

501/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No.....120/05.....

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2/11/12
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FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

original Application No. 120/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) Sri Ranesh Baruah

Respondents No 1 2018

Advocate(s) for the Applicant(s) Mr. K. Baruah & K. Paul

Advocate(s) for the Respondents CASE

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide IPC/BD No. 206 160580 Dated..... 25-05-05</p> <p><i>After</i> Dy. Registrar</p> <p>Slips taken. N. J. 30.5.05</p> <p><i>Ranesh</i> M. 3/6/05 P.D.C.G.S</p> <p>3.6.05</p> <p>Copy of the Judgment has been collected by the L/Adv for the parties on 3.6.05.</p> <p><i>SS</i></p>	<p>31.5.05</p> <p>1m</p>	<p>Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No costs.</p> <p><i>Ver. Baruah</i> Member</p> <p><i>Baruah</i> Vice-Chairman</p>

CENTRAL ADMINISTRATIVE TRIBUNAL - GUWAHATI BENCH.

O.A. No. 120 of 2005

DATE OF DECISION: 31-05-2005.

Shri Romesh Boruah

APPLICANT(S)

Mr.K.Baruah & K.Paul

ADVOCATE FOR THE
APPLICANT(S)

VERSUS

U.O.I. & Ors.

RESPONDENT(S)

Mr.M.U.Ahmed, Addl.C.G.S.C

ADVOCATE FOR THE
RESPONDENT(S)

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

THE HON'BLE MR. K.V.PRAHLADAN, ADMINISTRATIVE MEMBER

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

Judgment delivered by Hon'ble Vice-Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

Original Application No.120 of 2005.

Date of order: This the 31st Day of May

HON'BLE MR.JUSTICE G.SIVARAJAN, VICE-CHAIRMAN.
HON'BLE MR.K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

Sri Ramesh Boruah,
S/O.Sri Bhupen Baruah,
Village – Bhatiapara,
P.O Bhatiapara,
District- Sivsagar, Assam.
Extra Departmental Branch Post Master.
Bhatiaparaq Branch Post office(Remove from service.)
Village & P.O.Bhatiapara,
District-Sivsagar

Applicant.

By Advocate Mr.K.Baruah & MrK.Paul.

-Versus-

1. Union of India,
Through the Secretary,
Ministry of Communication (Post)
Government of India,
New Delhi.
2. The Chief Post Master General,
Assam Region, Meghdoot Bhawan,
Guwahati-1.
3. Post Master General,
Dibrugarh-786001.
4. The Superintendent of Post Offices,
Sivsagar Divisiion,
P.O.& District- Jorhat.
5. The Sub-Divisional Inspector,
Post Offices,
Sivsagar Sub-Division,
P.O.& District-Sivsagar.

Respondents.

By Advocate Mr.M.U.Ahmed, Addl.CGSC.

ORDER(ORALE)

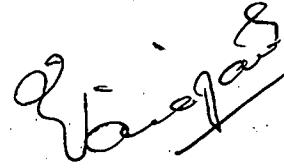
SIVARAJAN,J(V.C):

The applicant while working as Extra Departmental Branch Post Master (EDBPM) in Bhatiapara, District Sivsagar disciplinary proceedings were initiated against the applicant for misappropriation of Government money. After conducting the enquiry the disciplinary authority passed order dated 20.1.04 (annexure 2) removing the applicant from service with immediate effect. The applicant filed an appeal dated 18.6.04 (Annexure 3) which was forwarded to the office of the Chief Post Master General, Assam Circle on 1.7.2004(Annexure 4). Mr. K. Paul learned counsel for the applicant submits that though the appeal was filed on 18.6.04 before the 2nd respondent the same was not disposed of till date. The counsel further submits that the applicant is still out of employment.

2. We have also heard Mr.M.U.Ahmed learned Addl.CGSC appearing on behalf of the Respondents. Since it is stated that the appeal (Annexure 3) has not so far been disposed of, we are of the view that this application can be disposed of at the admission stage itself. We accordingly direct the 3rd Respondent to dispose of the appeal filed by the applicant (Annexure 3) and forwarded by the 2nd Respondent (Annexure-4) as expeditiously as possible at any rate within a period of three months from the date of receipt of this order. The order must be a speaking one.

3. The application is disposed of as above at the admission stage itself. The applicant will forward this order to the 3rd Respondents for compliance within a period of two weeks from today.


 (K.V.PRAHLADAN)
 ADMINISTRATIVE MEMBER


 (G.SIVARAJAN)
 VICE-CHAIRMAN

30 MAY 2005

গুৱাহাটী ব্যায়ামী

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI.

ORIGINAL APPLICATION NO. 120 OF 2005

Sri Ramesh Boruah Applicant.

- Versus -

The Union of India & Ors.... Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars of Document</u>	<u>Annexure No.</u>	<u>Pages</u>
1.	Original Application		1-9.
2.	Order dtd. 24.12.03 passed by this Hon'ble Tribunal in O.A. No. 208/03.	A-1	10-11.
3.	Order of removal from ser- vice dtd. 20.1.04.	A-2	12-22.
4.	Appeal dtd. 18.6.04 against the order of removal from service.	A-3	27-30.
5.	Communication dtd. 1.7.04	A-4	31.

Sri Ramesh Boruah

Signature of the Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

ORIGINAL APPLICATION NO. 120 OF 2005

Sri Ramesh Boruah Applicant.
- Versus -
The Union of India & Ors..... Respondents.

LIST OF DATES

<u>Date</u>	<u>Description</u>	<u>Paragraphs</u>	<u>Annexures</u>	<u>Pages</u>
30.3.00	Appointment as Extra Departmental Branch Post Master in Bhatiappa Extra Departmental Branch Post Office and joining on 1.4.00.	4.2		
12.3.03	Contemplating disciplinary action applicant put "off duty"	4.3		
24.12.03	Order passed by this Hon'ble Tribunal in O.A. No. 208/03 directing the respondents to complete the departmental proceeding within 6 months.	4.4.	A-1	10-11.
20.1.04	Applicant removed from service on the basis of the of the enquiry report. (p.23-26)	4.5	A-2	12-22.
18.6.04	Appeal filed before the respondent No.2 against the order of removal from service.	4.6	A-3	27-30.
1.7.04	Appeal forwarded to the respondent No.3	4.6	A-4	31.

Sri Ramesh Boruah

Signature of the Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. NO. 120 OF 2005

Sri Ramesh Boruah,

S/O. Sri Bhupen Boruah,

Village - Bhatiapara,

P.O. - Bhatiapara,

District - Sivasagar, Assam.

Extra Departmental Branch

Post Master,

Bhatiapara Branch Post Office (Removed from service)

Village & P.O. - Bhatiapara,

District - Sivasagar.

..... Applicant.

- Versus -

1) Union of India,

Through the Secretary,

Ministry of Communication (Post)

Government of India,

New Delhi.

2) The Chief Post Master General,

Assam Region, Meghdoot Bhawan,

Guwahati-1.

Contd...2.

8
Filed by, Sri Ramesh Boruah
through, Krishnendu Paul, Advocate, 30-05-2005.

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3) The Post Master General,
Dibrugarh - 786001.

4) The Superintendent of Post Offices,
Sivasagar Division,
P.O. & District - Jorhat.

5) The Sub-Divisional Inspector,
Post Offices,
Sivasagar Sub-Division,
P.O. & District - Sivasagar.

.... Respondents.

1) PARTICULARS OF THE ORDERS AGAINST WHICH APPLICATION IS MADE.

The applicant is aggrieved by the non consideration of his appeal dated 18.6.04 submitted before the Chief Post Master General, Assam Region, Meghdoor Bhawan, Guwahati-1 against the order dtd. 20.1.04 passed by the Superintendent of Post Offices, Sivasagar Division Jorhat, whereby the applicant was removed from service.

2) JURISDICTION OF THE TRIBUNAL.

The applicant declares that the application is within the jurisdiction of the "Hon'ble Tribunal.

3) LIMITATION.

That the application is filed before this

Hon'ble Tribunal within time limit prescribed under Section 21 of the Administrative Tribunals Act.

4) FACTS OF THE CASE .

4.1. The applicant is a permanent resident of village Bhatiapara, Post office - Bhatiapara, Dist- Sivasagar, Assam. He passed H.S.L.C. Examination in the year 1997.

4.2. That the applicant was appointed as Extra- Departmental ~~Exm~~ Branch Post Master (hereinafter referred to as EDBPM) in Bhatiapara Extra Departmental Branch Post office vide order dtd. 30.03.00 issued by the Respondent No. 4, after due formalities/selection procedures. The applicant joined in the post on 01.04.00 and took over charge.

4.3. That, while the applicant was serving as EDBPM, he was served an order under Memo No. A-1/ Bhatiapara dated Sivasagar, the 12.03.03 issued by the Respondent-No.5 contemplating disciplinary action and ordering the applicant on "put off duty" w.e.f. 12.03.03 (F.N.)

4.4. That although, the impugned order was issued on 12.03.03, no further action was taken in this regard and the applicant was not paid even his subsistence allowance because of which he was facing

- 4 -

acute financial hardship besides mental agony and harassment. Challenging the aforesaid order dtd. 12.03.03 whereby the petitioner was put on "off duty", the applicant approached this Hon'ble Tribunal in an earlier set of litigation being O.A. No. 208/03. This Hon'ble Tribunal was pleased to dispose of the said original Application on 24.12.03 whereby the authorities were directed to conclude the departmental proceedings within six months.

A copy of the said order dtd.

24.12.03 passed by this Hon'ble Tribunal in O.A. No. 208/03 is annexed hereto and marked as

Annexure-A-1.

4.5. That the applicant states that a preliminary hearing was conducted and on the basis of the enquiry report, the applicant was removed from service vide order dtd. 20.1.04 passed by the Superintendent of Post Offices, Sivasagar, Division, Jorhat.

A copy of the said order dated 20.1.04 is annexed hereto and marked as Annexure-A-2.

Contd...5.

4.6. That the applicant thereafter preferred an appeal before the Chief Post Master General, Assam Region on 18.6.04 against the order dtd. 20.1.04 whereby he was removed from service. The office of the Chief Post master General, Assam Circle, Guwahati, vide communication dtd. 1.7.04 forwarded the appeal case of the applicant to the Postmaster General, Dibrugarh. However, the appeal filed by the applicant has not yet been disposed of by the respondents.

A copy of the appeal dated 18.6.04 and the said communication dated 1.7.04 are annexed hereto and marked as Annexures-A-3 and A-4 respectively to this petition.

4.7. That the applicant has challenged the order by which he has been removed from service on the ground that the enquiry was not held in accordance with law. He was not even allowed to have defence assistant to help him. The enquiry report submitted by the enquiry officer on the basis of a preliminary hearing and the findings recorded by the disciplinary authority are based on surmises and conjectures. The respondents did not take into account the order passed by this Hon'ble Tribunal in O.A. No. 208/03 to the effect that the authority should consider the fact that the applicant had deposited the amount in question.

There is no evidence on record to prove the charges levelled against the applicant. Therefore, on the basis of such a farcical departmental enquiry, the applicant cannot be removed from service and the applicant prayed for his reinstatement in service with all ~~max~~ benefit. Though, the appeal was submitted long ago, till date, the appeal has not been disposed of by the appellate authority.

5) GROUND FOR RELIEF WITH LEGAL PROVISIONS.

5.1. For that the order dated 20.1.04 passed by the respondent No. 4 whereby the applicant has been removed from service is illegal, arbitrary and discriminatory in nature.

5.2. For that the respondents have failed to appreciate the judgment and order dtd. 24.12.03 passed by this Hon'ble Tribunal in O.A. No. 208/03 in its proper perspective and have committed grave illegality in removing the applicant from service on the basis of a preliminary hearing.

5.3. For that the non-consideration of the appeal dated 18.6.04 submitted by the applicant against the order of removal from service, has violated the fundamental and other legal rights ~~xx~~ of the applicant.

5.4. For that the applicant has been removed from service in an illegal and farcical departmental enquiry and he is undergoing tremendous financial hardship

besides mental pain and agony. During the past almost one year, the applicant repeatedly met the respondents and requested them to consider ~~xxxxxx~~ his appeal expeditiously but nothing seem to move the respondents and the appeal is yet to be disposed of.

6) DETAILS OF THE REMEDIES EXHAUSTED.

The applicant declares that he has availed of all the remedies available to him under the relevant service rules. No final order has been made in the statutory appeal dated 18.6.04 although more than six months had expired thereafter.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

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

8) RELIEFS SOUGHT.

In view of the facts and circumstances narrated above the applicant prays for the following relief(s) : -

A direction towards the respondents to consider in accordance with law and dispose of the appeal dated 18.6.04 filed by the applicant against the order dated 20.1.2004 whereby the applicant was removed from service and to inform the applicant about the outcome of the said appeal within a stipulated period.

Any other relief as the Hon'ble Tribunal may deem fit and proper.

9) INTERIM ORDER, IF ANY PRAYED FOR.

Nil.

10) PARTICULARS OF BANK DRAFT/POSTAL ORDER FILED
IN RESPECT OF THE APPLICATION FEE.

I.P.O. No. 20G J60580

Dated - 25-5-2005

Payable Guwahati.

11) LIST OF ENCLOSURES :

As per index.

Verification

V E R I F I C A T I O N

I, Sri Ramesh Boruah, aged about 28 years, son of Sri Bhupen Boruah, resident of village and P.O. - Bhatiapara, P.S. - Joysagar, District - Sivasagar, do hereby verify that the contents of paragraphs 4.1 to 4.7 are true to my personal knowledge and paragraphs 5.1 to 5.4 are believed to be true on legal advice and that I have not suppressed any material fact.

Date : - 26-05-2005.

Sri Ramesh Boruah

Place : - Guwahati.

Signature of the Applicant.

ANNEXURE - A/1.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 208 of 2003.

Date of order : This, the 24th Day of December, 2003. ✓

THE HON'BLE MR JUSTICE B. PANIGRAHI, VICE CHAIRMAN.

THE HON'BLE MR K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Sri Ramesh Baruah,
S/O Sri Bhupen Barua
Resident of vill : Bhatiapara
P.O. - Bhatiapara.
Dist - Sivasagar. Applicant.

By Advocate Mr. I. Hussain.

- Versus -

1. The Union of India
Through the Secretary
Ministry of Communication
(Post), Govt. of India
New Delhi.
2. The Chief Post Master General
Assam Region, Meghdoot Bhawan
Guwahati-1.
3. The Superintendent of Post Offices
Sivasagar Division
P.O. & Dist - Jorhat.
4. The Sub Divisional Inspector
Post Offices, Sivasagar Sub-Division
P.O. & Dist - Sivasagar. Respondents.

By Mr. A.K. Chaudhury, Addl. C.G.S.C.

ORDER (ORAL)

PANIGRAHI, J(V.C.) :

Upon hearing the learned counsels the matter was admitted on 12.9.2003 before filing written statement. On perusal of the ground of the application it

Contd...2.

Certified to be true copy.
K. Paul, Advocate

appears that the applicant is working as Extra Departmental Branch post Master (EDBPM) in Bhatiapara Branch Post Office under Sivasagar Sub-Division. In contemplation of departmental proceeding it appears that the respondents passed an order against the applicant "put off" ^{duty} w.e.f. 12.3.2003 vide Annexure-3. There was an allegation of embezzlement to the tune of Rs. 58,300/-. Therefore the respondents in contemplation of the departmental proceeding placed the delinquent under suspension. In the meantime it appears that a regular departmental proceeding was initiated against the applicant which awaits final disposal. Since the proceeding is pending against the applicant it is premature to go into the merits of the case. But the respondents are hereby called upon to conclude the departmental proceeding, if any, pending against the applicant within six months from the date of receipt of the order. In case, the applicant avoids to co-operate with the respondents, it would be open to them to complete the same in accordance with law. Mr. I. Hussain, learned counsel appearing for the applicant, has submitted that some amount alleged to have been embezzled, has been made good by the applicant. We are not entering into the merits of the case. We leave ~~xx~~ it to the authority to consider the same.

With the above directions, the application is disposed of at the admission stage itself.

Sd/- VICE CHAIRMAN
Sd/- MEMBER (A)

Annexure-2

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SUPDT. OF POST OFFICES, SIVASAGAR DIVN,
JORHAT :: 785001.
Memo No. - F4-8/2002-03 Dtd. at Jorhat the 20.1.04.

It was proposed to take action against Sri Ramesh Baruah, GDS BPM, Bhatiapar Branch post office vide this office memo of even no. dtd. 27.8.03 under Rule 21 of GDS (Conduct and Employment) Rules 2001 and a statement of imputation of misconduct in support of article of charges on which action was proposed to be taken was enclosed thereto. The said Sri Ramesh Baruah was given an opportunity to make any representation as he wish to make against the proposal within 10 (ten) days from the date of receipt of the memo.

The charged levelled against Sri Ramesh Baruah was as follows : -

Article -I (Annexure-II)

Sri Ramesh Baruah, while working as GDS BPM, Bhatiapar Bo during the period he misappropriated a sum of Rs. 44215/- against 16 SB A/cs and 15 RD A/cs particularised below. He noted the transactions in respective pass books, impressed with date stamp under his initial but the amount so realised were not credited to the Govt. A/c in any way.

Sl. No.	A/C no.	Depositors name	Date of non cr.	Amount Rs.	Total Rs.
	<u>SB a/c</u>				
1.	765029	Kunjalata Gogoi	6.11.02	200.00	
			30.12.02	150.00	350

*Certified to be true copy
K. Paul, Advocate*

Contd...2

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2.	766467	Robin Kr. Das	12.11.02	700.00	
			18.11.02	800.00	1500/-
3.	755917	Dhan Singh Ronghong	6.7.02	500.00	500/-
4.	766022	Nayan Tara Das	5.6.02	565.00	565/-
5.	766607	Parishmita Baruah	12.11.02	50.00	
			25.11.02	100.00	
			9.12.02	150.00	
			30.12.02	100.00	
			11.1.03	50.00	
			21.1.03	150.00	
			3.2.03	200.00	
			17.2.03	100.00	900/-
6.	766533	Ritamoni Das	23.5.02	000.00	
			2.9.02	100.00	
			30.9.02	100.00	
			23.10.02	500.00	
			28.11.02	200.00	
			5.12.02	100.00	
			8.1.02	500.00	2500/-
7.	766607	Pritava Barua	12.11.02	50.00	
			25.11.02	100.00	
			9.12.02	150.00	
			30.12.02	100.00	
			11.1.03	50.00	
			21.1.03	150.00	
			3.2.03	200.00	
			17.3.03	100.00	900/-
8.	766553	Gokul Phukan	27.5.02	300.00	
			19.7.02	300.00	
			14.11.02	300.00	
			13.2.03	500.00	1400/-
			19.2.03	Contd...3	

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9.	765806	Palash Gogoi	11.1.03	700.00	700/-
10.	766534	Chunamoni Das	23.5.02	1000.00	
			2.9.02	200.00	
			30.9.02	200.00	
			23.9.02	500.00	
			18.11.02	200.00	
			5.12.02	200.00	
			7.1.03	800.00	3100/-
11.	765907	Ranjeet Gogoi	10.5.02	500.00	500/-
12.	766587	Sambha Gogoi	25.8.02	200.00	
			10.10.02	1000.00	
			5.11.02	1000.00	
			21.11.02	10000.00	12200/-
13.	766567	Dulu Gogoi	9.8.02	100.00	
			25.11.02	900.00	1000/-
14.	766488	Niruj Baruah	1.2.03	10000.00	10000/-
15.	766481	Bani Bhakta	8.6.02	600.00	600/-
16.	766617	Thaneswar Baruah	22.2.03	300.00	300/-
<u>RD</u>					
17.	8000	Saruj Baruah	10.4.02	50.00	
			2.6.02	50.00	
			17.8.02	150.00	
			14.9.02	50.00	
			21.1.03	200.00	500/-
18.	8009	Mamoni Gogoi	30.11.02	50.00	
			30.12.02	50.00	
			25.1.02	50.00	
			27.2.03	50.00	200/-
19.	7915	Manash Pr. Samma	21.1.03	200.00	200/-

Contd...4

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20. 8024	Junumoni Gogoi	25.11.02	100.00	
		28.12.02	1000.00	
		24.2.20	100.00	300/-
21. 8162	Rumi Baruah	28.1.03	100.00	
		26.2.03	100.00	200/-
22. 8161	Anjana Devi	27.2.03	100.00	100/-
23. 7997	Nabajyoti Sharma	27.2.03	100.00	100/-
24. 8197	Rupam Kr. Das	2.9.02	100.00	100/-
25. 7870	Runamoni Baruah	21.1.03	200.00	
		26.2.03	200.00	400/-
26. 8163	Ilumoni Baruah	16.7.02	200.00	
		19.2.03	300.00	500/-
27. 8065	Bijen Gogoi	25.1.03	350.00	
		27.2.03	350.00	700/-
28. 8008	Robin Gogoi	30.11.02	200.00	
		30.12.02	200.00	
		25.1.03	200.00	
		27.2.03	200.00	800/-
29. 8001	Lakhimi Baruah	10.4.02	100.00	
		2.6.02	100.00	
		17.8.02	3000.00	
		14.9.02	100.00	
		21.1.03	400.00	1000/-
30. 7999	Dipamoni Chetia	10.4.02	200.00	
		2.6.02	100.00	
		17.8.02	300.00	
		10.4.02	100.00	
		14.9.02	100.00	
		21.1.03	400.00	1100/-

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31. 8054	Liya Baruah	10.4.02	100.00
		2.6.02	100.00
		17.8.02	300.00
		14.9.02	100.00
		21.1.03	400.00 1000/-

Total Rs. 44,215.00 Rs. 44,215/-

(Forty four thousand two hundred fifteen) only.

By non crediting the aforesaid amounts in the Govt. a/c said Sri Ramesh Baruah GDS BPM, Bhatiapar BO had violated the provision of Rule 133(2) of Rules for branch offices and thereby he also violated the provision of Rule - 21 of GDS (Conduct and employment) Rules, 2001.

Article - II

On receipt of an information regarding non functioning of the Bhatipar BO from the local public SDI(P) Sivasagar visited the BO on 12.3.03 and on verification he found shortage of cash of Rs. 4045.66 as per records available at the BO on 12.6.03. Thereby the said BPM violated the provision of Rule II(2) of Rules for branch offices and Rules -21 of GDS (Conduct and Employment) Rules-2001.

Annexure-III

List of documents by which articles of charges framed against said Sri Ramesh Baruah, GDS BPM, Bhatiapar (now on put off duty) are proposed to be sustained.

Contd...6.

1. B.O a/c Book w.e.f. 1.8.00 to 31.5.01 (Page 1 to 29)
2. " " " 1.6.01 to 7.3.03 (Page 1 to 42)
3. SB Journal " 17.7.00 to 28.2.03 (Page 1 to 47)
4. RD Journal " 1.11.99 to 22.10.01 (Page 1 to 92)
5. RD " " 29.10.01 to 28.2.03 (Page 1 to 31)
6. BO Journal " 24.11.02 to 6.3.03 (Page 1 to 70)
7. SB a/cs pass books 16 & RD pass books 15 particularised in Annexure-II of Article-I.

Annexure IV

List of witness by whom the article of charges framed against Sri Ramesh Baruah, GDS BPM, Bhatispar in a/c with Konwarpur SO (now on put off duty) are proposed to be sustained.

1. Sri Ajit Bharali, SDI(P) Sibsagar Dvn, Sibsagar.
2. Sri Gakul Bora, ~~Account holder~~ Account holder of Bhatispar BO SB a/c No. 766553.
3. Miss Chanumoni Das, Account holder of Bhatispar BO a/c No. 766534.
4. Sri Niraj Kr. Baruah, a/c holder of SB a/c No. 766488 standing at Bhatispar BO in a/c with Konwarpur SO.

The above memo received by Sri Ramesh Baruah, but he did not submit ~~any~~ representation. Therefore an inquiry authority was appointed nominating Sri D. Dihingia, ASPO(Dn) as IO and Sri N.R. Saikia, SDIPOs (Mariani Sub Dvn) as PO to enquire the case. The preliminary hearing was held at Konwarpur SO on 14.11.2003 and the I.O. submitted his report on 1.12.2003. The report goes as under : -

- 7 -

I have been appointed as Inquiry officer into the charges framed against Sri Ramesh Baruah, BPM, Bhatiapar in q/c with Konwarpur SO (Now under put off duty) vide Supdt. of POs, Sivasagar Dvn, Jorhat memo No. F4-8/2002-03 dtd. 7.10.03. Sri Netra Ranjan Saikia SDI (P), Mariani has been appointed as presenting officer of the above noted case vide S. Posts/Jorhat letter of even no. dtd. 7.10.03.

The 'Charge-Sheet' was issued against Sri Ramesh Baruah GDS BPM, Bhatiapar BO in a/c with Konwarpur SO (Now under put off duty) under Rule-21 at GDS (Conduct & Employment) Rules 2001 vide S. Posts, Jorhat memo No. F4-8/2002/03 dtd. 27.8.03.

Accordingly a preliminary hearing was fixed on 14.11.03 at Konwarpur at 11.00 hrs by the undersigned vide letter No. A1/Inquiry/Rule-21/R. Baruah/03 dtd. 24.10.03. The Inquiry was held at 11.30 hrs when the following were presents : -

1. Sri Netra Rn. Saikia, SDI(P), Mariani and presenting officer.
2. Sri Ramesh Baruah, GDS BPM, Bhatiapar and the charged official.
3. Sri D. Dihingia, ASPOs (Dn) and the Inquiry officer.

In preliminary hearing Sri Ramesh Baruah, the charged official and GDS BPM, Bhatiapar BO (Now under put off duty) was questioned by Inquiry officer whether

he received the 'Charge Sheet' No. F4-8/2002-03 dtd. 27.8.03 issued by the Supdt. of POs Sibsagar Division Jorhat. He admitted that he had received the 'Charge Sheet' and also admitted that he had understood the article of charges brought against him in the said memo.

The charge sheet has been read out before Sri Ramesh Baruah, GDS BPM, Bhatiapar BO (Under put off duty) and make him understand the article of charges brought against him vide S. Posts, Jorhat memo no. F4-8/2002-03 dtd. 27.8.03.

Sri Ramesh Baruah admitted the charge brought against him in Article-I in toto. There by Sri Ramesh Baruah violated the provision of Rule-133(2) of the Rules of Branch offices and Rule-21 of GDS (Conduct & Employment) Rules 2001 which stands proved.

In article II & III of the charge sheet no. F4-8/2002-03 dtd. 27.8.03 Sri Ramesh Baruah expressed that the shortage of cash amounting to Rs. 4045.66 (Four thousand forty five paise sixty six) only in his custody due to his absence on duty on 12.3.03 which was not kept in office cash balance and charged as UCP in BO Account on 12.3.2003 but the fact of collecting the key of the office from the residence of Sri Ramesh Baruah is stated to be true.

Thereby Sri Ramesh Baruah, violated the provision of Rule -11(2) of rule for branch offices and Rule-21 of GDS (Conduct and Employment) Rules 2001 in Article-II and Article-III of the Charge sheet No. F4-8/2002-03 dtd. 27.8.2003 framed against Sri Ramesh Baruah, GDS BPM, Bhatiapar BO in a/c with Konwarpur which stand proved.

In the preliminary hearing the following listed documents have been produced before Sri Ramesh Baruah, GDS BPM, Bhatiapar BO (Under put off duty) by the presenting officer in my presence and the same were examined thoroughly by Sri Ramesh Barauah, GDS BPM, Bhatiapar BO which were exhibited as detailed below.

1. Bhatiapar BO account book period from 1.8.2000 to 31.5.2001. exhibited as exhibit no. 1(a).
2. Bhatiapar BO account Book period from 1.6.2001 to 7.3.2003 and exhibited as exhibit no. 1(b).
3. BO S^B journal period from 17.7.2000 and exhibited as Exhibit No.2. to 28-2-03
4. BO RD journal from 7.11.1999 to 22.10.2001 and exhibited as Exhibit no. 3(a).
5. BO RD journal period from 29.10.2001 to 28.2.2003 and Exhibited as exhibit no. 3(b).
6. Bhatiapar BO journal from 24.11.2001 to 6.3.2003 exhibited as exhibit no.4.

- 10 -

7. SB pass books a/cs no. : - 766488, 766587, 765029, 765917, 766022, 766606, 766607, 765806, 765907, 766481, 766617, 716533 and 766534 exhibited as exhibit no.5.

8. ~~Bankers~~ Bhatiapar B^O RD a/c no : - 7999, 8000, 8009, 7915, 8024, 8162, 8161, 7997, 8197, 7870, 8163, 8065, 8008 and 8054 which were exhibited as exhibit No.6.

Thus the hearing ended & ~~case~~ concluded.

Article of charges stands proved.

The IOs report was sent to Sri Ramesh Baruah vide this office letter of even no. dtd. 1.12.03 under registered letter of no. W-0356 dtd. 2.12.03 for submission his representation if any within 10 (ten) days from the receipt of the letter. But he did not submit any representation till this date.

OBSERVATION AND FINDINGS

I have gone through the report of IA and examined the case thoroughly. Sri Ramesh Baruah has admitted the charges in toto before the IO and the charges framed against Sri Baruah the charges stands proved. I agree with the findings of IA and Sri Ramesh Baruah, GDS BPM, Bhatiapar (Now under put off duty) is entirely responsible for committing the fraud. The nature of offence committed by Sri Baruah is serious as he has misappropriated huge public money and his case does not deserve any consideration. I do not find him fit to be retained in service any more and issue the following orders to meet the end of justice.

Contd...11.

O R D E R

I Sri B.K.Marak, Supdt. of Post Offices, Sivasagar Division, Jorhat therefore, ordered that Sri Ramesh Baruah , GDS BPM, Bhatiapar BO (Now under put off duty) be removed from service with immediate effect.

Sd/-

(B.K. Marak)
Supdt. of Post Offices,
Sivasagar Divn., Jorhat-1.

Copy to : -

1. Sri Ramesh Baruah, GDS BPM, Bhatiapar BO, Via-Konwarpur SO, Dist - Sivasagar for information.
2. The Postmaster, Sivasagar HO for information and n/a.
3. The DA(P), Kolkata through Postmaster, Sivasagar HO.
4. The Asstt. Director (INV), O/O the PMG, Dibrugarh Region, Dibrugarh for information.
5. Punishment Register.
6. Estt. Br. D/Office.
7. O/C.
8. Spare.

Sd/- Illegible,
Supdt. of Post Offices,
Sivasagar Divn, Jorhat-1.

Submission of Inquiry Officer's report in c/w Rule-21
case under GDS (Conduct and Employment) Rules 2001

case of Shri Ramesh Baruah GDS BPM Bhatiapor BO in A/C

with Konwarpur SO (Now under put off duty)

I have been appointed as Inquiry officer to inquiry into the charges framed against Shri Ramesh Baruah BPM Bhatiapor BO in a/c with Konwarpur SO (now under put off duty) vide Supdt. of Post Offices, Sivasagar Division, Jorhat memo No. F4-8/2002-2003 dated 7.10.2003. Shri Netra Ranjan Saikia SDI(P), Mariani has been appointed as presenting officer of the above noted case vide S. Posts/Jorhat letter of even no dated 7.10.2003.

The 'Charge-Sheet' was issued against Shri Ramesh Baruah GDS- BPM Bhatiapor BO in A/C with Konwarpur SO (Now under put off duty) under Rule 21 at GDS (Conduct & Employment) Rule 2001 vide S. Posts/Jorhat Memo No. F4-8/2002 -2003 dtd. 27.8.2003.

Accordingly a preliminary hearing was fixed on 14.11.2003 ~~xxx~~ at Konwarpur at 11-00 hrs by the undersigned vide letter no. A1/Inquiry/Rule-21/R Baruah/03 dtd. 24.10.2003. The Inquiry was held at 11.30 hrs when the following were presents : -

- 1) Shri Netra Ranjan Saikia - SDI(P) Mariani and the presenting officer.
- 2) Shri Ramesh Baruah GDS BPM, Bhatiapor and the charged official.

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*Certified to be true copy.
K. Paul, Advocate.*

3) Shri D. Dihingia -ASPOs (Dvn) and the Inquiry officer.

In preliminary hearing Shri Ramesh Baruah, the charged official and GDS BPM, Bhatiapar BO (now under put off duty) was questioned by Inquiry officer whether he received the 'Charge Sheet' no F4-8/2002 - 2003 dated 27.8.2003 issued by the Supdt. of Posts, Sibsagar Division, Jorhat. He admitted that he had received the 'Charge sheet' and also admitted that he had understood the article of charges brought against him in the said memo.

The charge sheet has been read out before Shri Ramesh Baruah GDS BPM Bhatiapar BO (under put off duty) and make him understand the article of charges brought against him vide S. Posts/Jorhat memo No. F4-8/2002-2003 dated 27.8.2003.

Shri Ramesh Baruah admitted the charge brought against him in 'Article-I in into' There by Shri Ramesh Baruah violated the provision of Rule 133(2) of the Rules of Branch Offices and Rule 21 GDS (Conduct & Employment) Rules 2001 which stands proved.

In article II & III of the charge sheet no F4-8/2002/2003 dtd. 27.8.2003 Shri Ramesh Baruah expressed that the shortage of Cash amounting to Rs. 4045.66 (Rupees Four thousand forty five and paise six) only was in his custody due to his absence on

duty on 12.3.2003 which was not kept in office Cash balance and charged as UCP in BO Account on 12.3.2003 but the fact of collecting the key of the office from the residence of Shri Ramesh Baruah is stated to be true.

Thereby Shri Ramesh Baruah violated the provision of Rule 11(2) of rule for Branch Offices and Rule 21 of GDS (Conduct and Employment) Rule 2001 in Article-II and Article -III of the charge sheet no F4-8/2002-2003 dtd. 27.8.2003 framed against Shri Ramesh Baruah GDS BPM, Bhatiapar BO in A/C with Konwarpur which stand proved.

In the preliminary hearing the following listed documents have been produced before Shri Ramesh Baruah GDS BPM, Bhatiapar BO (under put off duty) by the presenting officer in my presence and the same were examined ~~xxxx~~ thoroughly by Shri Ramesh Baruah GDS BPM, Bhatiapar BO which were exhibited as detailed below : -

- 1) Bhatiapar BO account Book period from 01.8.2000 to 31.5.2001 and exhibited as exhibit no.1(a).
- 2) Bhatiapar BO account Book period from 01.6.2001 to 07.3.2003 and exhibited as exhibit no.1(b).
- 3) BO SB Journal period from 17.7.2000 to 28.2.2003 and exhibited as exhibit no.2.
- 4) BO RD Journal from 01.11.1999 to 22.10.2001 and exhibited as exhibit no. 3 (a).

Contd...4.

5) BO RD Journal period from 29.10.2001 to 28.2.2003 and exhibited as exhibit no. 3(b).

6) Bhatiapar BO Journal from 24.11.2001 to 06.3.2003 exhibited as exhibit no. 4.

7) SB Pass Books A/c Nos: 766488, 766587, 765029, 765917, 766022, 766606, 766607, 765806, 765907, 766481, 766617, 766467, 716533 and 766534 exhibited as exhibit no. 5.

8) Bhatiapar BO R/D Account No. - 7999, 8000 8009, 7915, 8024, 8162, 8161, 7997, 8197, 7870, 8163, 8065, 8008, 8001 and 8054 which were exhibited as exhibit no. 6.

Thus the hearing ended & concluded. Article of charges stand proved.

Sd/- Illegible,

1.12.03

(D. Dihingia)

Asstt. Supdt. of Post ~~Ex~~
Offices & Inquiry officer.

Bhatiapar, Sivasagar
18th June, 2004.

To,

The Chief Post Master General
Assam Region
Meghdoott Bhawan, Guwahati-1.

Sub : - An appeal against removal from service.

Ref : - Memo No. F4-8/2002-03 dated Jorhat the 20.1.04.

Respected Sir,

Respectfully, I beg to prefer an appeal against the order dtd. 20.1.04 passed by Superintendent of Post Officer, Sivasagar Division, Jorhat removing myself from service as GDS BPM of Bhatiapar Branch Post Office, Sivasagar in a department proceeding holding myself guilty of the charges.

I was appointed as Extra Departmental Extra Departmental Branch Post Master (EDBPM) in Bhatiapar EDBO under Sivasagar Division vide an order dtd. 30.3.00 of the Supdt. of Post Offices, Sivasagar Division Jorhat and there after continued in the said post.

While working there I was put to off duty w.e.f. 12.3.03 vide an order dtd. 12.3.03 because of an disciplinary proceeding charging me. After my suspension the Sub Divisional Inspector, Sivasagar verbally directed me to deposit cash amount to the Department and told me that, if I deposit the amount, no action will be taken against me but if I fail to do so police will be informed to arrest me. Being afraid of being arrested, I deposited a total amount of Rs. 58,300/- on them

*Certified to be true copy
K. Paul, Advocate*

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different dates in the Sub post office, Kormarpur and receipts were obtained. I deposited an amount of Rs. 10,600/- vide receipt No. A 64435 - 88, Rs. 6100/- vide receipt No. A 64435 - 96 and Rs. 41,600/- vide receipt No. A-64435 - 90.

Copies of which are enclosed herewith.

As I was suspended, I filed an original Application No. 208/03 in the Hon'ble Central Administrative Tribunal at Guwahati ~~Supreme~~ Bench with a prayer for quashing of the suspension order and for payment of subsistence allowance etc. Thereafter, notices were issued to the authorities and the Hon'ble Tribunal vide an order dtd. 24.12.03 directed the authorities to conclude the departmental proceedings within six months. In the order the Hon'ble Tribunal was pleased to mention about deposit of the alleged embezzled amount but did not pass any order on merit of the case.

Thereafter, an enquiry was conducted against me by the authorities and I was to confess that, I took the amount and threatened me again ~~that~~, if I fail to do so, police case will ^{be} ~~against~~ [^] me and I will be arrested. Although there was some lapses in not depositing in time. I did not misappropriated the same but there was some delay in this regards the offence of which should not have been too severe for my dismissal.

Thereafter, the Enquiry Report was submitted to the Supdt. of Post Offices, Sivasagar Division, Jorhat and the Superintendent vide an order dated 20.1.04 removed me from service with immediate effect finding me guilty.

Exe Herein, I beg to state that, there was no proper enquiry into the allegation against me, I was forced to confess about my guilt and no Defence Assistance was allowed to help me. As I am not at all familiar with any enquiry it was extremely difficult to defend myself from the charges and could not ask any question to the witnesses. During the enquiry nothing was mentioned regarding deposit of the alleged defalcated amount by me as demanded and the same also has not been mentioned in the enquiry report and I have been punished by recovering the amount as well by removing me from service which is against the rules and procedure. In the Article I of the charges it is specifically stated that, the amount realised by me has not been credited to Govt. A/C in any way which is contrary to the records as I have already deposited the entire amount which was in my possession and could not be deposited in time.

Therefore I pray your honour to call for the records of the case and after perusing the same be pleased to reinstate me in service as GDS - BPM,

Bhatiapar Branch Post Office in Sibsagar or in any other nearby Branch Post Office and give all service benefit/pay etc. with retrospective effect in the interest of justice.

And for this act of kindness, I shall remain ever grateful to your honour.

Enclosed :

1. Photo copies of Money receipt.
2. Photo copy of order dtd. 24.12.03 passed by Hon'ble C.A.T. in O.A. No. 208/03.
3. Order dtd. 20.1.04 of the Supdt. of Post Offices, Sivasagar Divn., Jorhat removing me from service.

Yours faithfully,

Sd/- RAMESH BORUAH
S/O. Sri Bhupen Boruah
Vill - Bhatiapara
P.O. - Bhatiapara
Dist - Sivasagar
EX-GDS-BPM
Bhatiapar B.O.
Dist - Sivasagar.

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

No. Staff/9/Misc/99/Part-I

Dated at Guwahati the
July, 1, 2001.

To

The Postmaster General,
Dibrugarh-786 001.

Sub : - Appeal case of Sri Ramesh Baruah, GDS (BPM)
Bhatiapar BO - Sivasagar Dn.

An appeal received from Sri Ramesh Baruah
GDS(BPM) Bhatiapar BO (Put off duty) dated 18.6.04
is forwarded herewith for necessary action as the
case is under the control of your Region.

Enclo : - As above.

Sd/- Illegible,
A.P.M.G. (Staff)
O/o the Chief Postmaster Gen.
Assam Circle, Guwahati-781001

Copy to : -

Sri Ramesh Baruah
S/o Sri Bhupen Baruah
P.O & Vill - Bhatiapar
Dist - Sivasagar for information.

Sd/- Illegible,
For Chief Postmaster General
Assam Circle, Guwahati-781001

Certified to be true copy.
K. Paul, Advocate.