

FORM NO. @
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 4/2006
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant(s) Bipul Ranjan Das
Respondent(s) U. O. I. For

Advocate for the Applicants Mr. M. Chanda
Mr. R. Das

Advocate for the Respondent(s) _____

✓CGSC

Pl. St. Counsel

Notes of the Registry Date

Order of the Tribunal

9.1.2006

The application is disposed of in terms of the order passed in separate sheets, at the admission stage itself.

The application is a form
is filed/C. I. No. 30/-
disposal No. 2663/7888
Dated 28.12.05

Dy, Registrar

Vice-Chairman

mb

Slips not taken

Rs 15/- deposit- vide
receipt NO. 1777 dated
5.01.06.

5.1.06.

19.1.06

Copy of the order has
been sent to the office
for issuing the due to
the applicant by post as
well as to the A.D. CGSC
for the response.

✓

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.**

O.A. No. 4/2006

DATE OF DECISION: 09.01.2006.

Sri Bipul Ranjan Das

APPLICANT(S)

Mr. M. Chanda, Mr. R. Das

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U.O.I. & Ors.

RESPONDENT(S)

Mr. A.K. Chaudhuri

ADVOCATE FOR THE
RESPONDENT(S)

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

THE HON'BLE

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.

G. Sivarajan
9.1.06

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 4 of 2006.

Date of Order : This the 9th January 2006.

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

Sri Bipul Ranjan Das (Dismissed Postal
Assistant in the Assam Rifles Sub Office
At Shillong - 793 011), a resident of
Quarter No. Type - II/3, Nongmynsong Postal Quarter
Complex, P.O. - Shillong - 793 011.
District - East Khasi Hills, Meghalaya.

... Applicant.

By Advocates Mr. M. Chanda, Mr. R. Das.

- Versus -

1. The Union of India, being represented by the
Secretary to the Government of India,
Ministry of Communications and Information Technology,
108-E, G.A. Section, Dak Bhawan, Sansad Marg,
New Delhi - 110 001.
2. The Under Secretary to the Government of India,
President's Secretariat, Public - '1' Section,
Rastrapati Bhawan, New Delhi - 110 004.
3. The Chief Post Master General
North Eastern Circle,
P.O. - Shillong - 793 001.
District - East Khasi Hills, Meghalaya.
4. The Post Master General,
North Eastern Circle,
P.O. - Shillong - 793 001.
District : East Khasi Hills, Meghalaya.
5. The Director (Headquarter),
Office of the Chief Postmaster General
North Eastern Circle
P.O. - Shillong - 793 001.
District : East Khasi Hills, Meghalaya.

6. The Senior Superintendent of Post Offices
Meghalaya Division,
P.O. - Shillong - 793 001.
District : East Khasi Hills, Meghalaya.
 7. The Sub Post Master
Cherrabazar Sub Office
Upper Cherra (Near Ramakrishna Mission)
District : East Khasi Hills, Meghalaya.
 8. The Post Master
Cherrapunjee Post Office
Lower Cherra (Near Cherrapunjee Police Station)
Cherrapunjee, District : East Khasi Hills, Meghalaya.
- ... Respondents

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

ORDER (ORAL)

SIVARAJAN. J. (V.C.)

The applicant, a Postal Assistant in the Assam Rifles Sub Office at Shillong, was dismissed from service in a disciplinary proceeding initiated against him by order dated 17.11.2004 (Annexure - J). An appeal filed against the said order was also dismissed by order dated 25.07.2005 (Annexure - L). The applicant then filed a Review Petition dated 28.09.2005 (Annexure - Q) before the President of India. The applicant received a communication dated 14.10.2005 (Annexure - R) stating that the said application was forwarded to the Secretary to the Government of India, Ministry of Communication and Information Technology (1st Respondent herein). The grievance of the applicant is that though the applicant's Review Petition was forwarded to the 1st Respondent on 14.10.2005 for appropriate action nothing is heard

[Signature]

from the said respondent and that the applicant is still out of employment.

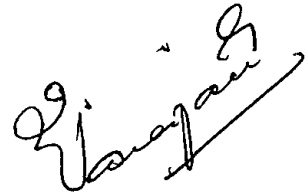
2. Mr. R. Das, learned counsel for the applicant wanted to argue the matter on merits about the innocence of the applicant. Mr. A.K. Chaudhuri, learned Addl. C.G.S.C., for the respondents then submits that since the Review Application is stated to be pending before the 1st Respondent it is for the said authority to consider the matter and pass appropriate order in the matter at present.

3. I find merit in the said submission made by the standing counsel. In the circumstances, I am of the view that this application can be disposed of at the admission stage itself with direction. Accordingly, there will be a direction to the 1st Respondent to consider the Review Application (Annexure - Q) forwarded to him from the Office of the President of India evidenced by annexure - R and to dispose of the same in accordance with law by a speaking order within a period of three months from the date of receipt of this order.

4. Mr. R. Das, counsel for the applicant then submits that a direction may be issued in regard to the continued occupation of the quarter. I do not think any such direction can be issued in this proceedings. The applicant is free to approach the appropriate forum for the said relief.

JP

The O.A. is disposed of as above at the admission stage itself. The applicant will produce a copy of this order to the 1st Respondent for compliance.



(G. SIVARAJAN)
VICE CHAIRMAN

/mb/

Original Application No. 4/2006

1. a) Name of the Applicant:- B.R. Desai
b) Respondants:- Union of India & Ors.
c) No. of Applicant(S):-
2. Is the application is the proper form:- Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title :- Yes / No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed :- Yes / No.
7. Whether all the annexure ~~parties~~ are impleaded :- Yes / No.
8. Whether ~~English~~ translation of documents in the Language:- Yes / No.
9. Has the application is in time :- Yes / No.
10. Has the Vokatlatnama/Memo of appearance /Authorisation is filed:- Yes / No.
11. Is the application by IPO/EO/for Rs.50/- 266317888
12. Has the application is maintainable : Yes / No.
13. Has the Impugned order original duly attested been filed:- Yes / No.
14. Has the legible copies of the annexurea duly attested filed:- Yes / No.
15. Has the Index of the documents been filed all available :- Yes / No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes / No.
17. Has the declaration as required by item 17 of the form:- Yes / No.
18. Whether the relief sought for arises out of the Single: Yes / No.
19. Whether interim relief is prayed for :- Yes / No.
20. Is case of Condonation of delay is filed is it Supported :- Yes / No.
21. Whether this Case can be heard by ~~Single Bench/Division Bench~~:
22. Any other pointed :-
23. Result of the Scrutiny with initial of the Scrutiny Clerk:

SECTION OFFICER (J)

5.1.06

DEPUTY REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

G. A. R. 6

[See Rule 22 (1)]

RECEIPT

No. 1777

Date 5/01/2006

Received from Bipul Ran Das with

Letter No. OA 4/06 dated 20

the sum of Rupees Fifteen only

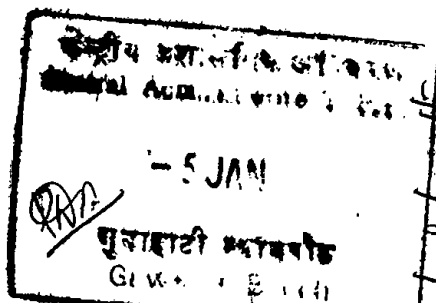
In cash/by IPO on account of excise respondents
by bank draft

in payment of

Signature

Cashier

Rs. 15/-



District: East Khasi Hills, Meghalaya.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :

GUWAHATI BENCH AT GUWAHATI - 781005.

O.A.No. 4 of 2006.
(with M.C. No. 72006)

Shri Bipul Ranjan Das ... Applicant

- Versus -

The Union of India and others ... Respondents

SYNOPSIS

This Original application under section 19 of the Administrative Tribunals Act, 1985 has been filed against the applicant's dismissal order dated 17.11.04 as well as the ~~Appellate~~ Appellate order dated 25.7.05 passed by the appropriate Authorities on the basis of allegations of misappropriation of Govt. money without any evidence and without following due process of law, for which 2(two) simultaneous proceedings were on against the applicant viz; FIR dated 25.3.04 alleging involvement of Rs.1,20,684/- and Departmental Proceeding Charge Sheet dated 30.8.04 involving an amount of Rs. 77, 763/- by suspending the applicant from his service as Postal Asstt. vide Order No. F4-5/03-04/Cherrabazar, dtd. 22.3.2004 respectively on same charge arising out of the same alleged incident and same period) The FIR was registered as Sohra P.S. Case No. 7(03)04 under section 409 I.P.C. and the applicant was arrested on 25.3.2004 and he was in custody for few days and then he was released on bail on 29.3.2004 by the appropriate ~~Criminal Court~~ learned trial court where the proceeding is still pending disposal.

The case of the applicant is that by

exercising ...

Bipul Raychaudhary

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exercising threat and undue influence the respondent
Merely Petition
* Authorities obtained confession of the petitioner with
promise to notto harm his service etc., but without
following due process of law and without ~~xxx~~ even filing
of his written statement etc. simply on the basis of
aforesaid alleged confession he was dismissed from his
service as confirmed Postal Assistant (who has rendered
unblemish more than 33 years of service in the Postal
Department in the lower echelon of service as Mail Beon
in the beginning in 1967 to Postal Assistant, who is due
to retire on 2008 A.D.) on 17.11.04 communicated and
received on 18.11.04.

On his preferring appeal for violation of
principles of Natural Justice, not following due process
of law, arbitrariness including threat and undue pressure
by the active participation of Disciplinary Authority's
emissary etc. and in complete violation of ~~Subarticle~~
clause (3) of Article 20 of the Constitution of India
i.e. " No person accused of any offence shall be compelli-
ed to be awitness against himselfxx " the impugned orders
dtd. 17.11.04 and 25.7.05 were passed on no evidence.
The appellate Authority too without considering asto
whether the punishment was commensurate with the quantum
of offence alleged, more so when ~~xx~~ there are contradi-
ctory statement of involvement of different amounts for
the same period of offence alleged in both the proceedings .

Against the said Appellate Authority's order
dated 25.7.05 the applicant had preferred a review
petition under Bule 29-A of the C.C.S.(C.C.A.)Rules, 1965
before ~~the~~ His Excellancy the President of India, on

28.9.05...

B. P. D. Ray Choudhary

28.9.05 by post. ~~which has followed by a reminder dated~~
~~14.10.05 respectively~~ The said review petitions ~~was~~ was
acknowledged duly on 14.10.05 and the applicant was
informed by the Under Secretary (Respondent no.2)
that the review petition has been forwarded to the
Secretary to the Govt. of India, Ministry of Communica-
tions and Information Technology for appropriate action
which is still pending disposal.

While the petitioner was contemplating to
file the review petition he received two orders dtd.
21.9.05 and 22.9.05 regarding vacating of his official
quarter and damaged rate of rental charged etc. for which
he has also prayed for stay of those orders till disposal
of the review petition. Again the petitioner received
orders dated 6.10.05, ~~and~~ 28.10.05),
~~for~~ being eviction notices for vacating the quarter
for which he was compelled to file an application before
the learned Addl. Deputy Commissioner, East Khasi Hills, Dist.
Shillong for a stay and the learned Court granting a
stay on 31.10.05 but later on/disposing the same without
consideration holding that the learned Court ~~has~~ is
not competent to decide on the eviction procedure under
the Public Premises (eviction of unauthorised occupant)
Act, 1971 because according to section ~~9~~ 9 of the
Act, the District Judge is the Appealing Authority.

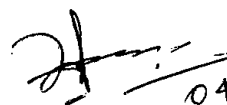
All those eviction/damage rental etc. orders
dated 21.9.05, 22.9.05, 6.10.05, ~~and~~ and 28.10.05
were under challenge before the learned Court of the
Additional District Magistrate/Deputy Commissioner, East
Khasi ...

Khasi Hills District, Shillong, Meghalaya in Misc.
Case No. 30(T) of 2005.

Bijul Das

By virtue of the order dtd. 21.12.05 passed by the learned Addl. Deputy Commissioner, East Khasi Hills District, Shillong, Meghalaya the eviction order/damaged rental orders dated 21.9.05, 22.9.05, 6.10.05, and/or 28.10.05 would become forceful on 9.1.06 i.e. after the expiry of 30 days from 21.12.05 and in these circumstances it has become necessary to grant a stay to the aforesaid eviction orders/damage rental orders by this Hon'ble Tribunal, in the interest of justice, failing which great loss and injury would be caused to the applicant although the review petition is pending disposal

The applicant most respectfully submits that in law proceeds on the same matter pending before all forums are one and same single proceeding and as such during the pendency of the said proceeding it is bad in law and not fair to evict the applicant and/or charge damage rental for his official quarter as the ^{dismissal} ~~same~~ has not attained finality till disposal of this Original Application before this Hon'ble Tribunal. As such it would be just and proper to admit the same and keeping it pending till final decision in the review petition by the appropriate Authority on consideration of the financial hardship of the applicant, in the interest of justice.

 04/01/06.

(RANJIT DAS)
ADVOCATE

FOR THE APPLICANT

Date:- 04-01-06.

FORM - 1

APPLICATION OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI

BENCH AT GUWAHATI - 781005.

Title of the case :- Original Appln.no. 4 of 2006.
(With M-C.No. 7 of 2006)

Sri Bipul Ranjan Das ... Applicant

- Versus -

The Union of India and others ... Respondents

I N D E X

S1. No.	Description of documents relied upon	Pages
1.	Application	- 1 to
2.	Verification & Affidavit	-
3.	Review Petition before the President of India (Without Annexures) as Annexure-	
4.	Annexure - A, B, C,	
5.	Annexure - D, E, F,	
6.	Annexure - G, H, I,	
* 7.	Annexure - J, K, L,	
8.	Annexure - M, N, O,	
9.	Annexure - P, Q, R.	
10.	Vakalatnama -	
11.	Notice -	

Bipul Ranjan Das
Signature of the Applicant

For use in Tribunal Office :

Date of filing or Date of
receipt by post.:

Registration No. :

Signature for Registrar

P.T.O. ...

*Filed by
the
Applicant.*

District : East Khasi Hills, Meghalaya.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
AT GUWAHATI - 781005.

*Bipul Ranjan Das
through -
Jan '13
05-01-2006.
(R.D.S)
Advocate for
the Applicant.*

Sri Bipul Ranjan Das (Dismissed Postal
Assistant in the Assam Rifles Sub Office
at ~~Gumuk~~ Shillong - 793011), a resident of -
Quarter No. Type - II/3,
Nongmynsong Postal Quarter Complex,
P.O. Shillong - 793011,
District : East Khasi Hills, Meghalaya.

... APPLICANT

- Versus -

1. The Union of India, being represented by
the Secretary to the Government of India,
Ministry of Communications and Information
Technology, 108-E, G.A. Section, Dak Bhawan,
Sansad Marg, New Delhi - 110001.
2. The Under Secretary to the Govt. of India,
President's Secretariat, Public-'1' Section,
Rastrapati Bhawan, New Delhi - 110004.
3. The Chief Post Master General,
North Eastern Circle,
P.O. Shillong - 793001,
District : East Khasi Hills, Meghalaya.
4. The Post Master General,
North Eastern Circle,
P.O. Shillong - 793001,
District : East Khasi Hills, Meghalaya.

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Bipul Bunting
5. The Director (Headquarter),
Office of the Chief Postmaster General,
North Eastern Circle,
P.O.Shillong - 793001,
District: East Khasi Hills, Meghalaya.
 6. The Senior Superintendent of Post Offices,
Meghalaya Division,
P.O.Shillong - 793001,
District: East Khasi Hills, Meghalaya.
 7. The Sub Post Master,
Cherrabazar Sub Office,
Upper Cherra(Near Ramakrishna Mission)
District: East Khasi Hills,
Meghalaya.
 8. The Post Master,
Cherrapunjee Post Office,
Lower Cherra(near Cherrapunjee Police
Station), Cherrapunjee,
District: East Khasi Hills, Meghalaya

... RESPONDENTS

DETAILS OF APPLICATION :

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

(A) Impugned Appellate order communicated under Memo No. Staff/109-21/2004, dated 25.7.2005 issued by, Shri Abhinavwalia, Director of Postal Services (Headquarter) in the office of the Chief Post Master General, N.E.Circle, Shillong - 793001, Meghalaya (which was received by the applicant on 27.7.2005) rejecting the appeal dated 02.12.2004 preferred by the applicant herein.

(B)...

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(B). Impugned dismissal order communicated under Memo No. F4-5/03-04/Cherra Bazar dtd. 17.11.2004 issued by Sri J.Lalrinsailova, Senior Superintendent of Post Offices, Meghalaya Division, Shillong-793001 dismissing the applicant from his service as Postal Assistant in the Assam Rifles Sub Office with effect from 18.11.04, i.e. the date of receipt of the said impugned dismissal order by the applicant.

These are the 2(two) impugned orders at (A) and (B) above which are being challenged in this application as arbitrary and illegal based on no evidence in the eye of law.

2. JURISDICTION OF THE TRIBUNAL :-

The applicant declares that the subject matter of the orders dated 27.7.2005 and 17.11.2004 respectively against which ~~xx~~ the applicant wants redressal of his grievances is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :-

The applicant further declares that this application is made within the limitation period prescribed in section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :-

(A). That the applicant in this application comes from a very poor family. Just after the death of his father he has been compelled to take the job at a very tender age. The applicant was initially appointed in the Post and Telegraph Department of the Govt. of India through the Shillong Employment Exchange as a Mail Peon on 4.4.67 and he joined immediately on 1.5.67. He was
declared ...

declared quasi-permanent and then permanent as Postman on promotion in Class IV service of the Department.

Copies of his appointment order dtd. 4.4.67, posting order dtd. 20.4.67, quasi permanent order dtd. 8.11.70 and substantive appointment order dtd. 10.10.1974 are ~~not~~ enclosed herewith and marked as Annexure- A, A(1), A(2) & A(3) respectively.

(B) That the applicant was thereafter promoted to the post of postman and was made quasi permanent vide Memo No. B1-8/Exam/P.Man/74, dtd. 9.10.74 and Memo No. B1/Quasi Permanent dtd. 9.8.80.

Copies of these letters of promotion to the post of Postman dtd. 9.10.74 and order of quasi permanent dtd. 9.8.80 are enclosed herewith and marked as Annexure - B and B(1) respectively.

(C) That during the course of his service the applicant underwent various trainings and served in various places of the then greater Assam and presently the state of ~~Meghalaya~~. The following are the particulars of those training/tests etc. undertaken by the applicant:-

Sl. No.		Letter No. & date	Name of training
1.	No.E-104/81-82/18, dtd. 9.12.81	- English Morse	Telegraphy.
2.	No.B-2-37/G/Ch.IV, dtd. 1.12.81	- Telegraph training.	
3.	No.E-104/82-83/76, dtd. 17.6.82	- Morse Telegraphy.	

4....

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Bijul Raut

4. No.S-1/Trg/Sig/82-83, dtd. 17.9.82 - Postal Signaller
5. No.S-1/Genl/Staff/85, dtd. 7.8.85 - Teleprinter Operator
6. No.B-2279, dtd. 30.10.87 - Morse Teleprinter Operation
7. Memo No. B-1-37/G/Ch.V, dtd. 4.9.95 - Mechanical Tele-
Printer Machine.
8. S-20/Signal/Trg/95, dtd. 12.9.95 - Electronic Tele-
Printer Training.

All these would clearly show that the applicant had been successful in all these training and has gathered experience in these fields sincerely, with devotion and full dedication since inception of his service till date.

(D.) That in course of his service the applicant underwent various training as aforesaid and has served in various places of the then larger Assam and the present state of Meghalaya vide communication addressed to the applicant and few others being No. B1-11/Exam dtd. 27.2.1981 (with reference to P.M.G.Shillong's letter No. Staff/125/10/80/pt.II, dated 23.1.1981. Your applicant was declared successful in the promotion examination to the clerical cadres held on 2.11.1980. And vide Memo No. B1-3/P, dtd. 7.12.84 your applicant and 23 others were appointed in quasi-permanent capacity in the Grade of Postal Assistant vide serial No. 24 with effect from 9.7.1984. Again vide Memo No. B.1-PMT/Corr, dtd. 23.5.89, your applicant on passing the confirmation examination successfully was substantively appointed in the post of Postal Assistant by absorbing ~~him~~ him permanently in the Department. Vide No. B1/Time Bound promotion dtd. 14-12-98

✓ Your applicant was promoted to the higher scale and the present scale is Rs. 4500-7000/- per m. in the Sr. Grade whereas the scale is now Rs. 4000-6000/- p.m. for Postal Asstt. (Sr. Grade).

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Bipul Ranjan Das

Copies of those orders of promotion result dtd. 27.2.81, quasi-permanent order dtd. 7.12.84 and substantive appointment to the post of Postal Assistant order dtd. ^{and T.B.O.P. Order dtd. 14-12-98} 23.5.89 are enclosed herewith and marked as ^{C(2)} Annexure - C, C(1) and C(2) respectively.

(E) That it may be pointed out in this connection ^{as per the Department} that the posts of Postal Assistant and Sub Post Master are equivalent and interchangeable posts and hence they are often interchangeable as per seniority. Accordingly vide order No.B1-Rotational/Tfr/III, dtd. 30.12.99, issued by the Senior Superintendent of Post offices, Meghalaya Division, Shillong-793001, your applicant along with 20 others were transferred to various places when vide serial no. 8 therein your applicant, while he has been holding the post of Postal Assistant at Laitumkhrah Sub Office was transferred and posted as Sub Post Master at Cherrabazar Sub Office at Upper Cherra, vice Smti Mukta Deb, one of the named witnesses in the instant Departmental Proceeding against the applicant.

A copy of the aforesaid rotational transfer order dtd. 30.12.99 is enclosed herewith and marked as Annexure-D.

(F) That while the Applicant was serving as Sub Post Master at Cherrapunjee Post Office (on transfer from Cherrabazar Sub Office) at Lower Cherrapunjee suddenly on 18.3.2004 some officers (with Mr. A.R. Bhowmik) Asstt. Post Master General (Vigilance) along with few others came ...

Bipul Ranjan Das

others came to your applicant asking ~~xxxxx~~ him to admit the alleged offence on the assurance of getting the matter compromised amicably and settle the same before taking any penal action. The applicant knew nothing about the matter and became perplexed.

- (6) That thereafter vide order No. F4-5/03-04/Cherra bazar dated 22.3.04 issued by Sr. Supdt. of Postoffices Meghalaya Division, Shillong the applicant was placed under suspension in contemplation of initiating a Departmental Proceeding against him under the rules applicable and/or in force.

A copy of the aforesaid suspension order dated 22.3.04 is enclosed herewith and marked as Annexure - E.

- (H) That thereafter on 25.3.2004 an F.I.R. was lodged in the Sohra Police Station against the applicant alleging that the applicant had misappropriated Govt. money to the tune of Rs. 1,20,684/- (Rupees one lakh twenty thousand six hundred eighty four only). Your applicant was accordingly arrested by the police on 25.3.04 and detained in police custody. A G.D. Entry was made vide G.D. Entry No. 383 dated 25.3.05 and Sohra P.S. Case No. 7(03)/04 under section 409 I.P.C. was ~~xxxxx~~ registered against the applicant.

A copy of the aforesaid F.I.R. dated 25.3.04 is enclosed hereto and marked as Annexure - F.

- (I) That on 29.3.04 a bail petition was moved before the learned Court of Sub-divisional Magistrate, Sohra and your applicant as accused has been released on bail

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Bipul Ranjandas

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on bail on certain conditions. Accordingly bail bond was furnished and your applicant is now on bail. The learned trial court ordered on 29.3.04 itself that the next date has been fixed on 30.3.04 for confessional statement of the applicant.

Be that as it may, the learned Counsel appearing on behalf of the applicant on 30.3.04 submitted before the learned trial court that the applicant/accused person pleads not guilty and is prepared to stand trial, which is a part of record, which clearly and in unambiguous terms shows that the defence of the applicant/accused person ~~has been~~ has been ~~that~~ that he is innocent and/or that he pleads not guilty and that the prosecution may prove his guilt.

In other words, on 30.3.04 the applicant/accused person submitted a written statement before the learned trial court stating that he declines to make a statement of confession which is well known to the prosecution, as well as the concerned respondents.

All these show that the applicant/accused is innocent, which is his voluntary defence and prays that he should be tried to prove the guilt, if any.

(J) That on 18.4.04 vide postal receipt UCR Receipt No. 2698, dated 28.4.04 it appears that by undue pressure/influence of the concerned opposite parties/~~res-~~
~~the~~ ~~applicants~~ pondents the applicant/accused who was dictated and asked to sign various papers (after his release from...

Bipul Ranjan Das

release from police custody) a sum of Rs.70,000/- has been withdrawn from the G.P.Fund Account of the applicant lying with the respondents and the same has been shown by the concerned respondents as refund and/or defrauded amount by stating that the same has been deposited by the instant applicant/accused without his consent by undue influence, ~~fraud~~ fraudently using those signatures on occasions as and when arising to meet their ends of making the instant applicant a scape-goat. It is therefore apparant and clear from the facts and circumstances that due to undue pressure and influence of the opposite parties exerted on the instant accused/applicant the respondents are trying to make out a false claim that the applicant had admitted his guilt, which needs a thorough enquiry for the sake of justice.

(K) That on 25.8.04 vide No. F 4-5/03-04/Cherra bazar dated 25.8.04 issued by the Sr.Suptd. of Post Offices, Meghalaya Division, Shillong the suspension order of the applicant was suddenly revoked without any rhyme and reason and your applicant was transferred and posted vide order No.B1-Rotational/Tfr/IV, dated 15.8.04 to the Assam Rifles Sub Office as Postal Assistant at

Shillong - 11, *dehorsing the rules as he was a S.P.M in higher scale but was post in a lower post illegally.*
Copies of the aforesaid order

of revocation(dtd. 25.8.04)of suspension and transfer order dtd. 25.8.04 are enclosed herewith and marked as Annexure-G & G(1) respectively.

(L) Thatvide Memo No. F-4-5/03-04/cherra bazar dtd. 30.8.04 your applicant was served with the charge sheet pertaining to ...

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Bipul Ranjan Das

to the Departmental Proceeding initiated earlier. But strangely it appears herein that although the basis of charge and the period of alleged misappropriation remaining the same as in the Criminal case stated above, the amount involved is less than in the criminal case. In other words, in the D.P. the amount misappropriated has been allegedly shown as Rs. 77,763/- whereas in the Criminal proceeding (FIR dtd. 25.3.04) the amount allegedly misappropriated has been shown is much higher i.e. Rs. 1,20,684/-, and that both the proceedings although arising out of the same incident, yet they were running simultaneously against the instant applicant, which is not allowed in law when the incident is the same and the ^{alleged} offence is the same except contradictory amount shown as misappropriated allegedly which clearly is self contradictory and confusing.

A copy of the aforesaid departmental proceeding charge sheet dtd. 30.8.04 is enclosed hereto and marked as Annexure-M.

(M) That on 30.9.04 vide charge sheet no. 16/04 of Sohra P.S. the police submitted a charge sheet against the instant applicant/accused before the learned trial court on 30.9.04 for trial of the aforesaid criminal proceeding, just after 30 days of the charge sheet dtd. 30.8.04 of the departmental proceeding.

A copy of the aforesaid police charge-sheet in Sohra P.S. Case No. 7(03)/04 dtd. 30.9.04 is enclosed hereto and marked as Annexure - I.

(N)...

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Bipin Ranjan Das

(N) That thereafter vide Memo No. F-4/5/03-04/Cherra bazar, dtd. 17.11.04 under rule 14 of the C.C.S. (C.C.A.) Rules, 1965, simply on the basis of state^{ments} of article of charges which were the same and similar in both the Departmental Proceeding as well as in the Criminal Proceeding as stated above, and the statements obtained under duress and through undue influence, without holding any enquiry (except the earlier vigilance enquiry on ~~18.3.04~~ 18.3.04) that too without furnishing a copy of the report to the applicant, without the written statement filed by the instant applicant, and without following the due process of law and in complete violations of the procedures established under ^{rule 15 of the} C.C.S. (C.C.A.) Rules, 1965 and also ~~the~~ in violation of the principles of Natural Justice, the service of the instant applicant has been dismissed with effect from the receipt of the order. The dismissal order aforesaid has been received by the applicant on 18.11.04.

A copy of the impugned dismissal order dtd. 17.11.04 of the service of the instant applicant is enclosed hereto and marked as Annexure - J.

(O) That the applicant being thus aggrieved by the arbitrary and illegal dismissal order dtd. 17.11.04 passed by the Disciplinary Authority without giving any opportunity to file his written statement, inspecting the documents, cross-examining the witnesses if any as provided for under the ~~existing~~ extant rules i.e. without following due process of law, preferred a departmental ...

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Bipin Ranjan Das

departmental appeal on 2.12.2004 which was addressed to the Director (HQ) Office of the Chief P.M.G., N.E. Circle, Shillong, Meghalaya alleging that the alleged confessional statement is not a confession but due to undue influence and threat by the concerned Authorities/ respondents.

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Bipul Barua Das

A copy of the aforesaid departmental appeal dtd. 2.12.04 of the applicant is enclosed herewith and marked as Annexure - K.

(P) That thereafter in complete violation of the procedures established by law the appellate authority too most unreasonably, illegally and arbitrarily upheld the impugned dismissal order dated 17.11.04 vide Memo No. Staff/109-21/2004, dated 25.7.05 rejecting the departmental appeal of the applicant, without even considering as to whether the punishment awarded in the instant case is commensurate with the offence alleged and whether there is sufficient evidence adduced, more so when the law of the land is that no one should be made a witness against himself.

A copy of the aforesaid appellate order dated 25.7.05 is enclosed herewith and marked as Annexure - L.

(Q) That meanwhile for the same alleged offence 2 (two) proceedings were on against the applicant/accused. The Applicant as accused received the summons from the learned trial Court of Subdivisional Magistrate, Sohra in G.R. Case No. 7/04 issued on 25.10.04 asking him to appear on ...

appear on 9.12.04. According^{-ly} the accused/applicant has been appearing on each day since then and ~~the~~ has very recently filed a petition for withdrawal of the undertaking signed by him under duress. In the said proceeding the next date ~~is~~ fixed on 05th/Jan/2006.

Bipin Ranjan Das

A copy of the aforesaid summon dtd. 25.10.04 and the petition dtd. _____ are enclosed herewith and marked as Annexure - M and M(1) respectively.

(R) That on 19.5.05 at the behest of police (unknown to the accused/applicant someone wrote a petition ~~is~~ addressed to the learned trial court and the accused applicant has been asked to sign the same which appear to be an undertaking from the accused to the effect that he had deposited Rs.70,000/- on 28.4.04 vide Postal receipt thereon. The ~~review~~ ~~exam~~ accused/applicant herein not understanding the implications of that undertaking simply signed the same which has been due to undue influence and collusive act of the police as well as the opposite parties/respondents concerned following with threat and duress on the applicant/accused.

(S) That on and off day i.e. on 5.9.05 the applicant/accused made a petition before the learned trial court and pleaded not guilty and prayed that he should ~~not~~ be tried because that was his initial defence vide order dated 29.3.04 and 30.3.04 in the aforesaid criminal proceeding.

A copy of the aforesaid petition dtd. 5.9.05 is enclosed herewith and marked as Annexure - N.

(T) ...

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Bipul Ranjan Das

(T) That on another off day the ^{trial} learned Court passed the order observing inter alia that the case against the accused/applicant to continue till further development occurs which was received by the accused/applicant on 15.9.05 although the said order is dated 5.9.05 but it does not mention about the said petition dated 5.9.05 except mentioning that the learned Court heard the Counsels of the accused/applicant.

A copy of the aforesaid order dtd. ^{passed by the learned trial Court} 5.9.05 is enclosed herewith and marked as Annexure - O.

(U) That the next date fixed was 22.9.05 when the accused/~~xxxx~~ applicant appeared with his learned Advocate. The Presiding Officer of the learned Court was not available and as such the Peskar gave another date which is fixed on 27.10.05. But the accused/applicant filed another petition on that day i.e. on 22.9.05 prayed for expediting the trial, which is pending. The applicant/accused has been sincerely appearing in the ~~for~~ Criminal Proceeding at ~~learned~~ Sub-Divisional Magistrate's Court at ~~Gura~~ Cherrapunji/Sohra regularly. On 01.12.05 the applicant/accused filed an application for allowing withdrawal of a statement not made voluntarily but the same was made under duress before the learned trial Court below at Sohra and the next date is fixed on 05.01.2006. As such it appears that the applicant/accused has been compelled to defend himself in ~~two~~ 2(two) simultaneous proceedings which arises out of the same allegations causing great prejudice to his defence.

(V) ...

(V) That the applicant is ~~xxx~~ a poor employee (who belongs to ~~xxxxxx~~ the lowest echelon of the service) and deserves to be sympathetically considered as no assistance/help of a Departmental official well conversant with the departmental proceedings procedures has been provided to the applicant by the respondent authorities during the proceeding period from March, 2004 to November, 2004 when he was dismissed from service most unreasonably, arbitrarily and illegally without following due process of law on 17.11.2004. At present the applicant is in great financial hardship for want of provisions of life. There is no other source of income and he is maintaining his family with the help and assistance of friends and relatives and also by raising private loans.

(W) That in the above facts and circumstances of the case it is necessary that if your Lordship's shows some indulgence to the applicant and be pleased to admit the application and keeping it pending may issue a direction to the respondent no. 1 and 4 respectively to dispose of the review petition dated 28.9.05 *as per reply,* *28/9/05* dated 14.10.05 within a fixed period of at least 3 (three) months and/or pass any other appropriate orders so that the applicant, who is poor need not approach this Hon'ble Tribunal again for the reliefs sought for after disposal of the review petition by the respondent no. 1, *as* the applicant craves leave of this Hon'ble Tribunal to amend the application suitable if necessity arises at that point of time.

A copy of the aforesaid petition dtd. 1.12.05 for withdrawal of statement...

2x
Bipul Ranjan Das

statement in criminal proceeding in
the trial court is enclosed herewith
and marked as Annexure - F.

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Bipul Ranjan Das

(X) That the applicant states that non-furnishing of the Vigilance Enquiry Report held on 18.3.04 to the instant applicant has also vitiated the departmental proceeding in violation of the Principles of Natural Justice.

(Y) That the applicant states that being thus aggrieved seriously and also finding no other way to put forward his defence preferred a review petition under Section 29-A of the C.C.S. (C.C.A.) Rules, 1965 before ~~the~~ His Excellency the President of India on 28.9.05 for redressal of his genuine and lawful grievances (including staying of quarter vacation order dtd. 21.9.05 and 22.9.05).

A copy of the aforesaid review petition dtd. 28.09.05 (without Annexures to avoid bulky application & repetition) is enclosed herewith and marked as Annexure - G.

(Z) That your applicant states that while he was awaiting a reply from His Excellency, the President of India vide letter No. P1/D-87268, dtd. 14.10.05 issued by one Shri Ashish Kalia, Under Secretary (P) of the President's Secretariat, Public-I Section, your applicant has been ~~fx~~ informed that the review petition of the ~~applicant dtd. 28.9.05 has been received and forwarded to the Secretary to the Govt. of India, Ministry of Communication...~~ applicant dtd. 28.9.05 has been received and forwarded to the Secretary to the Govt. of India, Ministry of Communication...

of Communication and Information Technology, 108-E,
G.A. Section, Dak Bhawan, Sansad Marg, New Delhi
(Respondent no. 1) for appropriate action. This
communication ~~has~~ been received by the instant appli-
cant on 9.11.05 . ~~XXXXXXXXXXXX~~

A copy of ~~the~~ the aforesaid communi-
cation dated 14.10.05 is enclosed herewith
and marked as Annexure -R.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION :-

(I) For that as per provisions of clause (3) of
Article 20 of the Constitution of India, which is one
of the most important fundamental rights of the appli-
cant appears to have been infringed by the concerned
respondents as by undue pressure/influence followed
by threat in collusion with Police the concerned
respondents have obtained statements of mercy letter
from the applicant (once written by ~~someone~~ unknown
and applicant was asked to sign which he did and on
another occasion it was dictated to him which was
~~written by~~ just copied by the applicant) and
both of these statements were used against the applicant.
These were long after he disclosed his defence in the
criminal proceeding pending against him in the trial
Court of learned Subdivisional Magistrate at Cherrapun-
ji in Meghalaya on 30.3.04 that he is innocent and
that he should be tried to prove his guilt as per law.
Even then, the concerned respondents instead of proving
their case...

their case on the floor of the Court obtained ~~with~~ this illegal and unsustainable mercy statements of the applicant obtained under duress, and thereby made the applicant a witness against himself, which is barred under clause (3) of Article 20 of the Constitution and hence the impugned orders of dismissal dtd. ~~17.11.04~~ and 17.11.2004 and appellate order dtd. 25.7.05 respectively are ~~the~~ arbitrary and illegal and hence liable to be set aside and quashed on this count alone.

(II) For that it is the law of the land that the prosecution and/or the concerned respondents ought to prove their case standing on their own feet and/or evidence without the help and/or the evidence of the accused/applicant independently. Prosecuting and/or punishing someone on the wrong of the accused/applicant that too obtained under duress and coercion is most unreasonable, arbitrary and illegal more so when it denies reasonable opportunity to the applicant/accused which is violative of the principles of Natural Justice and as it violates Article 311 (2) of the Constitution of India and thus the impugned orders of dismissal and the appellate order are not sustainable in law and hence liable to be set aside and quashed.

(III) For that the applicant is highly aggrieved because there were 2(two) simultaneously held proceedings for the same alleged offence and the concerned respondents have followed no established procedures of law to prove the alleged offence in both the proceedings (one of which is still pending disposal). The defence of the instant ...

the instant applicant/accused had been thus adversely affected as even written statement on his behalf has not been accepted but his aforesaid statement of mercy obtained under duress has been used against him and thus the instant accused/applicant is highly prejudiced which is arbitrary and illegal and the same suffers from the vice of double jeopardy, and as such the impugned dismissal order dtd. 17.11.04 and the appellate order dated 25.7.05 are liable to be set aside and quashed.

(IV) For that prior to suspension of the instant applicant on ~~22.3.04~~ 22.3.04, i.e. on 18.3.04 a Vigilance Enquiry was conducted as stated earlier but the copy of the aforesaid Vigilance Enquiry Report has not been furnished to the instant applicant violating the principles of Natural Justice and as such the impugned order of dismissal and the appellate orders are not sustainable in law.

(V) For that the impugned dismissal order dtd. 17.11.04 has been passed without holding any departmental enquiry, without any written statement, without giving access to the documents, without the deposition of witnesses and without giving the opportunity to cross-examine the prosecution witnesses, grossly violating the procedures established by law and as such the aforesaid impugned dismissal order dtd. 17.11.04 is not sustainable in law and hence liable to be set aside and quashed.

(VI) For that the applicant being an employee of the lowest echelon of service has been treated shavely by the concerned...

Bupul Ranjan Das

concerned respondents. As the applicant is not conversant with the procedures of a Departmental Enquiry the applicant should have been given the help of a Govt. servant well conversant with the procedures of a Departmental Enquiry, but it was not so given by the concerned respondents not even a whisper has been made in this regard. Thus instead of showing sympathy to the applicant by both the Disciplinary Authority as well the Appellate Authority (as required under the law) the concerned respondents are trying to take advantage of the ignorance of the applicant. The concerned appellate authority has completely forgotten its mandatory duty to see if the punishment awarded is proportionate to the offence alleged, thus violating the law relating to defence and consequently great prejudice has been caused to the applicant also by violating the principles of Natural Justice and the extant law, which includes the administrative fair play, equity and good conscience, which are cardinal principles to be followed in service jurisprudence. But the concerned respondents, as state has not acted fairly by upholding the rule of law, but punished the applicant whimsically and capriciously to gain their own end. And in this view of the matter the impugned action of dismissal dtd. 17.11.04 and the impugned appellate order dtd. 25.7.05 are arbitrary and illegal and thus not sustainable in law and thus liable to be set aside and quashed.

(VII) For that the impugned dismissal and appellate order are most unreasonable, arbitrary and devoid of

rule of law...

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Bipin Ranjan Das

rule of law, having been passed by the Disciplinary Authority as well as the Appellate Authority without application of mind and in colourable exercise of power without following due process established by law thus violating provisions of Article 14, and 16 of the Constitution of India, as many other officials against whom departmental action are on but no criminal proceeding has been instituted simultaneously like the petitioner which are discriminatory and illegal and hence the impugned dismissal order dtd. 17.11.04 and the appellate order dtd. 25.7.05 are violative of rule of law and hence not sustainable.

Dr. P. R. Ranjan Das

(VIII) For that in any view of the matter the impugned dismissal order dated 17.11.04 and the impugned appellate order dated 25.7.05 are not sustainable in law and hence they are liable to be set aside and quashed in the interest of justice.

6. DETAILS OF THE REMEDIES EXHAUSTED :-

The applicant declares that he has availed of all the remedies available to him under the relevant rules etc., which are shown as follows :-

After the impugned dismissal order dated 17.11.04 (Annexure - J) the ~~applicant~~ applicant preferred ~~an~~ a departmental appeal dtd. 2.12.04 (Annexure - K) which was also rejected by the concerned Appellate Authority vide communication Memo No. Staff/109-21/2004, dtd. 25.7.2005 (Annexure - L) upholding the impugned dismissal order dated 17.11.04. Being thus aggrieved the applicant ...

the applicant preferred a Review Petition on 28.9.05 (Annexure - Q) under rule 29-A of the C.C.S.(C.C.A.) Rules, 1965 which is pending disposal though a communication of His Excellency the President of India's Secretariat at New Delhi-110004 has been received by the applicant on 9.11.2005, which is a matter of record but it is almost 2(two) months now nothing has been communicated by the respondent no. 1 on the aforesaid review petition although the said review petition has been sent/forwarded to the respondent no. 1 for disposal in the appropriate manner.

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 of any other Authority except what has been stated above in respect of the review petition dated 28.9.05 under rule 29-A of the C.C.S.(C.C.A.) Rules, 1965 and the application against orders from official quarter and damaged rental orders in Misc. Case 30(T)/2005 in the learned Court of Addl. Deputy Commissioner, East Khasi Hills, District at Shillong Meghalaya)] or any other Bench of the Tribunal nor any such application, writ petition or suit, the stage at which it is pending and if decided, this list of the decision should be given with reference to the number of Annexures to be given in support thereof.

8. Reliefs...

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Bipul Ranjan Das

8. RELIEFS SOUGHT : -

In view of the facts mentioned in paragraph 6 above the applicant prays for the following reliefs :-

- (i) to set aside and quash the impugned dismissal order dtd. 17.11.04 communicated under Memo No. F4-5/03-04/ cherrabazar (Annexure - J) passed by ~~the Sri Abhinav Wallia, Director of Postal~~ Sri J. Lulrinsailova, Senior Superintendent of Post Offices, Meghalaya Division, Shillong - 793001 ;
- (ii) to set aside and quash the impugned Appellate Order dtd. 25.7.2005 communicated under Memo No. Staff/109-21/2004, (Annexure - L) passed by Sri Abhinav Wallia, Director of Postal Services (Headquarter) ;
- (iii) to reinstate the applicant in his original post of Postal Assistant in Assam Rifles Sub Office with effect from 22.3.2004 with all service benefits
- (iv) to grant all service benefits such as applicant's half-salaries during the period of suspension w.e.f. 22.3.2004 to 24.8.2004 and full salaries thereafter w.e.f. 17.11.2004 to till the date of re-instatement in the interest of justice; and
- (v) to direct the respondent ~~nos~~ Nos. 1 and 2 to dispose of the review petition dated 28.9.2005 (Annexure- Q) early within a specific period of 3(three) months from the day of the order;

-AND-/ OR,, pass such further order or orders as to your Lordships' may deem fit and proper in the interest of justice.

9. Interim...

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Bupul Ranjan Das

9. INTERIM ORDER, IF ANY PRAYED FOR :

Pending the final decision on the application, the applicant (as petitioner) has filed a Misc. Case today separately for grant of an interim order so as to ~~say~~ stay the quarter vacation orders dtd. 21.9.05 and 6.12.05 damage rental order dtd. 22.9.05 and eviction order dtd. 25.10.05 ~~28.10.05~~ in the interest of justice till disposal of this ~~applicat~~ original application before this Hon'ble Tribunal.

The applicant craves leave to file amendment petition in case of necessity after disposal of the review petition in future.

10. IN THE EVEN. OF APPLICATION BEING SENT BY REGISTERED POST, IT MAY BE STATED WHETHER THE APPLICANT DESIRES TO HAVE ORAL HEARING AT THE ADMISSION STAGE AND IF SO, HE SHALL ATTACH A SELF-ADDRESSED POST-CARD OR INLAND LETTER, AT WHICH INTIMATION REGARDING THE DATE OF HEARING COULD BE SENT TO HIM.

Yes, a self-addressed envelope duly stamped is enclosed herewith.

However, the applicant ~~was~~ has engaged the following Advocates ~~xx~~ (to conduct the case) on his behalf :-
MR. MANICK CHANDA, ADVOCATE
MR. RANJIT DAS,
Advocate for the Applicant

11. PARTICULARS...

11. PARTICULARS OF BANK DRAFT/POSTAL ORDER filed in respect of the application fee.

- A crossed postal order of Rs.50/- (Rupees fifty only) being the application fee vide No. 26G 317838 dtd. 28.12.2005 in favour of the Registrar, Central Administrative Tribunal at Guwahati Bench, Guwahati - 5 is enclosed herewith (in original).

12. List of enclosures :

As detailed in the Index filed alongwith this application.

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

I, Bipul Ranjan Das, son of Late Sachindra Kr. Das, aged about 57 years (DISMISSED POSTAL ASSISTANT), the Applicant/Petitioner herein, a resident of Quarter No. Type-II/3 at Nongmynsong Postal Complex, Shillong-793011 in the East Khasi Hills District, Shillong, Meghalaya do hereby verify that the contents of paragraphs 1 to 12 above are true to my personal knowledge/ Legal advice and that I have not suppressed any material fact.

Date:- 04-01-06

Place : Guwahati

Bipul Ranjan Das
Signature of the Applicant

...

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Bipul Ranjan Das

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.
OFFICE OF THE SUPDT. OF POST OFFICES: SHILLONG DIVN: SHILLONG:

Memo No. B1-10/Exam/67.

Dated. Shillong the 4/15 April '67

The undermentioned have qualified in the test for selection to Class IV Cadre held on 2.4.67 at Shillong and are allotted to the units shown below.

They should report to this office within 7 days (seven) and produce two character certificates from two respectable gentlemen not related to them. They should also produce school certificates and also certificate in proof of age.

Unit of IPOs North Sub-Divn.

1. Padam Bahadur Sarki
C/O Purna Bahadur
Divn. Office.
2. Jitendra Nath Sarma
C/O Kamalwar Sarma
Directorate of Sericulture & Weaving Assam, Shillong.
3. Chanchal Ranjan Das C/O Chitta Ranjan Dey Barabazar SO.

Unit of IPOs South Sub-Divn.

1. Jay Bahadur Chetri C/O IPOs South Sub-Divn.
2. Therbor Roy Diengdoh Jaiaw Laitdom Shillong-2.
3. Phulena Tewari C/O B.P. Tewari Raj Bhawan Shillong-1.
4. G. Wallang C/O P. Kharkongor Assam Sectt PO Shillong-1.
5. Dennis ~~Sax~~ Sawmie C/O Helen Marbaniang, 'Bela Casa' Riotsmith Shillong.
6. Bipul Ch. Das C/O Sailendra Kr Das, Jail Compound, Shillong-1.
7. Lambok Nongstein C/O Phil Nengnong, Nongpyngrope, Shillong-1.

Unit of the Postmaster, Shillong.

1. Starwell C/O Wellbot Singh Ryntathiang, Shillong HQ.
2. Shambhu Prasad C/O Ramashis Prasad Shillong HQ.
3. Abinash Chx Das C/O Mdsay Kr Das Lower Jail Road, Shillong-1.
4. Smt Philodi Lyngdoh PO Compound, Shillong-1.
5. Hira Harijan (SC) C/O Friends Laundry Lower Lumparing, Shillong-1.
6. Bandilson Kharbithai C/O T. Franklin DC's Office, Shillong-1 (B).

Divisional Office.

1. Ian Flint C/O J.C. Flint Jaiaw Lansuna Lane, Shillong-2.

Sdf
Superintendent of Post Offices
Shillong Division/Shillong.

certified to be true copy
20/4/67
(R-DBS) Advo. Cate

12.66
12.12.66
13.12.63


(27)

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- 3 -

Copy to:-

- 1) The Postmaster, Shillong.
- 2) The IPOs North Sub-Divn, Shillong-1.
- 3) The IPOs South Sub-Divn, Shillong-3.
- 4- 21) Candidates concerned.
- 22) Staff Branch.


Superintendent of Post Offices
Shillong Division/Shillong.

J. S. Giri/

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
Office of the Inspector of Post offices - South Sub Division

Memo No. B1-Recruitment/Class IV.
Dated, Shillong the 20.4.67.

The following transfer and posting orders are issued to take immediate effect :-

- 1) Shri Arnold Singh offg. class IV official of Barabazar S.O. will officiate as postman vice Shri Shooji Upadhya, offg. postman Barabazar whose services ~~are terminated~~ *is terminated*.
- 2) Shri Therbor Roy Diengdoh an approved candidate for class IV will join as Class IV official at Barabazar S.O. vide Shri Arnold Singh promoted to officiate as postman.
- 3) Shri Phulena Tewari an approved class IV is posted as runner Bholaganj line terminating local arrangement.
- 4) Shri G. Wallang an approved class IV will join as packer Laitumkhrah S.O. relieving Shri Bani Kanta Rava who will join as packer cum mailpeon at Assam Sectt. S.O. terminating local arrangement.
- 5) Shri Dennis Sawknie an approved class IV will join at Laitumkhrah S.O. and remained attached there as reserve Class IV offl until further orders.
- 6) Shri Bipul Ch. Das and Lambok Nongsten approved class IV officials are posted as mail peons, Dawki, newly created posts from 1.5.67. The candidates should report to the SPM, Dawki positively at 1000 hrs on 1.5.67 failing which their names will be removed from the list of approved candidates.

Sd/- J. C. Chakrabarty,
Inspector of Post offices,
South Sub Division.

Copy to :-

- 1) The Sub-postmasters Barabazar/Assam Sectt/Laitumkhrah/Dawki/Bholaganj for information. They will kindly ensure that no local arrangement is made without prior permission of the undersigned.
- 2) The official/candidates concerned.
- 3) The Postmaster, Shillong.
- 4) The Supdt. of P.Os, Shillong, Division, Shillong for favour of information.

Inspector of Post offices
South Sub Division.

Shri Bipul Ch Das
460 Sairam
fail compound
Shillong
auth'd to take
from copy
Advocate

Annexure - A(2)

Office of the Inspector of Post Offices, Shillong
Sub Division.

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Memo No. B1/Genl/Staff/QP

Dated Shillong, the 8.4.70

In pursuance of Rule 3 & 4 of the CCS(TS) Rules 1965, I
Shri D.K. Dey, Inspector of P.O.s, Shillong Sub Divn. Shillong being
satisfied in regard to the quality of work, conduct and character
of Shri Bipul Chandra Das Temp. Class IV Official/
~~Postman~~, that he is suitable to be appointed in quasipermanent
capacity under the Govt. of India in the post of Class IV/~~Postman~~
with effect from 1-5-70 hereby appoint the said
Shri Bipul Chandra Das in quasipermanent capacity
to the said post with effect the said date.

Sd/- D.K. Dey
Inspector of Post Offices
Shillong Sub Division.

Copy forwarded to:-

1. The Postmaster Shillong
2. Official concerned.

Inspector of Post Offices
Shillong Sub Division.

attached to
true copy

Advocate

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

OFFICE OF THE INSPECTOR OF POST OFFICES SHILLONG SUB-PN:SHILLONG -793004.

Mem. No. B-I/Rectt/Class-IV Dated Shillong -793004, the 10th Oct 1974. (30)

The following temporary Grade -IV officials are appointed substantively with effect from 1.4.73 against the posts mentioned against their name.

Sr. Name of the official and No. present designation.	Posts to which confirmed.
1. Joy Bahadur Chettri, L/R Class IV attached to Civil office.	Packerman, Bora Bazar Vice Chitta Ranjan Choudhury confirmed as Reserve Postman Shillong H.O.
2. P. Thorbor Roy Diengdoh, Approved and Cffg. Postman Upper Shillong.	Do, Bazar, Shillong -793009 Vice post made permanent.
3. Phulena Tewari, Cffg. Mail Peon Barapani.	Runner, Bholaganj Bazar Vice Hem Bahadur Thapu retired.
4. Gajadhar Upadhyay, Cffg. Night Guard Barapani.	Packerman, Jowai Vice Peliroyshon confirmed as Packerman, Phudmowri.
5. Gland Singh Wallong, Cffg. Postman Assam Rifles.	Packerman, Laitumkhreh Vice Samuel Aibon confirmed as Mail peon Fawki.
6. Denis Sawkmie, T/Clerk Shillong H.O.	Reserve Class IV.
7. Bipul Ranjan Das, Cffg. Postman, Laban.	Reserve Class IV.

This order does not contemplate any movement of the officials and they will continue to work in the places they are working. This memo is subject to any revision if deemed necessary.

Sd/- T. KHARKONGOR.

Inspector of Post Offices,

Shillong Sub-PN: Shillong-4.

Copy to:-

1) The Postmaster (Gazetted) Shillong -793001 for information and necessary action. One extra copy is also enclosed for keeping in the personal file of Denis Sawkmie.

2) to

3) Officials concerned.

9) to

15) P/F's of the officials concerned.

16) to

22) C.R's of the officials concerned.

23)

Gradation List.

25)

Share.

Authenticated to
true copy.

Advocate

Inspector of Post Offices,
Shillong Sub-PN: Shillong-4.

Annexure - B

(31)

INDIAN POSTS AND TELEGRAPHS DEPARTMENT:
OFFICE OF THE Sdpt OF POST OFFICES. SHILLONG. DN: SHILLONG.4.

Memo No. B1-8/Exam/P.Man/74

Dt Shillong, the 9.10.74.

The result of the Test of Departmental officials and E.D. Staff for promotion to the cadre of Postman/Village Postman held on 8.9.74 at Shillong is given below. The names are arranged according to merit separately for Deptl & E.D. Staff.

Sl. No.	Roll No.	Name & designation	Community	Unit to which attached.
		<u>DEPTL</u>		
1.	SH- 13	Sri Shyamapada Ghosh, Mail Peon, Sumer S.O.	O.C.	Pm/Tura
2.	SH- 10	Sro Bipul Ranjan Das, Packer Laban S.O.	O.C.	IPOs Shillong
3.	SH- 16	Sri Manilal Dey, Orderly to IPOs, Shillong.	O.C.	-do-
4.	SH- 8	Sri Kolson Manick Syiem, Packer, Laitumkhrah S.O.	S.T.	PM/Tura
		<u>E.D. STAFF</u>		
1.	SH- 41	Srimti Bialin Ryntathiang, ED, Mawpat	S.T.	I. POs Shillong
2.	SH- 35	Sri Kaushik Chakravorty, EDDA-Dawki	O.C.	-do-
3.	SH- 36	Sri Satya Narayan Thakur, EDDA Nayabunglow	O.C.	PM/Tura
4.	SH- 34	Sri Kordor Manick Syiem EDDA-Myllem	S.T.	IPOs Shillong
5.	SH- 31	Smti Tiessina Wahlang, EDDA Mawpat	S.T.	-do-

The above candidates before appointment in the Postman/Village Postman cadre, will undergo a course of training for a period of 10 days at Shillong with effect from 21.10.74 to 30.10.74. During the 1st half of the day they will accompany delivery Postman of Laitumkhrah LSG S.O. and learn delivery work and in the afternoon they will receive theoretical Training at the Divisional office which will be given by the A.S.P.Os(HQ)

P.T.O. ...2

auth. by the
true copy
for
Adm. at

(32)

- 2 -

The appointing authorities will relieve the candidates accordingly.

hence
(J.C.Chakravorty)
Supdt. of Post Offices,
Shillong 'n, Shillong.4.

Copy to:- 1- 9) Candidates concerned

10-12) PM/Tura IPOs Shillong/Tura

13-21) For P/F of candidates (To be sent to appointing authority.)

22) The Postmaster (G) Shillong

23-31) Spare copies to H.Os for P/F

32) The Postmaster-General. N.E.Circle, Shillong
(Staff 'A' Sect)

33) SPM Laitumkhrah, he will please arrange transport of candidates you see my man and report to this office.

hence
(J.C.Chakravorty)
Supdt. of Post Offices,
Shillong 'n, Shillong.4.

Memo NO B1/Quasi Permanent

The undersigned satisfied with the works conducted by the following official of postmen cadre and being satisfied with their conduct and character displayed by them, considers them suitable to be declared in quasipermanent capacity in the cadre of postmen for the date noted against each

1. Shri Dharendra Chandra Biswas postman Laban - 13-12-78
2. " Bipul Ranjan Das postman Laban - 1-11-77

Corrigendum

The date of quasipermanency shown as 7-3-80 in respect of Srimati. Smriti. Rani Dey postman Laban SO appearing in this office memo of even no. Dt 26-4-80 against serial 7, may kindly be read as 17-3-80

Bangla
9-8-80

(BL DAS GUPTA)

Asst. Supdt. of Post Offices
Shillong North Sub. Divn.

Copy forwarded to :-

- 1) The Post Master (General) Shillong-793001 for information
- 2-3) Official concerned
- 4) Srimati. Smriti. Rani Dey postman Laban SO for information
- 5) The Supdt. of Post Headquarters Shillong-793004 for info

To Shri Bipul Ranjan Das
postman Laban

certified to
be true copy

Advocate

Bangla
9-8-80

Asst. Supdt. of Post Offices
Shillong North Sub. Divn.

Annexure - C

No. (34)

INDIAN POSTS AND TELEGRAPHS DEPARTMENT:

From: The Superintendent of Post Offices,
Meghalaya Dn, Shillong, 793004.

To: 1) Mti Biolin Ryntathiang, Postman Laitumkhrak
2) Sri Bipul Rn Das, Postman Laban
3) Smti Shiuli Dey, stamp vendor Barabazar
4) Sri Dhirendra Ch Biswas, Postman, Laban.

No. B1-11/Exam

Dt Shillong, 793004, the 27.2.01.

2

As intimated by the P.M.G., Shillong under his letter No. Staff/125/10/80/Pt. II dt 23.1.81 you are declared successful in the examination for promotion to the clerical cadre held on 2.11.80.

Your order for theoretical training at Darbhanga will be issued separately.

*certified to be
true 1981*

Advocate

(S. S. SEN)
Supdt. of Post Offices,
Meghalaya Dn, Shillong-793004

INDIAN POSTS AND TELEGRAPHS DEPARTMENT:
SR. SUPDT. OF POST OFFICES, MEGHALAYA DIVISION:
SHILLONG - 793004.

Annexure C(1)

Dated at Shillong, the 7/12/84.

35

memo no. B.1-3/P

In pursuance of Rules 3 & 4 of CCS (TS) Rules, 1965, I
Sr. H.C. Namasudra, Sr. Supdt. Of Post Offices, Meghalaya Dn. Shillong
on behalf of the president being satisfied, having regard to the
quality of work, conduct and character of the Postal Asstts. men-
tioned in the Annexure I, that they are suitable to be appointed
in quasi-permanent capacity under the Govt. Of India in the grade
of Postal Asstts with effect from the dates mentioned against each,
here-by appoint the said Postal Asstts in a quasi permanent capa-
city to the said grade w/e/ the said date.

(H.C. Namasudra)
Sr. Supdt. Of Post Offices,
Meghalaya Division,
Shillong - 793004.

Station - Shillong

Date 7/12/84.

Note: The Officials who completed three years of service
in the grade by the date of issue of this memo, but are
considered unfit for quasi permanent mentioned in Annexure

1. The Postmaster (C) Shillong C.P.O.
2. The Postmaster, Tura H.O.
3. Personal files of the Officials concerned.
4. All Officials mentioned in Annexure I.
5. D/C.

(H.C. NAMASUDRA)
Sr. Supdt. Of Post Offices,
Meghalaya Division,
Shillong - 793004.

(P.T.O.)

certified
to be
true copy
Advocate

Annexure 1

The Officials who are declared Q.P. in Postal Assts. Cadre.

Names

W.O.F.

1.	Smt. Rosalind Nongrum	15-9-78,
2.	Sri Gland Singh Wallong	29-9-78,
3.	Pharmanson Ngap	21-9-78.
4.	Sri Starwell Rynthethiang	28-5-79
5.	Mr. Mahilal Dey	22-10-79,
6.	Mr. Sital Choudhury	21-10-79.
7.	Smt. Theisida Naziar	27-7-80.
8.	Mr. Anima Gogoi	19-9-80.
9.	Sri Boloram Das	13-7-80.
10.	Mr. Jugendra Maier	11-12-80.
11.	Mr. Charles Broadley	6-11-81.
12.	Mr. C.O.D. Sontun	3-10-82
13.	Mr. Nani Gopal Nath	11-3-79
14.	Mr. Moloy Kanti Purkayastha	11.3.79
15.	Mr. Elphinstone Hynniwata	3-10-82
16.	Smt. Patricia Kongrimai	11-10-82
17.	Mr. Beled Marbaning	16-2-83.
18.	Sri Bandhan Mukharjee	27-10-82
19.	Mr. Chakra Chand Brahma	19-4-83.
20.	Mr. Pratyush Chakraborty	19-3-83
21.	Mr. Badaruddin Ahmed	28-8-83.
22.	Smt. Mukti Dutta Adhikari	10-6-84.
23.	Mr. Bislino Rynthethiang	13-9-84
24.	Sri Bipul Rn. Das	9-7-84.

DEPARTMENT OF POSTS
OFFICE OF THE SR.SUPDT OF POST OFFICES:MEGHALAYA DIVISION
SHILLONG:793004

Memo No. B1-PA/PMTT/corr

Dated at Shillong the 23.5.89.

The following temporary Postal Assistants who have passed Confirmation Examination and having satisfactory past work services are substantively appointed against the post and date shown against each name of the officials.

They will hold the same lien assigned to them till they are permanently absorbed in any higher grade or if their liens are changed or suspended subsequently.

Sl. No.	Name of officials	Comm	Date from which confirmed	Post against which confirmed	Post in which working
1.	Sri Bipul Rn. Das	OC	1-3-88	PA, Tura	Sign. Laitumukhras
2.	" Dhirendra Ch. Biswas	OC	1-3-88	PA, Tura	PA, Garobadha
3.	Smti Shiuli Dey	OC	1-3-88	PA, Tura	PA, Laitumukhras
4.	" Bioline Rynthathiang	ST	1-3-88	PA, Laitumukhras	PA, Mawpat
5.	" Deepali Purkayastha	OC	1-3-88	PA, Divl. Office	PA, Divl. Office
6.	" E.J. Lyngdoh	ST	1-3-88	PA, Laitumukhras	PA, Umpling
7.	" Wandayola Rynthathiang	ST	1-3-88	SPM, Burnihat	PA, Happy Valley
8.	" Rehana Thaba	ST	1-3-88	PA, Laban	PA, Happy Valley
9.	Sri Chandra Bahadur Chetry	OC	1-3-88	PA, Laban	PA, Jowai
10.	Smti Swapna Deb	OC	1-3-88	PA, Laban	PA, Megh. Sectt
11.	Misilda War	ST	1-3-88	SPM, Mairang	PA, Shillong G.P.O.
12.	" Lakhadapbiang Wann	ST	1-3-88	SPM, Mawphlong	PA, Shillong G.P.O.
13.	Sri Gobinda Ch. Medhi	OC	1-3-88	PA, Fulbari	PA, Shillong G.P.O.
14.	" Chunilal Dey	OC	1-3-88	PA, Lower Chandmari	PA, Nongthymmai
15.	" Sailesh Ch. Dutta	OC	1-3-88	SPM, Bholaganj Bazar	SPM, Rongra

The officials will however, continue to work in the offices in which they are now working, until further order.

(P.K. Nandi Majumder)
Supdt of Post Offices
Meghalaya Division
Shillong-4

Copy to:-

1. The Sr. Postmaster, Shillong GPO.
2. The Postmaster, Tura H.O.
- 3-17. Officials concerned.
- 18-32. Personal file of the officials concerned.
- 33-36. Spare.

adv. filed to
be from
Advocate

DEPARTMENT OF POST - INDIA
O/O THE SR. SUDT. OF POST OFFICES : : MEGHALAYA DIVISION
SHILLONG - 793001.

No. B1/Time Bound promotion. Dtd at Shillong-1, the 14-12-98.

The following officials in P/A, postman and Gr'D' cadre are hereby promoted to the next higher grade under the Time Bound one Promotion Scheme, as recommended by the DPC with effect from the dates shown against their names.

P/A cadre

Sr.No	Name of the officials with designation	Higher scale of pay	Date of effect
1.	Shri. Sailon Ngap P/A (L/i) Shillong GPO	Rs. 1400-40-1800 EB-50-2300 (Pre-Revised.)	3-1-93.
2.	Charles Brolday SEM Nongstoin SO.	-do-	6-11-94.
3.	Late Smt. Iraniancy Marbanang. P/A Shillong GPO.	-do-	6-9-96.
4.	Smt. Mukherjee Duttas Adhikary P/A Shillong GPO.	-do-	10-6-97
5.	Shri. Bipul Rn. Das P/A Laitumkhrah SO.	-do-	1-7-98
6.	Smt. Shilli Dey P/A Nongthymmai S.O.	-do-	4-9-97.
7.	" Roli Ryntathiang SEM Mapat S.O.	-do-	12-9-97.
8.	Smt. Evelyn Julia Lyngdoh O/A Hvl. Office.	-do-	23-10-97
9.	" Rohana Prabah P/A Shillong GPO.	-do-	7-11-97.
10.	" Wandalya Ryntathiang P/A Shillong GPO.	-do-	6-11-97
11.	" Misilda War P/A Shillong GPO.	-do-	15-5-98.
12.	" Lekhadang Warn P/A Shillong GPO.	-do-	16-5-98

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certified to be
true copy

Advocate

13. Shri. Chinulal Dey Rs. 1400-40-1800- 20-7-98
O/A Divl. Office EB-50-2300/-
(Pyl Revised)
14. " Govinda Ch. Medhi -do- 20-7-98.
P/A Shillong GPO.
15. Smt. Melina Thabah -do- 6-8-98
P/A Shillong GPO.
16. Mr. Abu Bakkar Mollah -do- 22-3-99
SPM Garobadha SO.
17. Smt. Archita Bhattacharjee -do- 31-3-99
Acctt. Shillong GPO.

48. - - - - -

POSTMAN CADRE

Sr. No Name of the officials - Higher scale of pay - Date of effect
with designation

1. Mr. Moinuddin Chowdhury - Rs. 3200-85-4900 - 15-5-96.
Postman Rynjah SO
2. Shri. Nirmal Chakraborty - -do- 15-5-96.
Postman Happy Valley SO
3. Shri. M. L. Pyngrope -do- 11-8-96
Postman Nonglyer SO.
4. " Bhim Bahadur Chetri. -do- 6-1-97
Postman Laitumkhran SO.
5. " Sukhony Ghosh -do- 3-2-97
Postman Laban SO.
6. " Bijon Dey -do- 1-2-97
Postman Laitumkhran SO.
7. " A. C. Marak -do- 2-2-97
Postman U. C. C. S. O.
8. " Nitya Sopal Modak -do- 2-2-97
Postman Mahandraganj S. O.
9. " S. Giri Diendoh -do- 24-2-97
Postman Shillong GPO.
10. Smt. Twiktimai Warjri -do- 23-10-97
Postman Cherabazar SO.
11. Shri. Steakson Hohling -do- 23-10-97
Postman Shillong GPO
12. " Charles Chyne -do- 2-2-97
Postman Shillong GPO

37(4)

13.	Smt. Henri Kharmalki Postman Shillong GPO.	Rs. 3200-85-4900	22-1-98
14.	Smt. W.K. Marak Stamp Vendor Tura HO	-do-	2-1-98.
15.	Smt. Subodh Bhattacharjee Postman Laban SO	-do-	14-7-98
16.	Smt. Cledin Kharkongor Postman Barabazar SO.	-do-	15-7-98
17.	Smt. Jerman Nongdhar Postman Mawphlang SO	-do-	15-7-98
18.	Smt. Nanda Chanda Postman Laitumkhrah SO	-do-	15-7-98
19.	Wilson Khonglah Postman Shillong GPO	-do-	15-7-98
20.	Aminuz Zaman Sarker Postman Tura H.O.	-do-	16-7-98
21.	Smt. Shisibon Roynee Postman Laitumkhrah SO	-do-	16-7-98
22.	Smt. Foranath Boro Postman Tura H.O.	-do-	25-7-98
23.	Parimal Sangma O/S Mails Williamnagar.	-do-	31-7-98
24.	Abdul Akhbar Mia Postman Tura H.O.	-do-	7-8-98
25.	Smt. S. Lendra Barman Postman Ampati SO	-do-	23-8-98

Gr'D' Cadre

53

S.No.	Name of the officials with designation	Higher scale of pay (pre-revised)	Date of effect
1.	1. M.S. Nangdhar Runner Bhokaganj Bazar SO	- B.800-15-1010- EB-20-1150-	19-9-96
2.	2. Alaxi us Majar Gr'D' Shillong GPO.	-do-	5-6-98
3.	3. Govind Thapa Gr'D' Shillong GPO.	-do-	5-6-98
4.	4. Newstar Shongwhar Gr'D' Shillong GPO.	-do-	5-6-98
5.	5. Biswanath Basfore Sweeper Tura H.O.	-do-	6-8-98
6.	6. Smt. Kumilini Majumdar Dresser P&T Dispensary.	950-20-1150-25-1400- (Pre-revised)	1-8-91
7.	7. Binora Lyngdoh Nursing orderly P&T Dispensary.	-do-	1-8-91
8.	8. Sri. Narendra Nath Sharma Sweeper Cum Chowkidar.	800-15-1010 EB-20-1150- (Pre-revised)	11-7-91
9.	9. " Tonner Robert Khongwir Gr'D' P&T Dispensary.	-do-	5-6-98

The inter-seniority of the promoted officials in lower grade will remain unchanged.

The officials may exercise option for choosing date for fixation of pay on promotion within one month of joining under the provision FR-22.

The officials against whom disciplinary/vigilance cases are pending should not be promoted, as they are not eligible for promotion. Such cases should be reported to this office by the Heads of the Units immediately.

Copy of charge report should be sent to this office accordingly from the date of effect.

Sr, Supdt, of Post Offices
Meghalaya Division
Shillong-793001

- Copy to -
1. The Gr.P. Master Shillong GPO for information and necessary
 2. The Postmaster Tura H.O.
 3. The ASPO, West Garo Hills sub-Dn, Tura.
 4. All other NPOs under Meghalaya Dn.
 5. The office of concerned
 6. The P.O. of the officials concerned.
 7. C/O

Sr, Supdt, of Post Offices
Meghalaya Division
Shillong-793001

attached to
be made copy
Adm.

DEPARTMENT OF POST INDIA
O/O THE SR.SUDT.OF POST OFFICES : MEGHALAYA DIVISION
SHILLONG - 793001.

No.B1- Rotational/Tfr/III. Dtd at Shillong-1, the 30-12-99.

The following rotational transfer and Posting Order is issued to have immediate effect.

1. Smt. Maris Stella Lyngdoh SPM Barabazar S.O. is transferred and Posted as SPM Nongthymmai S.O. vice Smt.N.Roynee.
2. Smt. Nitila Roynee SPM Nongthymmai S.O. is transferred and posted as SPM Barabazar S.O.
3. Smt. Ratna Biswas APM Shillong GPO is transferred and posted as SPM Assam Rifles S.O. vice Smt. S.M. Lyngdoh.
4. Smt. Santi Mary Lyngdoh SPM Assam Rifles S.O. is transferred and posted as SPM Phudmawri S.O. vice Shri.S.Ryntathiang.
5. Shri. Starwell Ryntathiang SPM Phudmawri S.O. is transferred and posted as SPM Nongstoin S.O. vice Shri. G.C.Medhi transferred and to Guwahati Dn.
6. Shri. Deepak Kr. Dutta I/C Speed Post Shillong GPO is transferred and posted as SPM Barapani S.O. vice Shri. B.Sengupta.
7. Shri. Birendar Sengupta SPM Barapani S.O. is transferred and posted as APM Shillong GPO.
8. Shri. Bipul Rn Das P/A Laitumkhrah S.O. is transferred and Posted as SPM Cherrabazar S.O. vice Smt.Mukta Deb.
9. Smt. Mukta Deb SPM Cherrabazar S.O. is transferred and posted as SPM Cherrapunjee S.O. vice Shri. S.Bhattacharjee.
10. Shri. Bhupesh Bhattacharjee SPM Cherrapunjee S.O. is transferred and posted as SPM Rilbong S.O. terminating officiating arrangement.
11. Shri. Ramdhyan Yadau P/A Lower Chandmari S.O. is transferred and posted as SPM Baghmara S.O. vice Shri. B.Thapa.
12. Shri. Basant Thapa SPM Baghmara S.O. is transferred and posted and SPM Ampti S.O. terminating existing arrangement.
13. Shri. Hrishikesh Das P/A Tura H.O. is transferred and posted as SPM Lower Chandmari S.O. vice Shri. N.L. Barai.
14. Shri. Nagina Prasad Barai SPM Lower Chandmari S.O. is transferred and posted as SPM Williamnagar S.O. vice Shri. F. Borgohain.

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15. Shri. Fremodhar Borgochain SPM Williamnagar S.O. is transferred and posted as Postmaster Tura H.O. vice Shri. S. Chakraborty.
16. Shri. Sitangshu Chakraborty Postmaster Tura H.O. is transferred and posted as I/C Speed Post Shillong S.O.
17. Shri. Chaitanya Koch P/A Tura H.O. is transferred and posted as SPM Garobadha S.O. vice Shri. A.B. Mollah.
18. Shri. A.B. Mollah SPM Garobadha S.O. is transferred and posted as SPM Fulbari S.O. vice Shri. Pulin Ch. Boro transferred to Guwahati Dn.
19. Shri. Ashim Kr. Das P/A Fulbari S.O. is transferred and posted as P/A Assam Rifles S.O.
20. Shri. Opingson Lammare P/A (L/R) Shillong S.O. is transferred and Posted as SPM Umsaw S.O. vice Shri. R. Warlarpih.
21. Shri. Rogers Warlarpih SPM Umsaw S.O. is transferred and posted as P/A Laitumkhrah S.O.

The officials at Sl. 1, 3, 6, 8, 11, 13, and 20 will be relieved on office arrangement latest by 10-1-2000..

The officials at Sl. 15, 16 & 19 will not get any TA/TF as their transfers have been made at their own request.

Sr. Supt. of Post Offices
Meghalaya Division
Shillong-793001

Copy to :-

1. The Sr. Postmaster Shillong G.P.O.
2. The Postmaster Tura H.O.
- 3-8. All the ASFOs and SDIPO's under Meghalaya Dn.
- 9-25. The SPM Nongthymmai/Barabazar/ Assam Rifles / Phudmayri/ Nongstoin/ Umsaw/ Laitumkhrah/ Barapani/ Cherrapunjee/ Cherrabazar/ Rihong/ Baghmara / Lower Chandanari/ Fulbari / Garobadha/ Ampati/ Williamnagar.
- 25-45. The officials concerned.
- 46-66. The P/Fs of the officials.
- 67-70. O/C / Spare.

Sr. Supt. of Post Offices
Meghalaya Division
Shillong-793001

15
Annexure - E.

3/c
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DEPARTMENT OF POSTS
OFFICE OF THE SR. SUPDT. OF POST OFFICES II MEGHALAYA DIVISION
SHILLONG - 793 001.

No. F4-5/03-04/Cherrabazar, Dated Shillong, the 22nd March 2004.

Whereas a disciplinary proceeding against Shri. Bipul Ranjan Das, P.A., Cherrapunjee S.O. is contemplated.

Now, therefore, the undersigned, in exercise of the powers conferred by Sub-rule(1) of Rule-10 of the CCS (CCA) Rule, 1965 hereby places the said Shri. Bipul Ranjan Das under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the headquarter of Shri. Das should be at Shillong and the said Shri. Das shall not leave the headquarter without obtaining the previous permission of the undersigned.

(J. Lalinsailova),
Sr. Supdt. of Post Offices,
Meghalaya Division,
Shillong - 793 001.

Copy to:-

1. The Sr. Postmaster, Shillong G.P.O.
2. The SPM, Cherrapunjee S.O.
3. Shri. Bipul Ran. Das, P.A., Cherrapunjee S.O.
4. The Staff Branch, Divl. Office, Shillong.
5. O/c.

Sr. Supdt. of Post Offices,
Meghalaya Division,
Shillong - 793 001.

certified to be
true copy

Adv

Annexure - F (40-1)

DEPARTMENT OF POSTS: INDIA
O/O THE SUB DIVISIONAL INSPECTOR OF POST OFFICES
NORTH SUB DIVISION SHILLONG - 793001.

Maidam
Sub Division
Sohra

To,
The Office Incharge
Sohra P.S. East Khasi Hills
Meghalaya.

NO: A1/Cherrabazar/Fraud

Dated at Shillong the 25th March 2004.

Sub: Misappropriation of Govt. money by Sri Bipul Rn Das Ex. Sub Postmaster Cherrabazar Sub Post Office by non-crediting the amount of SB deposits in respect of Teacher Provident Fund account.

Sir,

This is for your kind information that Sri Bipul Rn Das while working as Sub Postmaster Cherrabazar Sub Post Office during the period from 23.02.2000 to 08.02.2004, he accepted the following lists of SB Deposit (Teacher Provident Fund account) with amount mentioned in each list on several dates as noted below duly entered in the relative Passbook of the schools noted against each, but he did not credit the amount to the Govt. account.

(1) List for March, April & May containing deposit of 13 SB Accounts	From St. John Bosco Boys Secondary School, Sohra	Rs 45886/-
(2) List for Dec 03 containing deposit of 18 SB Accounts	From Ramkrishna Mission higher Secondary School, Cherapunjee	Rs 19466/-
(3) List for Oct 03 containing deposit of 15 SB Accounts	From St. John Bosco Boys Secondary School, Sohra	Rs 16792/-
(4) List for Oct 03 containing 13 SB Accounts	From Ramkrishna Mission higher Secondary School, Cherapunjee	Rs 40644/- - 2104/- (Credited) = 38540/-
Total =		Rs = 120684/-

(Rs One lac twenty thousand six hundred eighty four only)

Against item no.4 out of the total amount Rs 40644/-, and amount of Rs. 2104/- has been credited by the said Shri Bipul Rn Das. Thus total amount to be recovered from him is Rs. 120684/-.

You are therefore requested kindly to take necessary action to recovered the rest amount from the delinquent viz. Shri Bipul Rn Das who is now working as Postal Assistant Cherapunjee Sub Post Office.

If required relative documents may be taken /seized from the undersigned at Cherapunjee Sub Post Office and for this purpose you may kindly fix up a date and intimated before a week.

Thanking you

Encl.: As above.

Yours faithfully,

Smt. F. Khongbri
(Smt. F. Khongbri)
Sub-Divisional Inspector of Post Offices
North Sub-Division, Shillong-793001.

*with paid to h
some copy
Adv*

McChallor

58

Received vide GIRE NO 383 Dated 25/03/04 and a Caglare
has been registered vide Sahm PS Case No 7(03)04, V/S 409
I.P. and Asst. S.M. Roy has taken up the case for further
and will complete the investigation.

Baner
25/3/2004

Officer-in-Charge
Sahm Police Station

East Khasi & Jaintia (Meghalaya)

Copy to:

The Sr. Supdt of Post Offices, Meghalaya Division Shillong - 793001 with reference to
Divisional Office letter no F4-5/03-04/ Cherabazar dated 23.03.04 for favour of kind
information.

Shimangbu

Sub-Divisional Inspector of Post Offices
North Sub-Division, Shillong-793001.

Care of M. Chellappa
7

(18)
Annexure - 6
41

DEPARTMENT OF POSTS
OFFICE OF THE SR. SUPDT. OF POST OFFICES: MEGHALAYA DIVISION
SHILLONG - 793001.

NO: F4-5/03-04/Cherra Bazar Dated at Shillong the 25th August 2004.

ORDER

Whereas an order placing Shri Bipul Ranjan Das PA Cherrapunjee S.O under suspension was made by the Undersigned under this office memo of even No dated 22-3-2004.

Now, therefore, the Undersigned in exercise of the powers conferred by clause (c) of Sub Rule (5) of Rule 10 of the CCS (CCA) Rule, 1965 hereby revokes the said order of suspension with immediate effect.

sd-
Sr. Supdt of Post offices
Meghalaya Division
Shillong - 793001.

Copy to :-

1. ☒ Shri Bipul Rn Das PA Cherrapunjee S.O.
2. The Sr. Postmaster Shillong G.P.O for information and necessary action.
3. P/F of the official.
4. CR file of the official.
5. ASP (HQ), Divisional Office.

my
Sr. Supdt of Post offices
Meghalaya Division
Shillong - 793001.

*certified to be
true copy
Adv.*

Annexure - 611⁶⁰

(42)

(19)

DEPARTMENT OF POSTS: INDIA
O/O THE SR. SUPDT OF POST OFFICES:: MEGHALAYA DIVISION
SHILLONG-793001

NO-B1-Rotational/Tfr/IV

Dated at Shillong the 25th August'2004

The following transfer and posting order of the official is issued in the interest of service with immediate effect.

1. Shri Bipul Ranjan Das, P.A. Cherrapunjee SO (under suspension) is transferred and posted as P.A. Assam Rifles on revocation of suspended order issued vide this office letter No-F4-5/03-04/Cherra Bazar dated 25-08-2004 against the vacant post until further order.

Sd/-
Sr. Supdt of Post Offices
Meghalaya Division
Shillong - 793001.

Copy to: -

1. The ASPOs- Meghalaya Division, Shillong-1.
2. The Sr. Postmaster, Shillong GPO.
3. The Sub Postmaster, Assam Rifles SO, Shillong-11.
4. The Sub Postmaster, Cherrabazar SO.
5. The Sub Postmaster, Cherrapunjee SO.
6. The Accountant, Divisional Office, Shillong-1.
7. The Fraud Branch, Divisional Office, Shillong-1
8. The SDIPOs, Central Sub Division, Shillong -1.
- ✓ 9. Sri Bipul Ranjan Das, Postal Quarter, Lalchand Basti, PO-Assam Rifles, Shillong-11.

10.O/C.

Sd/-
Sr. Supdt of Post Offices
Meghalaya Division
Shillong - 793001.

2090.
Cmtd to be
from copy.

Adv.

MEMORANDUM

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43

The President/Undersigned proposed to hold an inquiry against Shri. Bipul Ranjan Das under Rule-20 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965. The substance of the imputations of mis-conduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure/I). A statement of the imputation of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure/II). A list of documents by which, and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure/III & IV).

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

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

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

5. Attention of Shri. Bipul Ranjan Das is invited to Rule-20 of the Central Civil Services (Conduct) Rules, 1964 under which no Govt. servant shall bring or attempt to bring any political or outsider influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Govt. if any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri. Bipul Ranjan Das is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-20 of the C.C.S. (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

Name & designation of the person in charge of the authority,
Meghalaya Division
Shillong-793001

Memo No. F4-S/03-04/Chandra Baxar dtd. 30-8-07

To,

Shri. Bipul Ranjan Das
PA Assam Rifles
Shillong-11

Recd AS

ackd to
from upr

Adm.

44 (21)

11

ANNEXURE - I

Statement of article of charge framed against Shri Bipul Ranjan Das the then SPM Cherra Bazar (now PA Assam Rifles) under Rule 14 of CCS (CCA) Rules 1965.

ARTICLE - I

Shri Bipul Rn Das while working as SPM Cherra Bazar during the period from 23-2-2000 to 8-2-2004 did not credit the amount of Rs. 77,763/- (Rupees Seventy seven thousand seven hundred sixty three) only to Government account which were deposited by the head of Institutions of Ram Krishna Mission Higher Secondary School and St. John Bosco Boys/Girls Higher Secondary School Cherrapunjee in respect of various TPF accounts and SB accounts standing at Cherra Bazar S.O. on various dates.

By the above action said Shri Bipul Rn Das failed to maintained absolute integrity and devotion to duty and thus alleged to have violated the provisions of Rule 3 (1) (i) & (ii) of CCS (Conduct) Rules 1964.

ANNEXURE - II

Statement of imputation of misconduct or misbehaviour in support of the article of charge framed against Shri Bipul Ranjan Das the then SPM Cherra Bazar (now PA Assam Rifles).

ARTICLE - I

Said Shri Bipul Rn Das while working as SPM Cherra Bazar during the period from 23-2-00 to 8-2-04 misappropriated the amount of the TPF accounts and SB accounts as detailed below: -

	<u>A/C No.</u>	<u>Amt of fraud</u>	<u>Period of fraud</u>	<u>Remarks</u>
1.	830153	Rs 1052/-	30-3-01 to 26-12-03 :	
2.	830181	Rs 2688/-	30-3-01 to 16-9-03 :	
3.	830204	Rs 2960/-	22-4-02 to 29-9-03 :	
4.	830237	Rs 5392/-	30-3-01 to 13-12-03 :	
5.	830238	Rs 4532/-	30-3-01 to 13-12-03 :	
6.	830239	Rs 3362/-	26-9-01 to 13-12-03 :	TPF A/Cs
7.	830251	Rs 3450/-	30-3-01 to 13-12-03 :	
8.	380252	Rs 4472/-	30-3-01 to 13-12-03 :	
9.	380301	Rs 3624/-	12-8-02 to 18-12-03 :	
10.	830310	Rs 7992/-	30-3-01 to 17-12-03 :	
11.	830312	Rs 2117/-	3-3-01 to 26-12-03 :	
12.	830313	Rs 2948/-	30-3-01 to 13-12-03 :	

13.	830324	Rs 6050/-	6-8-02 to 11-9-03	:	
14.	830335	Rs 3040/-	30-3-01 to 13-12-03	:	
15.	830336	Rs 1776/-	30-3-01 to 7-6-03	:	TPF A/Cs
16.	830358	Rs 7666/-	30-3-01 to 26-12-03	:	
17.	830359	Rs 2840/-	30-3-01 to 26-12-03	:	
18.	830388	Rs 7452/-	30-3-01 to 13-12-03	:	
19.	830339	Rs 4350/-	22-1-04	:	SB A/C
		Rs 77763/-			

22
45

By the above action Shri Bipul Rn Das failed to maintained absolute integrity and devotion to duty and thus alleged to have infringed the provision of Rule 3 (1) (i) & (ii) of CCS (Conduct) Rules 1964.

ANNEXURE - III

List of documents by which the article of charge framed against Shri Bipul Rn Das the then SPM Cherra Bazar (now PA Assam Rifles) are proposed to be sustained.

1. SB Long Books for the period from 31-7-99 to 18-3-2004 (5 Nos).
2. S.O A/C books from 31-11-00 to 1-2-04 (3 Nos).
3. Passbooks No. 830153, 830181, 830204, 830237, 830238, 830239, 830251, 380252, 380301, 830310, 830312, 830313, 830324, 830335, 830336, 830358, 830359, 830388, 830339.
4. H.O ledger of the above mentioned TPF accounts and SB accounts.
5. S.O daily accounts.
6. List of transaction of Cherra Bazar.

ANNEXURE - IV

List of witness by whom the article of charge framed against Shri Bipul Rn Das the then SPM Cherra Bazar (now PA Assam Rifles) are proposed to be sustained.

1. Smti F. Khongbri, SDIPOs North Sub Division.
2. Smti Mukta Deb SPM Cherra Bazar.

FINAL FORM/REPORT

(Under Section 173 Cr.P.C.)

IN THE COURT OF S.D.M. Solapur

District S.K. Hill P.S. Solapur Year 2004 FIR No. 7 Date 25.3.04

Final Report / Charge Sheet No. 16/04 3. Date 30.9.2004

(i) Act Sections 409, I.P.C.

(ii) Act Sections

(iii) Act Sections

(iv) Other Acts & Sections

5. Type of Final Form/Report: Charge Sheet / Not charge sheeted for want of evidence / FR True, Undetected / FR True, Untraced / FR True, offence abated / FR Unoccurred (tick applicable portion).

6. If FR Unoccurred: False/Mistake of Fact/Mistake of law/Non cognisable /Civil nature. (tick applicable portion).

7. If Charge sheet: Original / Supplementary. (tick applicable portion).

8. Name of I.O. S. Rana Rank S.I. No.

9. (a) Name of complainant / informant Smt. F. Khengtin

(b) Father's / Husband's name Mr. Shri. Jyotirao Rana

10. Details of Properties/Articles/Documents recovered/seized during investigation and relied upon (separate list can be attached, if necessary).

Sl. No.	Property description	Estimated value (Rs.)	P.S. Property Register No.	From whom/ where recovered or seized	Disposal
1	2	3	4	5	6
		15720684/-			

11. Particulars of accused persons charge-sheeted: (Use separate sheet for each accused)

Sl. No. (i) Name Shri. Bijal Rana Whether verified yes

(ii) Father's/Husband's name Mr. Shri. Jyotirao Rana (iii) Date/Year of birth

(iv) Sex M (v) Nationality Indian (vi) Passport No.

Date of Issue Place of Issue

(vii) Religion Hindu (viii) Whether SC/ST/OBC (ix) Occupation Farmer

Enclosure Seize List 7

MR No. 24/04

MR No. 25/04

With all the exhibit 20 for exhibit number

30/9/04

46

Annexure - I

(x) Address P.T. Quatre Nangumang

(xi) Provisional criminal No.

(xii) Regular criminal No. (if known) (xiii) Date of arrest

(xiv) Date of release on bail (xv) Date on which forwarded to court

(xvi) Under Acts & Sections

(xvii) Details of bailers / sureties:

Name Father's/Husband's name

Occupation Address

Identification

(xviii) Previous convictions with case references

(xix) Status of the accused:

Forwarded / Bailed by police / Bailed by court / Judicial custody / Absconding / Proclaimed offender (tick applicable portion).

Particulars of accused persons - not charge sheeted (suspect): (Use separate sheet for each suspect)

Sl. No. (i) Name Whether verified

(ii) Father's/Husband's Name (iii) Date/Year of birth

(iv) Sex (v) Nationality (vi) Passport No.

Date of Issue Place of Issue

(vii) Religion (viii) Whether SC/ST/OBC (ix) Occupation

(x) Address Whether verified

(xi) Provisional criminal No.

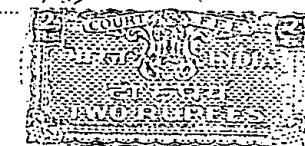
(xii) Suspicion approved: Yes/No

(xiii) Status of the accused (suspect):

Bailed by police/Bailed by court/ Judicial custody/Not arrested (tick applicable portion).

(xiv) Under Acts & Sections

(xv) Any Special remarks including reasons for not charge sheeting



~~21~~

Sl. No.	Name	Father's/Husband's name	Date/Year of birth	Occupation	Address	Type of evidence to be tendered
1	2	3	4	5	6	7
<i>Separate sheet enclosed herewith</i>						

17. Refer Nis served : Yes/No Date:.....
(Acknowledgement to be placed)

18. Despatch on

19. No. of copies

20. List of copies : As annexed

Forwarded by Officer in Charge (Signature)

Officer in Charge
Name
Rank
Place
Date

Signature of Investigating Officer
submitting Final report/Charge sheet
(Signature)
Name
Rank
No.



D. P. S. (Press Wing) 5 - 12 - 2001

Adalberto

~~25~~ (48)

The ^{story} ~~prosecution~~ of the case is that on 23-2-2004 a written complaint was
sent to the Sub. Criminal Inspector of post office at the district office to the
effect that Shri Bipul Ranjan Das is a sub postmaster whose name was sub post office during
the period of 23-2-2000 to 8-2-2004 has misappropriated govt. money by not crediting
the S.B. deposit of Teachers' provision fund to the tune of Rs. 1,20,684/- (one lakh
twenty thousand six hundred and eighty four) only. In view of this the case has been
registered and investigated into. During the course of investigation, the S.D. has been
arrested and examined who has confessed his guilt of misappropriating the govt. money
as he is having bad habit of gambling the money in archery, the post book ledger
and other documents has been seized as per the M. 24/04 and M.P. 25/04 as
such a prima facie case. Up 409 IPC is found well established against the
accused Shri Bipul Ranjan Das. I am therefore sending him up to face his
trial and the witnesses noted on the separate list enclosed here with
will prove the case who may kindly be summoned by fixing a date.

R. Kumar
30/9/04

S. I. S. Rana

S/o of the Case.

M. Chatterjee
Sd/-
20/9/04

(49)

(25)

Annexure - I contd.

Typed copy.

C/S no. 16/04 dt. 30-9-04.

The prosecuting story of the C/R is that on 25.3.2004 received a written complaint from one Smti F. Khongbri, Sub-Division/Inspector of Post Office, North Subdivision Shillong to the effect that Shri Bipul Ranjan Das, Ex-sub postmaster Cherra Bazaar Sub post office during the period of 23.2.2000 to 8.2.2004 has misappropriated govt. money by not credit the S.B. deposit of Teachers provident Fund to the tune of Rs. 1,20,684/- (Rupees one lakh twenty thousand six hundred and eighty four only). On receiving of this the case has been registered and investigated into. During the course of investigation, the accused has been arrested and examined who has confessed his guilt of misappropriating the Govt. money. As he is having bad habit of gambling the money in Archery, the pass book/ledger and other document has been seized as per the M/R. 24/04 and M.R. 25/04 as such a prima facie case u/s 409 I.P.C. is found well established against the accused Shri Bipul Ranjan Das. I am therefore sending him up to face his trial and the witnesses noted on the separate sheet enclosed herewith will prove the case who may kindly be summoned by fixing a date.

Sd/- Illegible, 30.9.04

S.I., S. Rana

I/O of the case.

CERTIFIED TO BE TRUE COPY.

Sd/- Illegible.

SEALED.

DEPARTMENT OF POSTS
OFFICE OF THE SR. SUPDT. OF POST OFFICES: MEGHALAYA DIVISION
SHILLONG - 793001.

Memo No F4-5/03-04/Cherra Bazar Dated at Shillong the 17th Nov 2004

In this memo No F4-5/03-04/Cherra Bazar dtd 30-8-04 it was proposed to
intention against Shri Bipul Ranjan Das the then SPM Cherra Bazar now PA
Assam Rifles S.O under Rule 14 of CCS (CCA) Rules 1965 on the basis of
statement of articles of charges as detail below :-

ANNEXURE - I

Statement of article of charge framed against Shri Bipul Ranjan Das the then
SPM Cherra Bazar (now PA Assam Rifles) under Rule 14 of CCS (CCA) Rules
1965.

ARTICLE - I

Shri Bipul Rn Das while working as SPM Cherra Bazar during the period from
23-2-2000 to 8-2-2004 did not credit the amount of Rs 77763/- (Rupees Seventy
seven thousand seven hundred sixty three) only to Government account which
were deposited by the head of Institutions of Ram Krishna Mission Higher
Secondary School and St. John Bosco Boys/Girls Higher Secondary School
Cherrapunjee in respect of various 'TPI' accounts and SB accounts standing at
Cherra Bazar S.O. on various dates.

By the above action said Shri Bipul Rn Das failed to maintained absolute
integrity and devotion to duty and thus alleged to have violated the provisions of
Rule 3 (1) (i) & (ii) of CCS (Conduct) Rules 1964.

ANNEXURE - II

Statement of mitigation of misconduct or misbehaviour in support of the article
of charge framed against Shri Bipul Ranjan Das the then SPM Cherra Bazar
(now PA Assam Rifles).

Observation and thereby denying the opportunity of placing
the grievances on the points of observation before the
appellate authority.

auth to be
com
Adv.

(27)
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ARTICLE - I

Said Shri Bipul Rn Das while working as SPM Cherra Bazar during the period from 23-2-00 to 8-2-04 misappropriated the amount of the TPF accounts and SB accounts as detailed below: -

<u>A/C No.</u>	<u>Amt of fraud</u>	<u>Period of fraud</u>	<u>Remarks</u>
1. 830153	Rs 1052/-	30-3-01 to 26-12-03 :	
2. 830181	Rs 2688/-	30-3-01 to 16-9-03 :	
3. 830204	Rs 2960/-	22-4-02 to 29-9-03 :	
4. 830237	Rs 5392/-	30-3-01 to 13-12-03 :	
5. 830238	Rs 4532/-	30-3-01 to 13-12-03 :	
6. 830239	Rs 3362/-	26-9-01 to 13-12-03 :	TPF A/Cs
7. 830251	Rs 3450/-	30-3-01 to 13-12-03 :	
8. 380252	Rs 4472/-	30-3-01 to 13-12-03 :	
9. 380301	Rs 3624/-	12-8-02 to 18-12-03 :	
10. 830310	Rs 7992/-	30-3-01 to 17-12-03 :	
11. 830312	Rs 2117/-	3-3-01 to 26-12-03 :	
12. 830313	Rs 2948/-	30-3-01 to 13-12-03 :	
13. 830324	Rs 6050/-	6-8-02 to 11-9-03 :	
14. 830335	Rs 3040/-	30-3-01 to 13-12-03 :	
15. 830336	Rs 1776/-	30-3-01 to 7-6-03 :	TPF A/Cs
16. 830358	Rs 7666/-	30-3-01 to 26-12-03 :	
17. 830359	Rs 2840/-	30-3-01 to 26-12-03 :	
18. 830388	Rs 7452/-	30-3-01 to 13-12-03 :	
19. 830339	Rs 4350/- Rs 77763/-	22-1-04 :	SB A/C

By the above action Shri Bipul Rn Das failed to maintained absolute integrity and devotion to duty and thus alleged to have infringed the provision of Rule 3 (1) (i) & (ii) of CCS (Conduct) Rules 1964.

ANNEXURE - II

List of documents by which the article of charge framed against Shri Bipul Rn Das the then SPM Cherra Bazar (now PA Assam Rifles) are proposed to be sustained.

1. SB Long Books for the period from 31-7-99 to 18-3-2004 (5 Nos).
2. S.O A/C books from 31-11-00 to 1-2-04 (3 Nos).

Passbooks No. 830153, 830181, 830204, 830237, 830238, 830239, 830251, 830252, 830301, 830310, 830312, 830313, 830324, 830335, 830336, 830358, 830359, 830388, 830339.

4. H.O ledger of the above mentioned TPF accounts and SB accounts.
5. S.O daily accounts.
6. List of transaction of Cherra Bazar.

ANNEXURE - IV

List of witnesses by whom the article of charge framed against Shri Bipul Rn Das the then SPM Cherra Bazar (now PA Assam Rifles) are proposed to be sustained.

1. Smti F. Khongbri, SDIPOs North Sub Division.
2. Smti Mukta Deb SPM Cherra Bazar.

In the said memo Shri Bipul Ranjan Das was directed to submit a written statement of defence and also to state whether he desired to be heard in person within 10 (ten) days of receipt of the said memo. In reply Shri Bipul Ranjan Das submitted his statement dtd 10-9-04 which read as follows :-

" With due respect and humble submission, I beg to state that I admit all the charges lavelled against me in the memorandum in annexure I & II.

That Sir due to various personal problem which was beyond my control. I had committed the misdeed.

I sincerely regret the misdeed and mistake committed by me.

That Sir I assume you with all my sincerity that this misdeed will never be repeated by me. I promise you again that I shall remain duty bound to be sincere and faithfully in future.

I also promise you that I will credit the amount of loss sustained by the Department from my salary and pension etc.

^ Sir I pray to your learned self to kindly pardon me for the grent mistake committed by me and save the life and existence of my family".

As the charge official has admitted his lapse as per his written statement above, enquiry is considered not necessary in this case.

(29)
(53)

OBSERVATION

The charges against the official are of very serious nature. Shri B.R. Das has misused his official position and defrauded the public of their savings. The act has clearly displayed the official's lack of integrity and devotion to service. Shri B.R. Das has clearly betrayed the trust and abused the good will of the public. By this act of defrauding public money, Shri B.R. Das has also subjected the officers of the Department to additional labour and also caused embarrassment to the Department which cannot be condoned.

The official, Shri Bipul Ranjan Das in his statement submitted on 10th September 2004 has admitted to all the charges raised against him and thus no further inquiry has been made into the case.

ORDER

Considering the gravity of the case, I, Shri Joseph Lalrinsailova, Senior Superintendent of Post Offices, Meghalaya Division taking a serious view of the acts of misconduct of the official, hereby order that the penalty of Dismissal from service be awarded to Shri Bipul Ranjan Das, now Postal Assistant, Assam Rifles. The order of Dismissal will be effective from the date of receipt of this order by the charged official.

Sd/-
(J. Lalrinsailova)
Sr. Supdt of Post Offices
Meghalaya Division
Shillong - 793001

Copy to :-

- ✓ 1. Shri Bipul Rn Das PA Assam Rifles S.O.
2. The Sr. Postmaster Shillong G.P.O.
3. CR file of the official.
4. ASPOs (HQ) Divisional office Shillong.
5. Staff branch Divisional office.
6. O/C.

Sd/-
Sr. Supdt of Post Offices
Meghalaya Division
Shillong - 793001

Submitted 2/12/04

To

The Director (HQ)
O/O The Chief Postmaster-General
N.E.Circle. Shillong.

Annexure - K.

Through: Sr. Superintendent of Post Offices, Meghalaya
Division, Shillong.
(Through Proper Channel)

Subject: - An humble appeal against the arbitrary order
of Dismissal from services issued vide SSPO's
Memo No. F4-5/03-04/Cherrabazar dated 17.11.04-
case of Sri Bipul Kunjan Das. Pz. Assam Rifles
S.O.

Respected sir,

1. The appellant is your humble subordinate who has been working as Postal Assistant Assam Rifles S.O. till he was arbitrarily dismissed from service by a whimsical order of penalty issued vide SSPO's, Meghalaya, Shillong Memo. No. F. 4-55/03-04/Cherrabazar dated 17.11.2004.
2. The appellant has been charge sheeted by the Sr. Superintendent of Post Offices, Meghalaya, Shillong under Rule-14 of CCS(CCA) Rules, 1965 under SSPO's Memo No. F4-5/03-04/Cherrabazar dated. 30.8.2004 with mala fide intention and ulterior motive to hamper the service career of the appellant as because manner in which the alleged misdeed was committed has not been enumerated in the statement of imputation of charge sheet, results the appellant failed to defend, not to speak of effectively thereby violated the provision of natural justice.
3. After issuance of charge sheet some emissary of the disciplinary authority had met the appellant who asked me to admit the charge and the authority would consider the case favourably. I accepted the proposal and accordingly admitted stating my willingness to repay the involved amount in instalments from my Pay, lumpsum Withdrawal from GPF and the rest from LICG but punishment order comes as a bolt from the blue and contrary to the assurance given by the emissary. Further, the Disciplinary authority, who was predetermined to make the applicant a scape goat to obtain his admittance on the charge by sending emissary passed the arbitrary, illegal and whimsical order of penalty vide SSPO's Memo. No. F4-5/03-04/Cherrabazar dated 17th Nov'2004
4. As I am at the verge of retirement rendering unblemish service for the last 56 years, I am not deserved to be punished with such extreme punishment dislodging me from service dragging the family towards extermination.
5. The Punishment has been imposed without holding formal inquiry as emphasized in Rule-14 of CCS(CCA) Rule, 1965 and thereby deceived me from the principle of natural justice. As the punishment is extreme one, the punishment itself deserves detail inquiry as enjoined in Rule-14 of CCS(CCA) Rules, 1965 irrespective of what has stated by the charged official. Further the observation made in the punishment order is nothing but perfunctory and sketchy. Mere admittance, under no law, empowered any authority to shirk out his responsibility or recording observation and thereby, denying the opportunity of placing the grievances on the points of observation before the appellate authority.

....2/-

certified to
be true
copy

Adm

- 73
(21) (55)
-
6. The charge sheet, as it were, was for misappropriation of certain amount for which resorting of criminal act is emphasised not the disciplinary case. The misconduct and misbehavior is resorted when there is a violation of Departmental rules. In this instant case there was no allegation of violation of Departmental rules and thereby the charge sheet deserves to be ab initio void.
 7. The punishment is arbitrary and harsh. Justice should only be done but should appeared to be done. The Principle is absent in this punishment order.
 8. That sir, presently I am : left with only few years of my service career as I am due for retirement on 30-11-2008. The harsh and disproportionate punishment awarded me has put me in tremendous financial hardship and I am now left with no option than to pray your honour for sympathetic consideration of the matter.
 9. I hope and trust your honour would graciously be pleased to pass an appropriate order setting aside the order dated 17th November, 2004 and oblige thereby.

Dated at Shillong
The 2nd Dec' 2004.

Yours faithfully

Bipul Ranjan Das. 2/12/04
(BIPUL RANJAN DAS)
Nongmynsong Postal Colony, Shillong
793011.

gnd 11/12/04 05/6-55 (11/12/04)

Thongru
2/12/04

Annexure - L. 44

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

56

Memo No.Staff/109-21/2004

Dated at Shillong, the 25-7-2005.

This is regarding the appeal dated 2-12-2004 preferred by Shri Bipul Ranjan Das, the then SPM, Cherra Bazar SO against the order of Sr. Supdt. of POs, Meghalaya Division issued vide letter No.F4-5/03-04/Cherra Bazar dated 17-11-2004, vide which the punishment of "dismissal from service" was imposed on the official.

2. The Chronology of events in the case in brief is as follows:-

- (i) The official was charge sheeted under Rule-14 of CCS (CCA) Rules, 1965, on 30-8-04 vide memo no.F4-5/03-04/Cherra Bazar
- (ii) The Disciplinary authority issued the punishment orders of dismissal from service on 17-11-2004.

3. The case in brief is that, Shri Bipul Ranjan Das, while working as SPM, Cherra Bazar SO during the period from 23-2-2000 to 8-2-2004 accepted deposit from Ram Krishna Mission Higher Secondary School and St. John Bosco Boys/Girls Higher Secondary School authorities/depositors of TPF accounts which were tendered in LOTs on different dates, but he did not credit the amount to Government account.

Thus, Shri Bipul Ranjan Das, ex-SPM Cherra Bazar S.O. was charged with non-credit of Government money amounting to Rs.77,763/-(Rs. seventy seven thousand seven hundred and sixty-three) only.

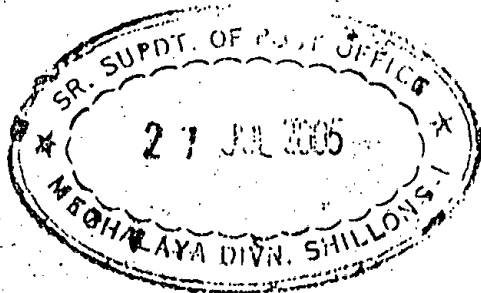
4. I have gone through the appeal alongwith all related documents and observe that in para-3 of the appeal, Sri Bipul Rn. Das had stated that 'some emissary of the disciplinary authority' met him and asked him to 'admit the charge and the authority would consider the case favourably' remain unsubstantiated. As such, it warrants no further enquiry for which name of the official (if any) should have been explicitly stated. Moreover, Sri B. R. Das also stated in his defence statement that he would 'credit the amount of loss sustained by the department.' There seems no reason why any person not involved in the case would be willing to pay such a huge amount; yet, B.R. Das promised to do so! Additionally, he also admitted his 'misdeed' in misappropriating the amount.

On these counts, the arguments in the appeal seem to be a case of after-thought which, in any case, lacks any basis. As such, the appeal is rejected and the order of the SSPOs, Meghalaya Division vide his Order No.F4-1/03-04/Cherra Bazar dated 17-11-2004 shall continue to hold.

Abhinav

(ABHINAV WALIA)

Director of Postal Services (HQ)



certified to be true copy.

Handwritten signature/initials
Adv.

Copy to:-

57

23

- 1) Shri Bipul Ranjan Das, Ex-PA, Assam Rifles, S.O. Shillong-793 011 (through SSPOs, Shillong).
- 2) The Sr. Supdt of POs, Meghalaya Division, Shillong. He will kindly arrange delivery of one copy to the appellant.
- 3) Office copy

the court of Shri B. S. Sahliya Sam (58)
Sahra

Form No. 149
Court Criminal Process (No. 1)

Annexure - M.

GR NO 7/04

SUMMONS TO ACCUSED PERSONS

(No. 1, Schedule V Act V, 1898)

Forwarded to — Incharge of Nongmynsong
Out Post
for service and return
(Section 68 of the Cr. P. C.)

To Shri. Bipul Ranjan Das
S/o (K) Sachindra Das
of P & T. quarter
Nongmynsong Shillong

Whereas your attendance is necessary to answer to a charge of
U/s 1409 IPC

you are hereby required to appear in person/by pleader before the
court of Sam Sahra

on the 9th day of Dec 2005, at ten O'clock in the forenoon.

State the offence charged.

As the case may

Herein fail not,

Given under my hand and the seal of the Court this
25th day of Oct 2005



Refd. 22/09/05

certified to be true copy
Adv

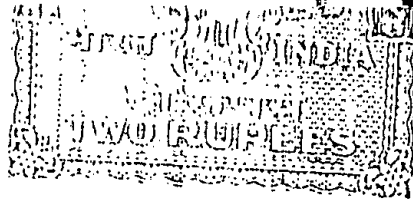
16/1/04

Refd B.2.2005

Refd - 3/3/05

Refd 7/4/05

Refd - 19/5/05



AK
f. l. d. 0
5/9/05
m. v. l.
x
H. R.

DISTRICT : EAST KHASI HILLS

IN THE COURT OF SHRI B.S. SOHLIYA, M.C.S., SUBDIVISIONAL
MAGISTRATE, SOHRA CIVIL SUBDIVISION, SOHRAH.

Annexure - N.

Sohra P.S. Case No. 7(3)04 u/s 409 IPC.

(G.R. Case No. 7(3)2004)

State of Meghalaya

- Versus -

Sri Bipul Ranjan Das ... Accused

The petition of the abovenamed
accused person

Most Respectfully Sheweth :-

1. That the present case has been next fixed
for hearing on 22.9.2005.

2. That while your accused petitioner was serving
as Subpostmaster at Cherra Bazar S.O. suddenly on
18.3.04 some officers (with Mr. A.R. Bhowmick, Asstt.
Post Master General (Vigilance) along with few others
came to your petitioner's office and pressurised your
accused petitioner to admit the alleged offence on
the assurance to get the matter compromised amicably
and settle the issue before taking any penal action
against your accused petitioner.

3. That your accused petitioner was quite ignorant
about the offence as alleged till then as there was
no formal case against your accused petitioner
so the offence as alleged was found to be superfluous,
baseless without having any truth in it as such question of
admission or allegation did not arise at that point of
time, and your petitioner was quite an innocent
person having no such involvement in such offence.

4...

A/D
15/9/05
for order

Pls to expedite
filed - order next.

Auth. filed
to be true
copy

Adv.

3678
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- 2 -

4. That it is submitted that the persons from the Vigilance Cell repeatedly visited the office of your petitioner thereafter also and applying coercive method by interrogating your accused petitioner about the alleged offence without showing me copy of the F.I.R./Ezahar or nature of offence alleged, which has had embarrassed your accused petitioner without having any ground for such interrogation.

5. That however, though the persons from the Vigilance were trying their level best to extract from your accused petitioner to get some extra-gratification to get the matter compromised. But when that design was failed surprisingly on 22.3.04 he was suspended and thereafter on 25.3.04 it came to the accused petitioner's knowledge that an F.I.R./Ezahar was filed by Smti F.Khongbri, Sub-divisional Inspector of Post Offices, North Subdivision, Shillong - 793001 at Sohra Police Station. Accordingly in pursuance of the said FIR/Ezahar your petitioner was arrested on 25.3.2004 itself and kept in custody till 29.3.2004 and then released on bail on that day i.e. on 29.3.2004.

6. That it is submitted that during the course of custody from 25.3.2004 to 29.3.2004 your accused petitioner was grilled by the Investigation Officer

and ...

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61

- 3 -
and was forced to give confessional statement in respect of the alleged offence.

7. That your petitioner wants to bring to the knowledge of your Honour that on 26.3.2004 the learned Counsel of the accused petitioner submitted before this Hon'ble Court that the accused petitioner was not guilty and was prepared to stand trial of the offence. So also on 30.03.2004 your petitioner (accused) submitted a written statement stating that he declined to make a confessional statement. And as such, it is amply clear that inspite of threat, coercion etc. your petitioner till then did not admit the guilty of the offence as being an innocent man, who has been made a scape-goat in the said case.

8. That thereafter the prosecution inspite of filing of charge-sheet and on appearance of the accused petitioner before this Hon'ble Court, no copies of any of the documents relating to the said case have been served on the accused petitioner till date so as to know about the nature of offence and to take appropriate defence in the said case.

9. That it is submitted that simultaneously a Departmental Proceeding was instituted against your accused petitioner for the alleged offence and the same was proceeded against not in accordance with law, ...

80
(28)
(62)

law, and as such the finding of your accused petitioner guilty of the offence without exhausting of all the procedural requirements for the same is illegal, unjust and quite contrary to law.

Taking the pequant mental condition of your accused petitioner some emissary promised to drop the proceedings if your accused petitioner admits the guilty and deposit the amount according to their own demand and dictate. Your accused petitioner on good faith and on considering his service career and also being the only bread-earner of his family believed in it that the case would be dropped as promised and had to part with a sum of Rs.70,000/- (Rupees seventy thousand only) from the G.P.Fund Account of the accused petitioner lying with the Authority without proving the guilty of the offence.

10. That it is submitted that the said Authority in collusion with the Police again on false promise to get the criminal case also withdrawn on compromise wanted the accused petitioner to give an undertaking before this Hon'ble Court to pay the balance amount from the pay and gratuity of your accused petitioner, which ~~xxxxxx~~

are all ...

are all making, got-managed by undue-influence and in exercise of extra-judicial power most unfairly, depriving your accused petitioner to face trial in the offence and take defence in accordance with law to prove innocence of your accused petitioner, which has jeopardised and prejudicially affected the interest of your petitioner to defend himself as the right guaranteed under the law of the land but has been trying to victimise in the manner and fashion in a most cunning way.

11. That in the aforesaid facts and circumstances of the case when it is a clear cut case of denial of guilty and denial of confession, the case should have been formally tried in accordance with law without putting your petitioner in jeopardy by undue pressure/influence and trying to victimise thereby to suppress ~~the case~~ ^{the case} to prove the case and to find out the actual truth.

12. That your accused petitioner on receipt of summon duly appeared before your Honour's Court on 03.02.2005 filing necessary Hazira and your Honour was pleased to fix 03.03.2005 being the next date for next appearance of the accused petitioner without passing any order showing the purpose for which the next date is fixed. However, on that day your petitioner could not appear due to some unavoidable circumstances.

13. That your petitioner on the next date fixed on 7.4.2005 appeared...

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~~40~~
64

on 7.4.2005 appeared before your Honour's Court by filing necessary Nazira, but again the next date i.e. on 19.5.05 was fixed without showing any purpose for which the date has been fixed.

14. That the undertaking to pay the balance and the money receipt showing the payment of Rs.70,000/- is nothing but under coercion and undue influence has been so recovered before proving the guilty of the offence which cannot be proved without trial as admission or proof of the guilt of the offence and punish your accused petitioner.

15. That mere recovery of some amount and an undertaking to pay the balance if treated against your accused petitioner of admission of the guilty of the offence, it will amount to a gross irregularity, illegality and total denial of justice without being tried formally after exhausting all the legal requirements and findings arrived at after formal trial of the offence.

16. That it is most respectfully submitted therefore that by taking by force and/or by coercion, a money receipt of Rs.70,000/- as recovery and taking an undertaking to recover the balance amount from salary and

gratuity etc...

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gratuity etc. are all have been taken not as a matter of fact that the accused petitioner have voluntarily admitted the guilty of the offence. Mere money receipt does not make confessional statement of admission of the offence since these money receipts were obtained under coercion and misusing them and thereby try to betray the cause of justice.

It is, therefore, prayed that your Honour would be kind enough to ignore the money receipt and the undertaking as confessional statements and in exercise of your Honour's discretionary powers may kindly give your accused petitioner an opportunity to face the trial of the offence directing the opposite parties to supply the copies of the documents etc. immediately to the accused petitioner and fix a next date for copy and thereafter framing of charges and proceed in accordance with law for the trial of the offence, to meet the ends of justice.

And for this the accused petitioner, as in duty bound shall ever remain grateful to you.

(SRI BIPUL RANJAN DAS)
ACCUSED PETITIONER

Date:- 05.09.2005.

Place:- Cherapunji.

Vakalatnama enclosed afresh.

IN THE COURT OF SHRI. B.S. SOHLIYA : SUB DIVISIONAL MAGISTRATE :
SOHRA :

G.R. Case No. 7(3)04
U/S 409 I.P.C.

66

S T A T E

VERSUS

Shri. Dipul Ranjan Das of
P & T Quarter, Nongmynsong,
Shillong.

/ O R D E R /

5.9.2005.

C.R. put up on call today. Accused present in court alongwith his Ld. Counsels. Seen the order dt: 30.3.05 wherein he declines to make a statement. Also seen the order dt: 19.5.2005 wherein the accused person undertakes to repay a balance amount of Rs. 50,684/- As per the contention of his Ld. Counsel this tantamounts to having made a confession whereby money has been mis-appropriated. Therefore this court orders that the case against the accused person to continue till further developments occurs where orders shall be passed as per the findings.

Inform all concerned accordingly.

Sd/- Shri. B.S. Sohliya, MCS),
Sub Divisional Magistrate,
Sohra Civil Sub Division,
Sohra.

Copy to :-

1. The Senior Superintendent of Post Office, Meghalaya Division, Shillong, for information and necessary action.
2. Shri. Dipul Ranjan Das (Accused person) resident of P & T Quarter, Nongmynsong, Shillong.

authd to
true copy
Adv.

Sub Divisional Magistrate,
Sohra Civil Sub Division,
Sohra.

Process No. 131/05
To
By
Date

C/F A.2f
(affix-st)

Annexure - P.

filed in

01-12-05

(67)

IN THE COURT OF SHRI B.S.SOHLIYA, M.C.S., SUBDIVISIONAL
MAGISTRATE, SOHRA CIVIL SUBDIVISION, SOHRA

...

Sohra P.S. Case No. 7(03)/2004

(under section 409 I.P.C.)

(G.R. Case No. 7(3)04)

State of Meghalaya

-Versus -

Sri Bipul Ranjan Das ...Accused Petitioner

The humble petition of the
abovenamed accused Petitioner

Most Respectfully Sheweth :-

1. That today is the date fixed for orders/hearings.
2. That your accused petitioner begs to withdraw the undertaking dated 19.5.05 filed before this Hon'ble Court under duress, as he has voluntarily not paid any amount but the concerned Authorities by threat and undue influence asked the accused petitioner to sign on various papers amongst others for using the same in the application for withdrawal from his own G.P.F.Account No. 100173. This was not voluntary but it was under duress and undue influence. As the allegations are yet to be proved and the amount of Rs.70,000/- (Rupees seventy thousand only) so taken as deposit from your accused petitioner's G.P.F.Account No. 100173 cannot be termed as "Defrauded amount" as the fraud has not been proved by the concerned authorities/prosecution before this Hon'ble Court.

3...

Anticipated
to be from
Cmrs.

Adv.


3. That till now no copies of the documents/papers against the accused petitioner has been supplied to the accused petitioner by the prosecution in the instant case.
4. That your accused petitioner's initial defence (before this Hon'ble Court on 29.3.04 and 30.3.04) plea was that he is innocent, that he may be tried for the alleged offence as expeditiously as possible by asking the prosecution to supply copies of documents/papers against him and prove their case in the trial if it is true before this Hon'ble Court.
5. That the undertaking dated 19.5.05 has been written by an unknown person of the concerned authorities collusively with the police and the accused petitioner was asked to sign the same which was not voluntary but under duress and undue influence exerted by the police at the behest of the concerned Authorities.
6. That this petition is made bonafide and for the ends of justice.

It is, therefore, most respectfully prayed that your Honour would be graciously pleased to allow the accused petitioner to withdraw the undertaking dated 19.5.05 filed on his behalf before this Hon'ble Court under undue influence, and/or pass such further order /s, as to your Honour may deem fit and proper in the interest of justice.

And for this, the accused petitioner, as induty bound, shall ever pray.

Date:- 27.10.05.

Place :- Cherrapunjii.


SIGNATURE OF ACCUSED PETITIONER

Annexure - 2

BY REGISTERED POST

Date :- 28/9/05

BEFORE HIS EXCELLENCY THE PRESIDENT OF INDIA AT RASTRAVATI
BHAWAN AT NEW DELHI-110001.

Filed by the
Review
Petitioner
Shri Bipul
Ranjan Das
through
Advocate
Mr. Ranjan Das

28/9/2005

Advocate
Mr. Ranjan Das
Review Petitioner

(67)

Review Appln.No. of 2005.

An application for review under rule
29-A of the C.C.S. (C.C.A.) Rules, 1965 for
review of the Appellate order dated 25.7.05
passed by the Appellate Authority viz;
the Director of Postal Services (Headquarter)
N.E. Circle, upholding the dismissal order
dated 17.11.04 dismissing the services of
the review petitioner as Postal Asstt. in
Assam Rifles, Sub-Post Office, Shillong-11.

- And -

In the matter of :-

Violation of Article 14, 16, 20(3) and 21
of the Constitution of India and the other
laws of the land.

- And -

In the matter of :-

Shri Bipul Ranjan Das (Dismissed
Postal Asstt. of the Assam Rifles Sub-
Post Office, Shillong-11),
a resident of - Quarter 12, Type-L1/3,
Houmynsong Postal Quarter Complex,
P.O. & P.S. Shillong,
District: East Khasi Hills, Shillong,
Meghalaya State.

.... REVIEW PETITIONER

-Versus -

I, The Union ...

Bipul Ranjan Das

Copies to
Respondents No. 1 to 7
Sent by
Post separately.

28/9/05
(R-DAS)
Adv.

O/C

certified to be
true copy
Adv.



INDIA POST

70

88

- 2 -

1. The Union of India, being represented
by the Secretary to the Govt. of India,
Department of Posts, Central Sachivalaya,
New Delhi - 110001.
2. The Chief Post Master General,
North Eastern Circle,
P.O.Shillong - 793001,
District: East Khasi Hills,
Meghalaya.
3. The Post Master General,
North Eastern Circle,
P.O.Shillong - 793001,
District: East Khasi Hills,
Meghalaya.
4. The Director(Headquarter),
Office of the Chief Postmaster General,
North Eastern Circle,
P.O.Shillong - 793001,
District: East Khasi Hills, Meghalaya.
5. The Senior Superintendent of Post Offices,
Meghalaya Division, P.O.Shillong-793001,
District: East Khasi Hills, Meghalaya.

6...

Bipul Ranjan Das

✓ 6. The Sub-postmaster,
Cherra Bazar Sub-Post Office,
P.O. & P.S. Cherrapunji,
✓ District: East Khasi Hills, Meghalaya.

7. The Sub-Postmaster,
Cherrapunji Post Office,
P.O. & P.S. Cherrapunji,
District: East Khasi Hills, Meghalaya.

... OPPOSITE PARTIES

The humble Review petition of the
abovenamed Review Petitioner

Most Respectfully Sheweth :-

1. That the review petitioner comes of a very poor family. After the death of his father he has been compelled to take the job at a very tender age. The review petitioner was initially appointed in the P & T Department of the Govt. of India through the Shillong Employment Exchange as a Mail Peon on 4.4.67 and he joined the same on 1.5.67. He was declared quasi permanent and then permanent as Postman in Class IV staff.

2. That during the course of his service he underwent various trainings and served in various places of the then Assam and presently of the state of Meghalaya.

3. That in order of his service he was appointed as a Postal Assistant and was confirmed, by dint of his devotion to duty and sincere work.

4. That while the Review Petitioner was serving as Subpostmaster at Cherrapunjee Subpostoffice of East Khasi Hills...

R. Kundu
on 24/10/05

Bipul Ranjender

(71)

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Khasi Hills District of the state of Meghalaya, suddenly on 18.3.2004 some officers (with Mr. A.R. Bhownick, Asstt. Post Master General (Vigilance) along with few others came to your Review Petitioner asking to admit alleged offence on the assurance of getting the matter compromised amicable and settle the same before taking any penal action. The Review Petitioner knew nothing about the matter and became perplexed.

Bipul Ranjan

5. That vide No. F4-5/03-04/Cherra Bazar dtd. 22.3.04 issued by Sr. Supdt. of Post Offices, Meghalaya Division, Shillong, the Review Petitioner was placed under suspension in contemplation of initiating a Departmental Proceeding against him under the Rules applicable and/or in force.

A copy of the aforesaid order dtd. 22.3.04 is enclosed herewith and marked as Annexure - 1.

6. That thereafter on 25.3.2004 an F.I.R. was lodged in the Sohra P.S. against the Review petitioner, alleging that the review petitioner had misappropriated Govt. money to the tune of Rs. 1,20,684/- (Rupees one lakh twenty thousand six hundred eight four only). Your review petitioner was arrested accordingly on 25.3.04 and was kept in police custody. A G.D. Entry was made vide G.D. Entry No. 383 dtd. 25.3.05 and Sohra P.S. Case No. 7(03)/04 under section 401 I.P.C. was earlier registered against the review petitioner.

A copy of the aforesaid FIR dated...

dated 25.3.04 under section 409
IPC in Sohra P.S. Case No. 7(03)/04
is enclosed hereto and marked as
Annexure - 2.

91
Bipul Beigada

7. That on 29.3.04 a bail petition was moved in the learned S.D.M. Court, Sohra and your review petitioner/accused has been allowed bail on certain conditions. Accordingly bail bond was furnished and your accused/review petitioner is now on bail. But the learned Court on 29.3.04 ordered also that 30.3.04 has been fixed for the confessional statement of the accused/review petitioner.

Be that as it may, the learned counsel on behalf of the accused/review petitioner submitted before the learned S.D.M. Court Sohra that the accused person pleads not guilty and is prepared to stand trial.

8. That as usual on 30.3.04 when the accused review petitioner was asked to make confessional statement in pursuance of the order dated 29.3.04, the accused/review petitioner submitted a written statement before the learned Court stating that he declines to make a statement vide order dated 30.3.04 apparent on the face of records, which is well known to the opposite parties herein also.

9. That on 19.4.04 vide postal receipt UCR Receipt No. 3698, dated 28.4.04 it appears that by undue pressure/influence of the concerned opposite parties, the accused/review petitioner who was dictated and ^{asked} asked to sign various papers (after his release from police custody) a sum of Rs. 70,000/- (Rupees seventy thousand only) was

withdrawn ...

- 6 -

Bubul Ranjandass

Copies of the aforesaid orders

 $g, g^{(1)}$

11.

- 7 -

11. That vide Memo No. F-4-5/03-04/Cherra Bazar, dated 30.8.04, your review petitioner was served with the charge sheet in the Departmental Proceeding. But strangely it appears herein that although the basis of charge and the period of alleged misappropriation remaining the same as in the Criminal case stated above, the amount involved is less now than in the Criminal Case. In otherwords, in the Departmental Proceeding the amount misappropriated has been allegedly shown as Rs. 77,763/- (Rupees seventy seven thousand seven hundred sixty three only) whereas in the Criminal proceeding (FIR dtd. 25.3.04) the amount allegedly misappropriated has been shown as Rs. 1,20,684/- (Rupees one lakh twenty thousand six hundred eighty four only). And consequently in law it is not allowed to hold two simultaneously separate proceeding for the same and ^{alleged} the only/offence by showing a slight different in the amount which too is contradictory and confusing.

A copy of the aforesaid Departmental Proceeding charge sheet dtd. 30.9.04 is enclosed hereto and marked as Annexure-5.

12. That on 30.9.04 vide charge sheet No. 15/01 of Sohra P.S. the police submitted a charge sheet against the instant accused/review petitioner before the learned Court of S.D.M., Sohra on 30.9.04 for trial of the aforesaid Criminal Proceeding, just after 30 days of Depttl. charge sheet on 30.8.04.

A copy of the aforesaid Police charge sheet in Sohra P.S. Case 7(03)/04 dtd. 30.9.04 is enclosed hereto and marked as Annexure - 6.

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- 8 -

23
Bipul Kundu

13. That thereafter vide Memo No. F-4-5/03-04/Cherra Bazar, dated 17.11.04 under rule 14 of the C.C.S. (C.C.A.) Rules, 1965 ^{simply} on the basis of statements of articles of charges which are same and similar in both the Departmental Proceeding and also in the Criminal Proceeding as stated above, without holding any enquiry (except the earlier Vigilance enquiry, which report copy of which has not been supplied to the instant review petitioner) and without following the procedures established by law and in complete violation of C.C.S. (C.C.A.) Rules, 1965 and also the principles of Natural Justice, the services of the instant accused/review petitioner has been dismissed with effect from receipt of the order. The dismissal order aforesaid has been received by the review petitioner on 18.11.04.

A copy of the aforesaid dismissal order dated 17.11.04 of the review petitioner's service is enclosed hereto and marked as Annexure - 7.

14. That the review petitioner being thus aggrieved by the aforesaid illegal and arbitrary dismissal order passed by the Disciplinary Authority without giving any opportunity of hearing and without following due process of law, preferred a Departmental Appeal on 2.12.2004 which was addressed to the Director (HQ) Office of the Chief Postmaster General, H.E. Circle, Shillong, Meghalaya, alleging that the alleged confession is not a confession but due to undue influence and threat by the concerned Authorities/opposite parties.

A copy of the aforesaid Departmental appeal dtd. 2.12.04 of the review petitioner is enclosed hereto and marked as Annexure - 8.

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Vakalatnama ...

15. That thereafter in complete violation of the procedure established by law the appellate authority too vide Memo No. Staff/109-21/2004, dated 25.7.05 rejected the Departmental appeal of the review petitioner and upheld illegally the dismissal order dated 17.11.04 most arbitrarily and unreasonably.

A copy of the aforesaid appellate order dated 25.7.05 is enclosed herewith and marked as Annexure - 9.

16. That meanwhile for the same alleged offence 2(two) proceedings were on against the instant accused/review petitioner. The review petitioner as accused received the summons from the learned Court of Sub-Divisional Magistrate, Sohra Court in G.R. Case No. 7/04 issued on 25.10.04 asking him to appear on 9.12.04. Accordingly the accused review petitioner is appearing in each and every day.

A copy of the aforesaid summons dated 25.10.04 is enclosed herewith and marked as Annexure - 10.

17. That on 19.5.05 at the behest of police (unknown to the accused review petitioner) wrote a petition addressed to the learned Court of S.D.M. Sohra and the accused petitioner was asked to sign the same which appear to be an undertaking from the accused to the effect that he had deposited Rs. 70,000/- on 28.4.04 vide postal receipt thereon. The review petitioner not understanding the implications signed the same which has been due to undue influence and collusive act of the police as well as the opposite parties with threat and undue influence on the accused/review petitioner.

18. That on an off day i.e. on 5.9.05 the review petitioner/accused made a petition before the learned court of S.D.M. Sohrah and pleaded not guilty and prayed that he should be tried because that was his initial defence vide order dated 29.3.04 and 30.3.04 in the aforesaid criminal proceeding.

A copy of the aforesaid petition dated 5.9.05 is enclosed herewith and marked as Annexure - 11.

19. That on another off day the learned Court passed the order observing inter alia that the case against the accused to continue till further development occurs which was received by the accused/review petitioner on 15.9.05, although the said order is dated 5.9.05 but it does not mention about the said petition dtd. 5.9.05 except mentioning that the learned Court heard the counsels of the accused.

A copy of the aforesaid order dtd. 5.9.05 is enclosed herewith and marked as Annexure - 12.

20. That the next date fixed was 22.9.05 when the accused/review petitioner appeared with his learned advocate. The Presiding Officer of the learned Court was not available and as such the Deskar gave another date which is fixed on 27/10/05. But the accused/review petitioner filed another petition on that day i.e. on 22.9.05 praying for expediting the trial, which is pending.

20(a). That the review petitioner submits that non-furnishing of Vigilance Enquiry Report held on 18.3.04 to the instant review petitioner is arbitrary and violative of the principles of Natural Justice and hence impugned orders dtd. 17.11.04 and 25.7.05 are not sustainable in law.

Bipul Rayen

21. That the review petitioner being thus aggrieved begs to prefer this Review Petition before your Excellency for redressal of his genuine and lawful grievances.

22. That the review petitioner submits most respectfully that he is highly aggrieved because there is 2 (two) simultaneously held proceedings for the same offence. No established procedure of law had been followed in both the proceedings. The defence of the accused/review petitioner had been adversely affected and he is highly prejudiced which is arbitrary and illegal and suffers from the vice of double jeopardy.

23. That the accused/review petitioner submits that as per provisions of clause (3) of Article 21 of the Constitution of India to the effect that "NO ONE SHOULD BE ASKED TO GIVE EVIDENCE AGAINST HIMSELF". Because of the threat and undue influence in a collusive manner with the police the instant accused/review petitioner has been compelled to act as per the dictate of the opposite parties and submit a statement, which has been termed as his written statement as well as confession and/or admission by the opposite parties unknown in law. This is because he was not allowed to plead in his written statement. The alleged document obtaining his signature (by dictating the same under threat and undue influence in a collusive manner with the help of the police) is not acceptable in law being violative of Article 20(3) of the Constitution of India, which is most arbitrary and illegal and thus not sustainable in law.

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- 12 -

24. THAT the review petitioner submits that it is well established in law that in a criminal as well as in Departmental Proceedings forced confession and/or admission obtained by coercion, threat and undue influence cannot take the place of proof. But in this case the review petitioner was compelled to write out at the dictation of the opposite parties including the collusive police action that he admits that he has done the alleged offence and that he has deposited a sum of Rs.70,000/- towards the defrauded amount before proving the alleged offence of misappropriation and/or the offence under section 409 I.P.C. which were obtained by the opposite parties under undue influence and threat apparent on the face of records more so when the amount alleged is Rs.1,20,684/- in the criminal proceeding and the amount alleged in the Departmental proceeding is only Rs.77,763/- which are contradictory and confusing far away from truth.

25. That after the passing of the Appellate order dated 25.7.05, the review petitioner is passing days with great alarm and with sleepless nights with apprehension that at any moment the opposite parties may throw him out of the official quarter at Hongmyensong, Shillong 793011, as the review petitioner is having his wife (unemployed), 2 (two) minor school going children in his family who are living in the aforesaid official quarter. It is therefore most respectfully submitted that your Excellency will be pleased to direct the opposite parties concerned as to not to evict the review petitioner from the aforesaid official quarter at Hongmyensong Shillong till disposal of this Review Petition.

On 27-9-05 the Review Petitioner received memo no. Bldg/27/538/58-19/1, dt. 21-9-05 for vacating the premises. A copy of vacating notice is forwarded to the concerned authorities. (2) (a), (b)

Vakalatnama

(81)

- 13 -

26. That the review petitioner submits that the review petitioner being an employee of the lower echelon of service has been treated shavely by the concerned opposite parties. As the review petitioner is not conversant with the procedures of a Departmental Enquiry the review petitioner should have been given the help of a Government Employee well conversant with the procedures of a Departmental Enquiry, but it was not so given to the review petitioner not even a whisper has been made in this regard. Thus instead of showing sympathy by both the disciplinary authority as well as the appellate authority (as required under the law) the concerned opposite parties are trying to take advantage of the ignorance of the review petitioner, the appellate authority had forgotten its duty to see if the punishment awarded is proportionate to the offence alleged, thus violating the law relating to defence and consequently great prejudice has been caused to the review petitioner also by violating the principles of Natural Justice, and administrative fair play, which are cardinal points of service jurisprudence. And in this view of the matter, the impugned action of dismissal dated 17.11.2004 and the impugned appellate order dated 25.7.05 are arbitrary and not sustainable in law and thus liable to be set aside and quashed.

27. That the review petitioner submits that the impugned dismissal and appellate orders are most unreasonable, arbitrary and devoid of rule of law, having been

passed ...

Bipin Kumar Das

passed by the disciplinary authority as well as the appellate authority without following the due procedures established by law thus violating article 14 and 16 of the Constitution of India, as many other officials against whom departmental action is on but no criminal proceeding has been instituted simultaneously except the instant review petitioner, which are discriminatory and not sustainable, being violative of the rule of law.

28. That the instant review petition is made bonafide and for the ends of justice.

It is, therefore, most respectfully prayed that your Excellency would be pleased to redress the genuine and lawful grievances of the instant review petitioner by directing the opposite parties ^{to show cause as to why direction should not be issued by the effect that (a) simultaneous proceedings were illegal (at a time) affecting the review petitioner's} ~~to proceed with the proceedings~~ ^{to show cause as to why direction should not be issued by the effect that (a) simultaneous proceedings were illegal (at a time) affecting the review petitioner's} right to defence, (b) to keep the Departmental Proceeding in abeyance till the Criminal proceeding is over by staying the operation of the Appellate order dated 25.7.05 (Annexure - 9) and dismissal order dated 17.11.04 (Annexure - 7) respectively ; (c) ^{staying quantum vacated till 21-2-06} directing not to evict the review petitioner and his family from the official quarter No. Type - II/3, at Bonamysong Postal Quarter Complex, P.O. & P.S. Shillong, In the District of East Khasi Hills, Shillong in the state of Meghalaya, and/or pass such further or other order/orders as to your Excellency may deem fit and proper.

For this, the review petitioner, as in duty bound, ever pray.

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

I, Bipul Ranjan Das, son of Late Sachindran
Mr. Das, aged about 55 years, a resident of
Quarter No. Type-II/3, Hongmynsong Postal
Quarter Complex, Shillong, P.O. & P.S. Shillong
in the district of East Khasi Hills, Meghalaya
State, do hereby solemnly affirm and verify
that the statements made in paragraph 1 to 28
are true to the best of my knowledge and
belief.

And I sign this verification on this
the 28th day of Sept / 2005 at Guwahati.

Bipul Ranjan Das

Signature of the

Review Petitioner

Date :- 28/9/05

Place :- Guwahati.

PRESIDENT'S SECRETARIAT
PUBLIC - 1 SECTION

Annexure - R-2

P1/D- 87268
Dated: 14-Oct-2005

Rashtrapati Bhavan
NEW DELHI - 110004

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Dear Sir / Madam,

I am to acknowledge receipt of your communication dated
28-Sep-2005 which has been forwarded to SECRETARY TO THE GOVT OF INDIA

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(DEPTT OF POSTS

108-E, GA SECTION, DAK BHAWAN, SANSAD MARG
New Delhi for appropriate action.

appropriate

Yours faithfully,

Ashish

(Ashish Kalia)
Under Secretary (P)

2-9/11/05

P1/D- 87268

ON INDIA GOVERNMENT SERVICE

TO

SHRI BIPAL RANJAN DAS
QTR. NO. TYPE II/3 NONGMYNSONG
POSTAL QUARTER COMPLEX
KHASI HILLS
MEGHALAYA

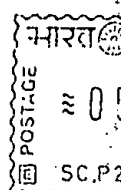
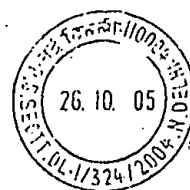
FROM:

President's Secretariat
Rashtrapati Bhavan
New Delhi - 110004

*attached to
be kept copy.*

Adv.

"Righteousness in life is the key
to peace and harmony in the home"





103

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH AT GUWAHATI-5

Orgl. Appln. No. 04 OF XX 2006.
(With Misc. Case No. /2006)

Sri Bipul Ranjan Das ...

Applicant
Petitioner
Appellant

-- Versus --

The Union of India & others ...

Opposite Party
Respondent(s)

Know all men by these presents that the above named Applicant (Sri Bipul Ranjan Das) do hereby nominate, constitute and appoint Sri Mamuk Chanda, R. DAS Advocate and each of the undermentioned Advocates as shall accept Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filling in or taking out papers, deeds of composition, etc. for me/us and my/our behalf and I/We agree to ratify and confirm all acts so done by the said advocates as mine/ours to all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf.

In witness whereof I/We hereunto set my/our hand this 28th day of Dec/2005

Sri Mamuk Chanda

A. R. Banish
H. M. Lalid
J. P. Bhattacharjee
A. B. Lathakur
S. R. Bhuyan
A. M. Mazumdar
S. N. Medhi
P. G. Barua
B. K. Das
D. G. Choudhury
A. Prasad
J. M. Choudhury
A. K. Phukan
G. P. Saikia
V. S. Choudhury
A. H. Banerjee

H. C. Das
B. R. Dey
C. K. Sarmah
P. Borthakur
N. Z. Ahmed
S. A. Lohar
S. C. Bhowmik
Amritava Dey
Abu Shaikh
S. N. Sarmah
Ranjan Gogoi
H. R. A. Choudhury
Sisir Dutta
Chinmoy Choudhury
Gobind Lal
B. D. Das
H. K. Roy
A. Deb Roy
Bijan Chakraborty

C. P. Pathak
Ziaul Kamar
Nazrul Islam
S. K. Saha
N. Choudhury
J. Mollah
Subrata Nath
Ashok K. Roy
B. K. Paul
K. K. Nandi
D. C. Chatterjee
Ranjit Das
Mrs J. Phukan (Gogoi)
S. M. Sarker
Sandip Deb Roy
DMHA Khan
Anjan K. Dey
Alok Verma

(RANJIT DAS)

Received from the applicant,
satisfied and accepted
Advocate

Advocate
for the Applicant/
Petitioner.

And accepted
Advocate
28/12/05

Accepted

Advocate

Bipul Ranjan Das
Bipul Ranjan Das

NOTICE

104
Date:- 04-01-2006.

From :- Mr. Ranjit Das,
Advocate, Gauhati High Court,
Guwahati - 781001.

To

The Central Govt. Standing Counsel,
Central Administrative Tribunal at
Bhangagarh, Guwahati - 781005.

Sub:- Filing of an application under section 19 of the
Administrative Tribunal Act, 1985 in

O.A.No. 4 of 2006 (with M.C.No. of 2006)

Sri Bipul Ranjan Das ... Applicant

- Versus -

The Union of India and others.... Respondents

Dear Sir,

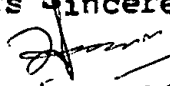
Please ~~note~~ take notice that the abovenoted
application on behalf of the applicant is being filed
by me today ~~before~~ before the C.A.T., Guwahati Bench.

A copy of the same (with Misc. Case) are enclosed
herewith for your use.

Kindly acknowledge receipt of the same.

Thanking you,

Yours Sincerely,

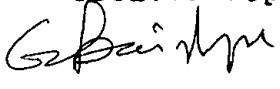
 04/01/06.
(RANJIT DAS)

Advocate

for the Applicant/Petitioner

Date:- 04-01-06.

Received copy.

 5/1/06
Sr. C.G.S.C., C.A.T.,
Guwahati Bench, Ghy-5.

...