but he denied the charge of having left the station during the period of absence.

9) On examining 3 (three) letters "under list of documents" by which the Disciplinary Authority proposed to sustain the charges against the charged official, it was observed that,

i) Shri K.K. Choudhury, AD (Bldg) C.O., Shillong requested the Chief Postmaster General (Staff) Shillong to take suitable action against the ED official (Shri H.P. Neaupaney) vide his memo No. B-2/Misc/IB/03 dated 26-9-2003 on the basis of report received by him regarding absence of Shri Neaupaney from duty from 14-9-2003. In the said letter, AD (Bldg) was found to have reported to CPMG (Staff) in compliance of, or, with reference to CPMG (Staff)'s letter No. Staff/32-16/ED-93 dated 14-11-2003 i.e., after the service of Shri Neaupaney was already put off from duty (vide CO's No. Staff/32-16/ED/93 dated 12-11-03). Here, it reveals that this document is doubtful since the date of report of AD (Bldg) does not commensurate with the date of Circle Office letter referred to, therein. Further, the AD (Bldg) (Prosecution witness), during cross examination by Defence Assistant, could not give the clear and bold answer to the following question,

  
Advocate.



Q. No.5 (DOS No.2 dated 3-4-04)

"Are you sure that the letter dated 19-9-03 (referred to in his letter No. B-2/Misc/113/03 dated 26-9-03) was actually issued by you, and received by Shri Hari Prasad Neaupaney?"

Answer was,

"Without consulting records, I can not say".

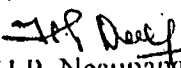
ii) Document No.2 "Under list of documents: i.e., No. Staff/32-16/ED/93 dated 8-10-03 (calling for explanation for remaining absent from duty ..... w.e.f., 14-9-03 onwards) and document No.3 i.e., No. Staff/32-16/ED/93 dated 12-11-03 (Order for putting off Shri H.P. Neaupaney from duty w.e.f., 14-9-03) were shown as undelivered letters. Both the letters were addressed to the official at Postal I.B., Oakland, Shillong though it was known that the official remained absent there from 14-9-03. Therefore, the order putting off Shri Neaupaney from duty was issued without confirmation/satisfaction that the explanation letter No. Staff/32-16/ED/93 dated 8-10-03 was actually received by the Charged official.

10) On examination of the additional documents it was found that while the Authority was proceeding with departmental actions against the official, Shri Neaupaney was striving with life in sickbed since he was suffering from "PERIPHERIAL NEVRALGIA & SCIATICA" which was, as per Doctor, a critical ailment with the joints of the backbone causing tremendous pain spreading towards lower part of the body i.e., waist and feet compelling the patient unable to walk or move.


11) Since the charged official being less educated, did not know the Office Rules and procedures. Even he could not call back his family members from home town due to critical illness. Moreover, his local Caretaker was also an unemployed ordinary man knowing nothing of office rules. All these factors made the official failure to report to Competent Authority regarding his absence from duty in due course of time.

The Charged Official, therefore, deserves sympathetic consideration of the Authority on humanitarian grounds.

Dated, Shillong,  
The 8-5-2004

  
(H.P. Neaupaney)  
C.O.

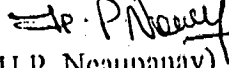
(ED - Masalchi)  
I.B., Shillong.

  
(R.B. Roy)  
D.A.

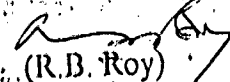
(PA - BCR)  
C.O., Shillong.

Copy forwarded to Shri Santosh Chakraborty, I.O., & ASPOs (Cell), O/O the Chief P.M.G., Shillong.

Dated, Shillong,  
The 8-5-2004

  
H.P. Neaupaney)  
C.O.

(ED - Masalchi)  
I.B., Shillong.

  
(R.B. Roy)  
D.A.

(PA - BCR)  
C.O., Shillong.

  
Advocate.

- 25 -  
ANNEXURE - 7  
DEPARTMENT OF POSTS: INDIA.

O/O THE CHIEF POSTMASTER GENERAL, N.E. CIRCLE, SHILLONG: 1. 04

No. Staff/3-ED/PF/99.

Dated at Shillong, the 11th June 2004

To

Shri Hari Prasad Neaupaney, ED(GDS), Postal IB.  
C/O. "Subash Pan Shop".  
Umpling, Shillong- 6.

Sub: Inquiry report under Rule 10 of DOP, GDS (Conduct & Employment) Rules 2001, against Shri Hari Prasad Neaupaney, GDS, ED Masalchi, Postal IB, Oakland, Shillong.

Please find herewith a copy of Inquiry Report on the above subject.

You are asked to submit your representation/ reply if any on the above subject within 15 days of receipt of the Inquiry Officer's report.

Encl: As above ( One Copy )

(B.R. Halder)

Asstt. Director (Staff)  
For Chief Postmaster General,  
N.E. Circle, Shillong.

Advocate

DEPARTMENT OF POSTS  
OFFICE OF THE CHIEF POSTMASTER GENERAL N.E. CIRCLE  
SHILLONG-793001.

Memo.No.B-1/Rule 10/ Enquiry/04.Dtd.at Shillong-1,the18th May.'04.

Inquiry Report under Rule -10 of <sup>DoI</sup>GDS (Conduct & Employment) Rules 2001, against Sri Hariprasad Neapanay, GDS Masalchi, Postal IB, Oakland, Shillong.

The undersigned was appointed as Inquiry Authority by the Chief Postmaster General, N. E. Circle, Shillong, vide his letter No. Staff/3-ED/PE/99 Dtd. 28.1.04, to inquire into the charges framed against Sri Hariprasad Neapanay, GDS Masalchi, Postal IB, Oakland, Shillong, under Rule -10 of <sup>DoI</sup>GDS (Conduct & Employment) Rules 2001, vide CPMG, N.E. Circle, Shillong's Memo No. Staff/32-16/ED-93 dtd. 02.01.04. There were three hearings of the case on 15.3.04, 3.4.04 & 10.4.04. The Charged official attended all the hearings accompanying his Defence Counsel, Sri R. B. Roy and co-operated with the inquiry.

There was only one Article of Charges against Sri Hariprasad Neapanay, GDS Masalchi, Postal IB, Oakland, Shillong, under Rule -10 of GDS (Conduct & Employment) Rules 2001, issued by the Chief PMG, Shillong, vide his Memo No. Staff/32-16/ED-93, Dtd. 2.1.04. and the Statement of imputation of misconduct and misbehavior in support of the Article of Charges was as under :

" Sri Hariprasad Neapanay while working as GDS Masalchi Postal T.B. Oakland during the period from 15.11.96 onwards remained absent from duty with effect from 14.9.03 and left the station without any information to the competent authority whatsoever and caused serious dislocation in service. The said Sri Neapanay was however asked to explain the reason of his such unauthorized absence and why disciplinary action will not be taken against him vide this office letter of even No. dtd.8.10.03 under Regd. Post. But the letter could not be delivered to him and returned undelivered with remarks 'Addressee left Oakland I.B. & hence returned to sender.'

The said Sri Neapanay was thereafter put off duty vide this office memo No. even dtd. 12.11.03, which also could not be delivered even to his home address and returned undelivered with remarks 'Addressee left without instruction'. Sri Neapanay did not furnish any information till date.

By his above act, the said Sri Hariprasad Neapanay failed to maintain absolute integrity and devotion to duty as required under Rule 21 of Department of Posts GDS (Conduct and Employment) Rules 2001 warranting action laid down in Rule 7(b) of the said Rules."

In the preliminary hearing of the case held on 15.3.04, Sri Hari Prasad Neapanay, the charged official, admitted that he was absent from duty w.e.f. 14.9.03. But he completely denied that he left the station/address. He categorically told that he was in the address under C/O Subash Pan Shop, Umpling, Shillong-6, and during the period he was ill.

Contd...2

Approved  
Advocate.

Page-2.

The charged official opted for his Defence Witness and submitted list of Addl. documents as under:

- i) Medical Certificate Dtd. 14.9.03.
- ii) Medical certificate Dtd. 16.11.03.
- iii) Medical certificate (Fitness) Dtd. 12.1.04.
- iv) Defence Statement, submitted in reply to the Charge Sheet.

All the enlisted and additional documents were examined by the Charged official and his Defence Counsel in presence of Sri Bidhan Das, the Presenting Officer and the documents were brought on records being marked as follows:

Enlisted Documents :-

1. Memo No. B-2/ Misc/IB/03. Dtd. 26.9.03. Marked as Ex. P-1.
2. Letter No. Staff/32-16/ED/93. Dtd. 8.10.03 with cover. marked as Ex. P-2.
3. Letter No. Staff/32-16/ED/93. Dtd. 12.11.03 with cover. marked as Ex. P-3.

Additional Documents :-

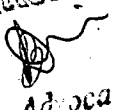
1. Medical certificate issued by Dr. T.K. Roy for illness of Sri Hariprasad Neaupaney, the Charged official, dtd. 16.11.03. marked as Ex. D- 1.
2. Medical certificate issued by Dr. T.K. Roy for illness of Sri Hariprasad Neaupaney, the Charged official, dtd. 14.9.03. marked as Ex. D- 2.
3. Medical certificate issued by Dr. T.K. Roy for fitness of Sri Hariprasad Neaupaney, the Charged official, dtd. 12.01.04. marked as Ex. D- 3.
4. Defence Statement of Sri Hariprasad Neaupaney, the Charged official, dtd. 11.1.04. marked as Ex. D- 4.

Sri K. K. Choudhury, the then Asstt. Director, Building, O/O the CPMG, Shillong and now working as Dy. Supdt. of POs, Agartala, the only Prosecution Witness, was summoned and his deposition was recorded in presence of the Presenting Officer, the Charged Official and his Defence Counsel, on 03.4.04. The Prosecution Witness was examined, cross examined and re-examined by the Presenting Officer and the Defence Counsel of the Charged Official. The same have been recorded on the spot.

Sri Choudhury, the Prosecution Witness, confirmed that the Charged official was absent from duty w.e.f. 14.9.03 without any information. He also confirmed that he did not know the whereabouts of the charged official during the period.

Sri Ram Bahadur Magar, S/O Lt. Mohan Bahadur Magar, the Defence witness, was summoned and he appeared before me on 10.4.04. His deposition was recorded. Sri Magar was Examined and cross-examined by the Defence Counsel and the Presenting officer respectively and the same were also recorded.

Contd.....3

Attested  
  
Advocate

Sri Ram Bahadur Magar, the defence Witness, confirmed that Sri Hari Prasad Neopanay, the Charged official, was staying in the residence of Sri Magar as tenant and Sri Neopanay was ill during the period from 14<sup>th</sup>. Sri Magar could not remember exact date and month etc. Sri Magar also told that he helped Sri Neopanay for going to Doctor and coming from as there was no other fellow to help him.

The Presenting Officer and the Defence counsel, on behalf of the Charged official, were asked if they had any oral submission or not and they replied in negative.

The cases of the Presenting Officer and that of the Charged official were closed at this stage and the Presenting Officer was asked to submit his written brief within 10 days to me with a copy to the Charged official. The Charged official and his defence counsel were also asked to submit the written brief within 10 days of receipt of the copy of the brief from the Presenting Officer.

The Presenting Officer submitted his brief vide his letter dtd. 18.4.04 which may be read as follows:

"In the Article-I in Annexure-I to the Charge Sheet, it is recorded that Sri Hari Prasad Neopanay while functioning as GDS Masalchi postal IB, Oakland during the period from 15.11.96 onwards deserted and remained absent from duty with effect from 14.9.03 onwards without any information to the competent authority causing serious dislocation in service warranting action laid down in Rule-7(b) of department of Posts GDS (Conduct and Employment) Rules 2001.

2. In DOS No. 01 dtd. 15.3.04, Sri Neopanay (CO) admitted that he was absent from duty w.e.f. 14.9.03. In the said DOS no. 01 dtd. 15.3.04, the Charged official stated that he was in his home address C/O Subash Pan Shop, Umpling, Shillong-6.
3. In DOS No. 03 dtd. 10.4.04, Sri Ram Bahadur Magar, defence Witness deposed that the Charged official was staying in his residence w.e.f. Sept '03. He did know the C.O. earlier and did not enquire about antecedent of the C.O. before allowing the C.O. to stay at his residence as tenant.
4. In DOS No. 02 dtd. 03.4.04, the Prosecution Witness (PW) stated that in course of his incumbency as AD (Bldg.), his duty included personnel management of Postal IB, Oakland. as such, the report of the AD (Bldg) bearing No. B2/ Misc/IB/03 dtd. 26.9.03 is not on hear-say account.
5. Sri K.K. Choudhury, the Prosecution witness deposed that the Charged official was not staying in the allotted room during the period in question.

Sri Ram Bahadur Magar, Defence witness deposed that the C.O. had tenancy at his residence w.e.f. Sept 2003.

As Such, desertion established and charge proved."

The Charged official and his Defence Counsel have also submitted the written brief vide their letter dtd. 8.5.04, which may be read as follows:

Contd.... 4.

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P-4  
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Charged Official's written brief in connection with disciplinary/inquiry proceedings against Shri Hari Prasad Neaupaney, GDS Masalchi, Postal I.B., Oakland, Shillong under Rule-10 of GDS (Conduct & Employment) Rules, 2001 : Department of Posts.

Shri Hari Prasad Neaupaney the Charged Official (C.O.) was appointed as ED (GDS) Masalchi in the Postal Inspection Bungalow, at Oakland, Shillong on regular basis w.e.f., 15-11-1996 where he worked continuously without any disruption of service till 13-9-2003. After performing his duty on 13-9-03, the official started to feel physical discomfort and left for his dwelling place at Umpling, Shillong-6 for rest.

2) Next morning i.e., on 14-9-03, Shri H.P. Neaupaney visited a senior Doctor in the city for medical check-up and treatment. The concerned Doctor detected the actual ailment that the patient was suffering from, and prescribed medicines together with a medical certificate advising rest by abstaining from duty for a period of 63 (sixty three) days from 14-9-03 to 15-11-03 in the first spell for restoration of health. After expiry of prescribed period, Shri H.P. Neaupaney visited the said doctor for check-up and further treatment since he was not completely cured. The Doctor continued his treatment and issued similar certificate for rest for another 57 (fifty seven) days from 16-11-03 to 11-1-2004 in the 2<sup>nd</sup> spell. During this period, Shri Neaupaney started to recover by taking rest and medicines as prescribed by the Doctor, and on completion of prescribed period, he reported to the Doctor about his total recovery from illness and requested him (Doctor) to check-up finally to decide possibility whether he (Shri Neaupaney) could joint his duty or not. Accordingly, the Doctor carefully examined Shri Neaupaney and issued a certificate dated 12-1-2004 declaring him recovered from illness and fit to resume duties.

3) But, in the meantime, Shri H.P. Neaupaney, had received the Memorandum No. Staff/32-16/ED-93 dated 2-1-2004 under Registered post at the following address,

Shri Hari Prasad Neaupaney,  
C/O "SUBASH PAN SHIP"  
UMPLING, SHILLONG - 6.

The said memo. contained the Articles of charges and list of documents by which the article of charges against Shri Hari Prasad Neaupaney are proposed to be sustained. Besides, it was proposed in the said memo, to hold an inquiry against Shri Neaupaney under Rule-10 of the Department of Posts GDS (Conduct and Employment) Rules 2001.

4) However, being fully unaware of the fact that his service was already put off sometime earlier, Shri H.P. Neaupaney reported to the ADPS (Staff) on 12-1-04 and submitted an application together with medical certificates and fitness certificates supplied by the attending Doctor, explaining the reason for not attending office since 14-9-2003. The ADPS (Staff) received the application and certificates from Shri Neaupaney, but did not allow him to join his duty for the reason that inquiry under Rule-10, as cited above, was contemplated.

5) Subsequently, inquiry proceedings were started by formation of Inquiry Authority with appointment of Shri S.K. Chakraborty, ASPOs (Cell), C.O., Shillong as Inquiry Officer and Shri Bidhan Ch. Das, SDIPOs, North Sub division, Shillong as Presenting Officer while Shri Hari Prasad Neaupaney (CO) had nominated Shri R.B. Roy, PA (BCR) C.O., Shillong as his Defence Assistant. The preliminary hearing date was fixed by the I.O., on 15-3-2004 in which the Charged Official was present accompanied by his D.A. Besides inspection of listed documents, the C.O., had sought for some additional documents as listed below for his defence.

Contd. 5

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- i) Medical Certificate dated 14-9-03
- ii) Medical Certificate dated 16-11-03
- iii) Medical Certificate (Fitness) dated 12-1-04
- iv) Defence statement submitted in reply to charge sheet.

6) The regular first hearing of inquiry was fixed by the I.O. on 3-4-04. Prior to that, the C.O., submitted a requisition dated 19-3-04, seeking production of Shri Ram Bahadur Magar as Defence witness. On the first hearing date on 3-4-04, the deposition of Shri K.K. Choudhury, (Prosecution witness) the then AD (Bldg) in the form of examination-in-chief, cross examination and re-examination was obtained. The next and second and last hearing was fixed and held on 10-4-04 as per decision and arrangement made by the I.O., in which the deposition of Shri Ram Bahadur Magar, Defence witness was obtained.

7) After going through the Article of charges and inspecting the listed and requisitioned documents as well as examination/cross examination of both prosecution and defence witnesses by 10-4-04, findings as noted in the following paras, could be traced out.

Findings :-

8) Summarily, the charges leveled against Shri Hari Prasad Neaupaney are as follows:-

i) "The official deserted and remained absent from duty w.e.f., 14-9-03 onwards without any information to the competent authority....."

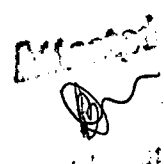
ii) "..... The official remained absent from duty w.e.f., 14-9-03 and left the station without any information to the competent authority ....."

The C.O., had sincerely admitted, on the date of preliminary hearing, that he was absent from duty w.e.f., 14-9-03, but he denied the charge of having left the station during the period of absence.

9) On examining 3 (three) letters "under list of documents" by which the Disciplinary Authority proposed to sustain the charges against the charged official, it was observed that,

i) Shri K.K. Choudhury, AD (Bldg) C.O., Shillong requested the Chief Postmaster General (Staff) Shillong to take suitable action against the ED official (Shri H.P. Neaupaney) vide his memo No. B-2/Misc/IB/03 dated 26-9-2003 on the basis of report received by him regarding absence of Shri Neaupaney from duty from 14-9-2003. In the said letter AD (Bldg) was found to have reported to CPMG (Staff) in compliance of, or, with reference to CPMG (Staff)'s letter No. Staff/32-16/ED-93 dated 14-11-2003 i.e., after the service of Shri Neaupaney was already put off from duty (vide CO's No. Staff/32-16/ED/93 dated 12-11-03). Here, it reveals that this document is doubtful since the date of report of AD (Bldg) does not commensurate with the date of Circle Office letter referred to, therein. Further, the AD (Bldg) (Prosecution witness), during cross examination by Defence Assistant, could not give the clear and bold answer to the following question,

Contd. . . . 6



Q. No.5 (DOS No. 2 dated 3.4.04)

Are you sure that the letter dated 19.9.03 (Referred to in his letter No. B-2/ Misc/IB/03 dtd. 26.9.03) was actually issued by you and received by Sri Hari Prassad Neaupanay ?

Answer was, 'Without consulting records, I can not say.'

ii) Document No. 2 "Under list of documents : i.e. No. Staff/32-16/ED/93 dtd. 8.10.03 (Calling for explanation for remaining absent from duty.....w.e.f. 14.9.03 onwards) and document No. 3 i.e. No. Staff/32-16/ED/93 dtd. 12.11.03 (Order for putting off Sri H.P.Neaupanay from duty w.e.f. 14.9.03) were shown as undelivered letters. Both the letters were addressed to the official at Postal IB Oakland, Shillong though it was known that the official remained absent therefrom 14.9.03. Therefore the order putting off Sri Neaupanay from duty was issued without confirmation/ satisfaction that the the explanation No. Staff/32-16/ED/93 dtd. 8.10.03 was actually received by the Charged official.

10. On examination of the additional documents it was found that while the Authority was proceeding with departmental actions against the official, Sri Neaupanay was striving with life in sickbed since he was suffering from 'PERIPHERIAL NEURALGIA & SCIATICA' which was as per Doctor a critical ailment with the joints of the backbone causing tremendous pain spreading towards lower part of the body i.e. waist and feet compelling the patient unable to walk or move.

11. Since the charged official being less educated, did not know the Office Rules and procedures, even he could not call back his family members from home town due to critical illness. Moreover, his local caretaker was also an unemployed ordinary man knowing nothing of office rules. All these factors made the official failure to report to Competent Authority regarding his absence from duty in due time.

The Charged official, therefore, deserves sympathetic consideration of the Authority on humanitarian grounds."

The lone Article of the Charges was unauthorized absence from duty and leaving of the station without permission of the competent authority w.e.f. 14.9.03. In the preliminary hearing itself, held on 15.3.04., Sri Hariprassad Neopanay, the Charged official categorically admitted that he was absent from duty w.e.f.14.9.03. But he denied the fact that he left the station without permission of the competent authority. Up to submission of written brief and in the brief itself also, the Charged official explained that he was seriously ill during the period from 14.9.03 to 11.1.04 and reported to the authority on 12.1.04. for his joining. And during the period he was under treatment and was staying in the rented house of one Sri Ram Bahadur Magar, Umpling, Shillong-6.

Contd...7

*[Handwritten signature]*  
26/10/04



Sri Hariprasad Neopanay, could not satisfactorily explain as to why he failed to inform the competent authority about his absence, during the period of about four months (i.e. 14.9.03 to 11.1.04.)

FINDINGS :-

As admitted by the Charged official and from the deposition of both the witnesses (PW & DW) and all the documentary evidences the article of charge is proved that Sri Hariprasad Neaupanay, the Charged official, was absent from duty without any information to the competent authority.

(Sri. S. Chakraborty)

Inquiring Authority &

ASP (Cell) O/O the CPMG, Shillong-1.

Copy forwarded to : The Chief Postmaster General (Staff) N.E. Circle, Shillong and Disciplinary Authority. The entire Inquiry folder containing 1/C to 37/C is enclosed.

(Sri. S. Chakraborty)

Inquiring Authority &

ASP (Cell) O/O the CPMG, Shillong-1.

From :-

Dated, Shillong,  
The 23-6-2004

Shri Hari Prasad Neaupanany,  
E.D. (GDS), Postal I.B., (Oakland/Shillong),  
C/O Subash Pan Shop,  
Umpling, Shillong - 793 006.

To

The Chief Postmaster General (Staff)  
N.E. Circle,  
Shillong - 793 001.

Subject : Inquiry report under Rule-10 of DOP, GDS (Conduct & Employment)  
Rules 2001, against Shri Hari Prasad Neaupanany, GDS, ED Masalchi,  
Postal I.B., Oakland, Shillong

Ref : C.O's letter No. Staff/3-ED/PF/99 dated 11-6-2004

Sir,

With reference to your letter cited above, I beg respectfully to state that I have received your letter under which a copy of Inquiry Report on the above mentioned subject is supplied to me.

2. That Sir, I have already admitted during the inquiry proceedings that I could not attend my duty of ED Masalchi at Postal I.B., Oakland, Shillong since 14-9-2003 till 11-1-2004.

3. The reason for absents from duty was elaborated in the Charged Official's written brief dated 8-5-2004. During the period of my absence, I was severely suffering from the ailment "PERIPHERIAL NEVRALGIA & SCIATICA". My family members were at home-town at that time, and Shri Ram Bahadur Magar, the owner of my rented house was looking after me in respect of my treatment, fooding and lodging etc. Nobody else was available with me to inform the office regarding my absence from duty.

4. I, therefore, pray before you to kindly consider my case and allow me to join my duty pardoning the lapses on my part on humanitarian ground. I shall try my best to avoid such lapses in future.

I shall be ever grateful if you would kindly pass necessary order in my favour to re-instate me in duty as early as possible.

Yours faithfully,

(Hari Prasad Neaupanany)

Attested

Advocate.

- 34 -      ANNEXURE - (9)

**DEPARTMENT OF POSTS: INDIA**

OFFICE OF THE CHIEF POSTMASTER GENERAL N. E. CIRCLE:: SHILLONG-793 001.

Memo No.Staff/3-ED/PF/99

Dated at Shillong, the 9<sup>th</sup> August' 2004.

Sri Hari Prasad Neaupanay, GDS, masalchi, Postal I. B. Oakland, Shillong was proceeded against under Rule 10 of GDS (Conduct & Employment) Rules 2001 on the charges of misconduct or misbehaviour based on the articles of charges framed against him under C.O., Shillong No.Staff/32-16/ED-93 dated 2-1-2004. The articles of charges drawn against the said Sri H. P. Neaupanay, is as under.

2. That Sri Hari Prasad Neaupanay, while functioning as GDS masalchi, Postal I.B. Oakland, Shillong during the period from 15-11-96 onwards, deserted and remained absent from duty with effect from 14-9-03 onwards without any information to the competent authority causing serious dislocation in service warranting action laid down in Rule 7 (b) of Department of Posts GDS (Conduct and employment) Rules 2001.

By his above act the said Shri H. P. Neaupanay, failed to maintain absolute integrity and devotion to duty as required under Rule 21 of the above rule.

3. Statement of imputation of misconduct or misbeviour in support of the article of charge framed against Shri Hari Prasad Neaupanay, GDS masalchi, Postal I. B. Oakland, Shillong.

---

That the said Shri Hari Prasad Neaupanay, while working as GDS masalchi, Postal I.B. Oakland, Shillong during the period from 15-11-96 onwards remained absent from duty with effect from 14-9-03 and left the station without any information to the competent authority whatsoever and caused serious dislocation in service.

The said Shri Hari Prasad Neaupanay, was however asked to explain the reason of his unauthorized absence and why disciplinary action will not be taken against him vide this office letter No.Staff/32-16/ED-93 dtd.8-10-2003 under registered post. But the letter could not be delivered to him and returned undelivered with remarks "Addressee left Oakland I.B. and hence returned to sender".

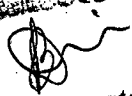
The said Shri Hari Prasad Neaupanay was thereafter put off duty vide this office letter No.Staff/32-16/ED-93 dated 12-11-2003, the copy of which also could not be delivered even to his home address and was returned undelivered with remarks "Addressee left without instruction". Sri Hari Prasad Neaupanay did not furnish any information till date.

By his above act, the said Sri Hari Prasad Neaupanay failed to maintain absolute integrity and devotion to duty as required under Rule 21 of Department of Posts GDS (Conduct and employment) Rules 2001, warranting action laid down in Rule 7 (b) of the said Rule".

4. On receipt of the memorandum of imputation of misconduct or misbehaviour, the said Shri Hari Prasad Neaupanay submitted his written defence vide his representation date 11-1-2004 stating as under.

"That sir, I felt suddenly ill on the day 13-9-03 and rushed to the doctor and was under medical observation and advised to take complete rest w.e.f. 14-9-03. Again on 15-11-03. I felt severe pain and rushed to Dr. T. K. Ray and was under medical treatment and advised to take rest for another 57 days and after felt little better. I will resumed to my duty to day the 11<sup>th</sup> Jan 2004.

Contd...2/-

**Admitted**  
  
**Advocate.**

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Therefore, I would like to request you to kindly consider my case more sympathetically on humanitarian ground and exempt my absence of leave for above mentioned period. And I promise to discharge my duty more sincerely and maintain absolute integrity and devotion in future."

5. Thereafter Shri S. k. Chakraborty, ASP (Cell), Circle Office, Shillong was appointed as I.O, to enquire into the articles of charges. The Inquiry officer on completion of the enquiry submitted his enquiry report vide No.B-1/Rule 10/Enquiry/04 dated 18-5-2004. The findings of the Inquiry officer is as under.

"After going through the Article of charges and inspecting the listed and requisitioned documents as well as examination/cross examination of both prosecution and defence witnesses by 10-4-04, findings as noted in the following paras, could be traced out.

Findings:-

Summarily, the charges leveled against Shri Hari Prasad Neaupaney are as follows:-

- i) The official deserted and remained absent from duty w.e.f. 14-9-03 onwards without any information to the competent authority\_\_\_\_\_
- ii) "\_\_\_\_\_The official remained absent from duty w.e.f. 14-9-03 and left the station without any information to the competent authority\_\_\_\_\_".

The C.O., had sincerely admitted, on the date of preliminary hearing, that he was absent from duty w.e.f. 14-9-03, but he denied the charge of having left the station during the period of absence.

On examining 3 (three) letters "under list of documents" by which the Disciplinary Authority proposed to sustain the charges against the charged official, it was observed that,

i) Shri K. K. Choudhury, A.D. (Bldg), C.O., Shillong, requested the Chief Postmaster General(Staff), Shillong to take suitable action against the ED official (Shri H.P. Neaupaney) vide his memo. No.B-2/Misc/IB/03 dated 26-9-2003 on the basis of report received by him regarding absence of Shri Neaupaney from duty from 14-9-2003. In the said letter, A.D.(Bldg) was found to have reported to CPMG(Staff) in compliance of, or with reference to CPMG (Staff)'s letter No.Staff/32-16/ED-93 dated 14-11-2003 i.e., after the service of Shri Neaupaney was already put off from duty (vide C.O's No.Staff/32-16/ED/93 dated 12-11-03). Here, it reveals that this document is doubtful since the date of report of A.D.(Bldg) does not commensurate with the date of Circle Office letter referred to, therein. Further, the A.D.(Bldg) (prosecution witness), during cross examination by Defence Assistant, could not give the clear and bold answer to the following question,

Q. No.5 (DOS No.2 dated 3-4-04)

'Are you sure that the letter dated 19-9-03 (Referred to in his letter No.B-2/Misc/IB/03 dtd.26-9-03) was actually issued by you and received by Sri Hari Prasad Neaupaney ?'

Answer was 'Without consulting records, I can not say.'

ii). Document No.2 "Under list of documents: i.e. No.Staff/32-16/ED/93 dtd.8-10-03 (Calling for explanation for remaining absent from duty..... w.e.f. 14-9-03 onwards) and document No.3 i.e. No.Staff/32-16/ED/93 dtd.12-11-03 (Order for putting off Sri H. P. Neaupaney from duty w.e.f. 14-9-03) were shown as undelivered letters. Both the letters were addressed to the official at Postal I.B. Oakland, Shillong though it was known that the official remained absent there from 14-9-03. Therefore the order putting off Sri Neaupaney from duty was issued without confirmation/satisfaction that the explanation No.Staff/32-16/ED/93 dtd.8-10-03 was actually received by the charged official.

Contd....3/-

Amended  
41-0-04

10. On examination of the additional documents it was found that while the Authority was proceeding with departmental actions against the official, Sri Neaupanay was striving with life in sickbed since he was suffering from 'PERIPHERIAL NEVRALGIA & SCIATICA' which was as per Doctor a critical ailment with the joints of the backbone causing tremendous pain spreading towards lower part of the body i.e. waist and feet compelling the patient unable to walk or move.

11. Since the charged official being less educated, did not know the office Rules and procedures, even he could not call back his family members from home town due to critical illness. Moreover, his local caretaker was also an unemployed ordinary man knowing nothing of office rules. All these factors made the official failure to report to Competent Authority regarding his absence from duty in due time.

The Charged official, therefore, deserves sympathetic consideration of the Authority on humanitarian ground."

The lone Article of the Charges was unauthorized absence from duty and leaving of the station without permission of the competent authority w.e.f. 14-9-03. In the preliminary hearing itself, held on 15-3-04, Sri Hari Prasad Neaupanay, the charged official categorically admitted that he was absent from duty w.e.f. 14-9-03. But he denied the fact that he left the station without permission of the competent authority. Up to submission of written brief and in the brief itself also, the Charged official explained that he was seriously ill during the period from 14-9-03 to 11-1-04 and reported to the authority on 12-1-04 for his joining. And during the period he was under treatment and was staying in the rented house of one Sri Ram Bahadur Magar, Umpling, Shillong-6.

Sri Hari Prasad Neaupanay, could not satisfactorily explain as to why he failed to inform the competent authority about his absence, during the period of about four months (i.e., 14-9-03 to 11-1-04).

FINDINGS:-

As admitted by the charged official and from the deposition of both the witnesses (PW& DW) and all the documentary evidences the article of charges is proved that Sri Hari Prasad Neaupanay, the charged official was absent from duty without any information to the competent authority."

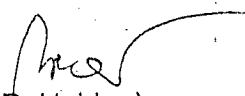
6. I have gone through the articles of charge, the imputation of misconduct and misbehaviour, the defence representation dtd.11-1-2004 submitted by the charged official on receipt of the charge-sheet, the report of the I.O. with his concluding findings, the written representation dtd.23-6-04 submitted on receipt of the copy of I.O's report as well as the relevant records of the case very carefully. I fully agree with the final findings of the I.O. stating that the article of charge is proved that Sri Hari Prasad Neaupanay, the charged official was absent from duty without any information to the competent authority. But elsewhere in his report the I.O., on the one hand opined, interalia, that the charged official deserves sympathetic consideration as he was striving with life in sickbed since he was suffering from 'PERIPHERIAL NEVRALGIA & SCIATICA' which is a critical ailment with the joints of the back bone causing tremendous pain spreading towards lower part of the body i.e. waist and feet compelling the patient unable to walk or move. On the other hand he stated that Shri H. P. Neaupanay could not satisfactorily explain why he failed to inform the competent authority about his absence during the period of long 4 months or so as he pleaded not to have left the station. From the available records like undelivered cover in respect of C.O's letter No.Staff/32-16/ED/93 dtd.8-10-03 and the A/D in respect of C.O's letter No.Staff/32-16/ED/93 dtd.12-11-03 signed by one Sri Om Nath Neapanay for Hari Neaupanay on 19-11-03, it could be guessed that the charged official left station as he was not available either at his working address or at his residential address. This idea could be deeply and more safely substantiated later, as the charged official failed to explain satisfactorily the reason of not informing the competent authority of his such serious illness either by post or through special messenger supported by medical certificate at least for the initial period of 63 days granted by the attending doctor on 14-9-03, because he was fully conscious both physically as well as virtue of his experience of service for long 7 years or so, which would not have required any personal physical

Accepted  
[Signature]  
Advocate.

movements. Evidently enough that the plea and episode engineered by the charged official appear to be fabricated in entirety and do not have any leg to stand. In view of the facts and circumstances discussed above there is hardly any scope left with the undersigned to deal with the case leniently as the charged official exhibited serious negligence of duty by causing total dislocation of service for such a long period which warrants deterrent action.

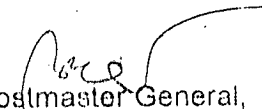
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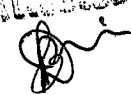
7. I, Shri B. R. Halder, Asstt. Director of Postal Services, (Staff) O/O the Chief PMG, N. E. Circle, Shillong do hereby impose the penalty of removal of Sri Hari Prasad Neaupany, GDS Masalchi, Postal I. B. Oakland, Shillong from service with effect from the date of issue of the order.

  
( B. R. Halder )  
Asstt. Director (Staff)  
For Chief Postmaster General,  
N. E. Circle, Shillong.

Copy to:-

- 1) Shri Hari Prasad Neaupany, GDS Masalchi, Postal I.B. Oakland, Shillong (Put off duty) at C/O Subash Pan Shop, Umpling, Shillong-793 006.
- 2) The A. O. Accounts, C.O., Shillong.
- 3) The Asstt. Director (Vig) C.O., Shillong.
- 4) The AAO (BGT) C.O., Shillong.
- 5) P/F of the official.

  
For Chief Postmaster General,  
N. E. Circle, Shillong.

**Attested**  
  
**Advocate.**

To

The Director Postal Services (HQ)  
O/O the Chief Postmaster General,  
N.E. Circle, Shillong-793 001. (Appellate Authority)

Through

The Asstt. Director (Staff),  
O/O the Chief Postmaster General,  
N.E. Circle, Shillong-793 001. (Disciplinary Authority)

Appellant :-

Sri Hari Prasad Neaupaney, GDS Masalchi,  
Postal I.B. Oakland, Shillong.

Sub. : Appeal against the Order of removal from Service.

Reference :- Asstt. Director (Staff), O/O the Chief Postmaster General, N.E. Circle,  
Shillong's Letter No. Staff/3-ED/PF/99 dtd. 09.8.04.

Respected Sir,

With due respect and humble submission, I beg to state that I, Sri Hari Prasad Neaupaney, GDS Masalchi, Postal I.B. Oakland, has been working in the post since 15.11.96, being appointed by the then Asstt. Postmaster General, N.E. Circle, Shillong, a Class-I Officer, vide his letter No. Staff/32-16/ED/93/ dtd.14.11.96, (Copy enclosed) continuously, without any dispute or irregularity.

That Sir, most unfortunately, what may be happened to the human beings, I fell ill seriously and suddenly w.e.f.13.9.03 (A/N) and could not attend my duty w.e.f.14.9.03. I thought I would be cured soon but day by day my illness became more serious. As detected by the physician I was suffering from 'PERIPHERAL NEURALGIA & SCIATICA' with joints of the back bone causing tremendous pain spreading towards lower part of the body i.e. Waist and feet compelling me unable to walk or move. I am staying at Shillong alone and no one is there to help me nor I could seek help from anybody as I was striving with life in sick-bed. I took shelter in my rented house owned by Sri Ram Bahadur Magar, Umpling, Shillong-6, and was under treatment of Dr. T.E. Roy at Shillong up to 10.1.04. By this time, my authority initiated Disciplinary action against me and issued Charge-Sheet vide C.O. Shillong letter No. Staff/32-16/ED-93 dtd.2.1.04. The Article of Charge was that I was absent from duty un-authorizedly w.e.f. 14.9.03. onwards and left the Station without information to the Competent Authority, in brief.

As soon as I felt something better, I rushed to my controlling authority, Asstt. Director (Staff) Circle Office, Shillong, for my joining w.e.f.11.1.04, but he did not allow me to resume my duty but initiated inquiry appointing Inquiring Authority etc.

Contd.....2





In the preliminary inquiry itself, I sincerely and most frankly admitted the fact and expressed my helpless condition what was going on me during the period I told the fact that actually I did not leave the station but I took shelter in the residence of one Sri Ram Bahadur Magar as a tenant as there was none to look after me during my critical condition.

The Inquiring Authority continued the inquiry but finally, Sri Ram Bahadur Magar, the House-Owner himself confirmed my Statement, before the Inquiring Authority.

The Inquiring Authority concluded his inquiry and held that the Article of Charges was "Proved". At the same time he opined that the Charged official deserves sympathetic consideration of the Disciplinary Authority, since he was striving with life in sickbed during the period.

The Disciplinary Authority fully agreed with the first part of findings of the Inquiring Authority, but unfortunately he did not agree with the recommendation of the Inquiring authority that the Charged official deserves sympathetic consideration of the Disciplinary Authority (vide Para 6 of the letter of the Disciplinary Authority under reference) and snatched away the smallest job of my Bread-earning.

My respected Disciplinary Authority did not consider helpless condition of a poor fellow during his serious illness, he did not consider undisputed service of (7) Seven years, he did not allow his subordinate even to draw subsistence allowance during Put-off period as admissible as per Rules, he did agree with the recommendation of the Inquiring Authority appointed by himself, but desired to snatch away the poor job of a Gramin Dak Sevak, like me.

And thus he imposed the penalty of 'Removal' upon me vide Order under reference, while I was appointed by the then Asst. Postmaster General, a class-I Officer, already mentioned above.

I therefore request you Sir, kindly to consider my case and to reinstate me as early as possible for which kind of action I shall remain ever grateful.

- Enclo. i) A copy of the Appointment letter.  
ii) A copy of the Memo. No. Staff/3-ED/PF/99.  
Dtd. 09.8.04.

Yours faithfully

(Hari Prasad Neaupaney)  
GDS Masalchi, Postal I.B.  
Oakland, Shillong-1

Advance copy to: Sri A. Walia, Director Postal Services (HQ), O/O the Chief Postmaster General, N.E. Circle, Shillong-793 001, for his kind information & necessary action.

(Hari Prasad Neaupaney)

Attested  
Advocate.