

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A/T.A No. 232/2006

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:**

ORDERS SHEET

1. Original application No. 232/06
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) Lilabati Das

Respondant(s) W. O. P. Jones

Advocate for the Respondent(s).....case.....

Notes of the Registry	Date	Order of the Tribunal
	13.9.06	Judgment delivered in open Court Kept in separate sheets. Application is disposed of. No costs.
26 G 326215		
1.9.06	1m	
Sheets		
21.9.06		
steps not taken		
22.9.06		
Received Usha Das Add Chd 22/9/06		
21.10.06		
C. Copy of Judgment was collected by appellant on 26.10.06		
1.11.06		
Copy of the same		

27.10.06
Copy of letter
has been collected by
the supplier on 26.10.06
and a copy of the same
has already been
handed over to the DDCB
case on 22/10/06

16. 2. 07

Compliance ~~order~~
of Judgement dated
13. 9. 2006 has been
submitted by Asstt. Director
(Staff) Dibrugarh Region,
the same has been placed
with the records in. with
O.A. 232/02

Paras.

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.

(O.A.No.232 of 2006.)

DATE OF DECISION: 13.09.2006.

Sri Lilabati Das

APPLICANT

Mr. Mr.S.Sarma

ADVOCATE FOR THE
APPLICANT(S)

VERSUS-

Union of India and ors.

RESPONDENTS

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

ADVOCATE FOR THE
RESPONDENT(S)

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

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

Judgment delivered by Hon'ble Vice-Chairman

W 4/9/2006
V.K.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 232 of 2006.

Date of Order: This the 13th Day of September, 2006

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

1. Smt. Lilabati Das
Ex GDSBPM, Salchapara Bo
P.O. & Vill:- Salchapara Via Kalinagar,
Dist.Hailakandi.

.....Applicant.

By Advocate Mr.S.Sarma, Ms. B.Devi

-Versus-

1. The Union of India.
Represented by Secretary to the
Govt. of India,
Ministry of communication
Dak Bhawan, New Delhi.
2. The Chief Post Master General,
Department of Post, Assam Circle,
Meghdoot Bhawan,
Guwahati-1.
3. The Director, Postal Service
Meghdoot Bhawan,
Guwahati-1.
4. The Senior Superintendent of post offices,
Cachar Division, Silchar-788001.

.....Respondents

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

ORDER (ORAL)

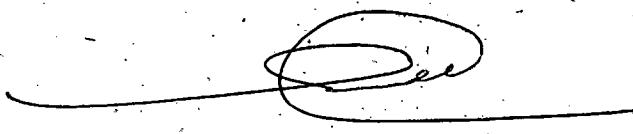
SACHIDANANDAN(V.C.)

The applicant, while working as Gramin Dak Sewak, Branch Post Master (GDS BPM in short) in the Salchapara, B.O., the Senior Supdt. Of Post offices, placing her on "put off duty" has issued an order dated 24.1.05 by invoking Rule 10 of GDS (Conduct and

Employment) Rule 2001 and he stated that a sum of Rs.7527.25 was found short. The respondents have initiated departmental proceedings against the applicant. According to the applicant the shortage amount of Rs.20,528.00 was recovered from him.

2. I have heard Mr.S.Sarma learned counsel for the applicant and Ms.U.Das learned Addl.C.G.S.C. for the respondents. Mr.S.Sarma learned counsel for the applicant has submitted that the applicant has preferred an appeal dated 2.3.2005 against the disciplinary proceedings but the respondents have not yet disposed of the said appeal. The counsel also submitted that he will be satisfied, if direction is given to the respondents to dispose of the appeal. In the interest of justice, I direct the respondents to dispose of the appeal within three months from the date of receipt of this order. The applicant will also send the copy of the order to the competent authority.

The O.A. is accordingly disposed of. There will be no order as to costs.



(K.V.SACHIDANANDAN)
VICE-CHAIRMAN

lm

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Title of the case : O.A. No. 232 of 2006

BETWEEN

Lilabati Das..... Applicant.

AND

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

I N D E X

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8.	Annexure-7	33

Filed by : D.

Regn.No.:

File :d:\private\lilabati

Date : 30.8.06

8
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. No. 232 of 2006

Lilabati Das

..... Applicant.

AND

Union of India & ors.

..... Respondents.

SYNOPSIS

The applicant while was working as Gramin Dak Sewak, Branch Post Master (GDS BPM in short), in the Salchapara, B.O. received a communication issued by the Senior Supdt. of Post Offices, placing her on "put off duty. Against the said communication the applicant preferred representation but the respondents have never replied to the same. The respondents pursuant to a departmental proceeding initiated against the applicant issued the impugned order dated 24.1.05 removing her from service. The applicant preferred appeal against the said order of removal but same yielded no result in positive. Therefore the applicant had left with no option than to approach this Hon'ble Tribunal seeking redressal of her grievances.

Hence this application.

Filed by:-
The Applicant
through
Bomdaman Devi
Advocate
30.8.06

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:::
GUWAHATI BENCH:::

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

O.A.No. 232 of 2006

BETWEEN

Smt. Lilabati Das
ex GDSBPM, Salchapara BO
PO & Vill- Salchapara via Kalinagar,
Dist. Hailakandi.

..... Applicant.

- AND -

1. The Union of India.
Represented by Secretary to the
Govt. of India,
Ministry of Communication
Dept. of Post,
Dak Bhawan, New Delhi.
2. The Chief Post Master General
Dept. of Post, Assam Circle,
Meghdoct Bhawan,
Guwahati-1.
3. The Director, Postal Service
Meghdoct Bhawan,
Guwahati-1.
4. The Senior, Superintendent of Post Offices,
Cachar Division, Silchar-788001.

..... Respondents.

PARTICULARS OF THE APPLICATION

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

This application is directed against the removal order
issued by the Sr. Superintendent of Post Offices, Cachar
Division, Silchar, vide Memo No.F1-6/01-02/DA dated 24.1.05.
The applicant preferred appeal against the said order but
same yielded no result in positive. Situated thus the
applicant has filed this OA. 1

[Signature]

2. LIMITATION:

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

3. JURISDICTION:

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

4. FACTS OF THE CASE:

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

4.2. That the applicant while was working as Gramin Dak Sewak, Branch Post Master (GDS BPM in short), in the Salchapara, B.O. received a communication issued by the Senior Supdt. of Post Offices, placing her on "put off duty." It is noteworthy to mention here that the terminology "put off duty" is same and similar to suspension under CCS (CCA) Rule 1965.

4.3. That the applicant made correspondences to the respondents authority, to know the reason of placing her on

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"put of duty" and she could come to know that pursuant to an preliminary enquiry a departmental proceeding is contemplated against her. However, for a long period of time no charge sheet was issued to her. Subsequently the Sr. Supdt. of Post Offices issued a memorandum of charges dated 25.2.03, indicating five charges, list of documents and list of witnesses.

A copy of the said memorandum is annexed herewith and marked as Annexure-1.

4.4. That the applicant immediately on receipt of the said memorandum, submitted a reply to the said memorandum. The applicant in her said reply dated 21.4.03 also indicated the fact leading to such occurrence. It has also been mentioned that an amount of Rs.20,528.25 has been recovered from her.

A copy of the said reply dated 21.4.03 is annexed herewith and marked as Annexure-2.

4.5. That having regard to the aforesaid Annexure-2 reply dated 21.4.03, the respondents took a decision to proceed with the departmental proceeding. The respondents appointed Enquiry Officer and Presenting Officer to proceed with the enquiry proceeding. The regular proceeding started but the applicant was not allowed the reasonable opportunity to put her defence in the proceeding. The respondents without indicating anything, all on a sudden closed the proceeding without intimating the applicant about the same. Even most of the valid witnesses were not examined and in the midway of said proceeding closed the proceeding and

L. S.

submitted the written Brief. The Enquiry Officer without discussing the evidence on record as well as the recordings of the witnesses prepared the enquiry report and furnished the same to the applicant.

A copy of the said enquiry report dated 9.10.04 is annexed herewith and marked as Annexure-3.

4.6. That the applicant due to her various unavoidable circumstances could not submit the representation against the enquiry report. Accordingly she submitted an application dated 21.12.04 to the Enquiry Officer requesting 10 days time to submit representation. The Enquiry Officer vide his letter dated 3.01.05 allowed her prayer. The applicant on 18.1.05 submitted her representation against the enquiry report.

A copy of the said representation dated 18.1.05 is annexed herewith and marked as Annexure-4.

4.7. That the respondents however, without taking into consideration any of the correspondences, representations, as well as oral submission, issued the impugned order dated 24.1.05, removing her from her service. The aforesaid impugned order has been passed by the Sr. Supdt of Post Offices, Cachar Division, in the capacity of the Disciplinary Authority but in reality, he has got no authority to issue such order.

A copy of the order dated 24.1.05 is annexed herewith and marked as Annexure-5.



4.8. That the applicant immediately on receipt of the said impugned order dated 24.1.05 preferred an appeal dated 2.3.05 before the authority concerned but same yielded no result in positive. The applicant thereafter once again remind the authority vide letter dated 30.1.06 praying for taking a sympathetic view in the matter. None of them has been disposed of as on date.

Copies of the appeal dated 2.3.05 and the reminder dated 30.1.06 are annexed herewith and marked as Annexure-6 & 7.

4.9. That the applicant begs to state that in her aforesaid appeal she has highlighted the fact that the respondents putting undue pressure recovered an amount of Rs.20,528.00 during the aforesaid departmental proceeding without any notice and reason. As the amount has already been recovered from the applicant, the respondents ought not to have proceeded with the matter further. The aforesaid action on the part of the respondents amounts to double jeopardy and as such the entire proceeding is liable to be set aside and quashed.

4.10. That the applicant begs to state that the proceeding in question initiated by the respondents pursuant to the charge sheet dtd. 25.02.03 is violative of the rules holding the field. Same is also violative of the principles of natural justices. It is stated that the applicant was not allowed to go through the records nor she was allowed to examine the witnesses. Most of the valid witnesses were not examined and the enquiry Officer all on a sudden closed the proceeding without intimating her about the same. The

enquiry officer in the enquiry report did not discuss the aforesaid infirmities occurred in the said proceeding, rather on the presumption, without any basis gave his finding.

4.11. That the Disciplinary authority without discussing any of the materials on records, as well as the defence placed by the applicant passed the impugned order dated 24.1.05 without any Jurisdiction. The said impugned order clearly indicates the fact that same has been passed without there being any application of mind whatsoever. Apart from that even after noticing the infirmities as well as the fact of refund of huge amount, the disciplinary authority failed to appreciate the correct factual aspect of the matter and passed the impugned order which is not sustainable in the eye of law and required to be set aside and quashed.

4.12. That the applicant taking into consideration the Sr. Superintendent of Post Offices as Disciplinary Authority, preferred her appeal which is yet to be answered to. Needless to say here that the basic allegation against which the proceeding in question has been initiated has lost its force when during the course of the proceeding she was forced to deposit huge amount without there being any order to that effect. It was her bonafide expectation that after such recovery there would be an end to the proceeding but same continued and the aforesaid fact was never been allowed to form a part of the proceeding inspite of her repeated persuasion. This shakes that the proceeding has been initiated without taking into consideration the basic issue involved in the case and as such entire proceeding as well

as the impugned order therein is liable to be set aside and quashed.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the Respondents in removing the applicant from her service is per-se illegal, and as such the impugned order is liable to be set aside and quashed.

5.2. For that the respondents have acted contrary to the settled proposition of law in not providing her reasonable opportunity of hearing and as such the impugned order is liable to be set aside and quashed.

5.3. For that the Respondents having recovered the amount in question from the applicant in the midst of the proceeding ,waived their right to proceed further with the disciplinary proceeding and as such the said proceeding as well the impugned order of removal are liable to be set aside and quashed.

5.4. For that the proceeding in question initiated by the respondents pursuant to the charge sheet dtd. 25.02.03 is violative of the rules holding the field. Same is also violative of the principles of natural justices. It is stated that the applicant was not allowed to go through the records nor she was allowed to examine the witnesses. Most of the valid witnesses were not examined and the enquiry Officer all on a sudden closed the proceeding without intimating #

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intimating her about the same. The enquiry officer in the enquiry report did not discuss the aforesaid infirmities occurred in the said proceeding, rather on the presumption, without any basis gave his finding, and as such the said proceeding as well the impugned order of removal are liable to be set aside and quashed.

5.5. For that in any view of the matter the impugned action of the respondents is not sustainable in the eye of law and liable to be set aside and quashed.

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

6. DETAILS OF REMEDIES EXHAUSTED:

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

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

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

Usha.

8. RELIEF SOUGHT FOR:

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

8.1. To set aside and quash the impugned removal order removing the applicant w.e.f. 24.1.05 and to reinstate her in her service with full back wages along with other consequential service benefits.

8.2. Cost of the application.

8.3. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case as deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

During the pendency of this application, the applicant prays for an interim order directing the Respondents to reinstate the applicant in her present place of posting and to allow her to draw regular pay and allowances.

10.

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

1. I.P.O. No. : 266 326215

2. Date : 1.9.06

3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

U.S.A.

VERIFICATION

I, Smt. Lilabati Das, aged about 35 years, ex GDSBPM, Salchapara BO PO & Vill- Salchapara via Kalinagar, Dist. Hailakandi, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs 4.1, 4.11..... are true to my knowledge and those made in paragraphs 4.2-4.10..... are matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 30th day of Aug., 2006.

Lila Bati Das

Signature.

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SENIOR SUPDT. OF POST OFFICES
CACHAR DIVISION SILCHAR-788001

Memo No. F1-6/01-02/DA

Dated Silchar the 25-02-03

MEMORANDUM

The undersigned proposed to hold an enquiry against Smt Lilabati Das, GDSBPM, Salchapra BO (now put off duty) under Rule 10 of GDS (Conduct and Employment) Rules 2001. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Articles of Charges (Annexure-I). The statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which and list of witnesses by whom the articles of charges are proposed to be sustained are also enclosed (Annexure-III & IV).

2. Smt Lilabati Das, GDSBPM, Salchapra BO (now put off duty) is directed to submit within 10 (ten) days of the receipt of this memorandum /completion of inspection of listed documents, a written statement of her defence and also to state whether she desires to be heard in person.

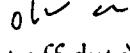
3. She is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. She should, therefore, specifically admit or deny each article of charge.

4. Smt Lilabati Das, GDSBPM, Salchapra BO (now put off duty) is further informed that if she does not submit her written statement of defence on or before the date specified in para 2 above, or does not appear in person before Inquiring Authority, or otherwise fails or refuses to comply with the provisions/rules 10 of the aforesaid Rules, 2001 or the orders/directions issued in pursuance of the said rule, the Inquiring authority may hold the inquiry against her ex-parte.

5. Attention of Smt Lilabati Das, GDSBPM, Salchapra BO (now put off duty) is invited to rule 29 of the above Rules under which no GD Sevak shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interest in respect of matters pertaining to her service under the Govt. If any representation is received on her behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Smt Lilabati Das, GDSBPM, Salchapra BO (now put off duty) is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of Rule 29 ibid.

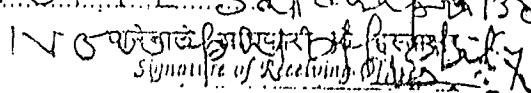
6. The receipt of the memorandum may be acknowledged.


(J.K. Barbhuiya)

Sr. Supdt of Post Offices
Cachar Dn. Silchar-788001


Copy to :-

Regd. A/D/- 1. Smt Lilabati Das, GDSBPM, Salchapra BO (now put off duty) Via - Kalinagar SO, Dist - Hailakandi
2. In file P/F of the official.
3. In Vigilance file.

File No. F1-6/01-02/DA Date 25/02/03
बोमा नहीं NOT INSURED रुपये 500/-
लगाये गये डाक टिकटों का मूल्य Rs. 50/-
Amount of Stamps affixed
एक रुपयारुपयी
Received a Registered Letter
पंजीयाल का नाम
Addressed to 13 P.S. Salchapra 13
Signature of Receiving Officer



Sr. Supdt of Post Offices
Cachar Dn. Silchar-788001


Accepted


Signature

ANNEXURE : I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST
SMT LILABATI DAS , GDSBPM , SALCHAPRA BO (NOW PUT
OFF DUTY)

ARTICLE I

On 13-11-2001 the Salchapra BO was visited by Sri P K Roy , Inspector of Posts , (PG) , Silchar and on verification of cash & stamp balances of the office with the accounts of the date a sum of Rs.7,527.25 was found short , which was charged under head of account "Unclassified Payment" on the same day.

Smt Lilabati Das , the then GDSBPM Salchapra BO (now under Put off duty) is therefore considered to have violated the provisions of Note below Rule 11 of the Rules for Branch Offices and Rule 21 of the DOPGDS (Conduct & Employment) Rules 2001.

ARTICLE II

On 7-09-2001 the depositor of Salchapra SB A/c no.5904256 handed over the Passbook of the said SB A/c and a sum of Rs.300.00 for depositing the said sum in the said SB A/c. Smt Lilabati Das while working as GDSBPM Salchapra BO (now put off duty) on 7-09-01 on receipt of the money and Passbook entered the said deposit in the passbook, casted balance , put her initial in the Passbook and impression of Date Stamp of the office but did neither entered the said deposit in BOSB Journal nor credited the amount in the BO Accounts on 7-09-01.

Smt Lilabati Das , GDSBPM Salchapra BO (now under Put off duty) is therefore considered to have violated the provisions of Rule 131 (3) of the Rules for Branch Offices and Rule 21 of the DOPGDS (Conduct & Employment) Rules 2001

ARTICLE III

Smt Lilabati Das , GDSBPM , Salchapra BO (now put off duty) while working as such on 11-10-01 received a sum of Rs.500/- and the Passbook of Salchapra SB A/c no.5905829 for depositing the said amount in the said SB A/c She entered the said amount as deposit in the said passbook , casted balance and returned the passbook to the depositor with her initial and impression of date stamp of the office but did neither entered the deposit in the BOSB Journal nor credited the amount in the BO Account on that date.

Smt Lilabati Das , GDSBPM Salchapra BO (now under Put off duty) is therefore considered to have violated the provisions of Rule 131 (3) of the Rules for Branch Offices and Rule 21 of the DOPGDS (Conduct & Employment) Rules 2001

ARTICLE IV

Smt Lilabati Das , GDSBPM , Salchapra BO (now put 'off duty) while working as such on 29-09-01 received a sum of Rs.200/- and the passbook of Salchapra RD A/c no.137061 for depositing the said amount in the said RD A/c being the monthly premium for September'01. Smt Das entered the said deposit in the said RD Passbook with her initial and impression of Date stamp of the office but did neither entered the said deposit in the BO RD Journal nor credited the amount in the BO Account Book on 29-09-01.

Smt Lilabati Das , GDSBPM Salchapra BO (now under Put off duty) is therefore considered to have violated the provisions of Rule 144 r/w Rule 143 of the Rules for Branch Offices and Rule 21 of the DOPGDS (Conduct & Employment) Rules 2001

ARTICLE V

Smt Lilabati Das , GDSBPM , Salchapra BO (now put off duty) while working as such on 30-10-01 received a sum of Rs.300/- and the Passbook

Salchapra RD A/c no.135367 for depositing the said amount in the said RD A/c being the monthly premium for October'01. Smt Das entered the said deposit in the said Passbook with her initial and impression of Date Stamp of the office but did neither entered the said deposit in the BO RD Journal nor credited the amount in the BO Account on 30-10-01.

Smt Lilabati Das , GDSBPM Salchapra BO (now under Put off duty) is therefore considered to have violated the provisions of Rule 144 r/w Rule 143 of the Rules for Branch Offices and Rule 21 of the DOPGDS (Conduct & Employment) Rules 2001

ANNEXURE II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF EACH ARTICLE OF CHARGE FRAMED AGAINST SMT LILABATI DAS , GDSBPM , SALCHAPRA BO (NOW PUT OFF DUTY)

ARTICLE I

Sri P K Roy , Inspector of Posts (PG) , Silchar paid a surprise visit to the Salchapra BO on 13-11-01 and requested Smt Lilabati Das , GDSBPM , Salchapra BO (now put off duty) to produce the BO Account Book and cash & stamps balances for verification. Smt Das produced the BO Account Book according to which the OB dt 13-11-01 were as follows :-

Cash	=	Rs.7,674.25
Postage Stamps	=	Rs.299.00
Revenue Stamps	=	NIL
<u>Total</u>	/	<u>Rs.7,973.25</u>

On physical counting of the cash and stamp balances produced by said Smt Lilabati Das these were found as follows :-

Cash	=	Rs.70.00
Postage Stamps	=	Rs.221.00
Revenue Stamps	=	Rs.155.00
<hr/>		
Total		Rs.446.00

There was as such shortage of (Rs.7,973.25 - Rs.446.00 =) Rs.7,527.25 in the opening balance of the office on the 13-11-01 which was charged as UC Payment in the a/c of the said BO on 13-11-01.

Being questioned by the IPOS (PG) Silchar said Smt Das stated that she had spent the amount of shortage viz. Rs.7,527.25 for her personal purposes.

Smt Lilabati Das , GDSBPM , Salchapra BO (now under put off duty) while working as such on 13-11-01 is therefore considered to have acted in a manner violating the provisions of Note below Rule 11 of the Rules for Branch Offices. By her above action she is also considered to have failed to maintain absolute integrity and devotion to duty as required under Rule 21 of the DOPGDS (Conduct & Employment) Rules 2001

ARTICLE II

Smt Lilabati Das , GDSBPM , Salchapra BO (now put off duty) while working as such on the 7-09-01 received a sum of Rs.300.00 and the Passbook of Salchapra BO SB A/c no.5904256 for depositing the said amount of Rs.300.00 in the said SB A/c no.5904256. Smt Lilabati Das being satisfied entered the said deposit of Rs.300/- in the Passbook of the said SB A/c , casted balance after this deposit and authenticated the entries with her initial and impression of Date Stamp of the office. But said Smt Lilabati Das did neither entered the said SB deposit of Rs.300/- in the BO SB Journal nor she credited the said amount in the BO Account of the Salchapra BO on 7-09-01.

with her initial and impression of date stamp of the office. But said Lilabati Das did neither entered the said deposit of Rs.200/- in the BO Journal nor she credited the said amount in the BO Account of Salchapra BO on 29-09-01.

Smt Lilabati Das , GDSBPM , Salchapra BO (now under put off duty) while working as such on 29-09-01 is therefore considered to have acted in a manner violating the provisions of Rule 144 r/w ~~Rule 143~~ of the Rules for Branch Offices. By her above acts said Smt Lilabati Das is also considered to have failed to maintain absolute integrity and devotion to duty as required under Rule 21 of the DOPGDS (Conduct & Employment) Rules 2001.

ARTICLE V

Smt Lilabati Das , GDSBPM , Salchapra BO (now put off duty) while working as such on the 30-10-01 received a sum of Rs.300/- and the passbook of Salchapra BO RD A/c no.135367 for depositing the said sum of Rs.300/- in the said RD A/c being the monthly premium for the month of Oct'01. Said Smt Lilabati Das being satisfied entered the said deposit of Rs.300/- in the Passbook of the said RD A/c no.135367 against the month of Oct'01 , casted balance after the said deposit and authenticated the entries with her initial and impression of the Date Stamp of the office. But said Smt Lilabati Das did not entered the said deposit of Rs.300/- in the BO RD Journal and also did not credited the said amount in the BO Account of Salchapra BO on 30-10-01.

Smt Lilabati Das , GDSBPM , Salchapra BO (now under put off duty) while working as such on 30-10-01 is therefore considered to have acted in a manner violating the provisions of Rule 144 r/w Rule 143 of the Rules for Branch Offices. By her above acts said Smt Lilabati Das is also considered to have failed to maintain absolute integrity and devotion to duty as required under Rule 21 of the DOPGDS (Conduct & Employment) Rules 2001.

ANNEXURE III

Smt Lilabati Das , GDSBPM , Salchapra BO (now under put off duty) while working as such on 7-09-01 is therefore considered to have acted in a manner violating the provisions of Rule131(3) of the Rules for Branch Offices. By her above acts said Smt Lilabati Das is also considered to have failed to maintain absolute integrity and devotion to duty as required under Rule 21 of the DOPGDS (Conduct & Employment) Rules 2001.

ARTICLE III

Smt Lilabati Das , GDSBPM , Salchapra BO (now put off duty) while working as such on the 11-10-01 received a sum of Rs.500/- and the Passbook of Salchapra BO SB A/c No.5905829 for depositing the said amount of Rs.500/- in the said SB account no.5905829. Said Smt Lilabati Das being satisfied entered the said deposit of Rs.500/- in the Passbook of the said SB A/c , casted balance after this deposit , authenticated the entries with her initial and impression of Date Stamp of the office. But said Smt Lilabati Das did neither entered the said SB deposit of Rs.500/- in the BO SB Journal nor she credited the said amount in the BO Account of Salchapra BO on 11-10-01.

Smt Lilabati Das , GDSBPM , Salchapra BO (now under put off duty) while working as such on 11-10-01 is therefore considered to have acted in a manner violating the provisions of Rule131(3) of the Rules for Branch Offices. By her above acts said Smt Lilabati Das is also considered to have failed to maintain absolute integrity and devotion to duty as required under Rule 21 of the DOPGDS (Conduct & Employment) Rules 2001.

ARTICLE IV

Smt Lilabati Das , GDSBPM , Salchapra BO (now put off duty) while working as such on 29-09-01 received a sum of Rs.200/- and the passbook of Salchapra RD A/c no.137061 for depositing the said amount of Rs.200/- in the said RD A/c being the monthly premium for the month of September'01. Said Smt Lilabati Das was being satisfied entered the said deposit of Rs.200/- against the month of September'01 in the passbook of the said RD A/c , casted balance after this deposit and authenticated the

1ST. OF DOCUMENTS BY WHICH THE ARTICLES OF
CHARGES FRAMED AGAINST SMT LILABATI DAS , GDSBPM ,
SALCHAPRA BO (NOW PUT OFF DUTY) ARE PROPOSED TO
BE SUSTAINED :-

- 1) Inventory of cash & stamp balances of Salchapra BO dated 13-11-01 signed by Smt Lilabati Das , GDSBPM witnessed by Sri Mintu Kumar Das , EDDA , Salchapra & Sri Birendra Ch Deb , Office Peon , Salchapra Dev Block and countersigned by Sri P K Roy , IPOs (PG)
- 2) Written statement dated 13-11-01 of Smt Lilabati Das , BPM , Salchapra obtained by Sri P K Roy , IPOs (PG)
- 3) Passbook in respect of Salchapra SB A/c no.5904256 depositor Pinku Nath , C/o Prafulla Kr Nath , Nathpara , Salchapra
- 4) Passbook in respect of Salchapra SB A/c no.5905829 depositor Md Faizul Haque Barbhuiya , PO & Vill - Salchapra
- 5) Passbook in respect of Salchapra RD A/c no.137061 depositor Md Moklush Uddin Laskar , S/o late Abdul Bari Laskar , Ghagrapar Pt I , PO - Salchapra
- 6) Passbook in respect of Salchapra RD A/c no.135367 depositor Nizam Uddin Ahmed , C/o Hasmat Ali , PO - Salchapra
- 7) SB Journal of Salchapra BO from 9-09-97 to 9-08-02
- 8) RD Journal of Salchapra BO from 8-10-99 to 2-11-01
- 9) BO Account Book of Salchapra BO from 1-04-01 to 1-11-01
- 10) BO Account Book of Salchapra BO from 2-11-01 to 13-11-01

ANNEXURE - IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES
FRAMED AGAINST SMT LILABATI DAS, GDSBPM,
SALCHAPRA BO (NOW PUT OFF DUTY) ARE PROPOSED TO
BE SUSTAINED :-

- 1) Sri P K Roy, Inspector of Posts, (PG), Silchar
- 2) Sri P K Dey, Inspector of Posts, Silchar West Sub-Divn
- 3) Sri Mintu Kr Das, EDDA, Salchapra BO
- 4) Sri Birendra Ch Dcb, Office Peon, Salchapra Dev Block, Salchapra
- 5) Sri Pinku Nath, C/o Prafulla Kr Nath, Nathpara, Salchapra
- 6) Md Faizul Haque Barbhuiya, PO & Vill - Salchapra
- 7) Md Moklush Uddin Laskar, S/o late Abdul Bari Laskar, Ghagrapar Pt I, Salchapra
- 8) Md Nizam Uddin Ahmed, C/o Hasmat Ali, PO - Salchapra

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To,

The Sr. Superintendent of Post Offices,
Cachar Division, Silchar.

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Division Silchar

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Sub :- Divn. Office Memo No.CI-6/01-02/DA
Dt. 25-2-03.

Sir,

In reply to the memo referred to above, I beg to state that, during the period of September, 02 I was very much disturbed mentally because of the illness of my family members. The circumstances compelled me to bear the huge expenditure of medical expenses and frequent running to hospital. Consequent on this, I could not work properly. The omission and commission as referred to in the articles of charges are not intentional at all. I did not defraud the amount.

Sir, the charge has been framed for shortage of Rs. 7527.25. But an amount of Rs. 20528.25 has been recovered from me, and the reason is not understood. The statement as referred to in Article-I of Annexure II is the dictation of the visiting IPO'S. I have not been given sufficient scope to tell the reason and convince him.

So, I beg to pray you kindly to consider sympathetically and squash me from the charges and oblige.

yours faithfully,

Ranjan

21-4-03

Lila Bati Das

BPM Balchopra

Post Off duty

Sar C Rappa

Anupam
Advocate

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ANNEXURE-3

To
The Disciplinary Authority
and

Sr. Supdt, of Post Cachar Division Silchar
No. 10/INQ/1 dated 9.10.04.

Sub: Inquiry under Rule 10 against Smti
Lilabati Das GDSBPM Salchapara GDS BO now
under put off duty.

PART A

INTRODUCTION

Authority of inquiry: SSPOS Cachar Division vide F1-6/01-
0/DA dated 6.5.03.

Presenting Officer: Shri Tapash Choudhury, SDI PDS
Karimganj Sub Division.

Defence Asstt.: Shri Shyam Sunder Sarma, P.A.
Silchar.

Date of Enquiry: 26.8.03 preliminary hearing

Date of regular hearing: 16.10.03, 12.12.03, 29.12.03,
25.3.04, 20.5.04, 24.6.04, 12.7.04
and 19.8.04.

PART B DISCUSSION

Sir,

A Rule 10 proceeding was drawn against Smti Lilabati
Das GDSBPM Salchapara now put off duty vide your memo No. F1-
6/01-04 DA dated 6.5.03 and accordingly the enquiry was
initiated as per order cited above from 26.8.03 to 19.8.04
in between.

2. The charge official was particular in the enquiry
as per aforesaid dates with her defences Asstt. The article
of charges vis-a-vis their findings are as follows:

Attested
[Signature]
Advocate

Article-I

On 13.11.2001 the Salchapara GDSBPM was visited by Sri P.K.Roy IPO(PG) Silchar and on verification of cash and stamp balances of the office with the accounts on the date a sum of Rs.7527.25 was found short which was charged as under Head unclassified payment on the same day.

In this respect the undersigned finds after enquiry and examining Shri P.K.Roy IPO(PG) by the P.O. and cross examination by D.A. the article of charges against Smt. Lilabati Das is proved beyond doubt.

Article II

On 7.9.2001 the deputation of Salchapara SB A/c No.5004256 handed over the P/B after said a/c and a sum of Rs.300.00 for depositing money in the said a/c. Smt. Lilabati Das while working as GDS BPM Bo on 7.9.2001 on recruit after money and P.Book entered the said deposit in the passbook casted balance, put her initial in the P/book and impression of dates stamp of the office but did neither entered the said deposit in the books SB journal nor credited the amount in the Bo account on 7.9.01.

After examining Shri P.K.Dey Inspector Post West Sub division witness No.2 the under signed finds after enquiry the article of charges II has been proved beyond doubt.

Article III

Smt. Lilabati Das GDSBPM Salchapara BO now put off

duty while working as such on the 11.10.01 received a sum of Rs.500.00 and the P/B of BO a/c No.5905829 for depositing the said amount of Rs.500.00 in the said PB a/c No.5905829. Smt. Lilabati Das BPM Salchapara now put off duty being satisfied & entered the said deposit of Rs.500.00 in the PB & casted balance after the deposit & authenticated the entries with her initial and impression of date Stamp of the office, But Smt. Das did neither entered the said deposit of Rs.500.00 in the BO SB journal & nor credited the said amount in the BO account of Salchapara BO on 11.10.01.

In this regards the above mentioned charges Shri P.K.Dey SDI West was examined and after examination the article III of the charges initiate against Smt. Lilabati Das is proved beyond doubt.

Article IV

Smt. Lilabati Das while working as GDS BPM Salchapara BO on 29.9.01 received a sum of Rs.200.00 and the P/B of Salchapara RD a/c No.137061 for depositing the said amount in the said RD P/B with her initial and impression of date stamp of the office but did neither entered the said amount in the BO RD journal nor credited the amount in the BO a/c on 29.9.01.

In the above mentioned charges Shri P.K.Dey SDI West subdivision was examined and after examination the charge framed against Smt. Lilabati Das is proved beyond doubt.

Article V

Smti Lilabati Das BPM Salchapara (Now put off duty) while working as such on 30.10.01 received a sum of Rs.300.00 and the P/B RD a/c No.135367 for depositing the said a/c being the monthly premium for Oct '01. Smt. Das entered the said deposit in the said P/B with her initial and impression of date stamp after office but did neither entered the said deposit in the BO RD SB journal nor credited the amount in the BO a/c on 30.10.01.

After examining Shri P.K.Dey SDI West the charge labeled against Smt. Lilabati Das is proved beyond doubt.

In view of the above said findings after enquiry the under signed after threadbare discussion of the relevant charges and the defence with relevant witness & records, I am of the opinion that article of charges I to V is proved against Smt. Lilabati Das beyond doubt.

Enclosed:

1. Memo No.F1-6101-021DA dated 6.5.03.
2. All the listed documents as letter dated 6.5.03.
3. Written brief the P.O.

NB. Written argument brief not submitted by the defence Asstt.

R.K.DAS
I.O. and
Inspector Posts
Patharkandi Sub-Division
patharkandi-788724.

To

The Senior Superintendent of Post Offices,
Cachar Divn. Silchar.

Sub :- Representation.

Ref :- Dvn. Office No. 81-6/01-02/DA Dt. 3-1-05.

Sir,

With due respect and humble submission, I beg to state the following in reply to the findings of the I.O. for your kind perusal and sympathetic consideration.

That Sir, during the entire proceedings the authority failed to produce any witness to prove the charges. In my first statement, I had narrated the circumstances under which the mistake took place. I had no intention to misappropriate the public money at all. I am a low paid GDS employee and have no financial capacity to bear the accidental extra expenditure of medical treatment of my family member. I also expressed my extreme regret for the circumstantial mistake in my representation submitted in C/W the defence statement and deposited the entire amount as asked for.

Now Sir, I feel, due consideration has not been given on my defence statement and also to prove the charges without the support of any witness in perhaps against proper justice.

So, I pray you kindly to consider my case sympathetically, and save me from the punishment and thereby save the family of a very poor GDS employee and oblige.

Yours faithfully,

Date : 18.1.05

Lila Bala Das

Now put off Duty

P.O. Gauhati

Assam

Arrested
By
Advocate.

Just
K.

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE SENIOR SUPERINTENDENT OF POST OFFICES
CACHAR DIVISION:SILCHAR-788001

Memo No. E1.6/81-82/DA Dated at Silchar the 24.1.85

Dated at Silchar the 24.1.95

In this office memo of even no dt. 25.2.03 Smt. Lilabati Das, GDSBPM, Salchapra BO (now under put off duty) was informed that it was proposed to hold an inquiry against her under Rule 10 of the DOPGDS (Conduct & Employment) Rules 2001 on the basis of the Articles of Charges and Statement of Imputation of Misconduct or Misbehaviour etc enclosed thereto as Annexure I & II photocopies of which are enclosed herewith as Annexures A & B. Documents by which and witnesses by whom the articles of charges are proposed to be sustained were also sent therewith as Annexure III & IV respectively photocopies of which are enclosed herewith as Annexure C & D respectively.

In the aforesaid memo dt 25.2.03 Smt. Lilabati Das, GDSBPM, Salchapra BO (now under put off duty) was directed to submit within 10 (ten) days of receipt of the said memo dt 25.2.03 or inspection of listed documents a written statement of her defence wherein she should specifically admit or deny each article of charges.

Arrested

Advocate.

In her written statement of defence dt 21.4.03 Smt Lilabati das, GDSBPM, Salchapra BO (now under put off duty) denied the charges brought against her. A photocopy of the said defence dt 21.4.03 is enclosed herewith as Annexure E.

It was, therefore, decided to hold an inquiry against her, as per rule cited above and accordingly Sri R K Das, IPOs, Patherkandi Sub-Divn, Patherkandi was appointed as Inquiring Authority to enquire into the charges framed against said Lilabati Das, GDSBPM, Salchapra BO (now under put off duty) under this office memo of even No dt 6.5.03. Sri D Khanikar, IPOs, Haflong was appointed to present the case on behalf of the Disciplinary Authority in support of the articles of charges. However as the rail link between Haflong & Cachar/hailakandi Dist. got disrupted and remained out of order for some time Sri T. Choudhury, IPOs, Karimganj was appointed as Presenting Officer in place of Sri D Khanikar, IPOs, Haflong under this office memo of even no. dated 21.7.03.

On completion of enquiry, the appointed IO submitted his inquiry report under his letter No. IO/INQ/1 dated 9.10.04 a copy of which is enclosed herewith as Annexure-E. In the said report the IO completed the same with his findings as follows:

"In view of the above said findings after enquiry, the undersigned after threadbare discussion of the relevant charges and the defence with relevant witnesses & records I am of the opinion that article of charges I to V is proved against Smt. Lilabati Das beyond doubt."

A photocopy of the aforesaid inquiry report was sent to said Smt. Lilabati Das, GDSBPM, BO (now under put off duty) with this office letter of even no dated 14.10.04 to submit her representation/submission against the IO's report, if any within 15 (fifteen) days of receipt of the same, which was received by Smt. Lilabati Das, GDSBPM, Salchapara BO (now under put off duty) on 19.10.04.

Since no representation was received from said Smt. Lilabati Das, GDSBPM, Salchapara BO (now under put off duty), she was reminded on 4.11.04 for submission of the same within 10 (ten) days of receipt of the reminder. Though the above letter dated 4.11.04 was received by Smt. Lilabati Das, GDSBPM, Salchapara BO (now under put off duty) on 13.11.04 yet no representation or submission was received upto 2.12.04 and as such she was again reminded under even no dated 2.12.04 wherein she was again given another 10(ten) days time for submission of her representation/submission failing which the case would be decided ex-parte which was received by her on 6.12.04. In her application dated 21.12.04 Smt. Lilabati Das, GDSBPM, Salchapara BO (now under put off duty) prayed to allow her another 10(ten) days time for submission of her representation etc. since she could not submit the same due to her illness. Her prayer was granted under this office letter of even no.3.1.05.

Smt. Lilabati Das, GDSBPM, Salchapara BO (now under put off duty) however, submitted her representation under her letter dated 18.1.05 a photocopy of which is enclosed herewith as Annexure-G.

In her above representation date 18.01.05 she admitted that Govt. money was spent by herself personal purposes, which was in violation of the rules of the Department, as mentioned in the articles of charges (vide Annexure A) framed against her.

I have gone through the articles of charges framed against Smt. Lilabati Das, GDSBPM, Salchapara BO (now under put off duty) along with all the listed documents, report of the IO and the final representation of said Smt. Lilabati Das, GDSBPM, Salchapara BO (now under put off duty) very carefully and come to the conclusion that there is no scope to disagree with the findings of the IO communicated in his report dated 9.10.04. Smt. Lilabati Das, GDSBPM, Salchapara BO (now under put off duty) also in her final representation on the IO's report admitted that Govt. money had been spent by herself for her personal purposes due to illness of her family members. Such submission of charges by the charges GD Sevak in her final representation dated 18.1.05 is considered to be more than sufficient to prove that all the charges brought against her under this office memo of even no dated 25.2.03 stands proved without any shadow of doubt. The following orders are therefore issued:-

ORDER

I, Sri J.K. Barbhuya, Senior Supdt. of Post Offices, Cachar Division, Silcahr donot find any reason to retain Smt. Lilabati Das, GDSBPM, Salchapara BO (now under put off duty) in service and therefore remove Smt. Lilabati

Das, GDSBPM, Salchapara BO (now under put off duty) from GDS service with effect from the date of issue of this memo.

J.K.Barbhuya
Senior Supdt. of Post Offices
Cachar Division, Silchar-781001

Copy to:

1. Smt. Lilabati Das, ex GDSBPM, Salchapara BO PO & Vill.- Salchapara via Kalinagar Dist. Hailakandi.
2. The Postmaster, Hailakandi HO for information and necessary action.
3. The GM (PA & F), Kolkata (through Postmaster, Hailakandi HO)
4. The IPOs, Silchar West Sub-Divn, Silchar
5. P/F of the GD Sevak (Estt. Br).
6. Main Fraud File (F1-6/01-02)
7. Vig file
8. The ASP (HQ) (Punishment File)
- 9-10. Spare.

Senior Supdt. of Post Offices
Cachar Division, Silchar-781001

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ANNEXURE-6

Date: 2.3.2005

To
The Director Postal Services
Meghdoott Bhawan, Guwahati-1.

Sub:- Appeal against the order issued vide memo no.FI-6/01-02/DA dated 24.1.05.

Sir,

With due deference and profound submission I beg to lay the following few lines for your kind consideration and necessary action thereof.

That, while working as Gramin Dak Sevak BPM at Salchapara BO, the Senior Superintendent of Post offices Kachar Division Silchar issued an order dated 19.11.01 placing me under put of duty w.e.f. 13.11.01 invoking rule 12 of the GDS (Conduct and Employment Rules 2001). The aforesaid order dated 19.11.01 was issued pursuant to an order dated 13.11.01 issued by the SDIEO's Silchar West Sub-Division. After the issuance of the aforesaid order dated 19.11.01 I continued to remain under put of duty.

That after a lapse of around 2 years the SSPO Cachar Division Silchar issued memorandum of charges dated 25.2.03 enclosing 5 articles of charges in respect of certain amounts stated to be not credited in the BO accounts and same stated to be in violation of the Rule-11 of the Rules for Branch Offices and Rule 21 of DOP GDS (Conduct and Employment Rules 2001). In the article of charges allegation have also been made regarding violation of Rule 131(3), Rule 144 read with Rule 143 of the Rules of Branch Offices in respect of crediting the amounts in dispute. In the said memorandum of charges, list of documents including inventory cash and stamp balance register, my written statement dated 13.11.01, connected pass books, SB journals, RD journal and BO account books from 1.4.01 to 13.11.01 were also included. In support of the said charges a list of 8 witnesses as Annexure-4 was included. By the said memorandum of charges I was allowed 10 days time to file representation within 10 days.

In response to the said memorandum of charges dated 25.2.03 while controverting the charges dated 25.2.03 while controverting the charge for shortage of Rs.7527.25, I highlighted the fact of recovery from me amounting to Rs.20,528.25 without any notice and reason. Apart from that I controverted also the article of charges to be as per dictation of the visiting IPOs for which no scope was provided to me to place my say in the matter. However the authority concerned without considering my representation took decision to proceed with the aforesaid disciplinary proceeding. The entire proceeding concluded only on the basis of the statement made by one Sri P.K.Roy, Inspector of Posts, Silchar and one Sri P.K.Dey, Inspector of Posts, Silchar West Sub-Division. The enquiry officer did not discuss anything on the merit of the case and relied solely

Arrested
Advocate

on the inspection reports which were never been produced in the proceeding.

Finally after conclusion of the proceeding and after submission of the enquiry report, the disciplinary authority without discussing any material on facts passed the order dated 24.1.05 removing me from my service.

That in my representation dated 18.1.05 I made a prayer before the disciplinary authority to reconsider the matter taking into consideration the witnesses and the materials on record but same was not done and the said authority removed me from my service.

That Sir, presently due to the issuance of the removal order it has become impossible for me to service and under these compelling circumstances I am submitting this appeal praying for reconsideration of the matter and to exonerate me from the charges. I hope and trust that your honour would be graciously be pleased to consider my case very sympathetically and to pass an order reinstating me in my service.

Thanking you,

Sincerely yours

Sd/-
Lilavati Das

Annexure-7

Date: 30.1.06

To,
The Director Postal Services
Meghdoot Bhawan, Guwahati-1.

Sub:- Reminder to my Appeal against the order issued vide memo no.F1-6/01-02/DA dated 24.1.05.

Sir,

With due deference and profound submission I beg to lay the following few lines for your kind consideration and necessary action thereof.

That, against the order of removal dated 24.01.05 passed by the Disciplinary Authority, I preferred the statutory appeal before your honour long ago but as on date I have not been favoured with any result. As such I request your honour to do the needful in matter to save me from the distress. At present I am leaving hand to mouth and in the event of confirming the order of removal I would have no option than to commit suicide and I have already made up my mind for that.

I hope that your honour may be pleased to allow my appeal.

Thanking you,

Sincerely yours

Sd/- *Lilabali Das*

*Arrested
Dri
Advocate*