

FROM NO. 4.  
( See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

1. original Application No. 60 :06

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

3- Contempt Petition No. \_\_\_\_\_

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

Applicant(S) Mr Mahsin Ali

Respondants CC/1 & ORS.

Advocate for the Applicant(S) MR. Madi Bur Rahman, Mizanur Rahman

Advocate for the Respondant(S) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
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This application is in form.

is filed/C.F. - Rs. 70/-

deposited

No. 13/4013276

Date 2-3-06

N. Sankar  
Dy. Registrar

16.3.2006

Heard learned counsel for the parties. The application is disposed of in terms of the order passed in separate sheets. No order as to costs.

[Signature]  
Vice-Chairman

Steps Taken.

21.3.06  
Copy of the order has been sent to the Dy. Sec. for issuing the order to the applicant as well as to the ADD, C.G.S.C. for the Respondent.

mb

7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

.....

60 OF 2006

O.A. No. ....

16.03.2006

DATE OF DECISION .....

Md. Mahsin Ali ..... Applicant/s

Mr. M. Rahman, Mr. M. Rahman ..... Advocate for the  
Applicant/s.

- Versus -

Union of India & Others ..... Respondent/s

Ms. U. Das, Addl. C.G.S.C. .... Advocate for the  
Respondents

CORAM

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

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

26/3  
Vice-Chairman(J)

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 60 of 2006.

Date of Order: This the 16th day of March 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

Md. Mahsin Ali  
Son of late Syed Ali  
Resident of Hatigaon Chariali  
Dispur, Guwahati, Assam.

... Applicant.

By Advocates Mr. Mahibur Rahman and Mr. Mizanur Rahman.

- Versus -

1. The Union of India  
Represented by Secretary to the  
Government of India  
Ministry of Communication  
Department of Posts, Dak Bhawan  
New Delhi - 110 001.
2. The Chief Post Master General  
Department of Posts  
Assam Circle, Meghdoot Bhawan  
Guwahati - 781 001.
3. Assistant Director General (Vigilance)  
Deptt. of Posts, Dak Bhawan  
New Delhi - 110 001.
4. The Director  
Postal Service, Ambala (Enquiry Officer)  
Office of the Chief Post Master General  
Haryana Circle, Ambala - 13301.

... Respondents.

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


.....

L

**ORDER (ORAL)****K.V. SACHIDANANDAN, (V.C.)**

The applicant, who was holding the post of Senior Post Master, Guwahati GPO, was charge sheeted vide Memo No. VIG/1-4/CBI/96-97 dated 29th April 2002 (Annexure - I) pertaining to a false and fabricated charge stated to have occurred during the period from February 1991 to the end of April 1991. Pursuant to the said Memorandum of Charges, a regular Departmental proceeding was initiated by appointing the Inquiry Officer and Presiding Officer. After completion of the proceeding, the Inquiry Officer submitted his report without supplying the same to the applicant. But the respondents continued to proceed with the Departmental proceedings and subsequently, issued the Memorandum No. 26-6/94-Vig (II) dated 28.12.2004 (Annexure - 6) with a disagreement note. In the said Memorandum the applicant was also given an opportunity by the Disciplinary Authority to make a representation or submission in writing to the Director General (Posts) within 15 days from the date of receipt of the Memorandum, failure of which the Disciplinary Authority will take action in the matter ex-parte. The applicant after receiving the said Memorandum submitted representation on 13.01.2005 (Annexure - 7), but nothing is heard from the respondents. Aggrieved by the said inaction, the applicant has filed this application seeking the following reliefs: -

"8.1 To set aside and quash the Memorandum dated 28/12/04 along with the proceeding and to exonerate the applicant from the charge issued under Memorandum of Charge dated 29/11/02



and to release his pensionary dues forthwith along with an interest 21% p/a on such delayed settlement of dues.

8.2 Benefit of the promotion (to J.T.S. of I.P.S. Gr. - A vide order dated 6th September 2004) in pensionary dues from the date of issuing the said order dated 6<sup>th</sup> September 2004.

8.3 Cost of the application.

8.4 Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deem fit and proper."

2. I have heard Mr. Mahibur Rahman, learned counsel for the applicant and also Ms. U. Das, learned Addl. C.G.S.C. for the respondents.

3. When the matter came up for admission hearing, learned counsel for the applicant submits that he will be satisfied if a direction is given to the Respondent No. 3 to consider and dispose of the representation dated 13.01.2005 and communicate the result to the applicant, if not already done within a time frame.

4. Accordingly, this Tribunal directs the Respondent No. 3 to consider and dispose of the representation dated 13.01.2005 within a period of two months from the date of receipt of this order and communicate the result to the applicant, if not already done.

O.A. is disposed of at the admission stage itself. In the circumstances, no order as to costs.



(K.V. SACHIDANANDAN)  
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

Original Application No. 60/06

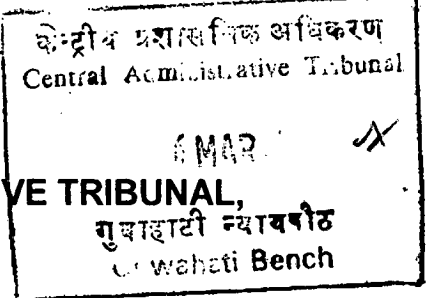
1. a) Name of the Applicant:-  
b) Respondants:- Union of India & Ors.  
c) No. of Applicant(S):- one
2. Is the application is the proper form:- Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title :- Yes / No.
4. Has the application been duly signed 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 Vakalatnama/Memo of appearance /Authorisation is filed: Yes / No.
11. Is the application by IPO/BD/for Rs. 50/- 134 013276 dt 12-3-06.
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 annexure 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 points :-
23. Result of the Scrutiny with initial of the Scrutiny Clerk:  
*This application is in form.*

SECTION OFFICER(J)

DEPUTY REGISTRAR

9/3/06

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH.



ORIGINAL APPLICATION No. .... /2006.

Between

MD MAHSIN ALI

..... Applicant

-AND-

UNION OF INDIA & OTHERS

..... Respondents

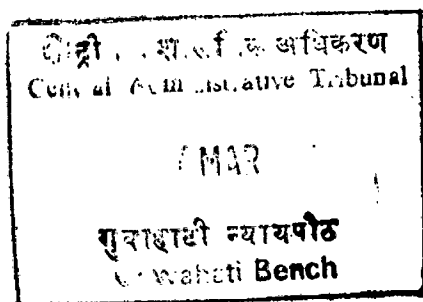
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Filed by

M. Rahman  
3/3/06  
Advocate

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH.**



ORIGINAL APPLICATION No. .... /2006.

MD MAHSIN ALI

..... Applicant

-AND-

UNION OF INDIA & OTHERS

..... Respondents

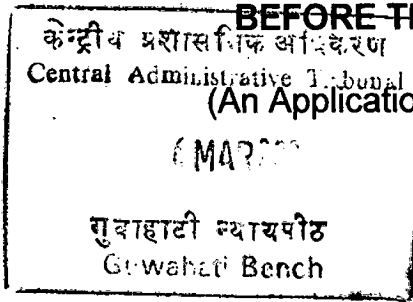
**SYNOPSIS**

The Applicant who was holding the post of Senior Post Master Guwahati GPO was Charge sheeted vide memo No. VIG/1-4/CBI/96-97 dated 29<sup>th</sup> April 2002 (Annexure – I) pertaining to a false and fabricated charge stated to be occurred from the period from February 1991 to the end of April 1991. Pursuant to the said memorandum of charges a regular Departmental proceeding was initiated by appointing I.O and P.O. After the completion of the proceeding I.O. Submitted his report (date and Memo No. is not shown) without supplying the same to the Applicant. But the Respondents continued to proceed with the Departmental proceedings and subsequently issued the Memorandum No. 26-6/94 – Vig (II) dated 28.12.04 (Annexure – 6) and a disagreement note with the I.O.'s Report and gave an opportunity by the disciplinary authority to make a representation or submission in writing, to the Director General (Posts) within 15 days from the date of receipt of the said Memorandum, failure of which the disciplinary authority will take action in the matter ex-parte. And after receiving the said Memorandum the Applicant submits his representation on 13.1.05 (Annexure – 7). In the mean time the applicant on attaining the age of superannuation retired from his service on 28.2.05. But till today after one year of expiry of submitting the representation no action is taken from the respondent end. The applicant being aggrieved by the aforesaid action / inaction on the part of the respondents have come under the protective hands of this Hon'ble Court seeking an urgent and immediate relief as the respondents in the name of the aforesaid Departmental proceeding withheld his pensionary dues. In spite of repeated request the respondents are yet to release his pensionary dues.

*Ref*



Md. Mahsin Ali  
Filed by the petitioner through  
Makibev Rahman  
Advocate  
3/2/06



**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH.**

(An Application Under Section 19 of the Central Administrative Tribunal Act, 1985)

ORIGINAL APPLICATION No. .... /2006.

Between

MD MAHSIN ALI

..... Applicant

-AND-

1. The Union of India  
Represented by Secretary to the  
Govt. of India.  
Ministry of Communication,  
Department of posts, Dak Bhawan  
New Delhi. – 110001.
2. The Chief Post Master General  
Department of Posts  
Assam Circle, Meghdoot Bhawan  
Guwahati – 781001.
3. Assistant Director General (Vigilance)  
Deptt. of Posts, Dak Bhawan  
New Delhi – 110001.
4. The Director  
Postal Service, Ambala  
(enquiry officer)  
Office of the Chief Post Master General  
Haryana Circle, Ambala – 13301.

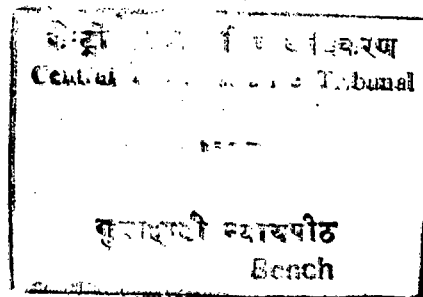
..... Respondents

Details of the Application :-

1. The Particulars against which this applicant is made :

This application has been made against the Memorandum issued by Assistant Director General (Vig) dated 28.12.04 by which disciplinary authority disagreed the I.O. Report and given an opportunity to submit representation within 15 days and after submitting the representation no action is taken from the respondents end.

The Applicant through this application also challenges the very initiation of the departmental proceeding under rule 14 of the C.C.S. (C.C.A.) rule 1965 against him after a delay of about 11 years that too at the feg end of the applicant service career only with a sole purpose to harass without any basis.



## 2. Limitation :

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

## 3. Jurisdiction

The Applicant further declares that the subject matter of the case is within the Jurisdiction of the Administrative Tribunal.

## 4. Facts of the Case :

4.1- That the applicant who was holding the post of Senior Post Master, Guwahati GPO was charge sheeted vide Memo No. Vig/1-4/CBI/96-97 dated 29.4.02 pertaining to a false and fabricated charge stated to be occurred from the period from February 1991 to April 1991, pursuant to the said Memorandum of the Charges a regular Departmental proceeding was initiated by appointing I.O. and P.O. After the completion of the proceeding I.O. Submitted its record (date and Memo No. is not mentioned in the report) and same is supplied to the petitioner on 28.12.04 with a Memorandum and a copy of the CVC's advice. The I.O. in his report said that the petitioner is not entirely responsible in this case. However, the I.O. report was disagreed by D.G. (Posts), the competent disciplinary authority and given an opportunity by the Disciplinary authority to make the petitioner a representation or submission in writing to the Director General (Posts) within 15 days from the date of receipt of the said Memorandum and failing of which further action in the matter will be taken ex-party. After receiving it the petitioner submitted his defence statement in writing on 13.1.2005 during the currency of the proceeding i.e. on 28.2.05 the applicant on attaining the age of superannuation retired from his service but no action has been taken by the respondents till today. The Applicant being aggrieved by the aforesaid action / inaction on the part of the respondents have come under the protective hand of this hon'ble Court seeking an urgent and immediate relief as the respondents in the name of the aforesaid Departmental proceeding withheld his pensionary dues. In spite of repeated request the respondents are yet to release his pensionary dues.

U. A. C.

4.2 That the applicant is a citizen of India and as such he is entitled to all the rights privilege and protection as guaranteed by the constitution of India and laws framed thereunder.

4.3 That the applicant while was working as SP NESD/GH under respondent No.-2 was issued with a Memorandum of Charges vide Memo No. Vig/1-4/CBI/96-97 dated 29.4.02 enclosing the statement of article of charges and imputation of misconduct or misbehavior as well as list of documents and witness. The allegation made in the said Memorandum of Charges basically relating to passing out three numbers of vouchers amounting to Rs. 23,195.80 (Rupees twenty three thousand one hundred ninety five and eighty paise) only in the different dates during the period from February 1991 to the end of April 1991.

A copy of said Memorandum of Charge dated 29.4.02 is Annexed herewith and marked as Annexure – 1

4.4 That the applicant immediately on receipt of the said charge Sheet, submitted a written representation dated 7.5.03 indicating the factual aspect of the matter and through his said representation he denied the charge made in the Memo Dated 29.4.02. It is pertinent to mention here that in the said representation the applicant while highlighting the circumstances under which he had to perform his duty during the period in question.

A copy of said representation dated 7.5.02 is Annexed herewith and marked as Annexure – 2

4.5 That the disciplinary authority however without taking into consideration the representation filed by the applicant, took a decision to proceed with the matter and to that effect the respondent No. 2, appointed I.O and P.O. Vide letter No. Vig/1-4/CBI/96-97 dated 10.10.02 and on 25.8.03, I.O. (Sri V.C. Roy)

Ne: Ne:

fix date for hearing vide letter No. DPS/Misc/Con/M. Ali/ dated 28.8.03

A copy of said letter dated 25.8.03 is Annexed herewith and marked as Annexure – 3

4.6 That the respondents although took a decision to proceed departmentally by appointing I.O. and P.O. but the said authority took a long time to shoot the proceeding. The applicant who at the relevant point of time was at the verge of retirement kept of apprising the authority for finalizing the proceeding and finally the respondents, started the daily hearing from 26.11.02. It is noteworthy to mention here that prior to that, vide notice dated 11.11.02 the applicant was asked to nominate defence Assistant and he was also given the intimation regarding daily hearing of the said proceeding. Accordingly the applicant vide his letter dated 15.11.02 nominate Sri D. N. Sarmah, D.D.M (P.L.I) office of the Chief P.M.G. Assam Circle, Guwahati as his defence Assistant.

4.7 That the applicant begs to state that as per the Schedule date of hearing i.e. 26.11.02 the respondent have covered substantial part of the proceeding by examining some of the witnesses except SW-4, SW-5 and SW-8 who are not present. The I.O. as per procedure prescribed under the C.C.S (C.C.A.) rules 1965 issued notice to SW-4, Sw-5 and SW-8 for their appearance but surprisingly during the whole proceeding SW-4, SW-5 and SW-8 are not present and the inquiry is completed by I.O. and P.O. without hearing the SW-4, Sw-5 and SW-8. Sw-2 and Sw-3 during the enquiry deposed that at the time of the incident they were not working against the posts as stated in the list of witnesses.

Copies of witnesses statements are Annexed herewith and marked as Annexure – 4.

4.8 That the Chief Post Master as well as Assistant Post Master General also pursuing the matter of the applicant for its early

disposal in view of his retirement but same yielded no result in positive.

The applicant craves leave of this Hon'ble tribunal for a direction towards the respondents to produce all the aforesaid Demi official letters at the time of hearing of this case.

4.9 That in the mean time the applicant was promoted in J.T.S. on I.P.S. Gr.-A in the scale of 8,000-275-13,500 vide Government of India, Ministry of Communication and Information Technology, Dak Bhawan, Sansad Marg, New Delhi Memo No. 4-2/2003 SPG dated 6<sup>th</sup> September 2004 and posted to West Bengal Circle. Accordingly office of the chief PMG West Bengal Circle vide Memo No. SFA/P-68/XVIII, dated 16.09.04 requested chief PMG, Assam Circle to relief and direct the applicant to report to C.O Kolkata for further posting but Chief PMG Assam Circle remains silent in this matter. But on 28.12.04 disciplinary authority with some ulterior motive issued a Memorandum dated 28.12.04 in which I.O. report is opposed and given a time limit of 15 days to furnish written statement in defence. And the applicant submitted his written statement on 13.01.05 nothing is done from the respondents end till today.

A copy of said Memorandum dated 06 Sept. 04, Memorandum dated 28.12.04 of disciplinary authority and written statement of the applicant dt. 13.1.05 is Annexed herewith and marked as Annexure – 5, 6 & 7 respectively.

4.10 That the stated above on 28.02.05 the applicant on attaining the age of superannuation and retired from his service. However, due to the pendency of the aforesaid Departmental proceeding he is yet to receive his pensionary dues. And therefore he is facing lots of financial hardship.

4.11 That the applicant begs to state that the plain reading of the charge level against him clearly indicates the malafide intention on the part of the respondents to harass him. Apparently the alleged incident reflexed the period of 1991 and the charge sheet was issued in the year 2002. On the score along the proceeding initiated against the applicant is required to be set aside including the Memorandum dated 28.12.04.

4.12 That the applicant begs to state that Sri Premananda Nath APMG charged for the same offence occurred from the period from 01.05.1991 to 23.12.1991 was exonerated from his charge by disciplinary authority vide Memo No. 26-6/94/vig dt. 2/6/05 as per direction this Hon'ble Tribunal dated 9.11.04 in connection with O.A No. 257/04. And accordingly the principal offended Sri Ghanashayam BuzarBarauh was acquitted by the special judge Guwahati.

A copy of the Hon'ble Tribunal Order dated 09.11.04 and a copy of Memo No. 26-6/94/vig dt. 2/6/05 is Annexed herewith and marked as Annexure – 8 & 9 Respectively.

4.13 That the applicant begs that on 28.02.05 the applicant on attaining the age of superannuation and retired from his service but due to pendency of the so called Departmental proceeding which is infact come to an end in his favour, he is yet to receive his pensionary dues and the respondent have virtually punished the applicant by withholding said dues which is not permissible under the rules holding the field. It is pertinent to mention here that regarding withholding of his pensionary dues respondents are yet to furnish him any suitable reply which clearly indicates the ulterior motive on the part of the respondent and as such appropriate direction need to be issued to the respondents to release all the pensionary dues including penal interest forthwith.

4.14 That the applicant begs to state that due to pendency of the disciplinary proceeding the respondents have not yet finalize the pension papers of the applicant and as a result of such inaction the applicant is yet to receive his pensionary dues is facing tremendous financial hardship. It is under these peculiar fact situation the applicant has come under the protective hands of this Hon'ble Tribunal seeking and urgent and immediate relief for redressal of his grievance. It is also under these peculiar fact situation the applicant prays for an interim order directing the respondent to finalise the applicant pensionary dues during the pendency of this O.A.

2

5. Grounds for relief with legal provision :

5.1 For the respondents have acted contrary to the settled proposition of law as well as rules guiding the field in issuing the Memorandum of charge after a laps of about 11 years and as such same is not at all sustainable and liable to be set aside and quashed.

5.2 For the respondents have included false information in the Annexure – II of the charge sheet by stating that the applicant had functioned as senior post master, Guwahati GPO during the period from February 1991 to the end of April 1991 in addition to his regular duty as Deputy Post Master in the same GPO. But the applicant never worked as Deputy Post Master in Guwahati GPO or any other Post Office in India during his entire service period. The Applicant was working as A.S.P.O's, Guwahati West <sup>Sub</sup> Division prior to his posting as Senior Post Master, Guwahati GPO vide Memo No. B/7/7/officer/ch-III dt. 24.1.91. And as such same charge is not at all sustainable and liable to be set aside and quashed.

5.3 For that the respondents have included Hypothetic charge against the applicant by stating that under rule 115 (1) and 118 of Posts and Telegraphs Financial Hand Book Vol-II (First edition - reprint) the applicant failed to exercise the Verification and checks before passing the bills / vouchers of pension but the duties of Post Master prescribed in rule – 115, 116 and 117 of Financial Hand Book Vol-II stand delegated to the Deputy Post Master in First Class Post Offices vide exception below rule 117 of Financial Hand Book Vol-II and Guwahati GPO is also a first class post Office. Again as per rule 118 of Financial Hand Book Vol-II every payment must be entered on both halves of the pension payment and attested by the disbursing Officer but no such documents were presented to the applicant on attestation etc. Applicant's attestation is no where on any other documents also.

5.4 For that the respondents have included false list of documents in Annexure – III of the charge sheet that H.O case book of Guwahati GPO (SI No. 7 of Annexure – III list of document) containing charge against the fraudulent payment of pension under FFPS on 3.4.91 and signature of the applicant authenticating the payment as officiating Sr. Post Master (2 sheet) is totally false because there is no signature of the

applicant on the H.O. Case book of Guwahati GPO. Moreover except documents at SI No. 1, SI No. 3 and SI No. 5 which were stated to be false forged vouchers by the disciplinary authority in the charge sheet (Annexure – III) other documents at SI No. 6 to SI No. 12 being the main documents of the GPO bear no signature of the applicant. (Hon'ble Court may call the records).

5.5 For the respondents have included hypothetical witness in Annexure – IV of the charge sheet that SW-2 and Sw-3 are not working against the post as mentioned in witnesses list and SW-4, SW-5 and SW-8 are not present during all investigation period and I.O. submits his report without taking their evidence.

5.6 For that the respondents whimsically with intention to harass the applicant prepared and forwarded the disagreement note without any basis. Therefore it is prayed to set aside the Memorandum No. 26-6/94vig(II) dated 28/12/05 and exonerate the petitioner from the charges.

5.7 For that Sri Premananda Nath APMG charged for the same offence occurred from the period from 01.05.1991 to 23.12.1991 was exonerated from his charge by disciplinary authority vide Memo No. 26-6/94/vig dt. 2/6/05 as per direction of this Hon'ble Tribunal dated 9.11.04 in connection with O.A No. 257/04. And accordingly the principal offender Sri Ghanashayam BuzarBarauh was acquitted by the special judge Guwahati.

5.8 For that in any view of the matter the impugned action of the respondents are not sustainable in the eye of law and liable to be 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 he has exhausted all the remedies available to them and there is no alternative remedy available to him.



10/12/06

2

7. Matters not previously filed or pending in any other court :

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

8. Relief Sought for :

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted, records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following relief to applicant or pass appropriate order/ orders as your lordship may deem fit and proper.

8.1 To set aside and quash the Memorandum dated 28/12/04 along with the proceeding and to exonerate the applicant from the charge issued under Memorandum of Charge date 29/11/02 and to release his pensionary dues forthwith along with an interest 21% p/a on such delayed settlement of dues.

8.2 Benefit of the promotion (to J.T.S. of I.P.S. Gr. -A vide order dated 6<sup>th</sup> September 2004) in pensionary dues from the date of issuing the said order dated 6<sup>th</sup> September 2004.

8.3 Cost of the application.

8.4 Any other relief / relief's to which the applicant is entitled to under the facts and circumstances of the case and deem fit and proper.

9. Interim Order prayed for :

That the applicant during the pendency of this application prays for an interim order directing the respondents to release all his pensionary dues forthwith.

10. ....

11. Particulars of the I.P.O.

a. I.P.O. No. : 134 013276  
b. Date : 2/3/06  
c. Payable at : GPO, Guwahati

12. List of enclosure :

As stated in the index.

## **VERIFICATION**

I Md Mahsin Ali, S/o Late Syed Ali, aged about 61 years at resident of Hatigaon Chariali, Dispur, Guwahati, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 3, 4.1, 4.2, 4.6, 4.8, 4.10, 4.11 are true to my knowledge and those made in paragraph 4.3, 4.4, 4.5, 4.7, 4.9, 4.12, are also matter of records and the rest are my humble submission before the hon'ble Tribunal. I have not suppressed any materials facts of the case.

I am the applicant in the instant application and as such well acquainted with the facts and circumstances of the case and also competent and authorized by the other applicant to sign the Verification

And I sign on this the Verification on this the 3rd day of March..... 2006.

Md. Mahsin Ali  
**Signature**

Dated Guwahati, the 29<sup>th</sup> April, 2002

# MEMORANDUM

It is proposed to hold an inquiry against Md. Mahsin Ali under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965. 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 charge (Annexure-I). A 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 a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

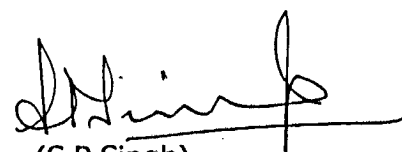
2. Md. Mahsin Ali is directed to submit within 10 days of receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.
4. Md. Mahsin Ali 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 CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him *ex-parte*.

\* *Contd.....*

**Certified to be  
true copy**  
M. Rahman  
3/3/06  
**Advocate**

5. Attention of Md. Mahsin Ali is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Md. Mahsin Ali 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 CCS (Conduct) Rules, 1964.

6. The receipt of this memorandum may be acknowledged.



(S.P.Singh)

Chief Postmaster General  
Assam Circle, Guwahati-781001

To  
Md. Mahsin Ali,  
Superintendent,  
North Eastern Stamp Depot,  
Guwahati - 781021.

**ANNEXURE-I**

Statement of articles of charge framed against  
Md. Mahsin Ali, Superintendent, NESD, Guwahati

That the said Md. Mahsin Ali while functioning as Senior Postmaster, Guwahati GPO during the period from February 1991 to the end of April, 1991 wrongfully passed for payment of three numbers of false and forged bills/vouchers of arrears of family pension under the "Employees Family Pension Scheme, 1971" amounting to Rs.23,195.80/- in total on different dates during the said period.

It is, therefore, alleged that by the aforesaid acts, the said Md. Mahsin Ali failed to exercise the verification and checks before passing the bills/vouchers of arrears of pension as required under Rule 115 (1) and 118 of Posts and Telegraphs Financial Hand Book, Vol-II (First Edition – Reprint), and thereby he failed to maintain absolute integrity and devotion to duty and contravened the provisions laid down in Rule 3(I)(i) and 3(I)(ii) of CCS (Conduct) Rules, 1964.

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**ANNEXURE – II****Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Md. Mahsin Ali, Superintendent, NESD, Guwahati**

That the said Md. Mahsin Ali, presently working as Superintendent, NESD Guwahati had functioned as Senior Postmaster, Guwahati GPO during the period from February to the end of April, 1991 in addition to his regular duty as Deputy Postmaster-I in the same GPO. During 1991 to 1993, Shri Ghanashyam Buzarbaruah, Postal Asstt in the Accounts Branch of the same GPO had fraudulently withdrawn and misappropriated pension arrears to the tune of Rs.3,84,407.15 in total on different occasions from the accounts of different pensioners under "Employees Family Pension Scheme, 1971" by preparing false vouchers and getting signatures of different passing officers on these false vouchers. In fact, the payment of these arrears of pension had already been made to the actual pensioners earlier in the same GPO. Out of the false and forged vouchers by which the fraudulent withdrawals were made, the said Md. Mahsin Ali had signed and passed the vouchers shown below for payment in the capacity as officiating Sr. Postmaster on the dates shown against them.

Sl	Name of the pensioner	Period of arrear	Amount & date of payment to genuine payment	Date of subsequent fraudulent payment
1	Smt. Hemlata Barman	28.11.85 to 31.12.88	Rs.6,021.80/ 31.1.89	3.4.91
2	Smt. Lakshmi Roy	1.4.84 to 30.6.90	Rs.7,158/- 23.7.90	16.4.91
3	Smt. Neli Chakraborty	1.7.86 to 30.9.88	Rs.10,016/- 10.10.88	19.4.91

The said Md. Mahsin Ali failed to exercise the verification and checks before passing the bills/vouchers of pension as required under Rule 115(1) and 118 of Posts and Telegraphs Financial Hand Book, Vol-II (First Edition – Reprint) and thus facilitated making of fraudulent payment of pension arrears amounting to Rs.23,195.80 in total and caused loss to the government.

Therefore, it is alleged that by the aforesaid acts, the said Md. Mahsin Ali failed to exercise the verification and checks before passing the bills/vouchers of arrears of pension as required under Rule 115(1) and 118 of Posts & Telegraphs Financial Hand Book, Vol.II (First Edition – Reprint), and thereby he failed to maintain absolute integrity and devotion to duty and contravened the provisions laid down in Rule 3(I)(i) and 3(I)(ii) of CCS (Conduct) Rules, 1964.

-15-

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**ANNEXURE - III**

**List of documents by which articles of charge framed against Md. Mahsin Ali,  
Superintendent, NESD, Guwahati are proposed to be sustained**

- ✓ 1. Paid voucher dated 3.4.91 for an amount of Rs.6,021.80 being the arrears of pension paid to the name of Smt. Hemlata Barman (alleged to be false):
  2. Paid voucher dated 31.1.89 for an amount of Rs.6021.80 being the arrears of pension paid to actual pensioner Smt. Hemlata Barman (Genuine).
  - ✓ 3. Paid voucher dated 16.4.91 for an amount of Rs.7,158/- being the arrears of pension paid to the name of Smt. Lakshmi Roy (alleged to be false).
  4. Paid voucher dated 23.7.90 for an amount of Rs.7158/- being the arrears of pension paid to actual pensioner Smt. Lakshmi Roy (Genuine).
  - ✓ 5. Paid voucher dated 19.4.91 for an amount of Rs.10,016/- being the arrears of pension paid to the name of Smt. Neli Chakraborty (alleged to be false).
  - ✓ 6. Schedules of pension payment containing entries of the payment made falsely on 3.4.91, 16.4.91 and 19.4.91 (in 6 pages).
  - ✓ 7. HO Cash Book of Guwahati GPO containing charges against the fraudulent payment of pension under EFPS on 3.4.91 and signature of Md. Mahsin Ali authenticating the payment as officiating Sr. Postmaster (2 sheets).
  - ✓ 8. Treasurer's Cash Book of Guwahati GPO containing entries of fraudulent pension payment (EFPS) on 3.4.91.
  - ✓ 9. HO Cash Book of Guwahati GPO containing entries of fraudulent pension payment (EFPS) on 16.4.91.
  - ✓ 10. Treasurer's Cash Book of Guwahati GPO containing entries of fraudulent pension payment (EFPS) on 16.4.91.
  - ✓ 11. HO Cash Book of Guwahati GPO containing entries of fraudulent pension payment (EFPS) on 19.4.91.
  - ✓ 12. Treasurer's Cash Book of Guwahati GPO containing entries of fraudulent pension payment (EFPS) on 19.4.91.
  13. Opinion No.DXC-235/95 dated 27.2.96 of the Govt. Examiner of Questioned Documents.
  14. Specimen writings of Md. Mahsin Ali marked as S-85 to S-91.
  15. Admitted writings of Md. Mahsin Ali marked as A-55 to A-72.
  16. Asstt. Treasurer's Rough Book containing entries of pension payment (EFPS on 3.4.91, 16.4.91 and 19.4.91 (3 sheets).
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-16-

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**ANNEXURE – IV**

List of witnesses by whom the articles of charge framed against Md. Mahsin Ali,  
Superintendent, NESD, Guwahati

1. Shri Nagendra Nath Sarma, APM (A/cs) (Retired) Guwahati GPO – now at Birubari P.O. Gopinath Nagar, Guwahati-16.
  2. Shri Sukumar Paul, Dy. Postmaster-II, Guwahati GPO (the then APM (A/cs) Guwahati GPO).
  3. Shri Lalit Ch. Deka, Group-D, Accounts Branch, Guwahati GPO.
  4. Shri H.S.Tutija, M.Sc, Dy.GEQD (Retd), 22 Golden Palace Colony (A.B.Road), Near Raj Shree Automobile (Godbadi Bridge), Indore (MP)-452009.
  5. Shri Kanak Ch. Das, Postal Asstt. Silpukhuri SO, Guwahati-3 (the then PA, Accounts Branch, Guwahati GPO).
  6. Shri Chandiram Kalita, Postal Asstt., North Guwahati SO (the then PA (Receipts), Guwahati GPO).
  7. Shri Dwijen Medhi, Postal Asstt., Fancy Bazar SO, Guwahati-1 (the then Bill Clerk, Accounts Branch, Guwahati GPO).
  8. Shri T.Thangzalian, Inspector, Central Bureau of Investigation (Investigating Officer of the Case).
-



To,  
The Chief Postmaster General,  
Assam Circle, Guwahati- 781 001

NO. M Ali/ Inquiry/2002 Dated at Guwahati, the 07/05/2002  
Sub:- Holding of inquiry against Sri M Ali under Rule 14 of CCS(CCA),  
Rules, 1965  
Ref. CO/ Guwahati Memo NO Vig/ 1-4/ CBI/96-97 dated 29/04/2002

Sir,

In response to CO/ Guwahati Memo NO.Vig/1-4/CBI/96-97 dated 06.03.2002, I submitted my statement of defence denying the charge framed against me in toto and expressed desire to be heard in person. This time also the same charge vide CO/ Guwahati Memo NO same dated 29.04.2002, I deny it again for the following reasons.

- 1) In Annexure II i.e. statement of imputation of misconduct or misbehaviour etc. it is stated that Sri M Ali, presently Supdt. NESD/ Guwahati had functioned as senior Postmaster, Guwahati GPO during the period from February to the end of April, 1991 in addition to his regular duty as Deputy Postmaster I in the same GPO.

Here I would like to intimate that by God, I neither worked as Dy. Postmaster I or Dy. Postmaster II of Guwahati GPO nor I was ordered to do so at any time during my long 37 ½ years of service in the Department.

- 2) Again I have been charged for failure to exercise the verification and checking before passing the bills/ vouchers of arrear pension as required under Rule 115(1) and 118 of Postal Financial Handbook, Vol II (First edition-Reprint) and thereby I failed to maintain absolute integrity and the devotion to duty and contravened the provision laid down in Rule 3(I)(i) and 3(I)(ii) of CCS(Conduct) Rules, 1964.

In this connection I beg to draw your kind attention to the fact that the duties of the Postmaster prescribed in Rules 115, 116 and 117 of FHB Vol II may be performed in the Presidency Post Offices by the Dy. Postmaster or an Asstt. Postmaster and in first class Head

Certified to be  
true copy  
M. Rahman  
3/3/06  
Advocate

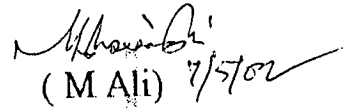
offices by the Dy. Postmaster( exception-below Rule 117 of FHB Vol II).

Again the duties of the Postmaster prescribed in Rule 118 ibid may be performed by the Dy. Postmaster or Asstt. Postmaster in Presidency Post Offices and by the Dy. Postmaster in first class Post Offices during absence of Postmaster ( Note below Rule 118 of FHB Vol II).

- 3). Guwahati GPO which is a first class Head Office has vested the power to APM(A/Cs)/ DPM to exercise the verification and checking before passing the bills/ vouchers as required under above mentioned Rules. Hence it is the natural course of duty of the Sr. Postmaster to sign the bills/ vouchers prepared by the responsible officials. Therefore, the Sr. Postmaster of a first class Head Office is only technically responsible for causing pecuniary loss to the Govt., but not personally responsible for his act. As such, as the Sr. Postmaster is not personally responsible, therefore, the question of offering faciliation to make fraud or wrongfully passed the bills/vouchers does not arise.
- 4). As the charge sheet itself related to the fraud committed by one Sri Ghanashyam Buzarbaruah, PA in accounts branch, Guwahati GPO, preparing false vouchers and getting signature of different passing officers including myself fraudulently, therefore, the charged in connected with fraud committed by some other individual has no due weight in throwing on the soldier of other on the plea that he had failed to follow the procedure laid down in the Financial Handbook.
- 5). In this connection, CAT/ Madras Bench Judgement R. Balakrishnan. V. Union of India and others OA NO 1496 of 1992 Date of Judgement 02.12.93 may kindly be referred to wherein the APM was held responsible for violating the procedure laid down in the P&T Mannual. Action was taken by ordering recovery of Rs. 3000.00(three thousand) in monthly installments of Rs. 100.00 from his salary. The Tribunal after considering the rival contentions, found that the charge memo was based on the applicant's failure to scrutinize the Pass Book. Again the Tribunal observed that applicant was not personally responsible for causing pecuniary loss to the Govt. and at best he can be held to be technically responsible. Accordingly the orders of the disciplinary authority and appellate authority were set aside.

In view of the facts narrated above, I fervently pray your honour to drop the charge framed against me. I hope that my prayer will be granted by your kind consideration.

Yours faithfully,

  
( M Ali) 7/5/02

Superintendent,  
NE Stamp Depot, Guwahati-20

DEPARTMENT OF POSTS:INDIA  
OFFICE OF THE CHIEF POSTMASTER GENERAL  
ASSAM CIRCLE:GUWAHATI-781001

No.DPS/Misc/Con/M.Ali,

Dated Guwahati, the 25.8.03.

N O T I C E

To

Md Mahsin Ali,  
DSRM [HQ],  
O/o the SSRM GH Division,  
Guwahati-781001.

I am the Inquiry Authority in the proceedings against Md M.Ali, as appointed vide Chief PMG, Assam Circle, Guwahati letter No.Vig/1-4/CBI/96-97 dated 10.10.2002.

Now, therefore, the undersigned fix the date of the preliminary / regular hearing on the case on 11.9.03 and 12.9.03 at 1100 hours in the O/o the Chief PMG, Guwahati.

You are therefore asked to appear before me on the date, time and venue mentioned above.



(V.C.Roy)

Inquiry Officer  
And

Director of Postal Services[HQ]  
O/o the CPMG, Assam Circle,Guwahati

Copy to :-

1. Shri Sudhir Ghose, Asstt. Director (Mails & WLF) O/o the CPMG, Assam Circle, Guwahati and the Presenting Officer for attendance in the inquiry as fixed above. All the witnesses as listed in Annexure-IV have already been summoned to appear before the inquiry at the venue and time mentioned above.
2. The Chief PMG[Vig], Assam Circle, Guwahati for information. Shri D.N.Sarma, DDM (PLI) is nominated as Defence Assistant to represent the case on behalf of Shri A.B.Seal. He is requested to direct the officer to attend the inquiry on the date/time fixed.

(V.C.Roy)

Inquiry Officer  
And

Director of Postal Services[HQ]  
O/o the CPMG, Assam Circle,Guwahati

Certified to be  
true copy  
M. Rahman  
3/2/06  
Advocate

SW 21

Deposition of Sri Nagendra Nath Sarma, APM Accounts (Retired), Guwahati GPO  
in the Rule 14 case against Md Mohsin Ali, the then Senior Postmaster, Guwahati GPO  
and now DSRM, GH-Dn, Guwahati dated 11.9.2003.

Examination-in-Chief by PO :

My name is Sri Nagendra Nath Sarma and I have retired from service on 31.5.1997.  
At the time of retirement I was working as APM A/cs, I and II, Guwahati GPO.

I have seen the documents marked S-1, S-2, S-3, S-4, S-5, S-6(i), S-6(ii), S-6(iii), S-6(iv), S-6(v), S-7(i), S-7(ii), S-8, S-9, S-10, S-11, S-12. All these are documents maintained in the Guwahati GPO. The paid vouchers marked S-1, S-2, S-3 and S-4, all bears the signature of the payee as well as the signature of Senior Postmaster. The date of payment shown are the actual date of payment made to the payee and incorporated in the corresponding accounts on those dates.

Examination-of-Chief is over.



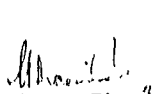
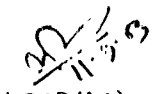
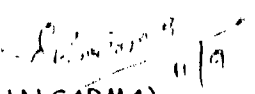
Cross Examination by Defence Assiatance :

- Q. What is your age ?  
A. At present my age is 64 years.  
Q. Whether your vision is clear or not ?  
A. I can not see from my left eye and I am using spectacles from 1957.  
Q. Please see S-7, S-9, and S-11. Who has to sign on these documents and who has actually signed it ?  
A. It has to be signed by Senior Postmaster but the above documents has been signed by the Deputy Postmaster and under what circumstances it has been signed by Deputy Postmaster, I can not say.

Cross Examination by Defence Assistant is over.

Re-examination : NIL

Question by I.O : NIL

 (TV CROY) I.O & DPS Guwahati	 (S GHOSE) PO & AD A/C Guwahati	 (M ALI) CO & DSRM Guwahati	 (D N SARMA) DA & DDM PLI Guwahati	 (N N SARMA) Witness & Retd APM Guwahati GPO
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Certified to be  
true copy  
M. Rahman  
3/2/06  
Advocate

SW-2

DEPOSITION OF SHRI SUKUMAR PAUL, SW=2, THE THEN  
APM(A/Cs), GUWAHATI GPO, NOW RETIRED AS PM, DHUBRI HO DATED  
11.09.2003

Examination-in-Chief, by P.O.

My name is Shri Sukumar Paul and I worked as APM(A/Cs), Guwahati GPO from July, 1991 to February, 1994 as far as I remember. During the period under investigation when <sup>the</sup> fraud was committed I was not working as APM(A/Cs), Guwahati GPO. During this period I was working as APM(A/Cs), Dhubri HO. I retired from the service on 31.08.2003.

Examination-in-Chief over

Cross Examination by D.A. = Nil

Question by I.O. = Nil

*[Signature]*  
11-9-03  
16

*[Signature]*  
11-9-03  
P.O.

*[Signature]*  
11-9-03  
DA

*[Signature]*  
CO  
11-9-03

*[Signature]*  
11/9/03  
(Witness)

Sw-3

Sw-3

DEPOSITION OF SHRI LOHIT CHANDRA DEKA, GROUP D, ACCOUNTS  
BRANCH, GUWAHATI GPO DATED 11.09.2003


Examination-in-chief by P.O.


My name is Shri Lohit Chandra Deka. I worked as Group D in Accounts Branch of GUWAHATI GPO from 14.10.1992. At the period which is under enquiry, I was not working in the Accounts branch. I was working in the GPO Mail Branch and I have no information or knowledge about this case.

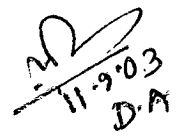
Examination-in-Chief over

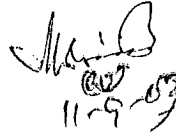
Cross examination by D.A. = Nil


Question by I.O. = Nil

  
11-9-03  
I.O.

  
11-9-03  
P.O.

  
11-9-03  
D.A.

  
11-9-03  
Sw-3

  
11-9-03  
Shri Lohit Chandra Deka

## 32 ✓

My name is Sri Chandi Ram Kalita and I was working as Assistant Treasurer-IV, Guwahati GPO from January 1991 to December, 1992. My duty during the period was PLI Receipts, Voucher payment. I used to make payment some passed vouchers presented to me, and some agent's commission bill also paid by me. I have seen S-1, S-2, S-16(i) and S-16(ii) and these were not maintained by me nor payment made by me.

**Cross Examination by Defence Assistant :**

- Q. Is it not a fact that you were working as Asstt. Treasurer during that period i.e. January 1991 to December 1992.
- A. Yes.
- Q. You worked as Treasurer from January 1991 to December 1992. Did you make payment against the vouchers exhibited as S-1, S-3 and S-5.
- A. No, I did not make payment against these vouchers.
- Q. Who keeps the stamps of Senior Postmaster of Treasury Branch.
- A. The stamps were kept by DPM who is the incharge of Treasury.
- Q. Who prepared pension bill.
- A. The Pension clerk prepares pension bill and affixing the seal of Sr Postmaster, presented to the Sr Postmaster for signature etc.

Re-Cross Examination : NIL

Question by I:O :

- Q. You have admitted that S-1, S-3 and S-5 vouchers were not paid by you. How do you determine that it was paid by you or not.
- A. The payment made is entered in Treasurers Cash book. The said payment have been entered in S-16 and that is not my handwriting.
- Q. How many Assistant Treasurers, apart from you, were engaged in effecting payment of arrears of pension.
- A. 4 Assistant Treasurers including me.

12-9-03  
I.O.

12-8-93  
(180)

$$\frac{32}{17913}$$


11/15/19

12/9/63



- Q. Please see Annexure-IV of Memo of Charges where your name entered as Srl. 6 and it is mentioned that you were working as PA (Receipts). Were you working as PA (Receipts) during that period?
- A. I have never worked as PA (Receipts).
- Q. Can you describe the process of payment of arrears of pension from the stage that a pensioner reaches the post office.
- A. No, I cannot describe each step.
- Q. Please describe the checks and precautions that a Treasurer has to take before making payment of arrears.
- A. The pensioner comes to the Treasury with pension book and the passed vouchers. After ascertaining the identity of the pensioner and the signature of the Sr. Postmaster, the payment was made.
- Q. Was the pensioners bringing passed voucher themselves or was it being brought by some staff of the post office from the chamber of Sr. Postmaster after his signature?
- A. Pensioners personally use to bring the passed vouchers to me. After signature of the Sr Postmaster, it used to go back to the Pension clerk and the pensioner used to collect their passed vouchers from him only.
- Q. Where the pensioner used to put their first claim?
- A. To the pension clerk.
- Q. Do you remember who was the pension clerk of the period under enquiry.
- A. Mr. Ghanashyam Buzarbaruah was the pension clerk.

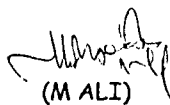
Question by I.O over

  
(V C ROY)

I.O & DPS  
Guwahati

  
(S GHOSE)

PO & AD A/C  
Guwahati

  
(M ALI)

CO & DSRM  
Guwahati

  
(D N SARMA)

DA & DDM PLI  
Guwahati

  
(CHANDI RAM KALITA)

Then Asstt Treasurer-IV  
Guwahati GPO,

SW-7

Deposition of Sri Dwijen Medhi, (SW-7) Postal Assistant, Silpukhuri SO  
and the then Assistant Treasurer, Guwahati GPO dated 11.9.2003.

Examination-in-Chief by PO :


My name is Sri Dwijen Medhi and I am working as Postal Assistant, Silpukhuri SO. I worked in Guwahati GPO from 1990 - 1993 as Assistant Treasurer in the Treasury Branch. I have seen the listed documents market S-5 (Paid vouchers of employees family pension scheme for Rs 10,016/-) paid on 19.4.1991.) I have also seen the listed documents market S-16(iii) Assistant Treasurers Book. As Assistant Treasurer, I effected payment of family pension of Rs. 10,016/- to the payee after <sup>seeing</sup> the Postmaster's signature on the paid voucher as passed for payment. After making payment I made necessary entry in my Assistant Treasurer Book of date 19.4.1991 { S-16(iii) } and record was personally maintained by me.


Examination-of-Chief is over.

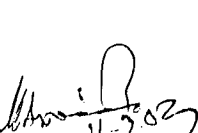
Cross Examination by Defence Assiatance : NIL

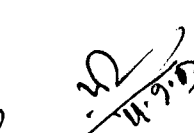
Re-examination : NIL

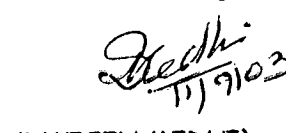
Question by I.O : NIL

  
(V C ROY)  
I.O & DPS  
Guwahati

  
(S GHOSE)  
PO & AD A/C  
Guwahati

  
(M ALI)  
CO & DSRM  
Guwahati

  
(D N SARMA)  
DA & DDM PLI  
Guwahati

  
(DWIJEN MEDHI)  
Witness & PA,  
Silpukhuri SO

NO.4-2/2003-SPG

Government of India

Ministry of Communications and Information Technology

Department of Posts

Dak bhawan, Sansad Marg, New Delhi-110001

Dated the 6<sup>th</sup> September, 2004.**ORDER**

**Sub: Posting on promotion in Junior Time Scale of Indian Postal Service Group 'A' (Pay Scale-Rs.8,000-275-13,500/-)**

\*\*\*\*\*

The President is pleased to appoint the following officers of Postal Service Group 'B' to officiate on regular basis in the Junior Time Scale of Indian Postal Service Group 'A' in the pay scale of Rs.8,000-275-13,500/- with effect from the date of assumption of charge and until further orders.

2. The officers on promotion to JTS are posted to the circle mentioned against each:

S N	Name of the Officer (S/Shri)	Circle where working	Circle to which posted on promotion
1	2	3	4
1.	H AHMED	ASSAM	NE
2.	S L HOTKAR	KTK	KTK
3.	LALDHARI RAM	JHAR	JHAR
4.	N V VEDI	TN	TN
5.	U P MONDAL	BIHAR	BIHAR
6.	R D PATEL	GUJ	GUJ
7.	A D VANKAR	GUJ	GUJ
8.	R J PARMAR	GUJ	GUJ
9.	A S MUTHUKUMARASWAMY	TN	TN
10.	P KANDASWAMI	TN	TN
11.	G L DHAKRE	MP	MP
12.	C M GAHLOT	RAJ	HARYANA
13.	DAMNESH KUMAR	DELHI	DELHI
14.	A LINGARAJU	WB	WB
15.	PANDHARAJ	DELHI	DELHI

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true copy

M. Rahman  
3/8/05  
Advocate

16.	JAGDISH PRASAD VERMA	RAJ	HARYANA
17.	K V RAO	AP	AP
18.	R S KARDAM	DTE	DTE
19.	P C BUNKAR	RAJ	HARYANA
20.	C GANAPATHY	TN	TN
21.	C MURUGAN	TN	TN
22.	P C PAULOSE	KER	KER
23.	D SANKARANARAYANAN	DTE	DTE
24.	N KRISHNAMURTHY	TN	TN
25.	P P ARUMUGHAM	TN	TN
26.	LAXMAN SINGH	UP	UP
27.	N V KALYANKAR	MAH	MAH
28.	S SELVARAJAN	TN	TN
29.	A U VOHRA	GUJ	GUJ
30.	K J ANDREWS	TN	TN
31.	R C BISHT	UTTARANCHAL	UTTARANCHAL
32.	M K MONDAL	WB	WB
33.	A V S KRISHNA RAO	AP	AP
34.	RAGHUNANDAN JHA	BIHAR	BIHAR
35.	N S RADHAKRISHNAN	TN	TN
36.	G M BHOKHARE	MAH	MAH
37.	ALIM AKHTAR	BIHAR	BIHAR
38.	V M PRABHU	PTC, MYSORE	GTK
39.	K K CHANDEL	MP	MP
40.	P V SUBBA RAO	AP	AP
41.	K L KALOSIA	RAJ	PUNJAB
42.	R K CHAURE	CHHATT	CHHATT
43.	C S BADHAN	PUB	PUB
44.	T A CHELLAPPAN	KER	KER
45.	B L KORI	MP	MP
46.	A R DHANKAR	CHHATT	CHHATT
47.	M A FATMI	UP	UP
48.	M MOHSIN ALI	ASSAM	WB

50.	S R MORAB	BIHAR	BIHAR
51.	J C SEHGAL	HTK	HTK
52.	PARAMJEET SINGH	HAR	HAR
53.	S R CHOUKSEY	DELHI	DELHI
54.	K C GUPTA	MP	MP
55.	D R MORE	MP	MP
56.	J K RAHUL	MAH	MAH
57.	BASU DEO	UP	UP
		DELHI	DELHI

3. Vigilance/Disciplinary Case if any

If any vig./disc.case of the type referred to in O.M.No.22011/4/91-Estt.(A) dated 14.9.92 from DOP&T circulated vide this office memo no.25-19/88-SPG dated 13.10.92 is pending against any of the officers, he should not be relieved for posting without obtaining specific orders from this office. The officers against whom any punishment is current should not be promoted before expiry of currency of punishment. A report in this regard be submitted immediately.

4. Fixation of Pay

All the officials who wish to give option for choosing date for fixation of pay under FR-22 (I)(a)(1) should do so within one month from the date of assumption of charge.

5. Officers allotted out of their parent circle

The circles of allotment will immediately issue posting orders and in any case not later than 15.09.04. In case of any difficulty in issue of posting orders, the matter should be brought to the notice of Dte. Immediately. The present circles of such officers on receipt of posting orders will immediately relieve the officer, unless they submit unconditional refusal. The CPMsG of the circle of allotment/ present circles will personally ensure issue of posting orders by the due date and immediate relief of the officers. Despite issue of posting order, if any officer does not join within one month from the date of issue of posting orders, it will be presumed that he has declined the promotion and this should be brought to the notice of this office immediately. If any of the above mentioned officers is not working in the circles mentioned against his name due to any reason, this should be intimated to this office immediately.

6. The above said promotion to ITS is however subject to the final outcome of the OA 714/HP/99 dated 18.11.99 of Hon'ble Central Administrative Tribunal Chandigarh Bench.
7. Any representation regarding re-allotment from the officer will not be entertained in any case unless he join the promotional post.
8. Relevant charge reports may be sent in due course.

(R.S. YADAV)  
Asstt. Director General (SGP)

Copy to:

1. All officers concerned.
2. PS to MOC&IT/MOS(C&IT)
3. Sr. PPS to Secretary (P).
4. All Members (PSB)/JS&FA/Sr. DDG (Vig.)/CGM (PLI)
5. All Pr. CPMsG/CPMsG/PMsG
6. Secretary, PSB.
7. Controller Foreign Mails, Mumbai.
8. Director, Postal Staff College, Ghaziabad.
9. Addl. DG, Army Postal Service, c/o 56 APO.
10. All Directors, PTCs.
11. All Directors/Dy. Directors, Postal Accounts.
12. All Dy. Directors General.
13. The General Secretary, Postal Officers' Association, (India).
14. CS to Member (P)/ADG (Admn.)/C&A/PB/GA(P) Section/vigilance section, Postal Dte.
15. SO's Guard File.
16. Spare copies (25).

(H. N. Gupta)  
Section Officer (SPG)

No.26-6/94-Vig. (ii)  
Government of India  
Ministry of Communications & IT  
Department of Posts

Dak Bhawan, Sansad Marg,  
New Delhi - 110 011.

Dated: 28 December, 2004.

**MEMORANDUM**

Md. Mahsin Ali, Superintendent, North Eastern Stamp Depot, Guwahati was proceeded against under Rule 14 of CCS (CCA) Rules, 1965 vide Circle Office Memo No. Vig/1-4/CBI/96-97 dated 29.4.2002 for certain irregularities committed by him while functioning as Sr. Postmaster, Guwahati GPO. The said Md. Mahsin Ali, vide his statement of defence dated 07.5.2002, denied the charges framed against him. Accordingly, I.O. and P.O. were appointed vide Circle Office orders each dated 10.10.2002 to conduct oral inquiry in the case.

2. Shri V.C. Roy, the Inquiring Authority, has since submitted his report dated nil in which he has recorded his findings by saying, amongst other things, that he finds it difficult to directly hold the said Md. Mahsin Ali, the gullible Sr. Postmaster entirely responsible in this case. A copy of the Inquiry Report is enclosed.

3. The D.G. (Posts), the competent disciplinary authority, has however, tentatively disagreed with the findings of the Inquiring Authority in respect of the Article of charge alleged in annexure-I of the above said Memo of Charge and has agreed with the CVC's advice contained in their ID Note No.99/P&T/018/9315 dated 09.11.2004 (Copy enclosed) in the matter. The grounds of disagreement are indicated in the enclosed "Disagreement Note". The D.G. (Posts) will, however, take the final view in the case after considering the representation, if any, submitted by the charged officer on the I.O.'s report as also against the tentative views as contained in "Disagreement Note" referred to above.

4. Md. Mahsin Ali is hereby accordingly given an opportunity by the disciplinary authority to make his representation or submission, in writing, to the Director General (Posts) within 15 days from the date of receipt of this Memorandum, irrespective of whether the report/findings of the disciplinary

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true copy  
M. Rahman  
3/3/06  
Advocate

authority are favourable to him or not, failing which further action in the matter will be taken *ex-parte*.

7. The receipt of this Memo. shall be acknowledged.

*S.S.K.*

( S.S.K. RAO )

Assistant Director General (Vig.)

Encls: (i) One copy of I.O.'s report.  
(ii) A copy of CVC's 2<sup>nd</sup> stage advice.

✓  
Md. Mahsin Ali,  
Superintendent,  
North Eastern Stamp Depot.,  
Guwahati - 781 021.

(THROUGH CPMG, ASSAM CIRCLE, GUWAHATI - 781 001)



## Inquiry Report

A disciplinary proceedings under Rule-14 of CCS( CCA) Rules, 1965 was drawn against Md. Mahsin Ali, the then Sr. Postmaster Guwahati GPO and now DSRM 'GH' Divn. Guwahati by the Chief PMG, Assam Circle, Guwahati vide his Memo No. Vig/1-4/CBI/96-97 dated 29.4.2002. The Charges brought against the said Md. Mahsin Ali were as follows:-

" That the said Md. Mahsin Ali while functioning as Sr. Postmaster, Guwahati GPO during the period from February, 1991 to the end of April, 1991 wrongfully passed for payment of three numbers of false and forged bills/Vouchers of arrears of family pension under the " employees Family Pension Scheme 1971" amounting to Rs.23,195.80 in total on different dates during the said period.

It is, therefore, alleged that by the aforesaid acts, the said Md. Mahsin Ali failed to exercise the verification and checks before passing the bills/vouchers of arrears of pension as required under Rule-115(1) and 118 of Posts & telegraphs Financial Hand Book Vol-II( first Edition-Reprint) , and thereby he failed to maintain absolute integrity and devotion to duty and contravened the provisions laid down in Rule 3(1)(i) and 3(1)(ii) of CCS(Conduct) Rules, 1964".

2. The said Md. Mahsin Ali refuted the charges brought against him vide his written statement of defence dated 7.5.2002 which necessitated detailed oral inquiry. I was appointed as Inquiring Authority in this proceedings vide the CPMG, Assam Circle, Guwahati Memo No. Vig/1-4/CBI/96-97 dated 10.10.02 to inquire into the charges framed against said Md. Ali. Shri Sudhir Ghose, AD(Mails & Welfare), O/o the CPMG, Assam Circle, Guwahati was appointed as the Presenting Officer vide a separate memo No. Vig/1-4/CBI/96-97 dated 10.10.02 to present the case on behalf of the Disciplinary Authority. The charged Officer nominated Shri D.N.Sharmah, DDM(PLI), O/o the CPMG, Assam Circle, Guwahati as his Defence Assistant.

3. The Preliminary hearing of the case was held by me on 26.11.2002 and both the Presenting Officer and charged officer participated in the hearing. The charged Officer unequivocally denied the charges leveled against him. All the original listed documents as annexed in Annexure - III of the Memo of charges (except the documents at Sl. 13 and 16) were inspected by the charged Officer on 18.2.03 and xerox copies of such documents were made over to him. The

charged Officer expressed no interest to inspect the documents mentioned above in origin and xerox copies of said documents were however supplied to him. The charged officer requisitioned 4(four) additional documents to examine them for his defence purpose and after having considered the relevancy of such documents with the charges, the additional documents were got examined by the charged officer and these were brought to the inquiry. The regular hearing of the case was made on 11.9.03 and 12.9.03. Out of 8(eight) prosecution witnesses 5(five) witnesses were examined/cross examined during the inquiry and at this stage of the inquiry the charged officer submitted that he does not want further inquiry in the case as after going through the documents and recollecting the events that had been had during the inquiry he admitted that he had inadvertently put his signature on the vouchers through which double payments were made.

4. I have gone through the records of inquiry, depositions of witnesses, the written briefs of both the Presenting Officer and the charged officer very carefully. The charged Officer during the course of enquiry and after having fully recollected the events admitted to have signed the pay orders for payment of the arrear bills/vouchers. He also explained the circumstantial atmosphere of the office prevailing during the period caused by the agitating staff in their demand for payment of Special Duty Allowance. In such a prevailing unhealthy situation the principal offender i.e. Shri Ghanashyam Bujarbarua, the bill clerk of Pension Section, Guwahati GPO availed the opportunity to get the signature of the Sr. Postmaster for defrauding the amount. It is as such an admitted fact that Rs.23,195.80 being arrear pension was fraudulently paid during the aforementioned period and the pay orders were signed by the charged officer. The matter relating to Pension payment is dealt by the Accounts Branch which functions under the exclusive supervision of the Asstt. Postmaster(Accounts). The payment vouchers are prepared by the dealing assistant of the Accounts Branch under supervision and authority of the APM(A/cs) before producing them to the Dy. Postmaster/Sr.Postmaster for signature. The bill Assistant, Sri Ghanashyam Bujarbaruah prepared the bills but the APM(A/cs) failed to scrutinize them before putting up to the Sr. Postmaster for signature. As the bills were put up to the Sr. PM Md. Mahsin Ali signed the pay orders with obvious mind that the Accounts supervisor i.e. APM(A/cs) might have checked it before sending it to him as being done normally. Therefore, the APM(A/cs) failure is mainly responsible for payment of the bills. After payment also the paid vouchers are supposed to be checked by the APM( A/cs) before admitting and scheduling the payment. Here also the APM(A/cs) failed to perform his duties sincerely though he was delegated to do so. An Officer has to rely on the Supervisory subordinate to him before authorization of any payment otherwise it may not be possible for him to perform daily works

particularly in a huge operative office like Guwanati GPO inspite the facts of such a tense working situation prevailing during the period for a long pending staff demand for Special Duty allowance. The prosecution charged the officer for not following the procedure of checking vouchers of Pension payment as required under Rules-115(1) & 118 of P&T FHB Vol II ( First Edition-Reprint). The Posts of APM(A/cs) are created exclusively for accounts branch to assist the Postmaster/Sr. Postmaster. As such in all accounts matters including checking of vouchers, the duties under aforesaid rules are therefore, to be performed by the APM(A/cs) as per delegation. But the APM(A/cs) has not been brought to picture in this case and Md. Mahsin Ali, Sr. PM. is held entirely responsible which does not appear to be fair and just. I find that the prosecution did not account the circumstances in which the pay orders were signed by the charged Officer where the primary duty to observe the provision of the rules alleged to have violated by the charged officer lies with the full fledged supervisor i.e. APM(A/cs) posted in this office but simply held the gullible head of the office guilty without discussing the basis and reason of holding him responsible. The charged officer is also charged that by violating the provisions of the above mentioned rules he displayed lack of integrity and non devotion to duty. The prosecution could not produce any other material evidence to sustain that said Md. Mahsin Ali ever displayed lack of integrity and non-devotion to duty. Therefore, his integrity and devotion can not be held to be doubtful in view of this failure of prosecution to prove it otherwise. The primary duty of checking vouchers lies with the subordinate supervisor i.e. APM(A/s) working under him. The principal offender, with a pre-planned ill motive and taking the advantage of the negligence in duty by the Account's Supervisor (APM A/cs), managed to obtain the signature of the charged officer while he was functioning as Sr. Postmaster, as a token of pay order in a busy moment and unhealthy situation caused due to staff agitation. In view of this fact I find it difficult to directly hold the said Md. Mahsin Ali, the gullible Sr. Postmaster entirely responsible in this case.



(V. C. Roy)

Inquiring Authority  
&

Director of Postal Services(HQ)  
Assam Circle, Guwahati.

- 67/N -

- 36 -

CONFIDENTIAL

CENTRAL VIGILANCE COMMISSION

SUB:- Case No. RC-17(A)/94-SHG against Shri P. Nath, APMG, Retd. and others.

Ref:- D/o Posts' File No. 26-6/94 Vig. dated 19/10/2004.

The Commission has perused the inquiry report, along with its relevant records and the comments of the administrative authorities thereon. It does not agree with the findings of the inquiring authority. It concurs with the recommendation of D/o Posts and would advise for imposition of Major Penalty on Shri Mohd. Mohsin Ali, Suptd. and cut in pension on Shri A. B. Seal, AD (Retd.). Further, Department may forward the case for Second stage advice after completion of enquiry against Shri P. Nath, APMG (Retd.).

All the records of the case as received in the Commission are returned herewith. Its receipt may please be acknowledged. Action taken in pursuance of Commission's advice may also please be intimated within a month of the receipt of this communication.

(Yogesh)  
Director

Department of Posts, (Shri P.K. Gopinath, DDG(V), Dak Bhawan, Sansad Marg,  
New Delhi - 110 001.

C.V.C I.D. Note No. 99/P&T/018 dated - 9315 09 NOV 2004

157-enc/04  
11/11/04

10/11/04

11/11

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### DISAGREEMENT NOTE

On the basis of the assessment of evidence on record, it is seen that the Charged Officer categorically denied all the charges levelled against him (Daily Order Sheet dated 26.11.02). On 12.9.03 the Charged Officer has, however, admitted his signature on the vouchers by saying that he, on going through the records, has recollected the events that he had inadvertently put his signature on the vouchers by which double payments were made. Besides, the Charged Officer has explained that the staff was agitating, at that time, for payment of Special Duty Allowance and Shri Ghanashyam Buzarbaruah, the principal offender, taking advantage of the prevailing situation managed to get the signature for defrauding the amount.

It is seen that the I.O. has **considered** the version of the Charged Officer about agitation of staff as **true** without consulting relevant documents. It is because neither the prosecution nor the defence side has produced any such document as can establish the fact of agitation of staff (Group 'C' & 'D'), demanding payment of Special Duty Allowance, was continuing during the period from 4<sup>th</sup> October, 1990 to 19<sup>th</sup> April, 1991. The provisional payment of SDA to Gr. 'C' & 'D' employees was said to have stopped vide PMG's D.O. dated 4<sup>th</sup> October, 1990. However, the fraudulent payments as **alleged in the charge-sheet** were made during mid April, 1991. Had this agitation been continued for such a long period of six and a half months, the Charged Officer would have either asked for the relevant documents or produced witnesses, in support of his averment, during the course of inquiry. But, without availing the opportunity for establishing the fact of agitation, the Charged Officer at the threshold of oral inquiry admitted his signature on the vouchers and pleaded not to go ahead with the inquiry. This shows that the Charged Officer could not find himself in a position to substantiate his averment by producing evidences - circumstantial / material.

It is the Charged Officer who has accepted, during the 2<sup>nd</sup> day of the regular hearing, that the pay orders (S-I, S-III, S-V), by which arrears of pension were fraudulently paid, bear his signature. On scrutiny, it is seen that these three documents, viz. S-I, S-III, S-V, were not routed through APM (A/Cs), as they do not bear the initial/signature of APM (A/Cs) below the stamp of the Sr. Postmaster. This clearly shows that the Charged Officer, at the time of signing these pay orders, was fully satisfied with the records submitted to him directly, otherwise he must have returned them to the APM (A/Cs) for checking and authentication. As a matter of fact, once the Sr. Postmaster, the Disbursing Officer, passes the vouchers for payment there may not be any harm in making payment as also admitting and scheduling the payment made against them. Therefore, the observation of

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the I.O. that the failure on the part of APM (A/Cs) is mainly responsible for payment of the bills, is not logical in the present case and deserves no consideration. It is upto the officer who has to decide, at his own level, the perimeter and sphere in which he would rely on his subordinate in official work, if at all he wants to do so. Because, any irregularity, financial or otherwise, caused due to his appending signature, would be considered as a mistake, intentional or unintentional, of the signing authority. Hence, the reliability factor as discussed in I.O.'s report could in no way save the signing authority or dilute the gravity of the charge.

Rule 115(1) of P&T FHB Vol. II relates to 'Checks to be applied by the Disbursing Officer'. In the present case, the vouchers in question were put up directly to the Charged Officer. So, he himself had to apply the required checks or return the vouchers to the APM (A/Cs) for checking. But he had failed to do either of these and put his signature on the voucher. Hence, violation of Rule 115 (1) is apparent in the case. Rule 118 of the aforesaid FHB speaks about 'Record of Payment'. According to this rule, every payment must be entered on the reverse of both halves of the Pension Payment Order and attested by the Disbursing Officer. In the instant case the C.O. was the Disbursing Officer and as he has been charged with failure to exercise verification and checks required under Rule 115(1) and 118 of P&T FHB, there is no ambiguity in holding this component of charge as proved. Hence, the argument put forth, in this regard, by the Charged Officer in his brief does not hold good. The observation of the I.O. that the duties under these rules are to be performed by the APM (A/Cs) as per delegation, thus, turns out to be unfounded in the face of the records and circumstances of the case. The findings of the I.O. on this count are, therefore, disagreed with.

As per extant instructions on the subject 'past good or bad conduct' of an accused of an accused cannot influence the decision to be taken on the present misconduct. Hence, the I.O.'s remarks that the prosecution could not produce any other evidence to prove that the Charged Officer ever displayed disintegrity or non-devotion to duty etc., do not hold good and hence warrant no consideration. As a matter of fact, the prosecution has cited as many as **three cases of fraudulent payments** in which involvement of the Charged Officer has been established as it was the Charged Officer who had signed the false bills/vouchers. Nothing more is required.

The verification and application of requisite checks before passing the bills/vouchers, especially when the bills/vouchers were not routed through the concerned officer(s) of Account Branch, were of utmost importance in the case. Had these checks been exercised by the Charged Officer appropriately, the fraudulent payments would have been stopped.

The Charged Officer, instead, went on signing the forged bills without following the procedure laid down. Apparently, in the face of these facts on record, the pleas like (i) the duty of checking of vouchers & their payments being the duty of Accounts Branch, (ii) the principal offender with an ill motive and, due to negligence of duty by APM (A/Cs), having managed to obtain the signature as a token of pay order in a busy moment, (iii) unhealthy situation caused due to agitation of staff etc. would amount to lame excuses and alibi in a bid to conceal **deliberate** wrongdoing. The very fact of Charged Officer's categorical denial of signature in the first sight and subsequently, while everything was going against him, his recollecting the events as to how the pay orders were, inadvertently, signed gives a clear indication that the Charged Officer signed the forged vouchers **knowingly**. In normal circumstances, if a person is overburdened with heavy workload and busy looking after a tense situation arisen due to agitation of staff, he or she is supposed to be extra cautious in order to avoid any complication that may arise as a result of incorrect and inappropriate checks, and if the matter is still unmanageable, there would be no option but to either return the case for getting it checked by the concerned subordinate(s) or ensure that only those cases are disposed of by him/her as are complete in all respect. But the C.O. did neither. The circumstances and averments that the C.O. has come up with **without evidence** would not stand the test if seen in the context as to how a prudent and rational person would act in his best judgment in a similar case. Needless to say, the charge of lack of absolute integrity stands proved in the aforesaid background and at the same time this renders the conclusions arrived at by the I.O. as fallacious.

The foregoing discussion makes it apparent that there are reasons to disagree with the findings of the I.O. Therefore, the charges framed against Md. Mahsin Ali, Superintendent, vide Circle Office Memo No.Vig/1-4/CBI/96-97 dated 29.4.2002, are taken as fully proved in its entirety on the basis of the facts and evidences related to the case.

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Written representation of MD Mahsin Ali formerly Sr. Postmaster Guwahati GPO and Presently Supdt. P.S.D. Guwahati. (Assam)

In the matter of:-

Disagreement Note of DG (posts) on the findings of the I.O.'s report in c/w Rule 14 inquiry under CCS (CCA) Rules 1965 forwarded under Dte's New Delhi memo no 26-6/94-vig (ii) dated 28-12-2004

Submitted to:-

The Director General, Department of Posts, India, New Delhi  
(Through proper channel)

Sir,

In connection with above I beg to submit my written representation as under:-

The charge brought against said MD. Mahsin Ali in brief is as under:-

"That the said MD Mahsin Ali while functioning as Sr. Postmaster, Guwahati GPO during the Period Feb 1991 to the end April 1991 wrongfully passed for payment of 3 (three) numbers of false and forged bills/vouchers of arear family pension under the employees family pension schemes 1971 amounting to Rs 23,195.80 in total on different dates during the said period. Thereby it is alleged that by the afore said act MD Mahsin Ali failed to exercise the verification and checks before passing the bills/vouchers of arear pension as required under rule 115 (1) & 118 of F.H.B. VOL -II and thereby failed to maintained absolute integrity and devotion to duty in contravention of Rule 3(1)(I) and 3(1)(ii) of CCS (Conduct) Rules 1964."

Similarly in the Disagreement Note of DG (Posts), it has been stated as:-

"The charged officer, instead, went on signing the forged bills without following the procedure laid down."

From the above it is seen that both prosecution and Disciplinary authority clearly admitted the bills/vouchers to be false and forged without any dispute.

But the law of the land interalia defines with title, "Making false documents" as below:-

"A person is said to make false document, if he dishonestly or fraudulently causes any person to sign, seal, execute or alter a document knowing that such person by reason of deception practised upon him, he does not know the contents of the documents or the nature of the alteration with intent to commit fraud." (Section 464 of IPC). 4/Sec 55.7 1/10 act 1898

Similarly, "A ~~false~~ document made wholly or in part by forging is designated A FORGED Document" (Section -470 of IPC)

From above definition of I.P.C. it is seen that the false and forged vouchers are those where the signature of passing officers is obtained applying "Deception Practised." In the instant case one Shri Ghanashyam Buzar Baruah P.A. Accounts Branch Guwahati GPO, as stated in the Annexure - II of the Charge Sheet, had Fraudulently withdrawn and mis appropriated pension arrears under "Employees Family Pension Scheme 1971." by preparing false vouchers and getting signature of passing officer. So said Shri Buzar Baruah made false vouchers causing dishonestly/fraudulently the Passing officer to sign those false vouchers applying deception practised with intent to commit the fraud.

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M. Rahman  
3/5/06  
Advocate



Page-2.

This being the fact, every law abiding people will not hesitate to opine that the signature on those false and forged vouchers were obtained by applying deception practised, upon the passing officer.

As such there remains no scope for verification of those false and forged vouchers as laid down in rule. Hence question of signing those vouchers knowingly as observed in the disagreement note is not correct. On the contrary the vouchers were not signed knowingly but signature obtained on those by deception practised as stated above.

As regards denial of charge in the first sight vide daily order sheet dated 16-11-2002, I beg to state that on 16-11-02 preliminary hearing was held by the I.O. and the original listed false and forged documents, (Annexure-III) were not produced before me. Without examining the original false and forged documents how can I admit the charge. In such situation denial is obvious. Moreover since signatures were obtained on those false and forged vouchers by applying "Deception Practised", no opportunity was left for me to take special care for checking and signing the vouchers or return those vouchers for getting checked by the concerned sub ordinate authority as observed by disciplinary authority (D.G.Posts) in the "Disagreement note." As such these disagreement points are also not agreeable.

Another point of Disagreement of the disciplinary authority is -----

" As a matter of fact, once the senior Postmaster, the disbursing officer, passes the vouchers for payment there may not be any harm in making payment as also admitting and scheduling the payment made against them. Therefore, the observation of the I.O. that failure on the Part of A.P.M Accounts is mainly responsible for payment of the bill, is not logical in the present case and deserves no consideration."

This point appears to be against the existing system of checking and verification of genuineness of day to days works of the Post office prescribed at various levels (stages) right from initial stage to their final disposal stage including the preservation period of records fixed for various items. Due to these systematic checking /verification, in reality, it is seen that almost all irregularities/ misappropriation /fraud etc. committed at earlier stage are detected at subsequent stages of checking and no irregularity can escape detection sooner or later what ever may be.

The department has made it compulsory for the A.P.M. to carry out cent percent check of the daily work of his subordinate staff at the closing hour of the day's business and there is no relaxation in this regard. At the closing hour all records of the day's transactions including various list of transaction / schedule of payment prepared by the staff are placed before the A.P.M. who in his turn requires to check each and every transaction entered in the list / schedule of payment with reference to the related receipts /vouchers to detect if any irregularities are there in them. Before admitting those he must be satisfied himself about their correctness and authenticity. Thus after being satisfied he admits and signs those records.

There after those are included in the main account records of the post office. The A.P.M.accounts during the check carried out by him at his level must detect any irregularities committed during earlier stage. Hence the department has prescribed cent percent checking at A.P.M.'s level.

But in the instant case the A.P.M. Accounts, Guwahati GPO failed to perform his prescribed duty properly and carried out the required check/ verification. Had he performed his duty sincerely he could have detected the irregularity instantly.

Page-3

As per Annexure II of the charge Sheet the misdeed was going on from 1991 to 1993 and the total amount involved is Rs 3,84,407.15, So total no of vouchers during the said period would be much more, besides voucher no S-I, S-III & S-V amounting to Rs 23,195.80 as mentioned in the disagreement note. The vouchers stated to have not been routed through the A.P.M. (A/Cs) Guwahati GPO But the A.P.M.(A/Cs) could detect not a single voucher during the long period from 1991 to 1993. It is a strange which leads to suspicion of his (APM) involvement in the instant case. Because the vouchers have been stated as not routed through him (APM) and vouchers relate to arrear pension and that too stood paid earlier as mentioned in the charge sheet. Generally arrears amount would be much higher than that of individual regular monthly pension. So it was not difficult for him (APM) to detect the irregularity. In absence of his recommendation on the vouchers which were stated as not routed through him and in view of the comparatively higher amount of the vouchers, the matter should have given rise suspicion in his mind about their genuineness and drawn his special attention. But in reality, it was not so. As such there is strong reason to suspect his involvement in the instant fraudulent case as he admitted scheduling the payment against those false and forged vouchers.

The rule of GENERAL FINANCIAL RULES 1963, states that every subordinate authority whose duty is to prepare and render accounts or return in respect of public funds or stock shall be personally responsible for their completeness and strict accuracy.

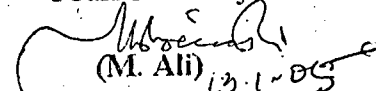
Here in the instant case, the A.P.M.(A/Cs) Guwahati GPO also failed to observe the said financial rule.

From the foregoing discussion it is apparent that both APM (A/Cs) and P.A. Sri Buzar Baruah are equally responsible for the fraudulent misappropriation of arrear pension amount as stated in the Charge Sheet by preparing false and forged bills /vouchers obtaining signatures of passing officers by deception practised during the period from 1991 to 1993. As such the observation of the I.O. that the failure on the part of A.P.M. (A/cs) Guwahati G.P.O. is mainly responsible for payment of the bills is logical and correct in the present case and deserves due consideration.

The charge in connection with fraud committed by some other individual has no due weight in throwing on the soldier of other on the plea that he had failed to follow the procedure laid down in F.H.B. Therefore, the alleged failure on my part to observe rule 115 (I) and 118 of P&T, FHB vol. -II is not at all correct, because of the facts narrated in the foregoing paras.

Under the circumstances, I most humbly pray the disciplinary authority to exonerate me from the charge as well as the proposed penalty. Lastly my life entirely lies at the mercy of the disciplinary authority.

Yours faithfully

  
(M. Ali)  
Superintendent,

Postal Stores Depot,  
Guwahati -871021.

ORDER SHEET.

257/2004

In O.A.

Name of the Applicant(s) P. Ramamanda Nain

Name of the Respondent(s) U.O. 1203.

Advocate for the Applicant Mr. S. Sarma, M.K. Mazumdar, Miss U. Das

Counsel for the Railway/C.G.S.C. and Miss B. Devi

Subject CASE.

OFFICE NOTE

DATE

9.11.04.

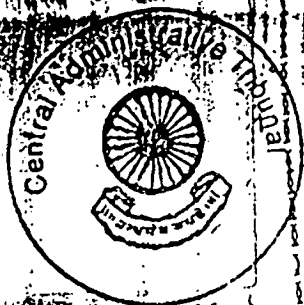
ORDER OF THE TRIBUNAL

Present: Hon'ble Mr. Justice R.K. Batta,  
Vice-Chairman.  
Hon'ble Mr. K.V. Prasad, Administrative  
Member.

Heard Mr. S. Sarma, learned counsel  
for the applicant and Mr. A. Deb Roy, Id.  
Sr. C.G.S.C. for the Respondents.

The learned counsel for the appli-  
cant states that applicant would be  
satisfied if directions are given to  
complete the de novo enquiry within a  
given time frame and <sup>if</sup> such directions  
are given the applicant would not  
press this application on merits. In  
our view the application can be dispo-  
sed of with direction <sup>that</sup> the de novo  
enquiry in all respects be completed  
by the Respondents within a period of  
six months from to-day. In case the  
applicant is aggrieved as a result of  
de novo enquiry he shall be at liberty  
to seek remedy available in law on  
the basis of the said cause of action.  
A copy of this order duly certified by  
the Deputy Registrar, be handed over  
to learned Sr. C.G.S.C. for the Res-  
pondents within three days from to-day

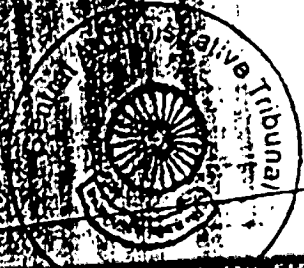
R contd/-



Certified to be  
true copy  
M. Rahman  
3/3/06  
Advocate

O.A. 257 of 2004.

9.11.04. The application is disposed of with the aforesaid direction. The Respondents shall file compliance report before this Tribunal <sup>at</sup> the end of six months and the matter be listed on Board for the purpose of compliance after six months.



Sd/ VICE CHAIRMAN  
Sd/ MEMBER (Adm)

*N. Suresh*  
16/11/04  
Section Officer (I)  
10/11/04

*[Faint, mostly illegible text, likely bleed-through from the reverse side of the page]*

NO.26-6/94-VIG  
GOVERNMENT OF INDIA  
MINISTRY COMMUNICATIONS & IT  
DEPARTMENT OF POSTS  
(VIGILANCE SECTION)

DAK BHAVAN, SANSAD MARG,  
NEW DELHI - 110 001

DATED: 02 JUNE, 2005.

ORDER

Shri Premananda Nath, the then APMG and now retired, was proceeded against under Rule 14 of CCS (CCA) Rules, 1965 vide Memo No.26-6/94-Vig dated 22.2.2002. Consequent upon his retirement on superannuation, the proceedings against the said Shri Nath were deemed to have continued under Rule 9 of CCS (Pension) Rules, 1972. The charges framed against the said Shri Nath are as follows:-

Article-I

That the said Shri Premananda Nath while functioning as Sr.Postmaster, Guwahati GPO during the period from 1.5.91 to 23.12.91 wrongfully passed for payment of two numbers of false and forged bills/vouchers of arrears of family pension under the "Employees Family Pension Scheme, 1971" amounting to Rs.28,300/- in total on different dates during the said period.

It is, therefore, alleged that by the aforesaid acts, the said Shri Premananda Nath failed to exercise the verification and checks before passing the bills/vouchers of arrears of pension as required under Rule 115(1) and 118 of Posts & Telegraphs Financial Hand-Book, Vol.II (First Edition - Reprint), failed to maintain absolute integrity and devotion to duty and contravened the provisions laid down in Rule 3(1)(i) and 3(1)(ii) of CCS(Conduct) Rules, 1964.

Certified to be  
true copy  
M. Rahman  
3/3/06  
Advocate

The charge sheet was delivered to the Charged Officer on 26.02.2002. On denial of charges, vide his letter dated 07.3.2002, S/Shri V C Roy, the then Director of Postal Services (HQ), office of the Chief Postmaster General, Assam Circle, Guwahati and Sudhir Ghosh, Assistant Director (Mails & WLF) office of the Chief Postmaster General, Assam Circle, Guwahati were appointed as I.O. and P.O., respectively, vide Order No.26-6/94-Vig, each dated 12.8.2002.

3. The I.O. of the case submitted his Inquiry Report dated 12.5.03. Having considered the Inquiry Report and other connected records of the case, the disciplinary authority, i.e. the President of India, ordered to remit the case to the I.O. for further inquiry from the stage of recording the evidence of GEQD as well as the Investigating Officer of CBI and report, vide Order No.26-6/94-Vig, dated 18.10.2004.

4. In the mean while, the said Shri Premananda Nath filed an O.A. No.257/2004 before the Hon'ble CAT, Guwahati Bench seeking directions for completing the denovo inquiry proceedings within a fixed period of time. The Hon'ble CAT disposed off the O.A. on 09.11.2004 with a direction to complete the denovo inquiry, in all respect, within a period of six months; and further ordered to file compliance before the Tribunal at the end of six months. The respondents, later on, requested the Hon'ble Tribunal by way of filing a Miscellaneous Petition to grant extension of time for implementing the aforesaid directions of the CAT. The Hon'ble Tribunal, vide its order dated 6.5.2005, granted extension of time upto 15.7.2005.

5. On completion of *denovo* inquiry, the I.O. submitted his Inquiry Report, afresh, vide his D.O. dated 29.3.2005. A copy of the aforesaid Inquiry Report of the I.O. is enclosed. The Inquiring Authority, in the light of his findings as discussed in his aforesaid Report and after taking into account all other aspects relevant to the case, especially the judgement delivered by the Special Judge, Guwahati letting off the main accused Shri Ghanashyam Bujaraurah, P.A., has held the charges contained in Article - 1 of

Annexure - I of Memo No. 26-G/94-Vig. dated 22.2.2002 as not proved. The Inquiry Officer's report and the relevant documents were forwarded to the Central Vigilance Commission for tendering their 2<sup>nd</sup> stage advice in the matter. The CVC, vide ID Note No. 99/P&T/018/S-1 dated 3.5.2005 (copy enclosed), advised exoneration of Shri P. Nath, APMG (now retired).

6. Having carefully considered the I.O.'s report and relevant documents of the case, the President, the competent disciplinary authority, has accepted the I.O.'s findings as well as the advice of the Central Vigilance Commission thereon. Accordingly, the President has ordered that the charges framed against the said Shri Premananda Nath, APMG (now retired) vide Memo No. 26-G/94-Vig. dated 22.2.2002 be dropped and that he be exonerated from the said charges.

By order and in the name of the President.

sd/

(A.P. SHRIVASTAVA)

ASSTT. DIRECTOR GENERAL (VIG.)

Encls: (i) A copy of I.O.'s report.  
(ii) A copy of CVC's 2<sup>nd</sup> stage advice.

To

Shri Premananda Nath,  
Asstt. Postmaster General (Now retired),  
Office of the Chief Postmaster General,  
Assam Circle, Guwahati - 781 001.

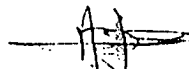
(Through CPMG, Assam Circle, Guwahati-781 001.)

Copy to:-

1. Shri S.K. Das, Chief Postmaster General, Assam Circle, Guwahati - 781 004 with the request that the enclosed Order, in original, along with its enclosures may please be got delivered to Shri Premananda Nath, Asstt. Postmaster General (Now retired), and his dated acknowledgement sent to the Directorate, for record.

This also refers to Circle Office letter No. Vig/5/1(A)/05 dated 16.05.2005 vide which a copy of the judgement of CAT in connection with the Miscellaneous Petition No.95/05 filed by the department was forwarded to the Directorate. They may also file necessary compliance report before the Hon'ble CAT, immediately.

2. DDG(P), Deptt. of Posts, New Delhi, for information.
3. The CVC, Satarkata Bhawan, GPO Complex, Block-B, INA, New Delhi - 110 023, (for kind attention: Shri Yogesh, Director) with reference to their L.D. Note No.99/P&T/018/8451 dated 3<sup>rd</sup> May, 2005.
4. Supdt. of Police, CBI, ACB, Oakland, Shillong-1 with reference to their case mark No. RC17(A)/94-SHG.

 02.06.2005

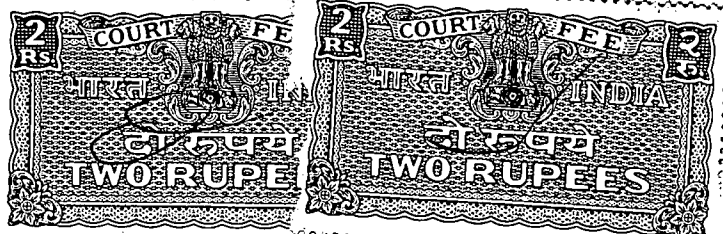
(A.P. SHRIVASTAVA)  
ASSTT. DIRECTOR GENERAL (VIG)



SL. No.

DISTRICT: - Kamrup

19947



VAKALATNAMA

## IN THE GAUHATI HIGH COURT

[ THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM  
AND ARUNACHAL PRADESH ]

O. A. NO 60 OF 2006

Md. Mahsin Ali

APPELLANT  
PETITIONER

VERSUS

Union of India &amp; ors.

RESPONDENT  
OPPOSITE-PARTY

Know all men by these presents that the above named Petitioner  
do hereby nominate, constitute and appoint Sri/Smti Mahibux Rahman, Mizanur Rahman  
Advocate and such of the undermentioned Advocates as shall  
accept this 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, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree  
to ratify and confirm all acts to be done by the said Advocates as mine/ours for 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 on this 3rd Day of March 2006

N. M. LAHIRI (Sr. Adv.)	K.R. PATHAK (Sr. Adv.)	D.C. MAHANTA (Sr. Adv.)	S. P. ROY
B. M. GOSWAMI (Sr. Adv.)	BHUBANESWAR KALITA (I) (Sr. Adv.)	T.C. KHATRI (Sr. Adv.)	K.K. BHATRA
J.P. BHATTACHARJEE (Sr. Adv.)	B. R. DAS (Sr. Adv.)	MS. BINOYA DUTTA	R.P. SHARMA (Sr. Adv.)
D.C. SHARMA	S.P. DEKA	BHABATOSH BANERJEE	S.C. BISWAS
B. K. GOSWAMI (Sr. Adv.)	D.R. GUHA	R.K. JAIN	P.C. RAYMEDHI
A. M. MAZUMDAR (Sr. Adv.)	S.A. LASKAR	G.K. BHATTACHARYYA (Sr. Adv.)	UTPAL DAS (I)
P. K. BARUA (Sr. Adv.)	SAUKAT ALI (Sr. Adv.)	PRANABANANDA PATHAK (Sr. Adv.)	DR S. S. HARLALKA
S. N. BHUYAN (Sr. Adv.)	B. K. ACHARYYA	T.C. MAJUMDAR (Sr. Adv.)	D.R. GOGOI
J. K. BARUAH (Sr. Adv.)	MS. USHA BARUAH	DR H. N. DAS (Sr. Adv.)	KHAIRUL BASAR
ANIL SARMA (Sr. Adv.)	N.C. DAS (Sr. Adv.)	B. C. MALAKAR	A.S. CHOUDHURY (Sr. Adv.)
B.K. DAS (Sr. Adv.)	A.K. BHATTACHARYYA (Sr. Adv.)	SAMSUL HUDA	DINDAYAL AGARWALA
M. A. LASKAR (Sr. Adv.)	A. B. CHOUDHURY (Sr. Adv.)	BHADRESWAR TANTI	KAMAL AGARWAL
DR S.N. CHETIA	T.S. DEKA (Sr. Adv.)	N.N. SARMA	MD. SAMNUR ALI
A.S. BHATTACHARJEE (Sr. Adv.)	K. P. SARMA (Sr. Adv.)	JANARDAN DAS	JOYDEV CH. DAS
A. R. BANERJEE (Sr. Adv.)	B. P. BORAH (Sr. Adv.)	CHAITANYA BARUAH (Sr. Adv.)	V. K. BHATRA
D.K. HAZARIKA (Sr. Adv.)	H. K. SARMA	A.C. SARMA	A.C. BORBORA (Sr. Adv.)
N.N. SAIKIA (Sr. Adv.)	PRABIN BARTHAHAKUR (Sr. Adv.)	N.Z. AHMED	P.K. KALITA
J.M. CHOUDHURY (Sr. Adv.)	M.C. BARTHAHAKUR	N.C. PHUKAN	SAILEN MEDHI
P.K. GOSWAMI (Sr. Adv.)	P.C. GAYAN	MUNIN (GAUTOM) SARMA	MRS. M.B. DUTTA CHOUDHURY
P.G. BARUAH (Sr. Adv.)	C.K. SHARMA BARUA (Sr. Adv.)	FAIZNUR ALI	P.C. GOSWAMI
C.R. DE (Sr. Adv.)	ANUP KR. DAS	D.K. KAKATI	APURBA SARMA (I)
D. K. BHATTACHARYYA (Sr. Adv.)	DR Y.K. PHUKAN (Sr. Adv.)	G.N. SAHEWALLA (Sr. Adv.)	K.H. (SALIM) CHOUDHURY (Sr. Adv.)
D.K. TALUKDAR (Sr. Adv.)	DIBAKAR GOSWAMI	G. K. JOSHI (Sr. Adv.)	A.K. PURKAYASTHA
R.P. AGARWALA (Sr. Adv.)	BIJON CH. DAS (Sr. Adv.)	A.A. MIR	ASHIS DAS GUPTA
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MRS. K. DEKA	PRAFULLA ROY	MRS. JHARANA BORAH	VIJAY HANSARIA
BISHNU PRASHAD	A.C. BURAGOHAIN	S. N. SARMA (Sr. Adv.)	B. N. SARMA
S.S. RAHMAN	B.L. SINGHA	MD. ABDUL MANNAN	J. L. SARKAR
GOLAP SARMA	P.K. MUSAHARY	DILIP KR. DAS (Sr. Adv.)	R.C. SANCHATI
S.R. BHATTACHARJEE (Sr. Adv.)	M.Z. AHMED (Sr. Adv.)	PRADIP KHATANIAR	J.P. BORA
P.C. DEKA (Sr. Adv.)	R.P. KAKOTI	N. CHAKRAVORTY (Sr. Adv.)	SISHIR DUTTA
BHARGAV CHOUDHARY	S.I. RASUL	MRS K. YADAV	C.R. BORAH
P.K. DAS	GURMOORTHY GOPAL	DR B. P. TODI (Sr. Adv.)	P.K. GOSWAMI (I)
A.K. CHAUDHURI	B.K. GHOSE (Sr. Adv.)	MRS. K. BHATTACHARYYA	N.S. DEKA
B. R. DEY (Sr. Adv.)	S. K. BARKATAKI	A. K. BARPUJARI	M. SAHEWALLA
A.K. PHOOKAN (Sr. Adv.)	DR N. K. SINGHA	S.S. SHARMA (Sr. Adv.)	H.A. SARKAR
			MRS. RUMA BORDOLOI

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Md. Mahsin Ali

B. K. JAIN  
 NILOY DUTTA (Sr. Adv.)  
 CHINMOY CHOWDHURY  
 KAMAL NAYAK  
 SK. N. MOHAMMAD  
 GIRISH MISHRA  
 JOGINDER SINGH (Sr. Adv.)  
 ABU SHARIF  
 B.B. NARZARI (Sr. Adv.)  
 MD. ABDUL WAHED (Sr. Adv.)  
 NASIMUDDIN AHMED  
 MANORANJAN DAS  
 DR GOBIND LAL  
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 F.H. LASKAR  
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 MD. ABDUL HAI  
 GAUTAM UZIR  
 H.R.A. CHOUDHURY (Sr. Adv.)  
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 BENU DHAR DAS  
 S. L. TULSHYAN  
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 MRS. REETA BORBORA  
 HRISHIKESH ROY (Sr. Adv.)  
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 JAGDISH SHARMA  
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 K.P. PATHAK (Sr. Adv.)  
 ARUP KR. GOSWAMI (Sr. Adv.)  
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 DIGANTA DAS  
 MRS. B. ACHARYA  
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 LAKSHESWAR TALUKDAR  
 S.P. MAHANTA  
 SK. CH. MOHAMMAD  
 HASIBUR RAHMAN  
 MS. AJANTA DHAR  
 B. IBOCHOWBA SARMA  
 A.K. MAHESWARI  
 P.N. SINGH  
 NILAMONI GOSWAMI  
 MS. BHARATI DEVI  
 DR Z.N. SHARMA  
 K.K. DEY  
 G.K. DUTTA  
 B. MRINAL CHOUDHURY  
 KUMUD BARUAH  
 APURBA KR. SHARMA  
 NAZRUL ISLAM  
 RAJIB BORUAH  
 SRIKANTA HAZARIKA  
 K.N. CHOUDHURY (Sr. Adv.)  
 MRS. ABHA BHATTACHARYYA  
 A.K. THAKUR  
 A.C. MAHANTA  
 MS. BHUMIKA CHOUDHURY  
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 DR A.K. SARAF (Sr. Adv.)  
 DR R.C. BARPATRAGOHAIN  
 MD. ALI SEIKH  
 B.K. TALUKDAR  
 NISHITENDU CHOUDHURY  
 G.P. BHOWMIK  
 MD. ABDUL HAKIM (I)  
 UPENDRA NATH DAS  
 P. K. GOSWAMI (II)

SANJOY MITRA  
 MS. KALYANI DEVI  
 PARAMANANDA TALUKDAR  
 MANABENDRA NATH  
 D.K. KOTOKY  
 T. BIDYUT BIKASH  
 S.B. SARMA  
 S.K. SAHA  
 YADAB DOLOI  
 R.C. DAS  
 P.K. TIWARI  
 D.C. LAHIRI  
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 MANOJIT BHUYAN  
 RAMESH BARPUJARI  
 MRS. NIRUPAMA SAIKIA  
 JENAT MOLLAH  
 PUSPA KT. BORA  
 M.L. SHARMA  
 MS. TRIBENI GOSWAMI  
 R.K. MALAKAR  
 BISWAJYOTI TALUKDAR  
 P.K. BARMAN  
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 ZIAUL KAMAR  
 MRS. M. PHUKAN  
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 SUBRATA NATH  
 DHANESH DAS  
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 H.P. BARMAN  
 MS. JYOTI TALUKDAR  
 SACHIN KR. SHARMA  
 L.R. DUTTA  
 J.N. CHAKRAVARTY  
 QZI. S. KUTUBUDDIN  
 S.K. KEJRIWAL  
 MS. PRATIMA DAS  
 JAGANNATH BARUAH  
 MD. M. AHMED  
 MS. B. K. DEVI GOSWAMI  
 B.C. SARMA  
 MS. J.D. ACHARYYA  
 V.M. THOMAS  
 K.K. PHUKAN  
 B. DEVA GOSWAMI  
 AMAL CHANDRA DAS  
 MS. BAHARUN SAIKIA  
 MRINAL KR. CHOUDHURY (Sr. Adv.)  
 MS. AHMEDA BEGUM  
 D.C. KATH HAZARIKA  
 MD. MOTIUR RAHMAN  
 MS. DIPTI DAS  
 GOPINATH DAS  
 M.K. JAIN  
 MS. BASANA RAJKHOWA  
 S.C. DUTTA ROY  
 S.L. JAIN  
 B. K. BHATTACHARJEE  
 MS. ANUPAMA DEVI  
 MS. M. BUZARBARUAH  
 MS. MRIDULA DEVI  
 BHASKAR J. DUTTA  
 MANIK CHANDA  
 K.K. MOJUR  
 B.B. GOGOI  
 ABDUR ROSHID  
 M.R. PATHAK  
 P.K. SHARMA  
 P.K. BARMAN

RAJEN CHOUDHURY  
 MD. NAZIMUDDIN AHMED  
 MD. HABIBUR RAHMAN  
 JAYANTA CHUTIA  
 A.K. ROY  
 R.K. PAUL  
 ASWINI THAKUR  
 JOGESWAR SAIKIA  
 A.K. SARKAR  
 P.B. MAZUMDAR  
 L.M. KSHETRY  
 M.K. SAIKIA  
 A.J. DAS  
 BISHNU BURAGOHAIN  
 A.F.G. OSMANI  
 SANJIB SAIKIA  
 MS. PORI BARMAN  
 MD. A. SABUR CHOUDHURY  
 R. N. KALITA  
 MS. MANOSHI HAZARIKA  
 MS. A. BHAGAWATI  
 RANJAN BARUAH  
 JNAN CH. NATH  
 KR. DEEPAK DAS  
 MONMOHAN TALUKDAR  
 UPAMANYU HAZARIKA  
 AMLAN DUTTA  
 BILLAL HUSSAIN  
 T. J. MAHANTA  
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 UJJAL BHUYAN  
 DIBAKAR SHARMA (I)  
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 MS. MANJULI DEV  
 AMARENDRA CHOUDHURY  
 DR P. K. BHUYAN  
 MS. G. D. MAZUMDAR  
 JYOTIRMOY ROY  
 ASHIS BHATTACHARJEE  
 MS. PRANATI SHARMA  
 KHARGESWAR DAS  
 H.K. BAISHYA  
 BISWA NATH SHARMA  
 CHANDAN DAS  
 S.K. LAHKAR  
 RASAMAY DUTTA  
 MS. S. BAYAN ROY  
 S. N. DEV NATH  
 D.C. DUTTA  
 MS. SNIGDHA BARUAH  
 MRS. P.M. DUTTA  
 H.S. THANGKHEW  
 P. J. SAIKIA  
 RAJ KR. AGARWALA  
 KMALESH K. GUPTA  
 B. C. CHOUDHURY  
 JAIRAM GIRI  
 SANTANU BHARALI  
 P.K. ROY  
 MS. GOURI SINHA  
 P.C. DEY  
 K.K. NANDI  
 R.N. PURKAYASTHA  
 S.K. SINGH  
 D.K. GOSWAMI  
 R.K. JOSHI  
 D.C. CHETIA  
 MD. ABDUL HANNAN  
 MD. IQBAL HUSSAIN  
 DEBJIT KR. DAS  
 MS. A.D. THAKURIA  
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 MS. NEELI BORDOLOI  
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KHANINDRA LAHKAR  
MS. MANJU BORDOLOI  
SUSHANTA S. BAROOAH  
MS. S. HAZARIKA (BORA)  
MD. ASLAM  
PRANJAL DAS  
MS. PANNA SHARMA  
MS. MONALISA KONWAR  
SANDI K. DEORI  
MS. M. CHAKRABORTY  
DEBOJIT SENAPATI  
RAJKUMAR T. SINGH  
MS. B. GHOSH (SEN)  
MS. TASFIA HUSSAIN  
MRS. MEHBOOBA BEGUM  
JAI KISHAN BAJAJ  
MS. JAYATI PURKAYASTHA  
MS. PAREE GOGOI  
A. M. BARBHUIYA  
MISS. ARJUMANDA BHANU  
MS. KANGKI BORKATAKI  
BINOY PATHAK  
NITYANANDA UPADHYAYA  
SANJIT SHIL  
MS. JULIE MAHANTA  
MRS. MADHABI SAIKIA  
MISS. BABITA RANI DAS  
SANTANU KR. DAS  
MISS. DOLORINA PATHAK  
SUBHRANGSU DHAR  
PARAMA KUMAR GOGOI  
MISS. GOPA SUTRADHAR  
IKBAL AHMED  
SANJIB GOGOI  
ABHIJIT BHATTACHARYA (III)

SUDIPTO BHATTACHARJEE  
PRAHLAD KR. BRAHMA  
MS. JAGRITI RAJKUMARI  
KUSH RAM BORA  
MS. DEEPALI KALITA  
DEEPAK BORA  
DIPANKAR PD. BORAH  
RAJESH KR. AGARWAL  
MRS. SACHITRA BORA  
SUJOY GOSWAMI  
RINKU MAHANTA  
JAIDEEP PURKAYASTHA  
ZAKIRUL AHSAN  
MISS. RINKI BISWAS  
MISS. SHABNAM CHETTRY  
MISS. MANASHI CHOUDHURY  
SANTANU RAJ GOGOI  
MISS. SHARMILA DAS  
MRS. RUPREKHA DAS  
MS. ARPITA PAUL  
JOY DAS  
DHRUPAD KASHYAP DAS  
MS. SARMISTHA BARUA  
MRS. PRANITA PATHAK  
MS. MOUSHUMI DAS  
MS. BULIE SARMAH  
MS. NANDINI MUKHARJEE  
NEERAJ ANAND  
GITARTHA PATHAK  
SANKAR P. BHATTACHARJEE  
MD. KOHINOOR ISLAM  
SYED MUSFIQUR RAHMAN  
PUSPENDRA KR. MEDHI  
SANJIB KR. SINGHA  
MISS. NILAKSHI GOSWAMI  
MISS. MANISHA SHARMA  
GAUTAM RAHUL  
MS. ANITA VERMA  
TONGPOK PONGENER  
ANIL GOHAIN  
MISS. ANUJITA BORA  
SANJAY KR. SINGH  
SANJIB BARUAH  
MISS. SOBHANA SAIKIA  
MISS. MOON BARUAH  
BRIJESH SHARMA  
MISS. RAKHI PATHAK  
RATAN CH. DAS  
NABAJIT NARZARY  
SAFIQUL HUSSAIN  
NASIR UDDIN  
MS. N. M. BORDOLOI (BORA)  
PRAKASH KR. BOTHRA  
BIJOY CHETIA  
SUBHAJIT BANIK  
SAHADEV DAS  
DR K. UDDIN AHMED  
MD. A. Q. AKANDA  
PRADIP KR. AGARWALA  
MD. FARID U. BARBHUIYA  
MISS. NIYATI KALITA  
MRS. SADHANA KALITA  
ARUP GOSWAMI (II)  
MS. ARUNDHATI BORA  
MS. RITAMANI GOSWAMI  
SHUROT ZAMAL SHEIKH  
SUMAN CHETIA  
ALAKESH DEV SARMAH  
RANJIT KR. GOSWAMI  
JAKIR HUSSAIN SAIKIA  
BHUPEN CH. PEGU  
KUNTAL SHARMA PATHAK  
DEEPAK KEJRIWAL  
MISS. AMI SAIKIA

MRS. RUBI G. GOHAIN BARUAH  
MISS. JOYATI PAUL  
MISS. ANOWARA MAZUMDAR  
MISS. MADHUSMITA BAISHYA  
ABHIJIT DAS  
BIJOY KR. DAS  
JAHURUL ISLAM  
MISS. GITUMANI DEKA  
MS. HIRANYAMAYEE BARUA  
MD. JEHIRUL I. AHMED  
MS. PRITIBHA DEKA  
MRS. S. BORPATRA GOHAIN  
MRS. MANASI DAS  
SYED S. FAROOQUE  
PARANGAM N. GOSWAMI  
ANOWAR HUSSAIN  
ADITYA HAZARIKA  
SHIMANTA NEOGI  
RUPAK DHAR  
TAPAS DHAR  
RAJA JOY PHOOKAN  
MANOJ KR. SHARMA  
ROUSHAN LAL  
MD. ROFIQUL ALOM  
MISS. PRANATI DAS  
RATUL DAS  
MISS. BAGMITA SARMA  
MISS. P. R. MAHANTA  
SANTANU BORTHAKUR  
MISS. MITALI BHUYAN  
MISS. SABINA YASMIN  
KISHORE KR. HAZARIKA  
MOYNUL H. CHOUDHURY (2)  
JONAB ALI AHMED  
BHASKAR NATH  
ALIN SARMA  
KULA PD. GOGOI  
H. M. A. MANNAN LASKAR  
BIBHASH PATHAK  
MD. JYOTSHNA ALI  
JITU BORAH  
MISS BABITA DAS  
MISS RUNMANI DEKA  
MISS MURCHANA SARMA  
ASHOK KR. BORA  
RANJAN KR. BHARALI  
BIJAY KRISHNA SEN  
MISS MEDHA LILA GOPE  
DR N.G. GOSWAMI  
KASHEM BHUYAN  
MISS LIYANA RAHMAN  
M. U. MONDAL  
MISS PARUL DAS  
JAYABRATA SINHA  
MISS BIJAYA HAZARIKA  
MISS SUMITA CHOUDHURY  
DEBAJIT BARUAH  
MISS DIPANJANA NANDI  
ABDUL KASHIM TALUKDAR  
BIKASH SARAF  
MS. AMVALIKA MEDHI  
BABUL KUMAR DAIMARI  
MISS IVALINA DEKA  
SANJIB GOSWAMI  
SABYASACHI P. CHOUDHURY  
DEBA KUMAR BORDOLOI  
MANINDRA CHANDRA DAS  
MUL HOQUE AHMED  
BATU KRISHNA BORAH  
MISS BANDITA DEY  
MISS JULI GOGOI  
MS. V. N. LASKAR  
MISS RANJITA VERMA  
HARINARAYAN SARMA

MISS DIPANJALI DEKA  
MD. ALAM GEER  
NUR ISLAM  
BABUL DEKA  
AJAY KR. PHUKAN  
ATAL TEWARI  
MISS WAHEEDA REHMAN  
N. UNNI K. NAIR  
NABADIP BAROOAH  
J. A. HASSAN  
MISS SANGEETA SARKAR  
ANJAN KR. DAS  
MISS JAYA CHANDA  
NITESH BHATRA  
MISS DOROTHY ROY  
MS. ARPANA BORAH PHUKAN  
MISS LIPIKA TALUKDAR  
MISS MEGHALI DEHINGIA  
MISS RIMLY BARUAH  
MS. BIPASHA DAS  
MS. PRANITA DAS  
ABHIJEET KR. BARUAH  
SULTAN AHMED  
MISS BARNALI BARUAH  
MRS. M. MAZUMDER DEB  
MS. PANKAJA UPADHYAY  
THANESWAR SARMA  
ASHIM TALUKDAR  
ABID ALI  
MS. SIMA GUPTA  
D. N. BHATTACHARYYA  
MISS SUDAKSHINA KHANIKAR  
ASHIMANTA GOSWAMI  
ANIL SHARMA BHATRA  
K. R. PATGIRI  
DEBENDRA SAHARIA  
RAJIB SARMA  
MUSTAFA JAMAL QUADIR  
MISS MANASKANTA BARUAH  
MISS KAVITA K. JAIN  
TAPAN RANJAN DAS  
TRIDIB KALITA  
MS. MAMONI ROY  
SAIDUL ISLAM  
MS. SHAMIMA BEGUM  
DIPANKAR BAGCHI  
SHYAMAL AICH  
MS. KANIKA SINGHA  
JAGADISH CH. GOGOI  
MISS SWARNALI S. CHOUDHURY  
HARIBRATA CHANDA  
MUKUT CH. BHATTA  
SUJIT KR. ROY  
RAJU GOSWAMI  
NANI G. KUNDU  
SHEKHAR CHAKRABORTY  
OM P. AGARWAL  
RANABRATA BANERJEE  
MS. SUMITRA SARMA  
MRS. BANDANA DEKA  
TARUN BORA  
MOTI RAJ ADHIKARI  
MISS SABBINA YASMIN  
BISWAJIT BURAGOHAIN  
MRS. BOBY G. BURAGOHAIN  
MISS SANGEETA BURAGOHAIN  
NEEL KAMAL DEV NATH  
MISS DIPANNITA CHAKRABORTY  
NAZMUL I. MAZARBHUIYA  
PRASANTA HAZARIKA  
MS. NAZNEEN AHMED  
RIYAJUDDIN ANSARI  
SOURAV SHARMA  
MS. SIMA RANI DEY

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(6)

MS. SWARNALATA GOSWAMI  
MAINUL H. BARBHUYAN  
MUKTI RAM LASKAR  
MISS BINITA BARUAH  
RAFICUL ISLAM (II)  
MISS KAMALA SINGHA  
MISS ANUPAMA ROY  
BISWAJIT CHAKRABORTY  
MD. RAFIKUL ISLAM (III)  
BINODAN TALUKDAR  
MISS MINERVA BARTHAHUR  
MISS NITU HAWELIA  
RAHUL BEZBARUAH  
ABU NASERUDDIN AHMED  
SUMIT DAS  
SANACHOWBA SINGHA  
YUNUS AHMED  
MISS RITA DEVI  
N. ANIX SINGH  
BANDAN KR. KAR  
BIKRAM MALAKAR

LALIT KR. MINDA  
MD. FAJLEY K.R. AHMED  
AMZAD HUSSAIN  
PHANINDRA KALITA  
JITEN PAYENG  
MS. KABERI DEKA  
PRADIP KR. KALITA (II)  
SANTANU BORA  
KARABI KALITA  
MISS MANIKA CHOUDHURY  
MISS RUMA DAS  
RAFIQUL ISLAM (IV)  
MASTER SHELIM  
MRS. SUNITI KALITA  
MD. NEKIBUDDIN AHMED  
RAJIB BORPUJARI  
DIGANTA BARMAN  
SAMIR DA  
ABDUL HASHEM KHANDAKER  
DR TILOK DASGUPTA  
ASHIM KUAMR BARUAH

SANJAY SINGH  
PRATIM KR. CHAKRABORTY  
MOHD. ANAM UDDIN  
NEELOTPAL DEKA  
MS. RABINA SULTANA  
PARSWAJYOTI DAS NAIR  
MS. AYESHA SIDDIKA  
MS. BHARATI MUKHERJEE  
MS. MALABIKA P. GOGOI  
SRAVAN KR. TALUKDAR  
HIFZUL I. CHOUDHURY  
SUSHANTA DAS  
AMIT JALLAN  
ISTIAQUE ALAM  
RAJIB CHAKRABORTY  
LASHMI N. DIHINGIA  
RAKESH DUBEY  
DEVJYOTI CHOUDHURY  
PRIYANKU SUNDI  
SUBRATA NATH (II)  
MISS GITY KALITA

ROSHAN MALOO (JAIN)  
MS. ONTIMA SHARMA  
TAPAN ROY  
MOINUL HOQUE ANSARY  
MD. RAHMAT ALI (II)  
MISS MARY GOGOI  
IDRISH CHOUDHURY  
MS. MINAKSHI BHATTACHARJEE  
JYOTIRMOY PATOWARY  
SHEELADITYA  
MADHURYA MAHANTA  
MISS SHEHNAZ RASUL  
RASIDUL HUSSAIN  
MISS ANJANA SINGHA  
MD. ABUBAKKAR SIDDIQUE  
ABDUL AWAL  
SOHEL ALIM  
JAHID M. A. CHOUDHURY  
MISS JULFIYA BEGUM  
MD. HOSNUL HOQUE  
TRIDIB BAIDYA

Received from the executant,  
satisfied and accepted

Mr/Ms..... will lead  
me/us in the case

And Accepted

Advocate

Advocate

Advocate

And Accepted

And Accepted

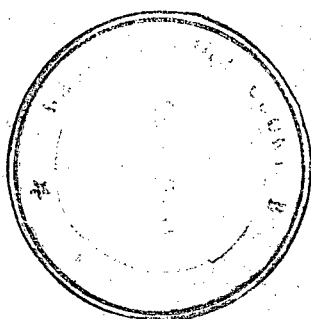
*Mahibur Rahman*  
2/3/06.

Advocate

*Mizanur Rahman*  
3/3/06

Advocate

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From - Mahibur Rahman  
Advocate

To - Sec. C. G. S.C.  
C.A.T.

Original Application No 106

Mahsin Ali  
- vs - petitioner

Union of India & Ors.

- - - Respondents.

Sir,

Please take notice that an original application being filed before this Hon'ble Tribunal to-day and a copy of said application is annexed herewith for your kind perusal.

Please acknowledge the receipt.

Received copy

Asha Das.  
Addl Secy  
6/3/06.

Yours faithfully  
Mahibur Rahman  
Advocate  
3/3/06

I undertake to serve the copy of the application to C.G.S.C.

M. Rahman  
Advocate  
3/3/06