

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No... 21/2005

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet.....Pg... 01.....to... 03.....
2. Judgment/Order dtd... 10.08.2006 Pg... 01.....to... 04.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....Pg... 01.....to... 31.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg... 01.....to... 24.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

31/12/17

FORM No.4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. _____

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants: Arjun Kumar Singh

Respondents K. O. I. Jena

Advocates for the Applicant S. S. Goswami, D. Goswami

Advocates of the Respondents Case A. K. Chaudhury

Notes of the Registry Date _____ Order of the Tribunal

28.1.2005

Heard Mr. D. Goswami, learned counsel for the applicant.

Issue notice to show cause as to why the application shall not be admitted.

List on 2.3.2005 for admission.

Any appointment to the posts of DMMS drivers shall be subject to the outcome of the O.A.

K. Prasad
Member (A)

Present: Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

Heard Mr D. Goswami, learned counsel for the applicant. Mr A.K. Chaudhuri, learned counsel for the respondents 1, 2 and 3 seeks time for filing reply. Post on 6.4.2005.

G. Sivarajan
Vice-Chairman

nkm

This application is a form
is filed C.F. for the
deposited with P. BD
No. 209/17919

Dated 27.1.05

He D. S. 27.1.05
mb

list of date submitted
to mm...

page 20 is not visible

mb

2.3.2005

Notice & order
sent to D/section
for issuing to
resp. Nos. 1, 2 & 3
by regd. A/D post.

7/2/05 Notice duly served
on resp. Nos. 1, 3.

O.A.21/2005

5-4-05

6.4.2005

Mr. A.K. Chaudhuri, learned C.G.S.C. seeks further time to file written statement. Post on 27.4.2005.

Vice-Chairman

bb

26-4-05

27.4.2005

Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents submits that one more opportunity is required to file written statement List on 25.5.2005. No opportunity shall be given for that purpose.

Vice-Chairman

mb

20.6.05

25.5.2005

On the plea of Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. four weeks time is allowed to file written statement as the same has been sent for vetting. Post on 24.6.2005.

Member

bb

24.6.2005

Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents submits that written statement has been filed today. Mr. D. Goswami, learned counsel for the ~~respondents~~ applicant submits that he is required time to go through the written statement and to file ~~written~~ rejoinder. Post on 29.7.2005.

Vice-Chairman

mb

Office work saved

R-10, 1, 3

No reply has been

given.

Da

No w/s has been

filed.

Da

24-5-05

No w/s has been filed.

Da

W/s filed by the Respondents.

Da

① W/s has been filed.

② No rejoinder has been filed.

28.7.05

3

O.A.21 of 05

29.7.05.

Mr. S. S. Goswami learned counsel for the applicant is not present. Mr. A. K. Choudhury, learned Addl. C.G.S.C submits that the written statement has already been filed. Post the matter for hearing on 11.8.05.

① Wks has been filed.

770
10.8.05

[Signature]
Member

[Signature]
Vice-Chairman

lm

11.8.05 There was a reference. D.B.
to next D/B.

2070

29.8.06

Copy of the order
has been collected
by the L/Advocate
for the applicant and
copy of the same has
been handed over
to the Addl. C.G.S.C for
his report.

Received
Alba Das
Addl C.G.S.C
29/8/06

10.8.2006

Heard learned counsel for the parties. Hearing concluded. Order is passed in open Court, kept in separate sheets.

The O.A. is disposed of in terms of the order. No costs.

[Signature]
Member (A)

[Signature]
Vice-Chairman

bb

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 21 of 2005

DATE OF DECISION 10.08.2006

Sri A.K.Singh

Applicant/s

Mr.S.S.Goswami

Advocate for the

Applicant/s.

- Versus -

U.O.I. & Ors.

Respondent/s

Ms.U.Das, Addl.C.G.S.C.

Advocate for the

Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN

THE HON'BLE MR. GAUTAM RAY, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

Vice-Chairman/Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 21 of 2005.

Date of Order: This, the 9th day of August 2006.

THE HON'BLE MR. K.V.SACHIDANANDAN, VICE CHAIRMAN

THE HON'BLE MR. GAUTAM RAY, ADMINISTRATIVE MEMBER

Shri Arun Kumar Singh
Driver, Department Mail Motor Service
Nagaland Postal Division, Kohima.

..... Applicant.

By Advocates S/Shri S.S.Goswami & D.Goswami.

- Versus -

1. Union of India
Through the Secretary
Department of Posts, Govt. of India
New Delhi.
2. The Chief Postmaster General
N.E. Circle
Shillong-.
3. The Director of Postal Services
Nagaland Division
Kohima.

..... Respondents.

By Ms.U.Das, Addl. C.G.S.C.

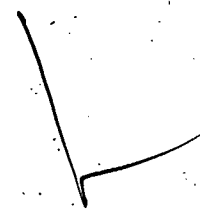
O R D E R (ORAL)

SACHIDANANDAN, K.V., (V.C.):

The applicant was appointed as Driver on causal basis in the Departmental Mail Motor Service, Nagaland


✓

Division, Kohima on 16.2.2000 (Annexure-1). While so, he was asked to explain the reason for excessive consumption of various consumables in the vehicle he was driving. According to applicant, he replied verbally that consumption of lubricants was not excessive but the quantity used was absolutely necessary to maintain the inspected vehicle in good and running condition. Vide Annexure-4 he was transferred to Mokokchung. Immediately the said transfer order was cancelled by Annexure-5 order. But after serving as Driver on casual basis for more than 4 years, much to his surprise and dismay on the same day of cancellation of transfer order, he was terminated from service vide order dated 9.2.2004 with immediate effect. According to the applicant, such major punishment of termination of service without affording any opportunity of being heard is in violation of the principles of natural justice. Against the termination order the applicant submitted a representation before the respondents 2 & 3. But vide letter dated 4.8.2004 it was conveyed that the decision of the third respondent is final and no authority can sit on appeal, hence no appeal lies against his termination order. Hence, this Original Application seeking the setting aside of the impugned transfer order dated 9.2.2004 and also for subsequent reinstatement and absorption in service.



2. The respondents have filed a detailed reply statement contending that the applicant failed to give any explanation/reply to the show cause dated 4.7.2003 even after expiry of six months time. Verbal explanation has no meaning. A casual Driver cannot claim employment as a matter of right. His engagement was terminated and therefore, there was nothing wrong in such a termination, as the CCS (CCA) Rules 1965 are not applicable in the applicant's case. Since Head of the Division is the final authority no appeal can be entertained.

3. We have heard Mr. S. S. Goswami, learned counsel for the applicant and Ms.U.Das, learned Addl.C.G.S.C. for the respondents. We have also given due consideration to the evidence and materials placed on record. The grievance of the applicant is that he was not given an opportunity to defend his case before terminating his service and hence the order of termination issued by disciplinary authority is bias and in violation of principles of natural justice. Appeal was preferred which was also turned down. In Annexure-9 it is clearly stated, "*for termination of the service of a casual Driver, Head of Division is the final authority. Hence, no appeal lies in this case.*" Counsel for the applicant submits that he will be satisfied if a direction is issued to the Chief Postmaster General to consider his representation and dispose of the matter. Ms.U.Das, Addl.C.G.S.C. submits




that due procedure have been complied with and the applicant has no legal right to claim the appeal to be considered.

5. However, in the interest of justice, since no enquiry was conducted, only notice was issued and his representation was also not considered, we are of the view that some injustice have been done to the applicant while adopting such procedure by the respondents. Therefore, the applicant is directed to file a comprehensive representation before the second respondent within a month from today and on receipt of such representation the said authority shall consider the same with available evidence and materials on record notwithstanding the fact that the said authority is the appellate authority or not, being the Head of the Department there must be transparency in every action. The aforesaid exercise shall be completed by the respondents within a period of three months from the date of receipt of such representation.

The Original Application is disposed of as above.

There will be no order as to costs.

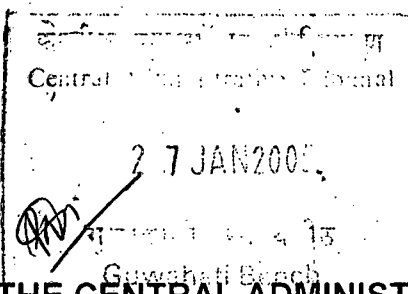


(GAUTAM RAY)
ADMINISTRATIVE MEMBER



(K.V. SACHIDANANDAN)
VICE CHAIRMAN

/bb/



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI

TITLE OF THE CASE O.A. NO. 20 OF 2005

BETWEEN

Shri. Arun Kumar Singh,
Driver, Department Mail Motor Service,
Nagaland Postal Division, Kohima.

.....Applicant

- Versus -

The Union of India & Others.

....Respondents.

I N D E X

SI.NO.	PARTICULARS	DATES	PAGE NO.
1.	Application		1- 12
2.	Verification		13
3.	Annexure : 1		14
4.	Annexure : 2		15-16
5.	Annexure : 3		17-18
6.	Annexure : 4		19
7.	Annexure : 5		20
8.	Annexure : 6		21
9.	Annexure : 7		22- 24
10.	Annexure : 8		25
11.	Annexure : 9		26
12.	Annexure : 10		27
13.	Annexure : 11		28 - 29
14.	Annexure : 12		30
15.	Annexure : 13		31

Filed by: Dipen Gommans
Advocate

Arun Singh

Filed by
Dipen Goswami
Asst. Secy

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI
An application Under section 19 of the Central Administrative
Tribunal Act, 1985)

ORIGINAL APPLICATION NO. 201 OF 2004

B E T W E E N

Shri. Arun Kumar Singh
Driver Department Mail Motor Service,
Nagaland Postal Division, Kohima.

... Applicant

A N D

1. The Union of India, through the Secretary,
Department of Posts, Govt. of India
New Delhi.
2. The Chief Postmaster General, NE Circle,
Shillong.
3. The Director of Postal Services,
Nagaland Division, Kohima.

.....Respondents.

Arun Singh

PARTICULARS OF THE APPLICATION

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

The application is directed against the

(i) Order No. G 2/MMS-TATA-407/DPT, dated 9.2.2004 (Annexure-6), issued by the Respondent No.3 thereby terminating the appointment of the applicant as Department of Mail Motor Service Casual Driver with immediate effect.

2. **JURISDICTION OF THE TRIBUNAL:**

The applicant declares that the instant application has been filed within jurisdiction of this Hon'ble Administrative Tribunal.

3. **LIMITATION:**

The Applicant further declares that the application is filed within the limitation period prescribed under section 21 of the Central Administrative Tribunals Act, 1985.

4. **FACTS OF THE CASE:**

4. 1. That, the Applicant is the citizen of India and permanent resident of Nagaland and as such he is entitled to all the rights, protections and privileges guaranteed by the Constitution of India and other laws and Rules being enforced from time to time.

4.2. That, the applicant desires to draw the attention of this Hon'ble Tribunal on the facts as to how he has been deprived of his service to the post of Driver on casual basis in the Department Mail Motors Service, Nagaland Division without giving an opportunity of being heard and show cause Notice for termination of his service as driver.

Arun Singh

4.3. That, the applicant was appointed as Driver on Casual basis in the Department of Mail Motor Service, Nagaland Division, Kohima vice Shri. Prem Bahadur which was issued by the Director of Postal Services Nagaland vide order No.G-2/MMS-TATA-407/DPT dated 16.2.2000. And subsequently the applicant joined in the service as DMMS Driver on 21.2.2000.

The appointment order dated 16.2.2000 and joining report are annexed hereto and marked as **ANNEXURE-1 & 2.**

4.4. That, while the applicant was discharging the service as driver of Inspection Vehicle of DPS, Kohima the Superintendent of Post Offices (HQ) vide his letter No.A-2/Gypsy/MTC/NP/99 dated 4.7.2003 directed him to explain the reason for high consumption of Oil and coolant of the Inspection Vehicle No.NL 10/3015. And immediately thereafter the applicant had verbally explained to the Director of Postal Services and the Superintendent of Post Offices (HQ) about the consumption of lubricants which was not excessive but the quantity used was absolutely necessary to maintain the inspection vehicle in good and running condition and the respondents were satisfied with his verbal explanation and did not press submission for any written explanation of the matter.

The letter dated 4.7.2003 is annexed hereto and marked as **ANNEXURE - 3.**

4.5. That, on 30.1.2004, the Director of Postal Services vide order No. Rotational Transfer/2004 issued a transfer and posting order in the interest of service with immediate effect and the service of the applicant as Departmental Mail Motor Service (hereinafter referred as DMMS for short) Driver who was holding as Casual Driver of Inspection Vehicle of DPS, Kohima was transferred and posted as DMMS, Driver of

Arun Singh

Mokokchung - Zunheboto - Mokokchung route vice Shri. Ketoulhoulie Rio.

The transfer and posting order dated 30.01.2004 is annexed hereto and marked as ANNEXURE - 4.

4.6. That, on 9.2.2004 the Director vide order No. Rotation/Transfer/2004 issued that the aforesaid transfer and posting order of the applicant was cancelled stating that there is no sanctioned post of driver exists in Nagaland Division except for one post of driver at Dimapur. And the procedure adopted earlier in regard of appointment/engagement of casual DMMS driver were not in conformity with rules.

The cancellation of Transfer and posting order dated 9.2.2002 is annexed hereto and marked as ANNEXURE - 5.

4.7. That, the applicant after serving as driver on Casual basis more than 4(four) years, to the surprise of all and dismay on the same day of cancelling the Transfer and Posting of the applicant, the Director of Postal Services Nagaland vide his order No. G-2/MMS-TATA-407/DPT dated 9.2.2004 order to the effect that his appointment as Casual Driver DMMS has been terminated with immediate effect coupled with a direction to vacate the temporary accommodation in the Postal Colony, Kohima and hand over the same to Shri. Prem Kumar Singha, the new incumbent driver of DPS Inspection Vehicle within 7 (seven) days. It is further directed to clear all outstanding due/advance latest by 11.02.2004.

The termination order dated 9.2.2004 which is hereby impugned and marked as ANNEXURE - 6.

Arun Singh

4.8. That, it is respectfully submitted that the applicant had given sufficient and valid explanation (verbal) against letter dated 4.7.2003 in respect of high consumption of Oil and Coolant immediately on receipt of the letter asking for such explanation to the respondents.

It is also submitted the respondent without giving any opportunity of being heard to the applicant to explain his position and advance his defence against the action of termination being undertaken by the respondents had resorted to such major punishment in violation of the principles of Natural Justice and the same is bad in law and termination without initiating disciplinary proceedings is illegal and arbitrary.

4.9. That, it is submitted that the respondent never demanded further explanation as regards the alleged High Consumption of Oil and Coolant nor written explanation was insisted by Superintendent of Post Offices (HQ) nor by the Director after the satisfactory verbal explanation was given.

4.10. That, on 12.2.2004 as being aggrieved by the arbitrary, illegal and unjust order termination issued by the Director of Postal Services Nagaland without any rhyme or reason, the applicant had made representation to the Chief Postmaster General North East Circle, Shillong and the Director Postal Services, Nagaland through proper channel to revoke the termination order and for reinstatement to his service on the grounds that,

- i) the details of the consumption of coolant and lubricants during the period from 27.1.2003 to 24.6.2003 which covered the total distance by the inspection vehicle is 5911 Kms is not unusually high.

Arun Singh

ii) the allegation of failing to submit an explanation for excessive consumption of coolant Mobil Oil, Brake Oil, Gear Oil etc. was baseless. The applicant had verbally explained to the Director and Superintendent about the consumption of lubricants which was not excessive but absolutely necessary to maintain the inspection vehicle in good and running condition and both the officers were satisfied and did not press the applicant for written explanation. The fact that no reminder was issued to the applicant after a lapse of several months shows that the matter was closed.

The representation dated 12.2.2004 so submitted to the Chief Postmaster General NE Circle, Shillong is annexed hereto and marked as ANNEXURE -7.

4.11. That, on 15.4.2004 the applicant made a another representation to the Chief Postmaster General NE Circle, Shillong for early disposal of the appeal dated 12.2.2004 against the order of termination of his service by revoking the illegal order of the Director Postal Services whereby terminating the service of the applicant.

The representation dated 15.4.2004 is annexed hereto and marked as ANNEXURE - 8.

4.12. That, the Applicant states that to the surprise of all and dismay, the Assistant Director (Staff) for Chief Postmaster GENERAL, N.E.CIRCLE- Shillong sent a letter dated 4.8.2004 bearing No. Staff/ 109-8/04 conveying that the decision of the Director of Postal Services, Nagaland Division is final and no authority can sit on appeal, hence no appeal lies against his termination order.

Arun Singh

The letter dated 4.8.2004 thereby rejecting the appeal of the applicant is annexed hereto and marked as **ANNEXURE-9**.

4.13. That, had it not been for the arbitrary and illegal termination of the service of the applicant by the respondent No.3, being the senior most among the casual drivers in Nagaland Postal Division, the applicant would become the first casual driver eligible for absorption in service on regular basis, if any vacant post of driver arises or is created. There was one such precedent in the post. One Shri. R.S.Murugan casual driver was appointed as Inspection vehicle driver on regular basis by the Director of Postal Services, Nagaland vide memo No.B2/ Appt/Driver dated 9.9.1997.

The letter dated 9.9.1997 appointing Shri. R.S.Murugan as inspection vehicle driver is annexed hereto and marked as **ANNEXURE -10.**

4.14. That, there is instruction contained in Postal Directorate's letter No. 37-29/88-SPB-1 dated 28.7.1992 that against 50% quota of vacancies meant for outsiders, recruitment of drivers may be made only from amongst those drivers already appointed in the department on casual basis.

The letter dated 28.7.92 is annexed hereto and marked as **ANNEXURE -11.**

4.15. That, in the recent past 3 posts of DMMS drivers were created for Nagaland Postal Division by abolishing 3 posts of Postmen by CPMG NE Circle, Shillong order No.Est/2-64/Rlg/Gorr/92 dated 8.7.2004.

Arun Singh

The creation of 3 posts of drivers order dated 8.7.04 is annexed hereto and marked as ANNEXURE-12.

4.16. That, necessary orders for creation of 3 posts of DMMS drivers and abolition of 3 posts of Postmen in Nagaland Postal Division were issued by Director of Postal Services, Nagaland in his order No. A-1/

Abolition-Creation/NL dated 21.7.2004. The Respondent No.3 now tries to fill up the posts on 29.1.2005 towards the extreme prejudice of the petitioner.

The creation and abolition order dated 21.7.2004 is annexed hereto and marked as ANNEXURE- 13

4.17. That, the applicant state that having failed in all respect to get the appointment, the Applicants have now come under the protective hands of this Hon'ble Tribunal. The applicant had been made to suffer immensely by terminating his appointment. The petitioner will be highly prejudice if at least one post is not kept vacant.

4.18. That, this application has been filed bonafide and to secure the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

I) BECAUSE, no Departmental Enquiry was initiated against the applicant for inflicting any punishment whatsoever as laid down under the provisions of law.

(II) BECAUSE, there is no report of enquiry against the applicant basing on which the impugned termination order was issued by the Respondent No.3.

(III) BECAUSE, no opportunity of being heard was accorded to the applicant to explain his position and advance his defence against the action of termination being under taken by the respondents.

Amun Singh

(IV) BECAUSE, sufficient and valid explanation (verbal) was given against letter dated 4.7.2003 in respect of high consumption of Oil and Coolant immediately on receipt of the letter asking for such explanation.

(V) BECAUSE, no further explanation was demanded as regards the alleged High Consumption of Oil and Coolant nor written explanation was insisted by Superintendent of Post Offices (HQ) nor by the Director after the verbal explanation was given as aforesaid.

(VI) BECAUSE, the verbal explanation is satisfied and the impugned termination order is issued after thought in order to fill up the post being held by the applicant with the candidate of their choice.

(VII) BECAUSE, the impugned termination order was issued on the same date of cancelling the transfer and posting order of the applicant without application of mind and in a perfunctory manner.

(VIII) BECAUSE, the impugned termination order was issued in violation of the principles of Natural Justice.

(IX) BECAUSE, the impugned termination order was violative of the provisions of Article 14 and 16 read with Article 311 of the Constitution of India inasmuch as no opportunity of being heard was accorded to the applicant nor enquiry was held against any alleged misconduct or offence.

(X) BECAUSE, the applicant has a right to continue in the service of DMMS as DMMS Casual Driver inasmuch as he was appointed on regular pay scale and holding in the same capacity for more than 4 (four) years.

Arun Singh

- 10 -

XI) BECAUSE, the applicant has not committed any offence in the course of his employment thereby warranting infliction of disciplinary action and termination from the service.

XII) BECAUSE, in any view of the matter, the impugned action of the respondents is arbitrary, illegal and violative of the principles of natural justice and accordingly, the applicant is entitled to the reliefs sought for in this application.

XIII) BECAUSE, in any view of the matter the impugned termination order is bad in law.

6. **DETAILS OF REMEDIES EXHAUSTED:**

That, the applicant was given sufficient and valid (verbal) explanation against the alleged of High Consumption of Oil and Coolant against the letter dated 4.7.2003 to the Respondent No.3. The Respondent No.3 thereafter did not demand further explanation in written nor show cause notice was issued to the applicant. The applicant was not given an opportunity of being heard to defend his case and he was terminated on the alleged High consumption of Oil and Coolant. The applicant's representations and appeals had been rejected stating that no appeal lies against the decision of the respondent No.3.

On the other hand immediate interference of this Hon'ble Tribunal is prayed for in as much as the Respondents had taken up step to fill up the post being held by the applicant. In view of the above there is no other alternative remedy to exhaust except to approach the Hon'ble Tribunal for interference in the matter with an appropriate direction.

Arun Singh

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

No Case involving the same subject matter has been filed before any Court/Tribunals by the applicant.

8. **RELIEFS SOUGHT FOR:**

Under the facts and circumstances stated above, the applicant most respectfully prayed that the application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the relief sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs:

8.1. Quash and set aside the letter dated 9/2/2004 issued by the Director of Postal Services, Nagaland Division, Kohima thereby terminating the services of the applicant saying that the appointment of the applicant (Annexure-6) was illegal, malafide in the eyes of law.

8.2. Direct the respondents No.1, 2 and 3 to reinstate the applicant and absorb him on regular basis against one of the 3 newly created posts of DMMS drivers for Nagaland Postal Division.

8.3. Cost of the application for forcing the applicant to approach this Hon'ble Tribunal in a most compelling manner.

8.4. Any other relief or reliefs to which the Applicant is entitled under the facts and circumstances of the case and deemed fit and proper by this Hon'ble Tribunal.

9. **INTERIM ORDER PRAYED FOR:**

Arun Singh

In the Interim direct the respondents not to fill up 3 newly created posts of DMMS drivers for Nagaland and further stay the operation of the impugned termination order dated 9.2.2004 (Annexure-6) and allow the applicant to continue in the service.

10.

The application is filed through Advocate.

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

1. I.P.O. No. : 204 - 4117919
2. Date : 27-1-05
3. Payable at : Guwahati

12. **LIST OF ENCLOSURES :**

As stated in the Index.

Arun Singh

VERIFICATION

I, Arun Kumar Singh, aged about years, s/o Robindra Singh do hereby solemnly affirm and verify that the statements made in paragraphs are true to the best of my knowledge and those made in paragraphs are also true to my information and the rest are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this 27th day of January 2005

Signature.

Arun Singh

DEPARTMENT OF POSTS INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND KOHIMA-797001

No:G-2/MMS-TATA-407/DPT

Dated at Kohima the 16.02.2000.

Shri. Arun Singh, S/O. Shri. Robindra Singh is hereby provisionally appointed as Driver on casual basis in the Departmental Mail Motor Service, Nagaland Division, Kohima vice Shri. Prem Bahadur. He shall be paid at the rate of 1/30th of pay per day at minimum of scale of pay of Rs. 3050-70-4590 in addition to allowances admissible from time to time.

The expenditure is debitable to the head of account 01.101.03. Wages.

This appointment shall not entitle Shri. Arun Singh to claim the employment as a matter of right and the undersigned reserves full right to terminate or modify this order without any prior notice.

241-
(F.P. Solo)
Director Of Postal Services
Nagaland: Kohima-797001

Copy to;

1. The Postmaster, Kohima HO for inf. & n/a.
2. The DA(P), Calcutta (through the PM, Kohima HO)
3. The SPM, Dimapur S.O. for information and n/a.
4. The SDPOs, Dimapur Sub-Division for information.
5. The Staff Branch, Divl. Office, Kohima for inf. and n/a.
6. Shri. Arun Singh, C/O. Shri. Sujit Singh, Telephone Exchange, Kohima-797001 for inf.
7. Office Copy.

REGISTERED

17/2/00
(F.P. Solo)
Director Of Postal Services
Nagaland: Kohima-797001

Arun Singh

भारतीय डाक विभाग
DEPARTMENT OF POSTS INDIA

भारतीय डाक विभाग (भारत) नियम 267, डाक-तार वित्त पुस्तिका का खण्ड 1, द्वितीय संस्करण)
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume 1, Second Edition)

Olmapur - 737113

चार्ज को बदली पर चार्ज रिपोर्ट और नकदी और स्टिकटों की रसीद
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि

Certified that the charge of the office of *MMS Officer*

was made over by (name)

Arun Singh

(नाम) को
to (name)

स्थान
at (place) *Olmapur*

तारीख को पूर्वाह्न में
on the (date) *21-2-2000* *पिछे* *after* noon in accordance with

सं.
No.

तारीख
Dated

के अनुसार दे दिया।
from

भारतवर्त अधिकारी
Relieved Officer

Arun Singh
भारतवर्ती अधिकारी
Relieving Officer

(पूरा पूरा उम्मीदें)
(P. T. O.)

Arun Singh

Arun Singh

*प्रमाणित किया जाता है कि आज के दिन इस कार्यालय की अनेक पुस्तकों के बकाया (स्टॉक पुस्तक और रजिस्ट्रों समेत) और लेखाओं की जांच की और उन्हें ठीक पाया
*Certified that the balances of this date of the several books (including Stock Book and Registers) and accounts of the office have been checked and found correct.

*प्रमाणित किया जाता है कि निम्नलिखित बकाया मुझे भारमुक्त अधिकारी ने सौंप दिए और मैं इनके लिए जिम्मेदार हूँ।

*Certified that the balances as detailed below were handed over to me by the Relieved Officer and I accept the responsibility for the same.

रु०
Rs.

प०
P.

(अ) नकदी/Cash

(ब) अग्रदाय टिकट/Stamp Imprest

जिसमें ये शामिल है :-

Made up of :-

(1) टिकट/Stamps

(2) नकदी/Cash

भारमुक्त अधिकारी
Relieved Officer

भारप्राप्ती अधिकारी
Relieving Officer

तारीख

Dated the

19

19

Forwarded to

Amra Singh को भेजा गया

*जब प्रमाण-पत्र की आवश्यकता नहीं हो इसे काट दिया जाए।

*The Certificate when not actually required may be scored through.

[28-90/68-MT]

MOITBF (MTC)-93/ISD/CAL/93-94- 30 Lakh Coplan.

Amra Singh

-17
ANNEXURE -3 162/4
22

DEPARTMENT OF POST : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA-797 001

No: A-2/Gypsy/MTC/NP/99

Dated at Kohima the 04-07-2003

To,

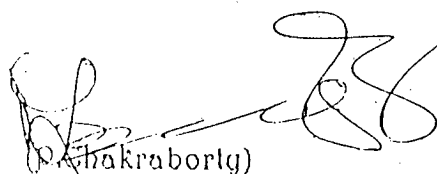
The Driver,
Inspection Vehicle No. NL-10/3015
Kohima, Nagaland-797 001

Sub:- HIGH CONSUMPTION OF OIL AND COOLANT.

It has been observed that the consumption of Coolant and Oil like Mobil Oil, Gear Oil, Brake Oil, etc, by the Inspection Vehicle is abnormally high.

You are therefore, asked to explain the reason for the high consumption of such consumables by the Inspection Vehicle driven by you.

Arun Singh


(P. Chakraborty)
Superintendent of Post Offices (HQ)
For Director of Postal Services
Nagaland, Kohima-797 001



ANNEXURE - 4

Details of consumption of Coolant & lubricants between January 2003 and June 2003.

<u>Date</u>	<u>Coolant</u>	<u>M.Oil</u>	<u>Brake Oil</u>	<u>Gear Oil</u>	<u>Remarks.</u>
27-01-03	.05				
08-02-03	1.00			0.05	
17-02-03	0.05	1.00	0.25	1.00	
18-02-03		0.50			
22-02-03	0.50				
03-03-03	0.50				
13-03-03	1.50	3.00		4.00	Servicing carried out M.oil changed.
28-03-03	0.50				
08-04-03	0.50				
10-04-03	1.00				
18-04-03	1.00		0.50		
18-05-03	1.00		0.50		
23-05-03	1.00				
19-06-03	0.50				
24-06-03	1.50			4.00	Servicing M.oil changed.
	10.60 ltrs.	4.50	1.25	9.05	

UMR on 19-02-03 = 43,500/-
CMR on 21-06-03 = 49,411/-

Arun Singh

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND, KOHIMA - 797001.

Non-Notational Transfer/2004

Dated at Kohima the 30.01.04

in the interest of service

1. The following order of transfer and posting is hereby issued with immediate effect :-
 - i) Shri. Prem Kumar Singha, DMMS casual driver of Dimapur - Kohima - Mao line is transferred and posted as casual driver of inspection vehicle of DPS, Kohima vice Shri. Arun Kumar Singh transferred.
 - ✓ ii) Shri. Arun Kumar Singh, DMMS casual driver presently working as casual driver of inspection vehicle of DPS, Kohima is transferred and posted as DMMS, casual driver of Mokokchung - Zunheboto - Mokokchung route, vice Shri. Ketoulhoulie Rio.
 - iii) Shri. Ketoulhoulie Rio, DMMS casual driver presently working as casual driver of Mokokchung - Zunheboto - Mokokchung line is transferred and posted as DMMS, casual driver of Mokokchung - Tuensang - Mokokchung route, vice Shri. Yansamong Yimchunger transferred.
 - iv) Shri. Yansamong Yimchunger, DMMS casual driver presently working as casual driver of Mokokchung - Tuensang - Mokokchung line is transferred and posted as DMMS, casual driver of Mokokchung - Mariani - Mokokchung route, vice Shri. Takuchuba ~~As transferred~~.
 - v) Shri. Takuchuba Ao, DMMS casual driver presently working as casual driver of Mokokchung - Mariani - Mokokchung line is transferred and posted as DMMS, casual driver of Mon - Sonari - Mon route, vice Jitendra Mech transferred.
 - vi) Shri. Jitendra Mech, DMMS casual driver presently working as casual driver of Mon - Sonari - Mon line is transferred and posted as DMMS, casual driver of Dimapur - Kohima - Mao route, vice Prem Kumar Singha transferred.
2. All concerned casual drivers whose names finds mention in this transfer list should join on their new assignments latest by 09.02.2004. No request for change in the route allotted to them will be entertained and the order has to be complied latest by 09.02.2004, as indicated earlier.

(Rakesh Kumar)

Director of Postal Services

Nagaland, Kohima - 797001.

Copy to :-

- 1) The Post Master, Kohima H.O for inf. & n/a.
- 2) The SPM, Dimapur, Mokokchung, Mon, Tuensang & Zunheboto for inf. They are requested to release their respective drivers within the due date.
- 3) The SDI PO, Mokokchung for inf. & n/a.
- 4) Shri. R.S. Murugan, DMMS driver, Dimapur for inf.
- 5) O/C.

Arun Singh

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA - 797001.

No. Rotational Transfer/2004.

Dated at Kohima (the 09.02.04)

The transfer and posting order of DMMS casual driver issued by this office memo of even No. dtd. 30.01.04 is hereby cancelled, as no sanctioned post of driver exists in Nagaland Division except for one post of driver at Dimapur.

2. Further, it is also seen that the procedure adopted earlier with regard to engagement of casual DMMS drivers were not in conformity with rules. Therefore, following procedure is to be adopted in future with regard to casual drivers.

--a) Casual drivers will not be entitled for Pro-rata Pay & allowances for Sundays, Holidays, or for days on which vehicle has not plied.

--b) Casual Drivers will not be allowed to work for more than 180 days at a stretch. Their contractual engagement will be terminated if at least 15 days in every six months.

--c) Their Pro-rata Pay & allowances will be paid to them on ACB-17 by the SPM concerned for actual number of days for which the vehicle has actually plied.

3. It may be ensured that the above guidelines are followed in totality & no deviation will be acceptable to this office & in case of its violation the concerned SPM will be held responsible & accountable.

Cancelled

Arun Singh

S. K.
(Rakesh Kumar)

Director Of Postal Services.
Nagaland, Kohima - 797001.

Relined
Copy to :-

1. The Post Master, Kohima H.O. for inf. and f/a.
2. The SPM, Dimapur, Mokokchung, Mon. Tuensang & Zunheboto for inf.
3. The SDI PO, Mokokchung for inf.
4. Shri. Prem Kumar Singha/Shri. Arun Kumar Singh/Shri. Ketoulhoulie Ruo/Shri. Yansam ong Yimchungar/Shri. Takuchuba Ao/Shri. Jitendra Mech.
5. Shri. R.S Murugan, DMMS Supervisor, Dimapur for inf.
6. O/C.

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND: KOHIMA-797001.

No.G-2/MMS-TATA-407/DPT

Dated at Kohima the (09.02.2004)

To,

Shri. Arun Kumar Singh,
Casual Driver,
Kohima-797001.

9/02/04

Sub:- Termination of Engagement as DMMS Casual Driver:

1. This is with reference to this Office letter No. A-2/Gypsy/MTC/NP/99 dated 04.07.2003, vide which you were asked to submit your explanation for excessive consumption of Coolant, Mobil Oil, Brake Oil, Gear Oil etc. But, it is seen that you have failed to respond to this explanation letter even during last six months.

2. After careful consideration of the case and taking all facts into account, it is seen that the consumption of different consumable like coolant, Mobil Oil, brake Oil, Gear Oil etc. was excessive and way beyond the prescribed parameters for the Vehicle. Further, you have failed to respond to the explanation letter dated 04.07.2003 during last six months, which shows that you have nothing to say in the matter and establishes the fact that, service rendered by you as a casual driver was highly unsatisfactory. Therefore, your engagement as a DMMS Casual Driver is hereby terminated, with immediate effect.

3. You are further directed to vacate the temporary accommodation given to you in the Postal Colony, Kohima and hand over the same to Shri. Prem Kumar Singh, the new casual driver of DPS Inspection Vehicle, within next seven days. You are also directed to clear all outstanding dues/advance in your name latest by 11.02.04.

Arun Singh

No. Mr. Singh's signature on me

(Rakesh Kumar)

Director Of Postal Services
Nagaland, Kohima - 797001.

To

The Chief Postmaster General,
NE Circle,
Shillong-793001

Through proper Channel

Sub: - Appeal against the order of Termination of service.

Sir,

Being aggrieved by the arbitrary, illegal and unjust order of Director of Postal Services, Nagaland in terminating my service as inspection vehicle driver without any rhyme or reason vide order no. G-2/MMS- TATA-407/ Dated 9-2-04, I make this humble appeal to you for your kind and sympathetic consideration.

2. That sir, I was appointed as driver in the Department vide DPS Nagaland order No. G-2/MMS-TATA-407/DPT dated 16-2-2000. A photo copy of the appointment order is annexed herewith as Annexure 1. I assumed charge of MMS driver on 21-2-2000. a photo copy of the charge report is annexed as Annexure-2

3. That sir, since my appointment I have been serving as inspection vehicle driver to the best of my ability and to the complete satisfaction of my superiors. That sir, I used to perform duties willingly even on Sundays and holidays, whenever I was asked, without any extra remuneration or compensatory off.

4. That sir, to my utter surprise, I was asked to explain the reason for high consumption of coolant and lubricants vide DPS Nagaland letter No. 4-7-03. A copy of the said letter is annexed herewith as Annexure-3. The actual consumption of coolant and lubricants between January 2003 and June 2003 is as follows:-

Sl. No	Lubricant	No of litres Consumed
1	Coolant	10.6 litres
2	M. Oil	4.5 litres
3	Brake oil	1.25 litres
4	Gear oil	9.5 litres

5. That sir, the details of the consumption of coolant and lubricants during the period are annexed herewith as Annexure-4. That the total distance covered by the inspection vehicle during the same period is 5911 kms. That sir, if you compare the two, consumption of coolant and lubricants during the period is not unusually high.

6. That sir, I had verbally explained to the Director of Postal Services and also the then Superintendent of Post Offices (HQ) about the consumption of lubricants which was not excessive but absolutely necessary to maintain the inspection vehicle in good and running condition. Both the

Arun Singh

officers were satisfied with my verbal explanation and did not press for written explanation. The fact that no reminder was issued to me even after a lapse of more than 6 months shows that the matter was closed.

7. That sir, even then not wanting to displease Director Postal Services and at the same time not wanting to damage the vehicle, I used to purchase coolant and other lubricants from my pocket but did not claim reimbursement. This fact can be ascertained from history sheet or relevant records of the inspection vehicle.

8. That sir, inspite of performing my duties sincerely and my best efforts not to displease him, Director of Postal Services was always trying to find fault with your humble petitioner. Sensing some trouble, I had requested DPS, Nagaland to send me to Dimapur if I were to be transferred out of Kohima. But instead of sending me to Dimapur, he transferred me to Zunheboto to drive DMMS van between Zunheboto and Mokokchung. A copy of the transfer order is annexed as Annexure-5. That sir, it is a known fact that it is not safe for an outsider like me to regularly drive the mail van on the route.

9. That sir, I accompanied the DPS to Shillong for attending meeting at CO on 6-2-04. After the meeting the PMG was gracious enough to grant me an audience during which I expressed my grievance about my transfer to Zunheboto. Thereafter, the PMG called DPS and what transpired between them is not known to me. But after the meeting with PMG, the DPS got very furious with me and vowed to teach me a lesson.

10. That sir, after reaching Dimapur from Shillong in the evening of 7-2-04, DPS directed me to hand over the key of inspection vehicle to Shri. Prem Kumar Singha, casual driver of MMS van and asked me to take rest for sometime. From Dimapur I proceeded to Kohima on 8-2-04 by taxi.

11. That sir, to my utter shock. I was served with order of termination of my service vide DPS, Nagaland Communication No. G-2/MMS-TATA-407/DPT dated 9-2-04 on the pretext that I had failed to respond the explanation letter dated 4-7-03 and that my service as casual driver was highly unsatisfactory. A copy of the termination letter order is annexed as Annexure-6.

12. That sir, the DPS Nagaland was hell bent upon putting me into trouble because of my audience with the PMG at Shillong on 6-2-04. The allegation that I failed to respond to an explanation call which was served more than 6 months ago and which was almost forgotten is only a pretext. It is not known as to why my service was ~~was~~ most unsatisfactory when I served the department faithfully and sincerely and moreover when there was no verbal or written complaint about my service.

13. That sir, as may be seen from above, the DPS Nagaland has acted in an arrogant, arbitrary, unjust and illegal manner in terminating my service. Even though the nature of my appointment is not permanent, I have served the Department with utmost diligence and sincerity for nearly 4 years and am entitled to fair play, principle of natural justice and constitutional rights.

Prem Singh

14. I, therefore pray and appeal to your honour to grant me the following reliefs:-

- I) That the DPS Nagaland order No.A-2/Gypsy/MTC/ND/99 dated 4-7-04 be quashed;
- II) That my service as MMS driver be regularised;
- III) That pending regularization of my service, I may be allowed to enjoy the same pay and allowances which I have been availing before termination of my service and that no new terms and conditions communicated vide DPS Nagaland memo No. Rotational/Transfer/2004 dated 9-2-04 (annexed as Annexure-7) and which are adverse/ disadvantages to me be applicable to me after reinstatement; and
- IV) That I may be posted either at Kohima or Dimapur on reinstatement.

Dated at Kohima
12.02.04

Yours faithfully

Arun Singh

(Arun Kumar)
Inspection Vehicle Driver
C/o the Director of Postal Services,
Nagaland, Kohima

Arun Singh

To

Shri.A.Ghosh Dastidar,
Chief Postmaster General,
N.E.Circle,
Shillong-7930001.

Sub:- Delay in disposal of my appeal dated 12.02.2004 against the order of termination of my service as inspection vehicle driver by DPS,Nagaland.

Respected sir, -

Having evoked no response by my above mentioned appeal even after a lapse of more than two months, I am compelled to make this petition to your benign authority as a last resort for your kind personal intervention.

2. That sir, briefly,I was appointed as MMS driver ,Nagaland Div. by the DPS and I had been discharging my duties faithfully since 21-02-2000.However, the present DPS,Nagaland terminated my service arbitrarily, without any valid reason or affording me any opportunity to represent vide order No,G-2/MMS-TATA-407 dated 9-02-2004.Against the illegal,arbitrary and unjust act of the DPS,Nagaland,I have made an appeal dated 12-02-2004 to you through proper channel with an advance copy sent to you by Speed Post.But till today my appeal has not yet been disposed of.It is learnt that my appeal is pending at Circle Office due to non-receipt of para-wise comments from DPS,Nagaland.

3. That sir, I am also a married man with two school going children.But without any pay for the last two months I am finding it extremely hard to find means to support my family.That sir, I have been eagerly waiting for your kind decision and redressal of my grievance for the last two months.But my waiting appears to be endless and I do not see any light.Hence this petition for your kind personal intervention.

4. I, therefore, fervently appeal to your honour to do justice to your humble petitioner by revoking the illegal order of the DPS in terminating my service without further delay.

Thanking you,

Dated at Kohima
15-02-2004

Yours faithfully,

(Arun Kumar)
Inspection Vehicle Driver,
o/o the DPS,Nagaland
Kohima-7970001

Arun Singh

- 26 -

ANNEXURE-9

DEPARTMENT OF POSTS: INDIA

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

No.Staff/109-3/04

Dated at Shillong, the 4th Aug' 2004.

To,

Sri Arun Kumar,
Inspection Vehicle Driver,
O/O the D.P.S., Kohima-797 001.

Sub:- Appeal against order of termination of service by DPS, Nagaland Dn.

Ref:- Your Appeal dtd.12-2-04 & 15-2-04.

I have been directed to intimate that for termination of the service of a casual Driver, Head of Division is the final authority. Hence, no appeal lies in this case.

(B. R. Halder)

Asstt. Director (Staff)

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

Copy to:-

The D.P.S., Nagaland Division, Kohima w.r.t. his L/No.G2/MMS/TATA-407/Deptl. dtd.18-5-04.

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

Arun Singh
Camel Lahmar

DEPARTMENT OF POST: INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND: KOHIMA: 797001
Memo. No. B2/ Appt/Driver
Dtd. Kohima the 9.9.97

Shri. R.S. Murugan, Casual Driver, Deptt. MMS Kohima-Dimapur, has been selected by the DPC held on 27.8.97 for appointment as Inspection Vehicle Driver to the DPS Nagaland Dn. Kohima in the scale pay of Rs. 950-20-1150-23-25-1400 (Pre-revised) and other allowances as admissible from time to time.

Shri. R.S. Murugan is hereby appointed as Inspection Vehicle Driver, to the DPS Nagaland, Dn. Kohima with immediate effect.

Shri. R.S. Murugan is to serve for a period of 2(two) years as probationer from the date of joining and his service will be terminated under normal rule of the Department, in case his services and conduct are not found satisfactory during the period of probation.

Shri. R.S. Murugan is to furnish requisite declaration, medical fitness certificate etc. required for appointment immediately on receipt of this order.

ed/-
Director of Postal Services
Nagaland, Kohima-797001

Copy to:-

1. Shri. R.S. Murugan, Casual Driver, Deptt. MMS Dimapur-Kohima.
2. The PM Kohima HPO for inf. and n/a.
3. The PF of the official.
4. DPC file.
5. The Regional Employment Officer Kohima for information and n/a.
6. Service Book of the official (PM Kohima)
- 7.-10. Office copy/Spare.

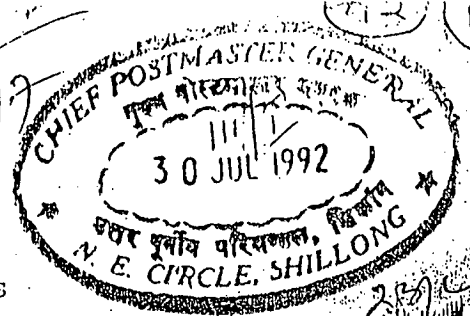
12/9/97
Director of Postal Services
Nagaland, Kohima-797001

Amen Singh

- 28 -

No. 37-29/88-SPB-I

Government of India
Ministry of Communications
Department of Posts
Dak Bhavan, Sansad Marg,
New Delhi-110001.



ANNEXURE-11

Dated : 28-7-92

To

All Heads of Postal Circles,
All Principals, Postal Training Centres.

Sub :

Recruitment in the cadre of Drivers-Clarification thereof.

It has been pointed out by the staff unions that some of the circles have been recruiting drivers from the open market by making fresh reference to the Employment Exchange even though drivers recruited on casual basis are available in those units. Besides, it has also been pointed out that the casual drivers and Departmental candidates are not able to produce the certificate of experience of driving heavy vehicle as provided in the Recruitment Rules. This has caused a serious handicap in the matter of regularisation of casual drivers though they have been working in the department for a long period.

The matter has been considered in detail and it has been decided that.

- 1) Against the 50% quota of vacancies meant for outsiders, recruitment of drivers may be made only from amongst those drivers already appointed in the department on casual basis before 1-4-85, failing which recruitment may be made from amongst the casual labourers of temporary status doing the job of drivers. Subject to fitness, the recruitment may be made in order of seniority based on the length of service as casual driver/casual labour (engaged as drivers).
- 2) The casual driver/casual labourers engaged as drivers may be given age relaxation to the extent of the service rendered by them as casual drivers.

(Contd.....2/-)

Arun Singh

370

3. The 50% departmental quota of vacancies will continue to be filled up from amongst the eligible cadres. 50% quota of the posts meant for Departmental officials is filled by recruitment from Group 'D' staff.

4. The certificate of experience of driving heavy vehicle may not be insisted upon both in respect of the casual drivers/casual labourer and the departmental officials eligible for recruitment against the 50% Department quota of vacancies. The candidates may however be tested for driving skill by the selection committee prescribed in the Recruitment Rules. They should however have the requisite driving licence in respect of heavy vehicles.

5. In case vacancies are left unfilled against 50% departmental quota, the balance number of vacancies may be transferred to direct recruitment quota and under no circumstances should recruitment be made from the open market till casual drivers possessing the requisite licence are available for regular appointment, it is also reiterated that, there should not at all be any further appointment of drivers on casual/daily rated basis.

The recruitment rules notified under letter No. 50-3/83-NCG dated 1-1-83 may be considered as relaxed to the extent mentioned above.

R. Krishnamoorthy
(R. KRISHNAMOORTHY)
Asstt. Dir. General (SPB)

Copy to : SPB-II/SR/Administration/PE-I&II/NCG/STN.

Kailash/1451992.

EST.



ANNEXURE-12

DEPARTMENT OF POSTS
O/O THE CHIEF POSTMASTER GENERAL : N.E. CIRCLE : SHILLONG - 793 001.
Memo. No. EST./2-64/Rlg/ Corr/92. Dtd. at Shillong-1, the 8th July'04.

In pursuance of Postal Directorate, New Delhi, letter No. 5-3/2003-MV (NE) Dtd. 19.2.04, approval of the Chief Postmaster General, is hereby conveyed to the creation of the following posts of DMMS Drivers, on matching savings, in abolition of same number of the posts of Postmen, as mentioned against them, on no cost basis :

Sl. No	Name of the DMMS line.	Name of the Divisions.	Name & number of the posts created.	Pay Scale of the post created.	Name, number & sanction particulars of the posts abolished as matching savings.	Pay Scale of the posts abolished
1.	Kohima - Phek.	Nagaland.	DMMS Driver. (1) One post.	Rs. 3050-75-3950-80-4590.	3 (Three) Postmen at Mokokchung MDG. (Sanctioned vide C.O. Shillong memo. No. Est/2-79/87/ Corr Dtd. 06.12.1990.)	Rs. 3050-75-3950-80-4590
2.	Kohima- Wokha	-do-	DMMS Driver. (1) One post.			
3.	Dimapur - Paren	-do-	DMMS Driver. (1) One post.			
4.	Imphal - Moreh.	Imphal.	DMMS Driver. (1) One post.	-do-	1 (One) Postman at Ukhrul S.O. (Sanctioned vide C.O., Shillong, Memo No. Est/AX-943/1 Dtd. 17.1.74.)	-do-

2. Both the creation and abolition of the identified posts mentioned above should be implemented simultaneously.
3. Necessary corrections duly authenticated and signed by the Divisional Heads/ DSP will be made in the Register of temporary establishment and in the Register of Permanent establishment. Compliance will be reported to this office for updating the relevant records.

(A. R. Brownmik)
Asstt. Postmaster General (Estt.)

Copy to :

- 1-2) The Director Postal Services, Kohima/ Imphal.
- 3-4) The Postmaster, Kohima/ Imphal.
- 6) The Asstt. Director (Staff) C.O., Shillong. He is requested to initiate recruitment process against the newly created posts.
- 7) The D.A. (P), Shillong.
- 8) The D.A. (P) Kolkata.
- 9-10) The Dealing Asstt. of the Estt. Section concerned, CO/SH.

For Chief Postmaster General.

Arun Singh

19.7.07

mail

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA-797 001

No. A-1/Abolition-Creation/NL

Dated at Kohima the 21-07-2004

In pursuance of Postal Directorate, New Delhi. letter No. 5-3/2003-MV (NE) dated 19-02-2004, approval of the Chief PMG, is hereby reconveyed to the creation of the following posts of DMMS Drivers, on matching savings, in abolition of the same number of posts of Postmen as indicated below on cost basis :-

Sl. No.	Name of the DMMS line	Name and number of posts to be created	Pay scale of the post created	Name, number and sanction particulars of the post abolished as matching savings	Pay scale of the posts abolished
1.	Kohima-Phek	DMMS Driver (1) one post	Rs.3050-	Three Postmen under the establishment of	Rs.3050-
2.	Kohima-Wokha	DMMS Driver (1) one post	75-3950-80-4590	Mokokchung. Sanctioned vide CO, Shillong memo No.Est/2-79/87/Corr dated 06-12-1990	75-3950-80-4590
3.	Kohima-Peren	DMMS Driver (1) one post			

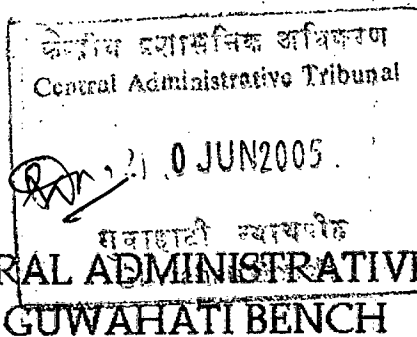
The creation and abolition of posts mentioned above will be implemented w.e.f. from 22-07-2004.

Arun Singh

(Rakesh Kumar)
Director of Postal Services
Nagaland : Kohima-797 001

Copy to:-

1. The Chief PMG, N.E.Circle, Shilong-793 001, for information w.r.t. CO letter No. Est/2-61/Rlg/Corr/92 dated 08-07-2004.
2. The DA(P), Kolkata (Through the Postmaster, Kohima HPO)
3. All Sub-Divisional Heads in Nagaland Division.
4. The Postmaster, Kohima HPO, for information.
5. Staff Section, DO, Kohima, for Inf.
6. O/C



Original Application No. 21/2005

Arun
Sri Arun Kumar Singh

- Versus -

Union of India & Ors.

... Respondents.

IN THE MATTER OF:

Written statement for and on behalf of
the Respondents.

I, *RAKESH KUMAR*, Director of Postal

Services, Nagaland, Kohima, do hereby solemnly affirm and state as follows: -

1. That I am Director of Postal Services, Nagaland, Kohima 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. That vide Postal Services, Nagaland, Kohima Memo No. G-2/MMS-TATA-407/DPT dated 16.02.2000 the applicant was engaged as casual driver in the Department Mail Motor Services, Nagaland Division.

16/2/00
4 years

Filed by
Dr. K. Choudhury
(Rakesh Kumar)
Director of Postal Services
Nagaland, Kohima 797 001
... Applicant
C. A. T. 20/6/05
Guwahati
Central Govt. Standing Counsel

- B. That the applicant was given the order to proceed to Mokokchung vide this office Memo No. G-2/MMS-TATA/407/DPT dated 24.04.2000 with MMS vehicle No. NL-11/0387 to carry mails on Mokokchung - Mariani route.
- C. That the applicant was later attached to the DPS Inspection vehicle vide this office Memo No. G-2/MMS/TATA-407/DPT dated 01.05.2000.
- D. That it was observed that the consumption of coolant, Mobil Oil, Gear Oil, Brake Oil etc. being shown as used in inspection vehicle was abnormally high. Accordingly, the applicant was asked to explain vide this office Memo No. A-2/Gypsy/MTC/NP/99 dated 04.07.2003 reasons for excessive consumption of various consumables in the vehicle.
- E. That the applicant failed to give any explanation/reply even after expiry of 6 months time. Since he failed to submit any written explanation even after six months, it was presumed that he had nothing to state in his defence and his service as casual driver was terminated vide this office Memo No. G-2/MMS-TATA-407/DPT dated 09.02.2004.
- F. That following the termination order, the applicant made an appeal to the CPMG, NE Circle, Shillong dated 12.02.2004 against the termination order, which was turned down by the later. Hence the applicant has filed this case before the Hon'ble Tribunal.

3. That with regard to the statements made in paragraphs 1 to 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 show cause notice was served on the applicant vide this office letter No. A-2/gypsy/MTC/NP/99 dated 04.07.2003 to explain for excessive consumption of consumables in the inspection vehicle. The applicant failed to submit his written explanation till the date of termination of his service. Thus, the claim made by the applicant that he was not given an opportunity of being heard is baseless. Further, he has claimed that he has submitted verbal explanation, which satisfied respondent No. 3 is not correct. Since, the applicant was asked to explain in writing for excessive consumption of consumable, he should have replied in writing in his defense and verbal explanation has no meaning or is not verifiable or documented. Further, casual employees do not hold any substantive post in the Government and as the name suggests their services are casual in nature and their engagement as a casual employees can be terminated any time, if the need or desirability of such engagement cease to exist. Even in his engagement letter dated 16.02.2000, it was clearly mentioned that "this appointment will not entitle Sri Arun Kumar Singh to claim the employment as a matter of right and the undersigned, viz. Respondent No. 3 reserves full right to terminate or modify this order without any prior notice."

Copies of the letters dated 16.02.2000 and 04.07.2003 are annexed herewith and marked as ANNEXURE - I & II respectively

5. That with regard to the statements made in paragraph 4.3 of the application, the respondents have no comments to offer.

6. That with regard to the statements made in paragraph 4.4 of the application, the respondents state that the applicant was asked to explain for

serious charges of excessive consumption of coolant, Mobil Oil, Brake Oil etc. vide this office Memo No. A-2/Gypsy/MTC/NP/99 dated 04.07.2003 and he was duty bound to reply to the above show cause notice in writing, which he never did. Verbal explanation has no meaning. The applicant failed to respond to the show cause notice served to him on 04.07.2003. Further, it is not necessary or practicably feasible to issue a series of reminders for obtaining a reply. Since the charges were grave and involved financial impropriety, he should have taken the charges seriously and submitted his defence statement promptly. He should not have waited for series of reminders for giving his reply.

7. That with regard to the statements made in paragraph 4.5 of the application, the respondents have no comments to offer.

8. That with regard to the statements made in paragraph 4.6 of the application, the respondents state that the transfer order No./Rotational/Transfer/2004 dated 30.01.2004 was later cancelled vide DPS Kohima Memo No./Rotational/Transfer/2004 dated 09.02.2004 as it was later noticed that no sanctioned post of driver exists in Nagaland Division except for one post at Dimapur. Further, it was also noticed that procedures adopted earlier in engagement of casual drivers were not in conformity with rules.

There is no irregularity in canceling the said transfer order. After all, it was not even implemented. The cancellation was only to rectify certain procedural errors that were adopted earlier. It has nothing to do with the termination of the applicant from casual engagement.

Copies of the letters dated 30.01.2004 and 09.02.2004 are annexed herewith and marked as ANNEXURES - III & IV respectively.

9. That with regard to the statements made in paragraph 4.7 of the application, the respondents state that the intention of the transfer order (which was later cancelled) was to curb and minimize the bad practices that has set in, like production of bogus repairing bills, carriage of passengers or private goods in departmental mail vans, misuse of vehicles, etc. The applicant had worked for 90% of his time in Kohima where most of the drivers like to work in, but after seeing the transfer order in which he was transferred to Mokokchung - Zunheboto line, he vehemently insisted on either to be posted at Kohima or Dimapur.

Subsequently, the applicant was terminated from casual engagement w.e.f. 09.02.2004, as he failed to reply to the show cause notice, which was served to him on 04.07.2003. More than adequate opportunity of 6 months was given to him to reply to the show cause notice, which he failed to submit for reasons best known to him.

A copy of the letter dated 09.02.2004 is annexed herewith and marked as ANNEXURE - V.

10. That with regard to the statements made in paragraph 4.8 of the application, the respondents state that the applicant was served a show cause notice on 04.07.2003 to explain for serious charges of excessive consumption of consumables like Mobil Oil, Brake Oil, Gear Oil and Coolant, which amounts to financial misappropriation and he was duty bound to reply to the charges in writing. Verbal explanation has no meaning in this regard.

More than adequate opportunity was given to the applicant to reply to the charges framed against the applicant. The applicant's termination from casual driver was done by duly giving him show cause notice informing him of the

charges leveled against him of excessive consumption of various consumables, which were much higher than the standard prescription. Thus, the applicant's termination is fully justified.

11. That with regard to the statements made in paragraph 4.9 of the application, the respondents state that the show cause notice was served on the applicant to explain the charges of excessive consumption of various consumables and it is neither necessary nor practically feasible to issue series of reminders for obtaining a reply. The applicant should not have waited for reminders to give his reply. Rather, the applicant is duty bound to give reply in writing, taking the charges seriously. Thus, the point of the applicant that the respondent never demanded further explanation is extraneous to the case.

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 4.10(i) of the application, the applicant claimed vide his appeal dated 12.02.2004 that consumption of 10.6 Ltrs of Coolant 4.5 Ltrs of M.Oil, 1.25 Ltrs. Of Brake Oil and 9.5 Ltrs of Gear Oil, when the vehicle has covered 5911 Kms. Only is not usually high. Whereas, as per Maruti Gypsy operating manual M. Oil needs to be changed after every 10,000 Kms. And Coolant, Brake Oil and Gear Oil after 20,000 Kms. The maximum amount needed against full replacement of different consumable in Gypsy Maruti vehicle on coverage of prescribed Kilometers is given below :-

Item	Standard Prescription	Actual Consumption in 4911 Kms
Coolant	1.5Ltrs. in 20,000 Kms.	10.6 Ltrs. (24 times higher)
Brake Oil	0.5 Ltrs. In 20,000 Kms.	1.25 Ltrs. (8 times higher)
Gear Oil	3.5 Ltrs. In 20,000 Kms.	9.5 Ltrs. (9 times higher)
M.Oil	3.5 Ltrs. In 10,00 Kms.	4.5 Ltrs. (2 times higher)

Thus, it can be seen that the consumption of various consumables are much higher than the prescribed standard amount.

A copy of the appeal dated 12.02.2004 and a copy of the Maruti Gypsy Operating Manual are annexed herewith and marked as ANNEXURES - VI & VII respectively.

14. That with regard to the statements made in paragraph 4.10(ii) of the application, the respondents state that the applicant was asked to explain for these serious charges of excessive consumption of Coolant, Mobil Oil, Brake Oil, etc. vide this office Memo No. A-2/Gypsy/MTC/NP/99 dated 04.07.2003 and the applicant was duty bound to reply to the above show cause in writing, which the applicant never did. Verbal Explanation has no meaning. The applicant failed to respond to the show cause notice served to him on 04.07.2003. Further, it is not necessary or practically feasible to issue of reminders for obtaining a reply. Since the charges were grave and involved financial impropriety, the applicant should have taken the charges seriously and submitted his defence statement promptly. The applicant should not have waited for series of reminders for giving his reply.

15. That with regard to the statements made in paragraph 4.11 of the application, the respondents have no comments to offer.

16. That with regard to the statements made in paragraph 4.12 of the application the respondents state that the engagement of the applicant as Casual Driver vide DPS, Kohima Memo No. G-2/MMS-TATA-407/DPT dated 16.02.2000 clearly spells out that the DPS, Kohima reserves full right to terminate or modify the casual appointment. It is also humbly pointed out that a casual driver does not hold any lien on the post and their engagement is merely ad hoc and they are paid at daily wage rate on the minimum wages of prescribed scale and is paid for only those days on which casual driver has actually worked (excluding Sundays, holidays, Absent period, etc. Since such engagement is merely ad hoc/short term basis, the service conditions applicable to Departmental employees like CCS (CCA) Rules 1965 are not applicable to them. Hence, the decision of Respondent No. 2 is correct and as per rules.

The claim of the applicant that he would have been first to be absorbed in service on regular basis if vacancy in the post of driver arises or is created is merely a conjecture. The service of the applicant was terminated on the basis of show cause notice and his failure to submit any reply on excessive consumption of consumables. His termination was based on financial impropriety and the question of absorption or non-absorption on a regular basis or his seniority amongst the casual drivers cannot be taken as a criteria while deciding such cases of financial impropriety.

17. That with regard to the statements made in paragraphs 4.14 to 4.18 of the application, the respondents have no comments to offer.

18. That with regard to the statements made in paragraphs 5(i) and 5(ii) of the application, the respondents state that the casual drivers or casual employees in general are not covered under CCS (CCA) Rules 1965 or Conduct Rules 1964 and their engagement is merely ad hoc and such engagement is continued till there is need for their services or they are found suitable or desirable against the work being performed by them. There is no provision of instituting departmental inquiry as is being done in the case of departmental employees under CCS (CCA) Rules 1965, which is not at all applicable to casual employees.

The terms and conditions of engagement as casual driver was clearly spelled out in the engagement order issued vide this office Memo No. G-2/MMS-TATA-407/DPT dated 16.02.2000 in which it was clearly stated that "the applicant cannot claim the employment as a casual driver as a matter of right and the Respondent No. 3 reserves full rights to terminate or modify this order without any prior notice." In the instant case, show cause notice was served on him and he was given more than reasonable amount of time of 6 months to reply to the charges, but the applicant still failed to reply to the charges which were relating to excessive consumption of consumable directly leading to financial impropriety and subsequent misuse of government money.

19. That with regard to the statements made in paragraph 5(iii) of the application, the respondents state that more than adequate opportunity was given to the applicant to respond to the show cause notice. The applicant did not cared to reply to the show cause notice served on him on 04.07.2003 till the date of termination of his casual engagement on 09.02.2004 (more than 6 months). Thus, the claim of not getting opportunity for being heard is baseless.

20. That with regard to the statements made in paragraph 5(iv) of the application, the respondents state that the applicant is duty bound to rely to the show cause notice in writing. Verbal reply has no meaning and cannot be established.

21. That with regard to the statements made in paragraph 5(v) of the application, the respondents state that it is necessary or practically feasible to issue series of reminders to obtain a reply. The applicant should have understood the gravity of charges and replied the same in writing without waiting for further reminders.

22. That with regard to the statements made in paragraph 5(vi) of the application, the respondents state that verbal explanation has no meaning. It has no documentary proof. Thus, it is wrong to hold that the DPS, Kohima has been satisfied with his verbal explanation. No other casual driver was appointed after the termination of the applicant from casual engagement. Therefore, the question of filling up the post being held by the applicant with the candidate of one's choice does not arise.

23. That with regard to the statements made in paragraph 5(vii) of the application, the respondents state that the cancellation of the transfer and posting order has nothing to do with the termination of the applicant from casual engagement. The cancellation of earlier transfer and posting order was only for rectification of certain procedural irregularities adopted earlier in engaging casual employees.

24. That with regard to the statements made in paragraph 5(viii) of the application the respondents state that the termination of the applicant from casual engagement is fully justified. Show cause notice was served to him on

04.07.2003 for excessive consumption of various consumables, but the applicant failed to reply to the same till his termination on 09.02.2004. Above all, the appointment letter 16.02.2000 itself clearly spells that the appointment can be terminated any time without any prior notice by the DPS, Kohima, i.e. the Respondent No. 3.

25. That with regard to the statements made in paragraph 5(ix) of the application, the respondents state that the applicant did not submit any representation/reply against the show cause notice served to him on 04.07.2003. Thus, it was presumed that the applicant had nothing to state in his defense and since the consumption of various consumable was 2 to 24 times higher than prescribed standards, the Respondent No. 3 was fully justified in terminating his engagement as a casual driver. Moreover, being a casual employee, no departmental enquiry is required for termination of service, as casual employees are not covered under CCS (CCA) Rules 1965 Rules, as is the case for departmental employees.

26. That with regard to the statements made in paragraph 5(x) of the application, the respondents state that casual drivers or casual employees in general are not entitled for replacement under any pay scale. Their per day wages are calculated with reference to minimum basic of the corresponding scale of pay of departmental employees and they are not entitled for yearly increments of pay, leave allowances like HRA etc. They are paid on daily wages basis for the period during which they were engaged excluding Sundays, holidays or period of absenteeism. They do not hold any substitutive post or lien in the departmental nor length of service put in as casual driver has any impact on their future service condition. The contention made by the applicant that he was

appointed on a regular scale is therefore not correct and has been merely advanced to mislead/confuse the Hon'ble Tribunal.

27. That with regard to the statements made in paragraph 5(xi) of the application, the respondents state that the consumption of consumable like mobil oil, coolant, brake oil, gear oil etc. was very high ranging from 2 to 24 times higher than the prescribed standards fixed by the car manufacturer (Maruti). This constitutes financial impropriety and misuse of Govt. money.

28. That with regard to the statements made in paragraph 5(xii) of the application, the respondents that in view of what has been stated above, the decision of the respondents is fully justified and correct. The allegation leveled by the applicant is merely figment of his imagination, which is not supported by facts or departmental rules or regulations and has been merely done with the sole objective of safeguarding his personal benefits.

29. That with regard to the statements made in paragraphs 6 to 12 of the application, the respondents have no comments to offer.

30. That the applicant is not entitled to any relief claimed and the application is liable to be dismissed with costs.

13-

VERIFICATION

I, Rakesh Kumar, Director of Postal Services,

Nagaland, Kohima being duly authorized and competent to sign this verification

do hereby solemnly affirm and state that the statements made in paragraph

.....1, 3, 5, 7, 12, 17 + 29..... of the written statement

are true to the best of my knowledge and belief, those made in paragraphs

2, 4, 6, 8-11, 13-16, 18 - 28..... 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 30th day of May, 2005.

Rakesh Kumar

DEPONENT

(रकेश कुमार)

(Rakesh Kumar)

निदेशक डाक सेवा

Director of Postal Services

नागालैण्ड कोहिमा - ७९७ - ००१

Nagaland, Kohima 797 001

14-
ANNEXURE - I

DEPARTMENT OF POSTS INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND-KOHIMA-797001

No:G-2/MMS-TATA-407/DPT

Dated at Kohima the 16.02.2000.

Shri Arun Singh, S/O. Shri. Rohindra Singh is hereby provisionally appointed as Driver on casual basis in the Departmental Mail Motor Service, Nagaland Division, Kohima vice Shri Prem Bahadur. He shall be paid at the rate of 1/30th of pay per day at minimum of scale of pay of Rs. 3050-70-4590 in addition to allowances admissible from time to time.

The expenditure is debit to the head of account 01.101.03. Wages.

This appointment shall not entitle Shri Arun Singh to claim the employment as a matter of right and the undersigned reserves full right to terminate or modify this order without any prior notice.

(P. P. Solo)

Director Of Postal Services
Nagaland Kohima-797001

Copy to;

1. The Postmaster, Kohima/DO for inf. & n/a.
2. The DA(IV) General through the PM, Kohima HQ)
3. The SPM, Dimapur S.O. for information and n/a.
4. The SDPOs, Dimapur Sub-Division for information.
5. The Staff Branch, Div. Office, Kohima for inf. and n/a.
6. Shri Arun Singh, C/O. Shri Sujit Singh, Telephone Exchange, Kohima-797001 for inf.
7. Office Copy.

(P. P. Solo)

Director Of Postal Services
Nagaland Kohima-797001

Attested
Addl. C. O. S. O.

DEPARTMENT OF POST : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA-797 001

No: A-2/Gypsy/MTC/NP/99

Dated at Kohima the 04-07-2003

To,

The Driver,
Inspection Vehicle No.NL-10/3015
Kohima, Nagaland-797 001

Sub:-

HIGH CONSUMPTION OF OIL AND COOLANT.

It has been observed that the consumption of Coolant and Oil like Mobil Oil, Gear Oil, Brake Oil, etc, by the Inspection Vehicle is abnormally high.

You are therefore, asked to explain the reason for the high consumption of such consumables by the Inspection Vehicle driven by you.

Attended
Add. C. C. S. C.

(Signature)
(P. J. K. R. B. R. T. Y.)

Superintendent of Post Offices (HQ)
For Director of Postal Services
Nagaland, Kohima-797 001

16
ANNEXURE - III

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND, KOHIMA - 797001.

No./Rotation/Transfer/2004

Dated at Kohima the 30.01.04

in the interest of service

1. The following order of transfer and posting is hereby issued with immediate effect :-
 - i) Shri. Prem Kumar Singha, DMMS casual driver of Dimapur - Kohima - Mao line is transferred and posted as casual driver of inspection vehicle of DPS, Kohima vice Shri. Arun Kumar Singh transferred.
 - ii) Shri. Arun Kumar Singh, DMMS casual driver presently working as casual driver of inspection vehicle of DPS, Kohima is transferred and posted as DMMS, casual driver of Mokokchung - Zunheboto - Mokokchung route, vice Shri. Ketouhoulie Rio.
 - iii) Shri. Ketouhoulie Rio, DMMS casual driver presently working as casual driver of Mokokchung - Zunheboto - Mokokchung line is transferred and posted as DMMS, casual driver of Mokokchung - Tucsang - Mokokchung route, vice Shri. Yansamong Yimchunger transferred.
 - iv) Shri. Yansamong Yimchunger, DMMS casual driver presently working as casual driver of Mokokchung - Tucsang - Mokokchung line is transferred and posted as DMMS, casual driver of Mokokchung - Mariani - Mokokchung route, vice Shri. Takuchuba
 - v) Shri. Takuchuba Ao, DMMS casual driver presently working as casual driver of Mokokchung - Mariani - Mokokchung line is transferred and posted as DMMS, casual driver of Mon - Sonari - Mon route, vice Jitendra Mech transferred.
 - vi) Shri. Jitendra Mech, DMMS casual driver presently working as casual driver of Mon - Sonari - Mon line is transferred and posted as DMMS, casual driver of Dimapur - Kohima - Mao route, vice Prem Kumar Singha transferred.
2. All concerned casual drivers whose names finds mention in this transfer list should join on their new assignments latest by 09.02.2004. No request for change in the route allotted to them will be entertained and the order has to be complied latest by 09.02.2004 as indicated earlier.

Attested
[Signature]
Addl. G. S. O.

[Signature]
(Rakesh Kumar)
Director of Postal Services

Nagaland, Kohima - 797001

Copy to :-

- 1) The Post Master, Kohima H.O for inf. & n/a.
- 2) The SPM, Dimapur, Mokokchung, Mon, Tucsang & Zunheboto for inf. They are requested to release their respective drivers within the due date.
- 3) The S.D.I PO, Mokokchung for inf. & n/a.
- 4) Shri. R.S. Murugan, DMMS driver, Dimapur for inf.
- 5) O/C.

ANNEXURE - IV

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA - 797001.

No./Rotational/Transfer/2004.

Dated at Kohima the (09.02.04)

The transfer and posting order of DMMS casual driver issued by this office memo of even No. dtd. 30.01.04 is hereby cancelled, as no sanctioned post of driver exists in Nagaland Division except for one post of driver at Dimapur.

2. Further, it is also seen that the procedure adopted earlier with regard to engagement of casual DMMS drivers were not in conformity with rules. Therefore, following procedure is to be adopted in future with regard to casual drivers.

--a) Casual drivers will not be entitled for Pro-rata Pay & allowances for Sundays, Holidays, or for days on which vehicle has not plied.

--b) Casual Drivers will not be allowed to work for more than 180 days at a stretch. Their contractual engagement will be terminated for at least 15 days in every six months.

--c) Their Pro-rata Pay & allowances will be paid to them on ACG-17 by the SPM concerned for actual number of days for which the vehicle has actually plied.

3. It may be ensured that the above guidelines are followed in totality & no deviation will be acceptable to this office & in case of its violation the concerned SPM will be held responsible & accountable.

Attested
M. C. G. S. O.

(Rakesh Kumar)
Director Of Postal Services.
Nagaland, Kohima - 797001.

Copy to :-

1. The Post Master, Kohima H.O for inf. and n/a.
2. The SPM, Dimapur, Mokokchung, Mou, Twensing & Zunheboto for inf.
3. The SDI PO, Mokokchung for inf.
4. Shri. Prem Kumar Singh/Shri. Arun Kumar Singh/Shri. Ketoulhoulie Rie/
Shri. Yansomong Yimchunger/Shri. Thkuchuba Ao/Shri. Jitendra Mech.
5. Shri. R.S Murugan, DMMS Supervisor, Dimapur for inf.
6. O/C.

ANNEXURE - V

18
DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND: KOHIMA-797001.

No.G-2/MMS-TATA-407/DPT

Dated at Kohima the (09.02.2004)

To,

Shri. Arun Kumar Singh
Casual Driver,
Kohima-797001.

Sub:- Termination of Engagement as DMMS Casual Driver:

1. This is with reference to this Office letter No. A-2/Gypsy/MTC/NP/99 dated 04.07.2003, vide which you were asked to submit your explanation for excessive consumption of Coolant, Mobil Oil, Brake Oil, Gear Oil etc. But, it is seen that you have failed to respond to this explanation letter even during last six months.
2. After careful consideration of the case and taking all facts into account, it is seen that the consumption of different consumable like coolant, Mobil Oil, brake Oil, Gear Oil etc. was excessive and way beyond the prescribed parameters for the Vehicle. Further, you have failed to respond to the explanation letter dated 04.07.2003 during last six months, which shows that you have nothing to say in the matter and establishes the fact that, service rendered by you as a casual driver was highly unsatisfactory. Therefore, your engagement as a DMMS Casual Driver is hereby terminated, with immediate effect.
3. You are further directed to vacate the temporary accommodation given to you in the Postal Colony, Kohima and hand over the same to Shri. Prem Kumar Singh, the new casual driver of DPS Inspection Vehicle, within next seven days. You are also directed to clear all outstanding dues/advance in your name latest by 11.02.04.

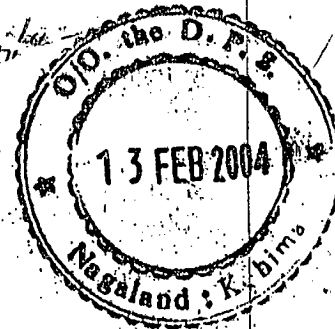
Attested

[Signature]
Sd/- C. G. S. G.

[Signature]
(Rakesh Kumar)
Director Of Postal Services
Nagaland, Kohima - 797001.

19-
ANNEXURE - VI

To -
The Chief Postmaster General,
NE Circle,
Shillong-793001



Through proper Channel

Sub: - Appeal against the order of Termination of service.

Sir,

Being aggrieved by the arbitrary, illegal and unjust order of Director of Postal Services, Nagaland in terminating my service as inspection vehicle driver without any rhyme or reason vide order no. G-2/MMS- TATA-407/ Dated 9-2-04, I make this humble appeal to you for your kind and sympathetic consideration.

2. That sir, I was appointed as driver in the Department vide DPS Nagaland order No. G-2/MMS-TATA-407/DPT dated 16-2-2000. A photo copy of the appointment order is annexed herewith as Annexure I. I assumed charge of MMS driver on 21-2-2000. a photo copy of the charge report is annexed as Annexure-2

3. That sir, since my appointment I have been serving as inspection vehicle driver to the best of my ability and to the complete satisfaction of my superiors. That sir, I used to perform duties willingly even on Sundays and holidays, whenever I was asked, without any extra remuneration or compensatory off.

4. That sir, to my utter surprise, I was asked to explain the reason for high consumption of coolant and lubricants vide DPS Nagaland letter No. 4-7-03. A copy of the said letter is annexed herewith as Annexure-3. The actual consumption of coolant and lubricants between January 2003 and June 2003 is as follows:-

Sl. No	Lubricant	No of litres Consumed
1	Coolant	10.6 litres
2	M.Oil	4.5 litres
3	Brake oil	1.25 litres
4	Gear oil	9.5 litres

5. That sir, the details of the consumption of coolant and lubricants during the period are annexed herewith as Annexure-4. That the total distance covered by the inspection vehicle during the same period is 5911 kms. That sir, if you compare the two, consumption of coolant and lubricants during the period is not unusually high.

6. That sir, I had verbally explained to the Director of Postal Services and also the then Superintendent of Post Offices (HQ) about the consumption of lubricants which was not excessive but absolutely necessary to maintain the inspection vehicle in good and running condition. Both the

20

officer's note satisfied with my verbal explanation and did not press for written explanation. The fact that no reminder was issued to me even after a lapse of more than 6 months shows that the matter was closed.

7. That sir, even when not wanting to displease Director Postal Services and at the same time not wanting to damage the vehicle, I used to purchase coolant and other lubricants from my pocket but did not claim reimbursement. This fact can be ascertained from history sheet or relevant records of the inspection vehicle.

8. That sir, inspite of performing my duties sincerely and my best efforts not to displease him, Director of Postal Services was always trying to find fault with your humble petitioner. Sensing some trouble, I had requested DPS, Nagaland to send me to Dimapur if I were to be transferred out of Kohima. But instead of sending me to Dimapur, he transferred me to Zunheboto to drive DMMS van between Zunheboto and Mokokchung. A copy of the transfer order is annexed as Annexure-5. That sir, it is a known fact that it is not safe for an outsider like me to regularly drive the mail van on the route.

9. That sir, I accompanied the DPS to Shillong for attending meeting at CO on 6-2-04. After the meeting the PMG was gracious enough to grant me an audience during which I expressed my grievance about my transfer to Zunheboto. Thereafter, the PMG called DPS and what transpired between them is not known to me. But after the meeting with PMG, the DPS got very furious with me and vowed to teach me a lesson.

10. That sir, after reaching Dimapur from Shillong in the evening of 7-2-04, DPS directed me to hand over the key of inspection vehicle to Shri. Prem Kumar Singha, casual driver of MMS van and asked me to take rest for sometime. From Dimapur I proceeded to Kohima on 8-2-04 by taxi.

11. That sir, to my utter shock, I was served with order of termination of my service vide DPS, Nagaland Communication No. G-2/MMS-TATA-407/DPT dated 9-2-04 on the pretext that I had failed to respond the explanation letter dated 4-7-03 and that my service as casual driver was highly unsatisfactory. A copy of the termination letter order is annexed as Annexure-6.

12. That sir, the DPS Nagaland was hell bent upon putting me into trouble because of my audience with the PMG at Shillong on 6-2-04. The allegation that I failed to respond to an explanation call which was served more than 6 months ago and which was almost forgotten is only a pretext. It is not known as to why my service was ~~not~~ most unsatisfactory when I served the department faithfully and sincerely and moreover when there was no verbal or written complaint about my service.

13. That sir, as may be seen from above, the DPS Nagaland has acted in an arrogant, arbitrary, unjust and illegal manner in terminating my service. Even though the nature of my appointment is not permanent, I have served the Department with utmost diligence and sincerity for nearly 4 years and am entitled to fair play, principle of natural justice and constitutional rights.

- 21 -
- 59
- therefore pray and appeal to your honour to grant me the following reliefs:-
- I) That the DPS Nagaland order No.A-2/Gypsy/MTC/ND/99 dated 4-7-04 be quashed;
 - II) That my service as MMS driver be regularised;
 - III) That pending regularization of my service, I may be allowed to enjoy the same pay and allowances which I have been availing before termination of my service and that no new terms and conditions communicated vide DPS Nagaland memo No. Rotational/Transfer/2004 dated 9-2-04 (annexed as Annexure-7) and which are adverse/ disadvantages to me be applicable to me after reinstatement; and
 - IV) That I may be posted either at Kohima or Dimapur on reinstatement.

Dated at Kohima
12.02.04

Yours faithfully

Arun Singh

(Arun Kumar)
Inspection Vehicle Driver
C/o the Director of Postal Services,
Nagaland, Kohima

Attested
[Signature]
Addl. G. G. S. O.

22
ANNEXURE - VII



PROGRESSIVE MOTORS

(Authorised Maruti Dealer)

Opp. Airport, N.H.39, Dimapur-Kohima Road

Dimapur - 797 112 (Nagaland)

Phone : 20109, 21590, Fax : (03862) 26440

E-Mail : angami@gw1.vsnl.net.in

TO,

DIRECTOR
POSTAL SERVICE
NAGALAND, KOHIMA

GYPSY

KMS	:	10 PER LTR
COOLANT	:	20,000 KM OR 1 YEAR - 3 LTR
MOBILE	:	10,000KM - 4 LTR
GEAR OIL	:	20,000 KM OR 1 YR - 3LTR
BRAKE OIL	:	40,000KM OR 2 YRS - 500gm

Attested

Adl. C. G. S. O.

PROGRESSIVE MOTORS

Opp. Airport

Dimapur

Ph : 20109, 21590, Fax : 26440

20/12/02

INSPECTION AND MAINTENANCE

Interval		Free Service			Preventive maintenance Service at cost														
Maintenance Service Operation	km (x1,000)	0.5- 0.8	2.0- 2.5	5.0- 5.5	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80
ENGINE																			
1. Water pump drive belt (tension, wear)		A	I	I	I	I	I	I	I	I	R	A	I	I	I	I	I	I	R
2. Engine coolant (level, leakage)		I	I	I	I	I	R	I	I	I	R	I	I	I	R	I	I	I	R
2. Engine oil (level, leakage)	API GRADE SF; SG; SH	I	I	R	I	R	I	R	I	R	I	R	I	R	I	R	I	R	I
4. Cooling system hoses and connections (leakage, damage)		I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
5. Engine oil filter (leakage)		I	I	R	I	R	I	R	I	R	I	R	I	R	I	R	I	R	I
6. Engine bolts (All cylinder head and manifold fixings)		-	-	T	-	T	-	T	-	T	-	T	-	T	-	T	-	T	-
7. Engine mounting (loose, damage)		-	-	I	-	T	-	T	-	T	-	T	-	T	-	T	-	T	-
8. Valve clearance		-	-	A	-	-	A	-	-	-	A	-	-	-	A	-	-	-	A
9. Camshaft timing belt (damage, wear)		-	-	I	-	-	I	-	-	-	I	-	-	-	I	-	-	-	I
10. Exhaust system (noise, leakage or otherwise defective)		-	-	I	-	-	I	-	I	-	I	-	I	-	I	-	I	-	I
11. Positive crankcase ventilation System (Hoses, connections and valve)		-	-	I	-	-	I	-	-	-	I	-	-	-	I	-	-	-	I
IGNITION																			
1. Ignition wiring (damage, deterioration)		-	-	-	-	-	I	-	-	-	I	-	-	-	I	-	-	-	I
2. Distributor cap and rotor (wear, deterioration)		-	-	-	-	-	I	-	-	-	I	-	-	-	I	-	-	-	I
3. Spark plugs (clean and adjust the gap)		-	-	I	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R
4. Distributor breaker point (MG410W only)		-	-	I	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R
5. Ignition timing		-	A	A	A	-	A	-	A	-	A	-	A	-	A	-	A	-	A
6. Distributor advance		-	-	-	-	-	I	-	-	-	I	-	-	-	I	-	-	-	I

A.....Adjust. T.....Tighten to specified torque. R.....Replace or change. L.....Lubricate. I.....Inspect and correct or replace if necessary. C.....Clean. O.....Rotate

INSPECTION AND MAINTENANCE

Interval		Free Service			Preventive maintenance Service at cost														
Maintenance Service Operation	km (x1,000)	0.5- 0.8	2.0- 2.5	5.0- 5.5	10	15	20	25	30	35	40	45	50	55	60	70	75	80	
FUEL	Paved-road	-	-	C	C	C	I	C	C	C	R	C	C	C	-	C	C	R	
1. Air cleaner	Dusty conditions	Clean every 2,500 km or as required. Replace every 40,000 km. More frequent replacement if dust condition is severe.																	
2. Accelerator cable and carburettor jets		-	-	I&L	-	I&L	-	I&L	-	I&L	-	I&L	-	I&L	-	-	-	I&L	
3. Fuel tank cap, fuel lines and connections (leakage, damage)		-	I	-	-	-	-	-	-	-	I	-	-	-	-	-	-	-	
4. Fuel filter (leakage)		-	-	I	I	I	R	I	I	I	R	I	I	I	I	I	I	R	
5. Idle speed and idle mixture		-	I	A	-	I	A	-	-	I	A	-	-	I	-	-	-	A	
CLUTCH AND TRANSMISSION																			
1. Clutch pedal (play)		I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
2. Clutch slipping (dragging or excessive damage)		I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
3. Transmission/Transfer and Differential oil (level, leakage)		Replace at an interval of 20000 Km.																	
PROPELLER SHAFT & DRIVE SHAFTS																			
1. Propeller shaft (play)		-	-	-	I	-	I	-	I	-	I	-	I	-	I	-	I	-	
2. Universal joints (slack)		-	-	-	I	-	I	-	I	-	I	-	I	-	I	-	I	-	
3. Drive shafts boots (bent or boots damage)		-	-	I	I	I	I	I	R	I	I	I	I	I	I	I	I	R	
4. Differential oil (level, leakage)		I	I	I	I	I	R	I	I	I	R	I	I	I	I	I	I	R	
BRAKE																			
1. Brake fluid (level, leakage)		I	I	I	I	I	I	I	I	I	R	I	I	I	I	I	I	I	
2. Brake pedal (pedal-to-wall clearance)		I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
3. Parking brake lever and cable (play, damage)		I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
4. a. Brake discs and pads, (wear)		-	-	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
b. Brake drums & shoes		-	-	-	I	-	I	-	I	-	I	-	I	-	I	-	I	-	
5. Brake master cylinder and wheel cylinder or caliper (oil leakage)		-	-	-	-	-	-	-	-	-	R	-	-	-	-	-	-	-	
6. Brake hoses and pipes (leakage, damage)		I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	

Rotate. A.....Adjust. T.....Tighten to specified torque. R.....Replace or change. L.....Lubricate. I.....Inspect and correct or replace if necessary. Clean. O.....Rotate.