

W.R.C.M. NO. 42  
( See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GURAHARI BENCH

ORDER SHEET

80/06

1. Original Application No.
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Bipinlal Ranjan Dhalder

Respondents M. O. P. Toms

Advocate for the Applicant(s) Mr. B. C. Pathak, Mr. B. Pathak

Advocate for the Respondent(s) Cash

Notes of the Registry

Order of the Tribunal

4.4.06.

Judgment delivered in open Court.

Kept in separate sheets. Application  
is disposed of. No order as to costs.

Vice-Chairman

This application is in form  
is filed F. for Rs. 50/-

Ad. pos. No. 1000 P. DD  
No 266319164

Dated 8.2.06

1m

D. M.  
Dy. Registrar

D. M.  
5/4/06

steps not taken

D. M.

5.3.06  
Copy has been collected by  
the applicant.

Received copy of order dt 4.4.06

Rabin Gopal  
Adv.  
6.4.06

for  
G. Baishya  
in case

6.4.06  
Original application along with  
copy of Judgment has been  
handed over to Mr. IPO(L), CPMG  
& Gurahari J.P.

5

4

CENTRAL ADMINISTRATIVE TRIBUNAL:::GUWAHATI BENCH.

O.A. No. 80 of 2006.

DATE OF DECISION: 04.04.2006

Sri Bipul Ranjan Halder,

APPLICANT(S)

Mr.B.C.Pathak,

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr.G.Baishya, Sr.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

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

1. Whether Reporters of local papers may be allowed to see the judgment? *no*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the judgment? *no*
4. Whether the judgment is to be circulated to the other Benches? *no*

Judgment delivered by Hon'ble Vice-Chairman.

5/4/06

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 80 of 2006.

Date of order: This 4<sup>th</sup> Day of April, 2006.

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

Shri Bipul Ranjan Halder,  
Son of Birendra Kishore Halder,  
Town & P.O. Karimganj  
District- Karimganj(Assam)  
At present working as  
Superintendent of Post Offices,  
Nagaon(Assam)

... Applicant

By Advocate Mr.B.C.Pathak, Mr.B.Pathak.

-Versus-

1. Union of India  
Represented by the Secretary, Govt. of India  
Ministry of Communications,  
Department of Posts,  
New Delhi.
2. The Director General of Posts,  
New Delhi.
3. The Chief Postmaster General,  
Assam Circle, Meghdoott Bhawan  
Guwahati-781001.
4. The Chief Postmaster General  
N.E.Circle, Shillong.
5. Sri Abhijit Ghosh Dastidar  
Chief Post Master General,  
Assam Circle, Meghdoott Bhawan,  
Guwahati-1.
6. Central Public Relation Officer  
Office of the Chief  
Postmaster General, N.E.Circle,  
Shillong. ....

... Respondents.

By Advocate Mr.G.Baishya, Sr.C.G.S.C.

ORDER(ORAL)

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

The applicant approached this Tribunal in O.A. No. 240 of 2004 challenging the transfer order dated 30.09.2004, which has been disposed of by this Tribunal on 20.7.2005 directing the applicant to

file a fresh representation directed the respondents and to consider the representation. But the case of the applicant was never considered by the respondents, on the ground that there is no vacancy. However, in view of the O.A.No. 240 of 2004 the applicant has been chargesheeted against 8 Nos. of separate charges. Disciplinary proceedings were initiated against him and the personal hearing was given to the applicant as provided under Rule 77 of the Postal, and the Rule 16 of the CCS (CCA) Vol.III Rules, 1965. The applicant was imposed minor penalty. The applicant has submitted representations dated 21.02.2006 and 01.03.2006 seeking the inspection/copies of documents as mentioned therein. But the respondents denied such opportunity to the applicant by issuing the impugned order dated 16.03.2006. Therefore, the applicant has filed this application is seeking for following reliefs: -

8.1" to set aside and quash the impugned letter dated 16.3.2006(as in Annexure K) and declare the action of the respondents in issuing the said impugned order as arbitrary and illegal which can not sustain in law.

8.2. to direct the respondents No.3, 4 and 6 to reconsider the application/representation submitted by the applicant and to allow the applicant to inspect/or he be furnished with all the copies of the relevant documents/information s sought by him in his said application/representation dated 21.2.2006 (Annexure-I) and 1.3.2006(Annexure-H)

8.3. to fix a date allowing the applicant to submit his reply/defence representation to the charge sheet.

8.4 to pay the cost of the case/application.

8.5.or may pass such other or further order for any other relief to which the applicant is found entitled to under the facts and circumstances of the case."

2. I have heard Mr.B.C.Pathak, learned counsel for the applicant and Mr. G. Baishya, learned Sr. C. G. S. C. Represented the respondents. The grievance of the applicant is that reasonable opportunity has not been given to the applicant in the inquiry. The counsel for the respondents has submitted that the copies of the documents which has been sought to be furnished run volumes and cannot be acceptable. The documents at least be given for inspection. The counsel for the applicant has submitted that he has no intentions of protracting the inquiry proceedings.

3. Considering the entire aspect I am of the view that ends of justice will be met if a directions is given to the disciplinary authority to permit the applicant to submit his reply/defence representation to the charge sheet, if any, and to inspect the documents. It is made clear that this Court without expressing any opinion on the merit of the proceedings directs the respondents to ensure that natural justice will be met in the proceeding. The learned counsel for the applicant has brought to my notice that the defence representation was to be made on or before 03.04.2006, but the 03.04.2006 being holiday, due to Elections and that the date has expired nothing could have transpired on that date. The Disciplinary authority is also directed to consider for granting time for filing defence representation to the applicant as deem fit by him, with the observations and directions the O.A. is disposed of at the admission stage itself. In the circumstances no order as to costs.

In the circumstances the O.A. is disposed of. No order as to costs.



(K.V.SACHIDANANDAN)  
VICE-CHAIRMAN

DEPARTMENT OF POSTS  
OFFICE OF THE CHIEF POSTMASTER GENERAL:ASSAM CIRCLE  
GUWAHATI – 781001.

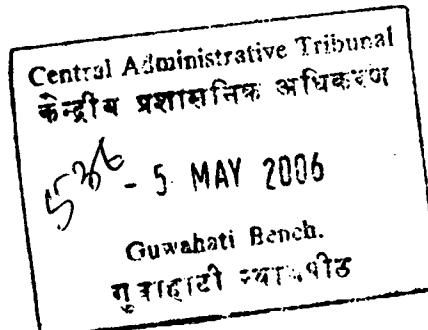
No.Staff/1-243/04/Pt.I

Dated Guwahati-1 the 02-05-2006

To

Shri B R Halder,  
Superintendent of Post Offices,  
Nagaon Division,  
NAGAON 782001.

Subject: Inspection of documents.



In accordance with the judgement/order dated 04-04-2006 in OA No. 80/2006 delivered by the Hon'ble Tribunal Guwahati Bench, I am directed to convey the approval of the competent authority to allow an opportunity to Shri B R Halder, Superintendent of Post offices, Nagaon Division, Nagaon to inspect the documents at 1100 hrs on 09-05-2006 (Tuesday) in presence of the Assistant Postmaster General (Staff/Vigilance), O/O the Chief Postmaster General, Assam Circle, Guwahati at her chamber.

I am also directed to convey that Shri B R Halder may submit his written representation against the proposal conveyed vide memo no. even dated 16/19-12-05, if any, so as to reach this office on or before 18-05-2006. If no representation is received within the stipulated period, the decision on the matter will be passed by the appropriate authority.

*Soh*

(B Radhika Chakravarthy)  
Asstt. Postmaster General (Staff),  
O/O the Chief Postmaster General,  
Assam Circle:Guwahati-781001.

Copy to :

- ✓ 1. The Registrar, CAT, Rajgarh Road, Guwahati-781005. This has a reference to the compliance of judgement/order dated 04-04-2006 in OA No.80/2006
2. Shri Gautam Baishya, Sr. CGSC, CAT, Rajgarh Road, Guwahati-781005. He will apprise the Hon'ble Tribunal in compliance on the judgement/order in the OA No.80/2006.
3. Vig. Section, CO Guwahati.

*✓ D*  
Asstt. Postmaster General (Staff),  
O/O the Chief Postmaster General,  
Assam Circle:Guwahati-781001

*6063/14-5-06*  
Mr. K. K. Sharma  
Pl. take note if any.  
N6  
8/5/06

BY POST / BY HAND.

7 AC

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::::::: GUWAHATI.

Reptd No. 3

DESPATCH NO. CAT/GHY/JUDL/

439

/ DTD. GUWAHATI THE 6-4-06

✓ ORIGINAL APPLICATION NO. 80/2006  
MISC. PETITION NO. 200  
CONTEMPT PETITION NO. 1/200  
REVIEW APPLICATION NO. 1/200

Shri Bipul Ranjan Hader

APPLICANT(S)

VERSUS

U.O.I. & o/s

RESPONDENT(S)

To

The Chief Postmaster General,  
Assam Circle,  
Megh doot Bhawan,  
Guwahati - 781001  
Assam.

Please find herewith a copy of Judgment/Order dated  
6.4.06 passed by the Bench of this Hon'ble Tribunal  
comprising of Hon'ble Justice Shri K. V. Sachidanandan  
Vice-Chairman and Hon'ble Shri  
Member (Adm) in the above noted case for information and necessary  
action, if any.

Please acknowledge receipt of the same.

By Order

Enclo : As above.

(Copy of the Original  
Application in O.A. No. 80/06)

6.4.06  
SECTION OFFICER (JUDL)

Memo. No.

Dtd.

Copy for information to :

1. Mr. / Mrs.

6.4.06  
Sr. CGSC, Addl. CGSC.

2. Mr. / Mrs.

6.4.06  
Rly. Standing Counsel /  
Govt. Advocate

6-4-06

186(2)  
CPPMC/607/1  
CPPMC/607/1

Date: 4/4/2006

Unlisted motion / Admission

OA NO. 80/2006

Sri. B.R. Haldar — Applicant

V.O.I & Ors — Respond.

Permission sought for motion  
today i.e. 4/4/06 as urgent  
matter.

Filed by  
Debabrata  
Advocate for  
the applicant

Alm

My  
Copy

Q

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

Original Application No. 80/06

1. a) Name of the Applicant: B. R. Haldar  
b) Respondents: - Union of India & Ors.  
c) No. of Applicant(S): -
2. Is the application in the proper form: - Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title: - Yes / No.
4. Has the application been duly signed and verified: - Yes / No.
5. Have the copies duly signed: - Yes / No.
6. Have sufficient number of copies of the application been filed: Yes / No.
7. Whether all the annexure parties are impleaded: - Yes / No.
8. Whether English translation of documents in the Language: - Yes / No.
9. Has the application is in time: - Yes / No.
10. Has the Vokatlatnama/Memo of appearance /Authorisation is filed: Yes / No.
11. Is the application by IPO/BD for Rs. 50/- 26/3/1964
12. Has the application is maintainable: Yes / No.
13. Has the Impugned order original duly attested been filed: - Yes / No.
14. Has the legible copies of the annexurea duly attested filed: Yes / No.
15. Has the Index of the documents been filed all available: - Yes / No.
16. Has the required number of enveloped bearing full address of the respondents been filed: - Yes / No.
17. Has the declaration as required by item 17 of the form: Yes / No.
18. Whether the relief sought for arises out of the Single: Yes / No.
19. Whether interim relief is prayed for: - Yes / No.
20. In 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 pointd: -
23. Result of the Scrutiny with initial of the Scrutiny Clerk:  
The application is in order

SECTION OFFICER (J)

DEPUTY REGISTRAR

RAM

Address of  
R-1 and R-2  
is incomplete  
3/4/66

— 4 APRIL —

गुवाहाटी न्यायपीठ  
Guwahati Bench

IN THE ~~CENTRAL ADMINISTRATIVE TRIBUNAL~~  
GUWAHATI BENCH AT GUWAHATI

O.A. No. 80 /2006

Sri Bipul Ranjan Halder ..... Applicant  
-versus-  
Union of India & others ..... Respondents

SYNOPSIS OF THE CASE

Date	Particulars	Annexure	Page
	This application has been made against the order No. Staff/1-234/04/Pt.I dated 16.3.2006 ( <b>Annexure-K</b> ) refusing to provide the relevant documents / information required by the applicant for preparing and submitting the reply / defence representation and fixing 3.4.2006 as the last date for submission of reply and to proceed ex parte thereafter against the applicant		
30.9.04	An order of transfer was issued to the applicant transferring him from Shillong to Kohima issued and the applicant was released/made to hand over charge on the same day within 2 hours.	A & B	14-15
6.10.04	The applicant filed an OA Vide OA No. 240/04 challenging the transfer order dated 30.9.04 inter alia on the ground of violation of rules and also on the allegation of malafide.		
20.7.05	This Hon'ble Tribunal was pleased to dispose of the OA 240/04. It was observed that there had been 2 vacancies available to accommodate the applicant either at Silchar or at Dharmanagar. Considering the above aspects and the condition of the wife of the applicant, this Hon'ble Tribunal was pleased to direct the applicant to submit a fresh representation and clear direction was also given that if any vacancy in Group B Post exists either at Dharmanagar or at Silchar on account of the retirement of the incumbent there, the same will be filled up only after considering the case of the applicant. But the case of the applicant was never considered by the respondents.	C	16-18

Filed by

Bishash Pathak

Advocate

4/4/2006

Date	Particulars	Annex ure	Page
19.12.05	The Applicant is surprised to receive a letter vide Memo No. Staff/1-243/04/Pt-I dated 19.12.2005 issued by the respondent No.3 proposing to take action against him under Rule 16 of the CCS(CCA) Rules, 1965. A statement of imputation of misconduct or mis-behaviour on which action is proposed to be taken was also enclosed thereto. By the said communication the applicant was given an opportunity to represent in his defence within 10 days from the date of receipt of the said communication	D & E	19-26
26.12.05	The applicant represented to the respondent No.3 and requested to arrange to supply him copies of as many as 16 nos. of relevant documents/ files/ records/ circulars etc. for preparation of and submission of written representation in defence	F	27-28
17.2.06	Respondent No.3 stated that the records as sought for pertains to NE Circle and only few of them are relevant against the 8 Nos. of separate article of charges.	G	29-31
1.3.06	The applicant once again requested the respondent authority to furnish the said records/ documents/ files etc	H	32-35
21.2.06 22.2.06	The applicant made an application to the respondent No.4 (who is otherwise nominated and appointed as the Public Information Officer, NE Circle under the Freedom of Information Act, 2002) through the respondent No.3 by paying necessary duties for furnishing the copies of the document as stated therein numbering as many as 16.	I & J	36-37
16.3.06	Respondent No. 3 has issued the impugned letter No. Staff/1-243/04/Pt.I dated 16.3.2006 to the applicant in response to his letter dated 1.3.2006 stating that all the documents relevant to the case and available were already given to the applicant and he should submit is reply by 3.4.2005.	K	39
28.3.06	The applicant informed the respondent No.3 that he is to be given the chance of hearing in person that the required documents / files / records are vital to the preparation of his reply.	L	40-44

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
— APR —  
गुवाहाटी न्यायपीठ  
Guwahati Bench  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

O.A. No. /2006

Sri Bipul Ranjan Halder ..... Applicant  
-versus-  
Union of India & others ..... Respondents

INDEX

<b>Sl.</b>	<b>Annexure</b>	<b>Particulars</b>	<b>Page</b>
1.	—	Application	1-12
2.	—	Verification	13
3.	Annexure A	Transfer order dt. 30.9.04	14
4.	Annexure B	Transfer of Charge dt. 30.9.04	15
5.	Annexure C	Order dt. 20.7.05 (in OA 240/04)	16-18
6.	Annexure D	Memorandum dt. 19.12.05	19
7.	Annexure E	Statement of Charges	20-26
8.	Annexure F	Letter dt. 26.12.05	27-28
9.	Annexure G	Letter dt. 17.2.06	29-31
10.	Annexure H	Letter dt. 1.3.06	32-35
11.	Annexure I	Letter dt. 21.2.06	36-37
12.	Annexure J	Letter dt. 22.2.06	38
13.	Annexure K	Letter dt. 16.3.06	39
14.	Annexure L	Letter dt. 28.3.06	40-44

Filed by:  
Bibhash Pathak  
(Bibhash Pathak)  
Advocate  
Date: 4/4/2006

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT, 1985)

**ORIGINAL APPLICATION NO. OF 2006**

BETWEEN

Shri Bipul Ranjan Halder,  
Son of Birendra Kishore Halder,  
Town & P.O. Karimganj  
District- Karimganj (Assam)  
At present working as Superintendent of  
Post Offices, Nagaon(Assam)

... Applicant

-versus-

1. Union of India  
Represented by the Secretary, Govt, of India  
Ministry of Communications, Department of Posts,  
New Delhi.
2. The Director General of Posts  
New Delhi.
3. The Chief Postmaster General  
Assam Circle, Meghdoot Bhawan  
Guwahati-781001.
4. The Chief Postmaster General  
N.E. Circle, Shillong.

Bipul Ranjan Halder

5. Sri Abhijit Ghosh Dastidar,  
Chief Post Master General,  
Assam Circle, Meghdoot Bhawan, Guwahati-1

6. Central Public Relation Officer, Office of the Chief  
Postmaster General, N.E.Circle, Shillong.

... Respondents

**DETAILS OF THE APPLICATION:**

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

(i) This application has been made against the order No. Staff/1-234/04/Pt.I dated 16.3.2006 ( **Annexure-K** ) refusing to provide the relevant documents / information required by the applicant for preparing and submitting the reply / defence representation and fixing 3.4.2006 as the last date for submission of reply and to proceed ex-parte thereafter against the applicant.

(ii) Non-consideration of the application / representation dated 21.2.2006 ( **Annexure- I** ) and 1.3.2006 ( **Annexure- H** )

2. **JURISDICTION OF THE TRIBUNAL:**

The applicant declares that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

3. **LIMITATION:**

The applicant further declares that the subject matter of the application is within the period of limitation prescribed under the Section 21 of the Central Administrative Tribunal Act, 1985.

*Bipul Rayan Haldar*

4. **FACTS OF THE CASE:**

- 4.1 That the applicant is the citizen of India and a permanent resident Karimganj Town, P.O. Karimganj, District- Karimganj (Assam) and as such, he is entitled to all the rights, protection and privileges as guaranteed under the Constitution of India and the laws framed thereunder. At present the applicant is working as the Superintendent of Post Offices, Nagaon Division, Nagaon-782001.
- 4.2 That the respondent No.2 is the highest administrative authority under the respondent No.1 and the respondent No.3 and 4 are the regional authorities having respective authorities and power allocated to them by law. The respondent No.5 is the person who acted as the respondent No.3 at the relevant point of time to which the subject matter of this application is related and at present serving as the respondent No.4. The respondent No.6 is the statutory authority constituted under the Freedom of Information Act,2002.
- 4.3 That the applicant joined in service under the respondents as Postal Assistant in the year 1970 and rose to the position of Assistant Director Postal Services (Group B Cadre) in Officer Grade. The applicant has put in almost 34 years of blameless service and he is serving the cause of the Government of India with all dedication, devotion and sincerity and to the full satisfaction of the higher authorities.
- 4.4 That during his service career the applicant has got transferred to as many as 13 times to the places covering the three postal circles, viz, North East Circle, Assam Circle and West Bengal Circle. The applicant got transferred from West Bengal Circle to the North East Circle with effect from 1.7.2002. The applicant completed 2 years and 3 months of service in Shillong where he was entitled to continue at least for 4 years as rotation posting.
- 4.5 That the respondent No.4 issued the order of transfer vide Memo No. Staff/9-2/04 dated 30.9.2004 transferring the applicant alongwith others

*Bipul Rayan Hader*

from the Office of the respondent No.4 to Kohima as Deputy Superintendent of Posts, Nagaland Division, Kohima. The said transfer order was given immediate effect and the applicant was relieved of duties to proceed on transfer. The applicant hardly after 2 hours on the same day from the time of receipt of the transfer order was forced to sign the certificate of the transfer of charge without actual handing over of charge to the relieving officer. This was done in complete violation of the provisions of transfer of charges as required under the provision of Rule 73, 74 and 75 of the **Posts and Telegraphs Manual, Vol. IV (Establishment)**. It is also explicit from the order of the transfer order was issued without the approval of the competent authority as provided under Rule 34 of the Posts and Telegraphs Manual, Vol. IV read with the Schedule –2 of the Postal Manual Vol. III. Therefore, such order of transfer was illegal and was liable to be set aside and quashed.

The copy of the impugned transfer order and certificate of transfer of charge, both dated 30.9.2004 are annexed as **Annexure A & Annexure B** respectively.

4.6 That being highly aggrieved by the said order of transfer, the applicant preferred an application before this Hon'ble Tribunal vide **OA No. 240/2004** and thereby challenged the legality and validity of the said order of transfer. By the said application the applicant raised the issues of malafide action of the respondent No.5 to wreck vengeance on him personally. It was also stated that the wife of the applicant being a chronic patient of **rheumatoid arthritis** and a Government Servant under the Government of Assam, Department of Education serving at Karimganj. The applicant submitted representation to the competent authority to consider his transfer either to Dharmanagar or to Silchar where such scope of transfer was available to accommodate the applicant. The applicant also referred to the various Office Memorandum issued by the Govt. of India thereby emphasizing the need of posting husband and wife at the same station. Amongst other, the applicant also clearly stated that the applicant as Assistant Secretary of the Officers Association had to approach the respondent No.5 in person and in certain occasions had to altercation and agitate for collective bargaining in

*Bipul Raygan Haldar*

the interest of the Association. In the process, the respondent No.5 took exceptional view against the applicant and he openly declared in presence of other office bearers that he will see as to how the applicant can continue in the Circle Office and threatened that he would not only be transferred out but also be subjected to disciplinary action. It was also stated that the respondent No. 5 is a person of different temperament and is irritable by nature. He being a divorcee has a disturbed family life. There had been a series of complaints against him touching his personality and immoral sexual behaviour. Such atrocious behaviour perpetrated by the respondent No.5 towards his fellow subordinate female staff has even went up to the Central Minister for interference and such matter is under scrutiny. This was stated at para 4.12 of the said application. During the pendency of the said OA No. 240/2004, the competent authority, however, issued another transfer order thereby canceling his earlier transfer to Kohima, Nagaland under NE Circle, Shillong and posted him at Nagaon, Assam under the Assam Circle, Guwahati.

After hearing the parties, this Hon'ble Tribunal passed the final order in the said OA No. 240/2004 on 20.7.2005. By the said order this Hon'ble Tribunal was pleased to record that there had been 2 vacancies available to accommodate the applicant either at Silchar or at Dharmanagar. Considering the above aspects and the condition of the wife of the applicant, this Hon'ble Tribunal was pleased to direct the applicant to submit a fresh representation within 10 days from 20.7.2005. Clear direction was also given that if any vacancy in Group B Post exists either at Dharmanagar or at Silchar on account of the retirement of the incumbent there, the same will be filled up only after considering the case of the applicant as directed hereinabove. But most unfortunately and for the oblique interest of the respondent No. 5, the applicant has never been accommodated upto now although the vacancies both at Dharmanagar and Silchar occurred.

The applicant craves the leave of this Hon'ble Tribunal to allow him to rely upon and to refer to the records of the OA No. 240/2004 and the

Bipul Rayan Haldar

said records of the Hon'ble Tribunal may be called for and connected with this present application.

A copy of the order dated 20.7.2005 passed in the OA No. 240/2004 is annexed hereto as **Annexure C**.

4.7 That while the applicant was expecting the order of transfer accommodating him at his choice station of posting as directed by this Hon'ble Tribunal, he has been surprised to receive a letter vide Memo No. Staff/1-243/04/Pt-I dated 19.12.2005 issued by the respondent No.3. By the said Memorandum, the respondent No. 3 communicated the applicant that it has been proposed to take action against him under Rule 16 of the CCS(CCA) Rules, 1965. A statement of imputation of misconduct or mis-behaviour on which action is proposed to be taken has also been enclosed thereto. By the said communication the applicant was given an opportunity to represent in his defence within 10 days from the date of receipt of the said communication.

The copies of the said Memorandum dated 19.12.2005 alongwith the statement of imputation of misconduct/ misbehavior are annexed hereto as **Annexure D & Annexure E** respectively.

4.8 That on receipt of the said memorandum and the statement of imputation of charges, the applicant immediately on 26.12.2005 represented to the respondent No.3 and requested to arrange to supply him copies of as many as 16 nos. of relevant documents/ files/ records/ circulars etc. for preparation of and submission of written representation in defence.

The copy of the said letter dated 26.12.2005 is annexed hereto as **Annexure F**.

4.9 That in the meantime, the respondent No.5 got his transfer from NE Circle to Assam Circle in which the applicant has been serving. This transfer and posting of the respondent No.5 has further aggravated the whole matter of disciplinary action as proposed against the applicant as

*Bipul Rayjan Haldar*

the allegations and imputation of charges are mostly pertaining to the time when the said respondent No.5 was the authority as respondent No.4 in the NE Circle and the applicant implicated the said respondent No.5 in the OA No.240/2004 alleging malafide against him as stated hereinabove. Taking the chance to fulfill his grudge against the applicant, the respondent No.5 acting as respondent No.3 has responded to the request made by the applicant vide his letter dated 26.12.2005 and arranged to provide only a few documents/ records as sought for by the applicant. This was communicated vide letter No. Staff/1-243/Pt.I dated 17.2.2006. By the said letter dated 17.3.2006 the respondent No.3 stated that the records as sought for pertains to NE Circle and only few of them are relevant against the 8 Nos. of separate article of charges. It has also been stated that the other records referred to para 1(b) are not relevant according to the respondent No.3. By the said letter it has also been stated that if the reply is not submitted within 10 days from the date of receipt of the said letter, it would be presumed that the applicant had no representation to make and necessary orders would be passed ex-parte. This is a clear case of malafide action at the instance of the respondent No.3 and 5 as the disciplinary authority in the case. Hence the respondent No.3 has been implicated as *eo nomine* as respondent No.5 in this case.

The copy of the said letter dated 17.2.2006 along with enclosures is annexed hereto as **Annexure G**.

4.10 That in response to the letter dated 17.2.2006 the applicant immediately took up the matter with the respondent No. 3/5 vide his letter dated 1.3.2006. By the said letter the applicant made it clear that the records/ files / documents sought for by the applicant as stated above were very much relevant and connected to bring out the truth against all the imputation of charges numbering as many as eight and accordingly the applicant reiterated and emphasized specifically that the documents/ files/ records as sought for are very much essential and in absence of those information he will not be in a position to ventilate the truth and fortify his defence statements as required by law. Accordingly he once again requested the respondent authority to furnish the said records/

*Bapul Ranjan Haldar*

documents/ files etc. But for the reasons best known to the said respondent No.3/5 the said letter has not been responded to and delay has been caused in the matter.

The copy of the said letter dated 1.3.2006 is annexed hereto as **Annexure H.**

4.11 That as there was nothing forthcoming from the respondent No.3/5 and as an alternative measure open to the applicant, the applicant made an application on 21.2.2006 to the respondent No.4 (who is otherwise nominated and appointed as the Public Information Officer, NE Circle under the Freedom of Information Act, 2002) through the respondent No.3 by paying necessary duties for furnishing the copies of the document as stated therein numbering as many as 16. The respondent No. 3 (acting as Public Information officer, Assam Circle) on receipt of the said requisition, informed the applicant vide letter No. CPIO/RTIA-3/2006 dated 22.2.2006 that the requisition of the applicant has been forwarded to the CPIO, Office of the NE Circle, Shillong. But nothing was received upto now from the said statutory authority and no such copies of records has so far been issued to him. It is also very much pertinent to state there that almost all the records except a few pertains to NE Circle and not to the Assam Circle.

The copy of the letter dated 21. 2.2006 and 22.2.2006 are annexed hereto as **Annexure I and J.**

4.12 That in the meantime the respondent No. 3 has issued the impugned letter No. Staff/1-243/04/Pt.I dated 16.3.2006 to the applicant in response to his letter dated 1.3.2006. By the said letter the respondent No.3 has stated that all the documents relevant to the case and available were already given to the applicant for submission of his reply within a specific time. By the said letter it has also been alleged that the applicant instead of submitting his reply some more documents have again been sought for. It has also been stated that the cross examination of officers/ officials and supply of more documents is not required in the instant case and the said authority directed the applicant

*Bipul Rayjan Halder*

to submit his defence representation to reach his office by 3.4.2006 failing which it has been stated that the matter would be decided ex parte. The applicant begs to state that this impugned letter dated 16.3.2006 is illegal and capricious as the applicant has been denied the justice as provided by the rules of natural justice, Art. 311 of the Constitution of India and Rule 77 of the Postal Manual, Vol. III.

The copy of the said impugned letter dated 16.3.2006 is annexed hereto as **Annexure K**.

4.13 That on receipt of the said impugned letter dated 16.3.2006 the applicant immediately took up the matter with the respondent No.3/5 vide his letter dated 28.3.2006 and informed the said authority that he is to be given the chance of hearing in person and also as to how the competent authority failed to provide him the required documents / files / records as sought for by him. If the applicant is not given the chance of hearing including furnishing of the documents / files / records that would amount to denial of reasonable opportunity and such action would be hit by the provisions of Art. 311 of the Constitution of India. The applicant by the said letter showed the comparative chart thereby indicating as to how the required documents/ files/ records have not been provided to him and instead some irrelevant and unnecessary documents have been provided to him although it was not sought for at all.

The copy of the said letter dated 28.3.2006 along with the comparative chart is annexed hereto as **Annexure L**.

4.14 That the applicant is entitled to inspect and get the copies of the relevant documents and also a chance of personal hearing is to be given to him as provided under Rule 77 of the Postal Manual, Art. 311 of the Constitution of India read with Rule 16 of the CCS(CCA) Rules, 1965. But the respondents have denied such opportunity to the applicant by issuing the impugned letter dated 16.3.2006 and as such the said impugned order is illegal, arbitrary, malafide, capricious and such impugned order cannot sustain in law.

*Bipul Rayjan Haldar*

- 4.15 That the applicant demanded justice from the respondents which has been denied to him.
- 4.16 That this application has been made bonafide and for the ends of justice.

5. **GROUND FOR RELIEF WITH LEGAL PROVISIONS:**

- 5.1 For that the impugned order dated 16.3.2006 (**Annexure K**) is illegal and arbitrary and is liable to be set aside and quashed as violative of the provisions of Rule 16 of the CCS (CCA) Rules, 1965 and rule 77 of the Postal Manual Volume-III.
- 5.2 For that the impugned letter dated 16.3.2006 is vitiated by malafide at the instance of the respondent No.5 and as such the same cannot sustain in law and the same is liable to be set aside and quashed.
- 5.3 For that if the impugned letter is allowed to operate and the same is not set aside and quashed, that would amount to violation of the provisions of Article 14 of the Constitution of India.
- 5.4 For that the applicant is also entitled to be heard in person and submit his defence representation as provided by law and as such if he is not heard in person and he has been given the chance of hearing and submitting his defence in the case, which will amount to violation of rules of natural justice and Art. 311 of the Constitution of India.
- 5.5 For that the respondents failed to consider the application / representation dated 21.2.2006 and 1.3.2006 submitted by the applicant seeking the inspection / copies of documents, which amounts to denial of justice and violation of the provisions of the Freedom of Information Act, 2002.

*Bipin Rayan Haldere*

5.6 For that in any view of the matter and the provisions of law the impugned letter dated 16.3.2006 is not tenable in law and the same is liable to be set aside and quashed.

6. **DETAILS OF REMEDIES EXHAUSTED:**

That the applicant declares that he has exhausted all the remedies available to him and there is no alternative and efficacious remedy available to him.

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

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

8. **RELIEF SOUGHT FOR:**

Under the facts and circumstances of the case, the applicant most respectfully prays in this Hon'ble Court that the application be admitted, records of the case be called for and notices be issued to the respondents directing them so show cause as to why the relief sought for should not be granted to the applicant as prayed for and after hearing the parties and perusing the records including the causes, if any shown by the respondents, Your Lordships would also be pleased to:

- 8.1 to set aside and quash the impugned letter dated 16.3.2006 (as in **Annexure K**) and declare the action of the respondents in issuing the said impugned order as arbitrary and illegal which can not sustain in law;
- 8.2 to direct the respondent No. 3, 4 and 6 to reconsider the application/representation submitted by the applicant and to allow the applicant to inspect / or he be furnished with all the copies of the relevant documents/ information as sought by him in his said

*Bipul Rayyan Halder*

application/representation dated 21.2.2006 (**Annexure- I**) and 1.3.2006 (**Annexure- H**);

- 8.3 to fix a date allowing the applicant to submit his reply/ defence representation to the charge sheet;
- 8.4 to pay the cost of the case/ application;
- 8.5 or may pass such other or further order for any other relief to which the applicant is found entitled to under the facts and circumstances of the case.

9. **INTERIM ORDER PRAYED FOR**

Pending disposal of the application, the applicant prays that the operation of the impugned letter dated 16.3.2006 (as in **Annexure K**) may be stayed / suspended or be kept in abeyance until further order from this Hon'ble Tribunal and/ or otherwise the respondent No.3 and 5 be restrained from proceeding further with the disciplinary proceeding in violation of the provisions of rules of natural justice.

10. The application is filed through Advocate.

11. **PARTICULAR OF I.P.O. :**

I.P.O. NO.	:
Date of Issue	:
Issued from	:
Payable at	:

12. **LIST OF ENCLOSURES :** As stated in the INDEX.

*Bipul Rayan Haldere*

VERIFICATION

I, Sri Bipul Ranjan Halder, son of Birendra Kishore Halder, aged about 55 years, permanent resident of Karimganj Town Post Office & District-Karimganj, Assam, do hereby solemnly affirm and state that the statements made in the application in para 4.2, 4.3 & 4.14 are true to my knowledge and belief, those made in para 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12 & 4.13 being matter of records, are true to my information derived therefrom and the rest are my humble submission and legal advice. I have not suppressed any material fact of the case.

And I sign this verification on this 4<sup>th</sup> day of April, 2006 at Guwahati.



**Deponent**

DEPARTMENT OF POSTS: INDIA

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

ANNEXURE : A

ANNEXURE : 1

Memo No. Staff/9-2/04

Dated Shillong, the 30<sup>th</sup> September 2004.

Subject:- Posting/Transfers of Gazetted Officers in N. E. Circle.

The under mentioned posting/transfer order in respect of Gazetted Officers are issued on administrative grounds to have immediate effect.

Sl. No.	Name/Designation	Present appointment	Transfer to next appointment	Remarks
a)	Sri Anil Baran Dutta, PSS Group 'B'	ADPS/CO, <u>Shillong</u> .	ADPS(Staff/Tech) C.O., <u>Shillong</u>	Vice Sri B. R. Halder transferred
b)	Sri Bipul Ranjan Halder, PSS Gr. 'B'	ADPS(Staff/Tech) C.O. <u>Shillong</u> .	Deputy Supdt. of Posts, Nagaland Division <u>Kohima</u>	Vice Sri S. Choudhury transferred.
c)	Sri Subrata Choudhury, PSS Group 'B'	Dy. Supdt. of Posts Nagaland Division, <u>Kohima</u> .	Supdt. Postal Stores Depot, Silchar	Against vacant post
d)	Sri Niranjan Das, PSS Group 'B'	ADPS(PLI/Business Development/Technology/Philately) C.O. <u>Shillong</u> . Has been working as ADPS, CO/Shillong since June' 98	Supdt. of Posts <u>Dharmanagar</u> Division (Tripura)	Vice Sri Sunil Das, transferred
e)	Sri Sunil Das, PSS Group 'B'	Supdt. of Posts, Dharmanagar Division, <u>Dharmanagar</u> (Tripura) Has been working as Supdt. Dharmanagar Since January'2001	ADPS(PLI/Business Development/Technology/Philately) CO/ <u>Shillong</u> .	Vice Sri N. Das, transferred.

2. ? The officer at Sl. (d) will be relieved on 18-10-04 by Sri Anil Baran Dutta.

3. Relevant charge reports and last pay certificates will be issued to all concerned.

*B.R.H.*  
(B. R. Halder)  
Asstt. Director (Staff)  
For Chief Postmaster General,  
N. E. Circle, Shillong.

Contd.. P/2...

*Bishash Pathak*  
Advocate

ACG-61

Amendment of General Financial Rules, 1963

FORM VFR 33

(See Rule 77B)

Certificate of transfer of Charge

Certified that I/We have in the forenoon/afternoon of this day respectively made over and received charge of the Office of Asstt Director (Staff Tech) c/o Shillong in pursuance of Order No. Staff/9-2/04

Dated 30/9/04

Relieved Officer B. R. Haldore

(Name in Block Letters)

Signature BRH

Relieving Officer A. B. Dulla

(Name in Block Letters)

Signature ABD

30/9/04

Designation Asstt Director (Staff Tech)

Designation

Station Shillong

Station Shillong

Date 30-09-04

Date 30/9/04

(For use in Audit Office/PAO only)

Noted in A/R at page

SO/AAO/AO/PAO

Forwarded to SS(Staff)/ SS(A&P)/ JAO(BGT)

Note: Separate Certificate (as per form appended) also to be used where transfer/ Assumption of charge involves responsibilities for cash, stores etc.

Certified to be true Copy.

Bishash Pathak  
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 240 of 2004.

Date of Order: This, the 20th day of July, 2005.

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

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

Shri Bipul Ranjan Halder,  
Son of Birendra Kishore Halder,  
Town & P.O. Karimganj (Assam) ... Applicant

By Advocate Shri B.C.Pothak

- Versus -

1. Union of India,  
represented by the Secretary to the Govt. of India,  
Ministry of Communications,  
Department of Posts, New Delhi.2. The Director General of Posts,  
New Delhi.3. Sri Abhijit Ghosh Dastidar,  
Chief Postmaster General,  
North East Circle, Shillong-793001.4. The Chief Postmaster General,  
Assam Circle, Meghidoor Bhawan,  
Guwahati-1.

... Respondents

By Miss Usha Das, Addl.C.G.S.C.

ORDER (ORAL)SIVARAJAN J.(V.C)

The applicant is a Group 'B' officer in the Postal Department and presently working in Assam Circle. The applicant was earlier transferred from Calcutta to Shillong in the year 2002, which is in the North Eastern Circle. The applicant's wife is employed in a school under the Government of Assam. According to the applicant she is suffering from serious ailments and therefore his personal attendance is required to give proper treatment to her. The applicant while working at Shillong, in the above circumstances, made representation before the Postal authorities for giving him a posting at Dharmanagar in N.E.Circle. However, as per an

Certified to be true Copy.

*Bishash Pathak*

Advocate

order dated 30.9.2004 (Annexure-1) the applicant was posted at Kohima in the State of Nagaland. The applicant made a representation dated 13.9.2004 (Annexure-5) followed by another representation dated 11.10.2004 (Annexure-7). However, the applicant was transferred from N.E.Circle to Assam Circle as per order dated 14.10.2004 (Annexure-8) and posted at Nagaon (Annexure-9). As already noted, the applicant wants transfer to a place near to the place where the applicant's wife is residing i.e either at Dharmanagar or at Silchar.

2. The respondents have filed their written statement denying the request of the applicant. Mr B.C.Pathak, learned counsel for the applicant submits that presently 2 vacancies are available at Silchar and Dharmanagar on account of retirement of the incumbents there. Counsel submits that the applicant had earlier represented for a posting at Dharmanagar or at Silchar and therefore the respondents may be directed to consider his claim for transfer to one of the said two vacant places. Mr Pathak further submits that in terms of Government Circulars particularly the latest one issued in 2004 a Government servant must be accommodated as far as possible at the same station where the applicant's wife is working. Counsel further submits that the respondents are bound to consider such circular while transferring the employees of the postal department. Miss U.Das, learned Addl.C.G.S.C appearing for the respondents on the other hand submits that the applicant has been posted in Assam Circle and it is in the same circle where he wanted transfer. Miss Das further submits that Dharmanagar and Silchar are far away places from Karimganj, where his wife is working and the transfer order was made in the interest of public service.

3. Mr B.C.Pathak, learned counsel for the applicant based on the averment in the rejoinder submits that though the applicant was accommodated in the Assam Circle at Nagaon it is 330 Km away from the residence whereas the distance from Karimganj to Dharmanagar is only 75 Km.



4. As already noted Dharmanagar and Silchar are nearer to the residence where the applicant's wife resides and vacancies are also available there on account of retirement of some persons. In the circumstances we are of the view that the application can be disposed of with directions. Accordingly there will be a direction to the applicant to submit a fresh representation within 10 days from today before the respondents and the respondents are directed to consider the representation of the applicant for his transfer either to Dharmanagar or to Silchar particularly with reference to the fact of serious ailments of his wife and pass an appropriate orders in the light of the guidelines and in accordance with law within one month from the date of receipt of the representation. If any vacancy in Group B post exists either at Dharmanagar or at Silchar on account of the retirement of the incumbent there the same will be filled up only after considering the case of the applicant as directed herein above.

Application is accordingly disposed of. No costs.

SD/ VICE CHAIRMAN

SD/ MEMBER (A)

TRUE COPY

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प्राचीन अधिकारी

## **Organic Chemistry Section Officer (Dual)**

## 2.000.000.000 1. Administrative

માયારાધી-૫

GUWALIATI-5

10/26/87

METHYLIC

19  
DEPARTMENT OF POSTS  
OFFICE OF THE  
CHIEF POSTMASTER GENERAL  
ASSAM CIRCLE : MEGHDOOT BHAWAN,  
GUWAHATI - 781001

ANNEXURE : D

Memo No. Staff /1-243/04/ P - I

Dated at Guwahati the 19.12.2005

MEMORANDUM

Shri Bipul Ranjan Halder, the then Asstt. Director (Technical & Staff), Circle office, Shillong and now Superintendent of Post offices, Nagaon Postal Division, Nagaon is hereby informed that it is proposed to take action against him under Rule - 16 of CCS (CCA), Rules 1965. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above, is enclosed.

2. Shri Bipul Ranjan Halder is hereby given an opportunity to make such representation as he may wish to make against the proposal.
3. If Sri Bipul Ranjan Halder fails to submit his written representation within 10 days of the receipt of this Memorandum, it will be presumed that he has no representation to make and orders will be liable to be passed against Sri Bipul Ranjan Halder ex parte.
4. The receipt of this memorandum should be acknowledged by Sri Bipul Ranjan Halder.

Encl: as above.

REGD. A/D

To,

Sri Bipul Ranjan Halder  
Superintendent of Post offices  
Nagaon Postal Division  
Nagaon

( S K Das )  
Disciplinary Authority, &  
Chief Postmaster General  
Assam Circle, Guwahati

Certified to be true Copy.

B. B. Pathak  
Advocate

Statement of Imputations of Misconduct / Misbehaviour on the basis of which it is proposed to take action against Shri B. R. Halder, the former AD(Staff & Technical), O/o the Chief Postmaster General, N. G. Circle, Shillong and now Supdt. of Post Offices, Nagaon Division, Nagaon under Assam Circle

Article - I

The Shri Bipul Ranjan Halder, now SPOs, Nagaon while he was working as Asstt. Director(Technical & Staff), O/o the Chief Postmaster General, N. E. Circle, Shillong during the period from 1.7.2002 to 16.8.2004 failed to follow the extent instructions about processing of tenders. The said Halder mooted a proposal for limited tender for both Circle Office and Postal Divisions on 20.7.04. Shri Halder called a limited tender on 15.9.04 and endorsed copies, without registered post, of the tender notice only to selected six firms, namely (i) M/s B. B. Verma & Co. Dhankheti, Opp. Bawri Mansion, Shillong-793 001, (ii) M/s Taste, Laitumkhrah Police Point, Shillong-793 003, (iii) M/s Bhajanlal, Police Bazar, Shillong-793 001, (iv) M/s Multi Line, Bawri Mansion, Dhankheti, Shillong-793001, (v) M/s National Telecomp, Dhankheti, Jowai Road, Shillong-793.001 and (vi) M/s Denizens Marketing, C/o Chetra Devi, Harisaba Para, Jolly Cottage, Shillong-793 004. Only three tenders were received from amongst those firms that were addressed from C.O. File No.Tech/1-25/2003-04/I dated 15.9.04 marked serially as 1, 2 & 3. The tenders were got approved by a Committee consisting of the then A.D.(Technical & Staff) himself as Chairman and two members, namely Shri D. K. Dey, IPO(Inv.) and Md. Nasir Ahmed, PA(Technical Section). Shri Halder formed the committee himself without approval from the competent authority.

The said Shri Bipul Ranjan Halder, the former A.D.(Technical & Staff), CO/Shillong now SPOs, Nagaon thus took a unilateral decision, which violated extant norms, for procurement of furniture for all offices stationed at Shillong from the local Godrej dealer. Besides, Godrej is a private limited company manufacturing furniture, and not a nomenclature/type/model/design of furniture. The tender floated by the AD(Technical & Staff) was irregular. In any case, it should have been sent to several different furniture manufacturers. Halder also called for requisition of furniture from the Executive Engineer, Postal Division,

Certified to be true Copy,  
*Bishash Pathak*  
 Advocate

Shillong under File No.Tech/1-25/2003-04/I dated 16.9.04 without the approval of the competent authority. The undue haste on the part of the then A.D(Technical & Staff) lends credence to the fact Shri Halder had an ulterior motive in setting up a Committee, on his own, to evaluate the tenders. Bipul Ranjan Halder had failed to maintain absolute integrity and acted in a manner which is unbecoming of a government servant violating the provisions of Rule-3(1)(i) and (1)(iii) of CCS(Conduct) Rules, 1964.

### Article - II

Shri Hariprasad Neaupanay was appointed as E.D. Masalchi vide CO, Shillong letter No.Staff/32-16/ED/93 dated 14.11.96 by the then APMG(Staff), CO, Shillong. During his functioning, Shri Neaupanay absented himself from duty from 14.9.03 onwards. Shri Halder put-off Shri Neaupanay from duty with retrospective effect from 14.9.03 vide memo. No.Staff/32-16/ED/93 dated 12.11.03. Thereafter, disciplinary proceedings were initiated against Shri Neaupanay under Rule-10 of the Department of Posts GDS(Conduct and Employment) Rules, 2001 for absence without prior information. Subsequently, Shri Halder imposed the penalty of removal of Shri Neaupanay from service vide memo. No.Staff/3-ED/PE/99 dated 9.8.04. Howbeit, this was irregular as the said E.D. had been appointed by an officer of the rank of APMG. Hence, an officer of the rank of APMG or above should have been the disciplinary authority. Thus, Shri Halder acted in haste with an ulterior motive violating the provisions of Rule-9 of GDS (Conduct and Employment) Rules-2001.

By this above act, it is alleged that the said Shri Bipul Ranjan Halder had failed to maintain absolute integrity and acted in a manner which is unbecoming of a government servant violating the provisions of Rule-3(1)(i) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

### Article - III

Shri Mrinmoy Goswami was appointed as Manager-Cum-Salesman in the Departmental Canteen, Office of Chief PMG, N. E. Circle, Shillong vide memo. No.WLF/Canteen-1/91/Rectt. dated 11-9-91 in the pay scale of Rs.950-20-1150-EB-25-1500(3200-4900). While employed in the Departmental Canteen, C.O., Shillong, Shri Goswami was allowed (by the predecessor of Halder) to officiate on adhoc basis as PA, C.O., Shillong, first spell was from 1.7.01 to 26.12.01, followed by further spells from

28.12.01 to 2.7.02, and from 5.7.02 to 12.11.02. He was allowed to draw pay and allowances in the scale of Rs.4000-6000. Subsequently, Shri Goswami applied for the LGO examination and was thereupon allowed to appear in the same. He qualified in the examination and was appointed as PA in C.O., Shillong with effect from 13.11.02.

The adhoc appointment for the aforementioned spells by Shri Goswami was subsequently questioned by the IC Party during the Internal Check Inspection of the Office of Chief PMG, N. E. Circle vide memo. No.35 dated 6.11.03. The ground for questioning can be stated like this. As per D.G. P&T letter No.20-24/82-SPB-I dated 26.9.84, the employees of Departmental Canteens have to undertake an examination for recruitment to posts which are required to be filled up from the open market. On this note, the officiation of Shri Goswami was inappropriate and, accordingly, an amount of Rs.11,413/- (for the period of officiation) was requested to be recovered from Shri Goswami. Shri Halder, the former A.D.(Staff) singularly responded to this objection (in file No.Staff/35-4/2002) by IC Party on 7.11.03 in defence of Shri Goswami and, thereupon, requested the IC Party for dropping the item. As the reply of A.D.(Staff) was insubstantial, Shri A. Rakshit, GM(PAF), Kolkata vide his letter dated 28.7.04 addressed to Chief PMG, N. E. Circle further pursued the matter and requested for setting the improper appointment of Shri Goswami. The appointment was objected to, as it contravened G.O.I., DOP&T, OM No.15/1/96-Dir(c) dated 9.2.2000.

Previously, Shri B. R. Halder, former AD(Staff & Tech), CO/Shillong now SPOs/Nagaon vide memo. No.Staff/125-10/2002 dated 12.11.2002 irregularly announced the qualifying result of Shri Mrinmoy Goswami in LGO Examination held on 12.5.2002 which was in contravention of the instructions contained in G.O.I. DOP&T OM No.15/1/96-Dir(c) dated 9.2.2000. Subsequently, the said Shri Halder issued another order vide letter No.Staff/35-4/2002 dated 3.12.2002 directed Shri Mrinmoy Goswami to assume charge of PA, Circle Office on regular basis without obtaining approval from competent authority.

Thus, in this case too Shri Halder acted unilaterally without showing the case to higher authorities. He also acted in haste by defending Shri Goswami, whereas, the IC Party had stated in unequivocal terms that the officiation by Shri Goswami was improper. This again lends credence to the fact that Shri Halder acted in the case with an ulterior motive.

By this above act, it is alleged that the said Shri Bipul Ranjan Halder had failed to maintain absolute integrity and acted in a manner which is unbecoming of a government servant violating the provisions of Rule-3(1)(i) and 3(1)(iii) of CCS(Conduct) Rules, 1964.

#### Article – IV

Shri Bipul Ranjan Halder while working as SPOs, Malda Division, under North Bengal & Sikkim Region, Siliguri issued an order of transfer and posting on 17.5.2002 in respect of Sri Manik Chandra Das, SPM, Samsi (BCR) directing that Sri Das will be relieved on office arrangement handing over the charge to Sri Shibendranath Chakraborty, (the junior most official) PA, Samsi SO instead of the next senior most official, thus violating the office procedure.

The said Shri Halder thus gave an order to the junior most official instead of the senior most official, viz. Sri Charuchandra Sarkar to hold the charge.

The fraud could have been avoided had the SPOs ordered the senior most official to assume charge of the SPM instead of Sri Shibendranath Chakraborty, the junior most official.

Thus, due to the arbitrary order of the then SPOs a fraud occurred amounting to Rs.1,86,654/- Due to these lapses on the part of the then SPOs, the Department had to suffer a huge loss.

#### Article – V

Shri Bipul Ranjan Halder, while working in Circle Office, Shillong as Asstt. Director(Technical) has acknowledged the receipt of one handset from the then DPS(HQ) on 11.5.04. The equipment is Nokia-3310. The details are stated infra:-

i)	Mobile No	:	9863021626
ii)	Company's name	:	Reliance Mobile, Shillong
iii)	Equipment purchased	:	Nokia 3310
iv)	Cost of handset	:	Rs.6995/-

v)	Date of connection	17.7.02
vi)	Connection charged	Rs.9760/-
vii)	Position of the handset	With the then AD(Tech), CO/Shillong(Sh. B. R. Halder)

As the handset is not traceable at C.O., Shillong Sri A. B. Dutta, A.D.(Tech) talked over telephone on 4.3.05 to Shri Halder, now Supdt. of Post Offices, Nagaon, Assam Circle about the handset, who in reply told that it was kept in the almirah of A.D.(Tech). However, it could not be found in the almirah. Earlier on, Shri A. B. Dutta had addressed Shri B. R. Halder vide C.O., Shillong letter No.Tech/Mobile-Tel/Bill/02 dated 21.2.05. However, Shri Halder has failed to respond about the whereabouts of the handset. Therefore, it appears Shri Halder is responsible for the loss of handset.

By the above act, it is alleged that the said Shri Bipul Ranjan Halder failed to maintain absolute integrity and acted in a manner which is unbecoming of a Govt. servant violating the provisions of Rule 3(1)(i) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

### Article – VI

~~Shri~~ Shri B. R. Halder, ADPS(Staff & Tech), CO/Shillong (now SPOs/Nagaon) while looking after as AD(Bldg.) Circle Office, Shillong during period from 12.8.04 to 16.8.04 during the leave period of regular AD(Bldg.) Circle Office, Shillong had prepared notes on 16.8.2004 in the note sheet Nos. 68 and 69 in file No.Bldg/27-38/88-89 for adhoc allotment of staff quarter No.01-2/C at Oakland Postal Colony in favour of Smti. Tapashi Sarkar who was appointed as GDS and not departmental regular staff. In his note, he misrepresented facts and stated that Smti. Tapashi Sarkar, since absorbed in Circle Office, on regular basis, is eligible for adhoc allotment of Type-I quarter. The said Shri Halder ignored the fact that Smti. Tapashi Sarkar was appointed as GDS vide Circle Office, Shillong memo No.Staff/26-14/77/11 dated 20.5.2004 and that being a GDS she was not eligible for adhoc allotment of any staff quarter under the provision of sub-rule 3(a) of Govt. of India's order No.G.I.MW & H, Directorate of Estate OM No.220-13(7)/I-POL II dated 13.7.1981 below FR-317-B-26.

By the above act, said Shri B. R. Halder had violated the provision of Govt. of India's order ibid below FR-317-B-26 and had shown lack of devotion to duty thereby violating the provision of rule-3(1)(ii) of CCS(Conduct) rules 1964.

### Article - VII

Smti. Tapashi Sarkar, W/o Late B. P. Sarkar, Ex-Dustry, Circle Office, Shillong was the applicant for compassionate appointment on ground of Death of her husband while in service. She was recommended by the CRC for appointment in Group-D cadre, but for want of vacancy in Group-D cadre in Circle Office, Shillong she could not be absorbed. Therefore, she applied for appointment as GDS apparently due to her financial inability to maintain the family. Shri B. R. Halder, ADPS(Staff & Tech), now SPOs/Nagaon, Circle Office, Shillong processed her case and prepared a note in 68/N on 17.5.2004 in Circle Office file Staff/26-14/77/II stating that Smt. Tapashi Sarkar may be appointed in Circle Office on regular basis as GDS Group-D. Accordingly, he issued the order in favour of Smt. Tapashi Sarkar appointing her as GDS, Group-D, Circle Office, Shillong vide memo. No. Staff/26-14/77/II dated 20.5.2004 though in GDS cadre no such post of GDS Group-D exists.

By issuing the irregular order of appointment in favour of Smt. Tapashi Sarkar vide memo No. Staff/26-14/77/II dated 20.5.2004 the said Shri B. R. Halder had violated the provision of Rule-3(c)(i) to (viii) of Gramin Dak Sevak (Conduct and Employment) rules 2001 and had acted in a manner unbecoming of a Govt. servant violating the provision of Rule-3(1)(iii) of CCS (Conduct) Rules 1964.

### Article - VIII

The post of GDS, Masalchi, Okland I.B., Shillong had fallen vacant due to removal of Shri Hari Prasad Neaupanay with effect from 9/8/2004. Shri B. R. Halder, ADPS(Staff & Tech), Circle Office, Shillong took initiative to fill up the said post and issued a notice to the Assistant Director of Employment, Divisional Employment Exchange, Shillong on 17.11.2003 vide No. Staff/26-11/91 to sponsor the names of eligible candidates for the said post. In response, the said Assistant Director of Employment, Divisional Employment Exchange, Shillong vide its No. Ord-98/2003/6317-18 dated 28.11.2003 had sponsored a list of 14 candidates for the said post out of which 7 (seven candidates) i.e. candidates at Sl.-7, 8, 9, 10, 11, 12 & 13 were matriculate. Furthermore, the candidates at Sl.-1, 2, 3 & 10 belonged to ST community. There was

one OBC candidates at Sl.-4 of the list sponsored by the Employment Exchange. The other candidates were of unreserved community. Shri Halder did not give any preference to Matriculate candidates nor to the ST candidates for selection in the said post and chose Shri Abhijit Sarkar who had read up to Class-IX ignoring the other higher qualified candidates and ST candidates too and issued irregular appointment order vide memo No. Staff/26-11/91 dated 19.2.2004 in favour of Shri Abhijit Sarkar. By the above act, said Shri B. R. Halder had clearly violated the instruction of DG, P&T letter No.43-246/77-Pen dated 8.3.1978.

Further, while issuing the provisional appointment letter Shri Halder did not follow the instructions in para-(15) 1. of D.G.P&T letter No.43-3/77-Pen dated 18<sup>th</sup> May 1979 and circular No.19-34/99-ED & Trg. dated 30<sup>th</sup> December 1999 and did not issue the appointment letter as per Proforma-B as prescribed, therein.

By doing so, Shri B. R. Halder, ADPS(Staff & Tech), Circle Office, Shillong had violated the instructions contained in Directorate, New Delhi letter No.22-11/2003-GDS dated 26.9.2003, and instruction No.(15) 1 of D.G. P&T letter No.43-11/2003-GDS dated 26.9.2003 and instruction No.(15) 1 of D.G. P&T letter No.43-4/77-Pen dated 18<sup>th</sup> May 1979 and circular No:19-34/ED & Trg. dated 30.12.1999, and acted undevotedly by violating Rule-3(1)(ii) of CCS(Conduct) Rules 1964; he also showed lack of integrity violating Rule-3(1)(i) of CCS(Conduct) Rules 1964.

TYPE COPY

To  
 Sri S. K. Das  
 Chief Postmaster General  
 Assam Circle, Guwahati & Disciplinary Authority

Dated at Nagaon the 26.12.2005

Sub :- Memorandum under Rule 16 of C.C.S(CCA) Rule 1965

Ref :- Your Memo. No. Staff/1-243/04/Pt-I dated 19.12.2005

Respected Sir,

Your memorandum cited above fell on me like a bolt from the blue as it is the maiden such type of memorandum proposing disciplinary action I have ever received since my induction in the Department in the year 1970. To speak the precise truth I have never received even an explanation letter or letter of warning from my superior authorities since long 35 years of service in various cadres right from A for any sort of misbehaviour or misconduct causing any harm or loss to the organization or dissatisfaction to my superiors.

But as an irony of fate I have to acknowledge the receipt of your aforesaid memorandum and request your majesty to kindly arrange to supply me the following records, documents, files with note-sheet, copies of rulings, circulars and letters from the Directorate, which are very much relevant for my examination to facilitate preparation and submission of my written representation called for as it is quite impossible to commit all those fabricated things to memory over the years.

1. Co. Shillong File No. Tech/1-25/2003-04/I with Note-sheet, and concerned file for the previous year to see deviation in the procedure practice, if any;
2. Co. Shillong file No. Staff/32-16/ED/93 with Note-sheet;
3. Co. Shillong file No. Staff/3-ED/PF/99 with Note-sheet;
4. P/F of Sri Hari Prasad Neaupany with Note-sheet;
5. Co. Shillong File No. Staff/35-4/2002 with Note-sheet

Certified to be true Copy.

*B. B. Bhattacharya*  
Advocate

6. Concerned file relating to officiating appointment of Sri Mrinmoy Goswami w.e.f. 28.12.2001 to 2.7.2002, from 1.7.2001 to 26.12.2001 and from 5.7.2002 onwards with Note-sheet;

7. Co. Shillong File No. Staff/125-10/2002 with Note-sheet and Examination Register regarding compilation of marks and answer scripts for the L.G.O. Exam, 2002;

8. Co. Shillong File No. Staff/35-4/2002 with Note-sheet;

9. Concerned file of the O/O the S.P.O.S, Malda Division in which transfer and posting order in r/o Sri Mawk Ch. Das was issued on 17.5.2002;

10. Co. Shillong File No. Tech/Mobile-Tel/Bill/2002 with Note-sheet and reply dated 03.03.2005 from the undersigned in response to the letter dated 21.02.2005 referred to in para 2 of Article – V;

11. Co. Shillong File No. Staff/9-2/04 dated 30.09.2004 with Note-sheet;

12. Co. Shillong File No. Bldg/27-38/88-89 with Note-sheet;

13. Copy of G.I's order No. G.I. MW & H, Directorate O.M. NO. 220-13 (T)I-POL II dated 13.7.1981 below FR – 317-B-26;

14. Concerned Co. Shillong File approving compassionate appointment of Smti. Tapashi Sarkar by CRC;

15. Co. Shillong file No. Staff/26-14/77/II with note-sheet and relevant previous files in which similar appointments were issued in respect of Sri Sumit Debnath, Sri Jasbir Rai, Smt. Bayana Marpuntang and others.

16. Co. Shillong file No. Staff/26-II/91 with Note-sheet.

I would take all possible efforts to submit my written representation within reasonable period of time on receipt of the above items.

With profound regards.

Yours faithfully,  
Sd/- B.R. Halder  
26/12/05  
Supdt. Of Post Offices,  
Nagaon Dist., Nagaon

DEPARTMENT OF POSTS

From :- A. Ghosh Dastidar,  
Chief Postmaster General,  
Assam Circle,  
Guwahati - 781 001.

[ CONFIDENTIAL/UNDER ENTRY ]

To  
Shri Bipul R. Halder,  
Superintendent of Post Offices,  
Nagaon Division,  
Nagaon - 782 001.

No.Staff/1-243/04/Pt.I

Dated Guwahati, 17<sup>th</sup> February, 2006

Subject :- Disciplinary action under Rule 16 of CCS(CCA) Rules, 1965 : Case of Shri B.R. Halder, PS Group "B" [ presently in Assam Circle, and formerly in North East Circle].

1. Reference:- [a] CPMG, Assam Circle Guwahati Memo No. Staff/1-243/04/Pt.-I dated 16/19-12-2005.  
[b] Your letter dated 26-12-2005.
2. With reference to Para-1 [a] above, your letter has been scrutinised by the competent authority.
3. In the instant disciplinary case, only Circle Office, Shillong's Note-sheets, letters from Postal Directorate, New Delhi and Government of India's instructions, as cited in the Statement of Imputation of Misconduct/ Misbehaviour to the 8 (eight) separate Articles of Charges, forwarded to you, are essentially relevant to the Case. However, in order to facilitate your early response Photostat copies of all the relevant letters/documents/file extracts are forwarded herewith, [as separate enclosures to this letter].
4. Any other case references/documents requested for, in your letter referred to Para-1 [b] above, are felt not relevant to the case, under the "Need to Know Principle".
5. You are requested to submit your reply, within ten days of the receipt of this letter failing which it will be presumed that you have no representation to make and order will be liable to be passed ex parte.
6. This is issued with the approval of competent authority.

Enclosure :- As stated

[B.R. Chakravarthy]  
A.P.M.G.(Vig)  
For Chief Postmaster General,  
Assam Circle, Guwahati-781 001

Certified to be true Copy.  
Bishash Pathak  
Advocate

SI No	Circle Office, Shillong letter No. and date	Department of Posts, New Delhi letter No. and date	GOI instruction vide letter No. and date (as guidelines)
01	<u>ARTICLE-I</u> <ol style="list-style-type: none"> <li>CO Shillong note sheet No. Tech/84-3/Dn/Pt III/L</li> <li>CO Shillong No. Tech/1-25/2003-04/1 dated 15.9.04</li> <li>CO Shillong No. Tech/1-25/2003-04/1 dated 16.9.2004</li> </ol>	NIL	NIL
02	<u>ARTICLE - II</u> <ol style="list-style-type: none"> <li>CO Shillong No. Staff/32-16/ED/93 dated 14.11.96</li> <li>CO Shillong No. 32-16/ED/93 dated 12.11.03</li> <li>CO Shillong No. Staff/3-ED/PF/99, dated 9.8.04</li> </ol>	NIL	NIL
03	<u>ARTICLE - III</u> <ol style="list-style-type: none"> <li>CO Shillong No. WLF/Cantoon-1/91/Recd dated 11.9.91</li> <li>IC Party memo no. 35 dated 7.11.03</li> <li>Staff/125-10/2002 dated 12.11.02</li> <li>Staff/35-4/2002 dated 3.12.2002</li> </ol>	Directorate's letter No. 20-24/82-SPB-I dated 26.9.84	GOI DOP&T (213) OM No.15/1/96-Dir© Dated 9.2.2000
04	<u>ARTICLE- IV</u> Nil	NIL	NIL
05	<u>ARTICLE - V</u> <ol style="list-style-type: none"> <li>CO Shillong No. Tech/Mobile. Tel/Bill/02 dated 21.2.05.</li> </ol>	NIL	NIL
06	<u>ARTICLE - VI</u> <ol style="list-style-type: none"> <li>Copy of Note sheets of CO Shillong 68/N and 69/N file No. Bldg/27-38/00/89</li> <li>CO Shillong No. Staff/26-14/77/11 dated 20.5.04</li> </ol>	NIL	
07	<u>ARTICLE - VII</u> <ol style="list-style-type: none"> <li>CO Shillong copy of note sheet 68/N dated 17.5.2004</li> <li>CO Shillong No. Staff/26-14/77/11 dt. 20.5.2004</li> </ol>	NIL	NIL

08

ARTICLE-VIII

1. CO Shillong No. Staff/260-11/91  
dtd. 17.11.03
2. CO Shillong No. Staff/26-11/91  
dated 19.2.2004

To,

Sri A. Ghosh Dastidar,  
 Chief Postmaster General  
 Assam Circle, Guwahati-781001

Sub:- Disciplinary action under Rule 16 of CCS(CCA) Rules 1965.

Reference:- (a) CPMG Assam Circle, Guwahati Memo No. Staff/1-243/04 Pt I  
 Dtd.19-12-05

(b) CPMG, Assam Circle, Guwahati letter No. Staff/1-243/04/Pt I  
 Dtd.17-02-06.

Sir,

In acknowledging the receipt of your above quoted communications I beg to put forth the following for favour of your perusal and due consideration in the light of G.I's instructions (1) and (2) below Rule 16 of CCS(CCA) Rules 1965 (Twenty Seventh Edition-2002) issued vide Dept. of Per & Trg OMNo. 11012/18/85-Estt (A) dtd.28-10-1985 and codified in Rule 77 of P&T Manual Vol.III respectively.

2. The copies of the portion of note sheet of C.O. Shillong file No. Tech/84-3/Dn/Pt III/L and C.O. Shillong letters supplied in connection with Article-I contain the incomplete information upto approval of the tender issued, by the competent authority duly concurred by the CIFA, opening/evaluation of the tender and fresh requisition called for from the EE(PCD) Shillong, but no record regarding endorsement of copies of limited tender to six selected firms without regd. Post, follow up action taken for approval or otherwise of the tenders, order of supply, if any and the procedure prevalent in C.O. Shillong for procurement of similar items in the corresponding files of the preceding 2 years or so etc. are also quite relevant in this context. As such the copies of the entire C.O. Shillong file No. Tech/1-25/2003-04/I and corresponding files for the preceding 2/3 years with note sheets and personal examination of Md. Nazir Ahmed then PA(Tech) of C.O. Shillong who dealt the file and arranged dispatch of tenders etc. are essentially required for the purpose of defence against the said article.

Certified to be true Copy

*Bishash Pathak*  
 Advocate

3. The copies of whole of C.O. Shillong file No. Staff/32-16/ED/93 and Staff/3-ED/PF-99 with note sheets are essentially required to examine the circumstances under which the penalty was imposed on Sri Hari Prasad Neanpany and when and how the irregularity, if any came to notice and the action proposed/suggested/taken to regularize the alleged irregularity and its after effect etc. for submission of the statement of defence against Article-II.

4. The entire C.O. Shillong file Nos. Staff/125-10/2002, Staff/35-4/2002 with note sheets and concerned Examination Register for LGO Examination 2002 containing approval/permission of Sri Mrinmoy Goswami to appear in the Examination during the incumbency of my predecessor Viz. Sri N. Das, issue of Hall Permit without 'P' i.e. provisional, evaluation/compilation of marks during my predecessor, declaration of result with due approval of the competent authority and other follow up actions are quite essential and relevant besides the personal examination of Sri N. Das, my predecessor for the purpose of defence against Article-III.

5. Although the transfer/posting order was issued about 4 years back, to the best of my memory and belief I can state that Sri Charu Ch Sarkar was a sickly fellow who was frequently availing leave on medical ground due to suffering from various serious and chronic nature of ailments and declined to hold the charge of SPM, Samsi owing to physical instability and wilfully agreed to work as PA under his junior Sri Shibendra Nath Chakraborty, the past service of whom was spotless, unblemished and satisfactory. So the action taken by the undersigned was not at all prejudicious/objectionable as no such rule or instruction negating the action exists in the Dept. However, the relevant file in which the order dtd. 17-5-02 was issued and the P/P's of both Sri Shibendra Nath Chakraborty and Sri Charu Ch Sarkar maintained by the SPOs. Malda are quite relevant and essential to substantiate the fact against Article IV.

6. In respect of Article V I like to say that although I had to hand over the charge of the office of AD(Staff & Tech) C.O. Shillong very hastily on 30-09-04 at 1510 Hrs with a notice of less than 3 Hrs, I requested my successor viz Sri A.B. Dutta in presence of Sri D.P. Das S.S. and other staff of Staff Section to check all the valuable assets and important records and documents kept in the almirahs of the chamber of AD Staff. I also requested him to prepare an inventory to avoid future dispute and discrepancy, if any. But he simply took the keys of the almirahs and chamber kept in a key-purse and

left the section to attend a meeting in the office stating that no further check or preparation of inventory would be necessary. The entire episode, thereafter, is fully expressed in my letter dtd.03-03-05 sent to Sri A.B. Dutta in reply to his letter No.Tech/Mobile-Tele-Bill/02 dtd:21-02-05 (copy enclosed). So, in order to unearth the truth the C.O. Shillong file No. Staff/9-2/04 and Tech/Mobile-Tele-Bill/02 with note sheets as well as personal examination of Sri A.B. Dutta, Sri D.P. Das and others are quite relevant and essential.

7. The allotment of quarter as imputed in Article VI appears to have been approved by the PMG, C.O. Shillong on perusal of the relevant ruling put up to him in file : So there remained little scope for any misinterpretations. However, the entire C.O. Shillong file No.27-38/88-89 with note sheet and the concerned C.O. file No.27-38/88-89 with note sheet and the concerned C.O. file approving the compassionate appointment of Smt Tapashi Sarkar with note sheet are not only relevant, but also essentially required for submission of the written statement of defence against the said article.

8. Although in GDS Cadre there are only 8 standard designations codified in Rule 3 (C) (i) to (Viii) of GDS (Conduct & Employment) Rules,2001, practically some other designations like GDS LB Peon , GDS Chowkidar, GDS Tele-Messenger, GDS Safaiwala, GDS Masalchi etc. are also prevalent in the D.O.P. depending upon the functional needs. Similarly there were few GDS Group D Posts also in C.O. Shillong against which many incumbents Viz Sri Sumit Debnath, Sri Jasbir Rai, Smt Bayana Marbiniang etc. were working since long. One such post fell vacant presumably due to promotion of Sri Jasbir Rai in Group D cadre during that period, against which Smt Tapashi Sarkar was appointed with due approval of the higher authority. The change of designation, if any/necessitated to conform the revised ruling was due to have been done from the Estt. Section. However, the relevant C.O. Shillong file No. Staff/26-14/77 II and corresponding other files in which similar appointments in favour of the above named officials were made with note sheets are essential for submission of the written statement of defence against Article VII.

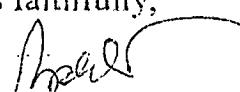
9. In respect of Article VIII I like to state that I am fully confident that appointment to the post of GDS Masalchi was issued provisionally and not permanently in favour of Shri Abhijit Sarkar with the approval of the higher authority, presumably based on a certificate of experience of his past service in a Hotel/Restaurant, which was considered to be a preferential requirement

for that particular post for which academic qualification of matriculate or equivalent was not necessarily required in view of the functional need. However, the entire C.O. Shillong File No:Staf/26-11/91 with note sheet and enclosure of letter dtd. 17-11-03 calling for sponsoring candidatures from the Employment Exchange is quite relevant and essential for submission of the statement of defence against the article.

In view of what is narrated above I would once again iterate my request to your magnanimity kindly to cause supply of all the records, documents and files enumerated in the foregone paras to facilitate submission of my written statement of defence, as a gesture of offering natural justice. Apart from this I would also like to be heard in person as personal examinations/cross examinations of some of the officers/officials referred to in paras 2,4 and 6 above with reference to relevant records and documents are essential for finding out the facts.

With profound regards,  
Enc: As stated in para 6

Dated, Nagaon  
 The 1<sup>st</sup> day of March '06.

Yours faithfully,  
  
 (B.R. Halder)  
 Supdt of Post Offices  
 Nagaon Dt Nagaon - 782001

To,

The Chief Postmaster General  
N.E. Circle, Shillong-793001

(Through the Chief Postmaster General,  
Assam Circle, Guwahati-781001)

Sub:- Requisition for office records and documents under  
RTI Act'2005.

Sir,

With due respect and humble submission I beg to request your goodself to kindly arrange to supply attested/certified true copies of the following files with note-sheets maintained by C.O., Shillong/SPOs Malda Divn. as those are urgently required to have a thorough scrutiny and review of the performances of the undersigned while working as AD (Staff & Tech) C.O. Shillong during the period from 01-07-02 to 30-09-04 and as Supdt of POs Malda during the period from 30-08-01 to 19-06-02.

The request/requisition is made under the provision of RTI Act 2005 along with photocopy of receipt for Rs.10/- granted by the Postmaster, Nagaon this day.

List of records and documents

- 1.C.O. Shillong File No.Tech/1-25/2003-04/1 with Note-sheet and concerned file for the previous year to see deviation in the procedure and practice, if any.
- 2.C.O. Shillong File No.Staff/32-16/ED/93 with Note-Sheet.
- 3.C.O. Shillong File No.Staff/3-ED/PF/99 with Note -Sheet.
- 4.P/F of Sri Hari Prasad Neaupany with Note-Sheet.
- 5.C.O. Shillong File No.Staff/35-4/2002 with Note-Sheet.
- 6.Concerned file relating to officiating appointment of Sri Mriamoy Goswami w.e.f.28-12-01 to 2-07-02 , from 1-7-01 to 26-12-01 and from 5-7-02 onwards with Note-Sheet.
- 7.C.O. Shillong File No.Staff/25-10/2002 with Note-Sheet and Examination Register regarding compilation of marks and answer-scripts for the LGO Exam'2002
- 8.C.O. Shillong File No.Staff/35-4/2002 with Note-Sheet.
- 9.Concerned file of the O/o the SPOs, Malda Divn in which transfer and posting order in respect of Sri Manik Ch Das was issued on 17-5-2002.
- 10.C.O. Shillong File No.Tech/Mobile-Tel/Bill/02 with Note Sheet and reply dtd. 03-03-05 from the undersigned in response to the letter dtd.21-2-05 referred to in para 2 of Article-V.
- 11.C.O. Shillong File No.Staff/9-2/04 dt.30-09-04 with Note-Sheet

**Certified to be true Copy**  
Arbhaash Pathak  
Advocate

12.C.O. Shillong File No.Bldg/27-38/88-89 with Note Sheet  
 13.Copy of G.I's order No.G.I.MW & H, Directorate OMNo.220-13(7)/I-POL II  
     dtd. 13-7-1981 below FR-317-B-26  
 14.Concerned C.O. Shillong File approving compassionate appointment of  
     Smt Tapashi Sarkar by CRC.  
 15.C.O. Shillong File No.Staff/26-14/77/II with Note-Sheet and relevant previous  
     files in which similar appointments were issued in respect of Sri Sumit  
     Debnath, Sri Jasbir Rai, Smt. Bayana Marbisang and others.  
 16.C.O. Shillong File No.Staff/26-11/91 with Note-Sheet.

With best regards,

Enclo:- Photocopy of receipt  
 mentioned above

Yours faithfully

Dated, Nagaon The 21-02-06

  
 (B.R. Halder)  
 Supdt of Post Offices  
 Nagaon Dn Nagaon – 782001

Advance copy to the Chief Postmaster General N.E. Circle, Shillong for favour of  
 information and necessary action.

  
 (B.R. Halder)  
 Supdt of Post Offices  
 Nagaon Dn Nagaon – 782001

DEPARTMENT OF POSTS :: INDIA  
OFFICE OF THE CHIEF POSTMASTER GENERAL :: ASSAM CIRCLE  
GUWAHATI - 781 001

No:- CPIO / RTIA-3 / 2006

Dated at Guwahati the 22-02-2006

To

Shri B. R. Halder  
 Supdt. of Post Offices  
 Nagaon Division, Nagaon

Sub:- Requisition for office records and documents under RTI Act 2005.

Ref:- Your request dated 21-02-2006 addressed to the Chief Postmaster General, N.E. Circle, Shillong (through the Chief Postmaster General, Assam Circle, Guwahati ).

Refer to your request dated 21-02-2006, it is seen that the request application was addressed to Chief PMG, N.E. Circle, Shillong. Instead of sending the request direct to CPIO, o/o Chief PMG, N.E. Circle, Shillong you have sent it through the Chief PMG, Assam Circle, Guwahati. As you are an independent & designated CPIO under the provision of RTI Act 2005, you are to forward any request to concerned CPIO directly. For this purpose you need not to have approval from Circle Office.

The addressee and list of the all India CPIO have already been circulated vide CPMG, Guwahati letter No. Vig/RTI/2005 dated 10-10-2005.

However, your request is forwarded to the CPIO, o/o N.E. Circle, Shillong this day.

✓ (VVM)  
 ( Dr. N. Vinodkumar )

Central Public Information Officer

केन्द्रीय सेक्रेटरी सूचना अधिकारी

Central Public Information Officer

मुख्य पोस्टमास्टर जनरल का कार्यालय, असम परिमंडल

O/o the Chief PMG, Assam Circle,

गोदाम भवन, गুৱাহাটী-781001

Meghdoet Bhawan, Guwahati-781001

Certified to be true Copy.

Bibhash Pathak

Advocate

## OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE

GUWAHATI 781 001

NO. Staff/1-243/04/Pt I

dated at Guwahati the 16.3.2006

To,

✓ Shri B R Halder  
Superintendent of POs  
Nagaon Division  
Nagaon 782 001

Subject :- Disciplinary proceedings under rule 16 of CCS (CCA) Rules 1965 – case of Shri B R Halder, PS Group-B (Presently in Assam Circle and formerly in North East Circle )

1. Reference :
  - a) CPMG Assam Circle, Guwahati Memo no. Staff/1-243/04/Pt I dated 16/19.12.2005 and 17.2.2006
  - b) Your letter No. Nil, dated 01.03.2006.
2. With reference to para 1 (a) above, your letter has been seen by the competent authority.
3. All the documents relevant to the case and available were already given to you for submission of your reply within a specific time. But, instead of submitting reply, more documents were again sought by you vide your letter referred above. The competent authority having duly considered your letter under reference and having given ample opportunity and information under the natural justice by giving copies of all the relevant documents, further feels that the cross examination of officers / officials and supply of more document is not required in this instant case.
4. You are requested to submit your defence representation, if any, so as to reach this office by 03.04.2006, failing which matter will be decided ex-parte.
5. This is issued with the approval of the Chief Postmaster General, Assam Circle, Guwahati.

APMG Staff / Vig  
0/0 the Chief PMG  
Guwahati - 781 001

Certified to be true Copy

Barhak Pathak  
Advocate

To

Shri A. Ghosh Dastidar  
Chief Postmaster General  
Assam Circle, Guwahati-781001

Sub:- Disciplinary proceedings under Rule 16 of CCS(CCA)  
Rules 1965.

Ref:- (a) CPMG Assam Circle, Guwahati memo No. Staff/1-243/04 Pt  
Dtd. 19-12-05  
(b) CPMG Assam Circle Guwahati letter No. Staff/1-243/04 Pt  
Dtd. 17-02-06  
(c) CPMG Assam Circle Guwahati letter No. Staff/1-243/04 Pt  
Dtd. 16-03-2006  
(d) My letter No. Nil dtd. 26-12-05 and 01-03-06

Sir,

With reference to the above I beg to state that your letter dtd 16-03-06 referred to in (c) above was received by me on 21-03-06 and all possible efforts were made to prepare my written representation with the help of the fractured and partial information through the indistinct and illegible photocopies of few letters/note sheets of C.O. Shillong and letter from the Directorate/GOI instruction etc. supplied to me vide your letter dtd. 17-02-2006 referred to in (b) above as it has been stated therein that all the documents relevant to the case were given to me. But on thorough examination of the above photocopies it has been realized that it is quite impracticable to reasonably defend the case unless and until inspection of the complete files/documents, the relevancy and necessity of which have been well explained/discussed against each Article, in my letter dated 01-03-06, are allowed and the undersigned is permitted to be heard in person for the purpose of examination/cross examination of the officers/ officials referred to in para 2, 4 and 6 of my letter dtd. 01-03-06 referred to above, is permitted to find out the facts. A comparative chart showing the records/documents sought for and the records/documents supplied to me against each article of charge leveled against me are annexed herewith.

Certified to be true Copy

Prakash Pathak  
Advocate

In view of what is stated above I would once again iterate my humble request to your goodself to consider the case from its clear perspective and cause to permit me the inspection of the documents sought for either in your office or where the records are available if collection and transportation of the same are considered difficult and time consuming, so that extracts of necessary and relevant portions can be taken by me for the purpose of my defence. In this context it will not be out of place to mention here that if I am not allowed access to the records/documents sought for and the holding of oral inquiry requested for it will amount to refusal of reasonable opportunity and denial of natural justice which all citizens of India are supposed to enjoy under Article 311 of the constitution.

With profound regards,

Encl:- Annexure stated above.

Yours faithfully,

Dated at Nagaon  
The 28-03-06

*(Handwritten signature)*  
28/03/06  
(B.R. Halder)  
Supdt of Post Offices  
Nagaon Dn Nagaon - 782001

Annexure showing the records and documents sought for and supplied.

Sl.No	Items sought for	Items supplied
<b>Article -I</b>		
1.	1.C.O. Shillong File No.Tech/1-25/2003-04/ I with note sheet.	1.Only photocopies incomplete letter No.Tech/1-25/2003-04/I dtd.15-09-04
2.	C.O. Shillong corrcsponding files for preceeding 2/3 years on the subject with note sheets.	2.Letter No.Tech/1-25/2003-04 dtd.16-09-04 3.Portion of note sheet of C.O.Shillong file No.Tech/84-3/Dtl/Pt.III/L
<b>Article -II</b>		
		Only photocopies of three letters/memos
1.	C.O Shillong file No.Staff/32-16/ED/93 with note sheet	1. C.O.Shillong No.Staff/32-16/ED/93 dtd. 14-11-96
2.	C.O. Shillong File No.Staff/3-ED/PF/99 with note sheet	2.C.O.Shillong No.staff/32-16/ED/93 dtd.12-11-03 3.C.O. Shillong No.Staff/3-ED/PF/99 dtd.09-08-04
<b>Article - III</b>		
		Only photocopies of
1.	Entire C.O. Shillog file No.Staff/125-10/2002 with note sheet	1.C.O.Shillong No.WLF/Canteen-1/ 91/Rectt dtd.11-09-91
2.	Entire C.O. Shillong File No.Staff/35-4/2002 with note sheet	2.IC Party memo No.35 dtd.7-11-03 3.C.O. Shillong No.Staff/125-10/2002 dtd.12-11-02
3.	Register for LGO Examination 2002	4.C.O. Shillong No.Staff/35-4/2002 dtd.3-12-02
4.	Concerned file relating to Offg.appointment of Sri Mirinmoy Goswamy wef 28-12-01 to 27-02,1-07-01 to 26-12-01	5. Directorate's letter No.20-24/82-SPB-I dtd.26-09-84 6.GOI DOP&T(213) OMNo.15/1/96- Dir (C ) dtd.09-02-2000

#### Article-IV

1. SPOs Malda File in which the transfer order of Sri Shibendra Nath Chakraborty was issued
2. Persoanl File of Sri Shibendra Nath Chakraborty
3. Personal File of Shri Charu Ch. Sarkar

- NIL-

#### Article V

- 1.C.O.Shillong File No.Staff/9-2-04 with note sheet
- 2.C.O.Shillong File No.Tech/Mobil-Tele/Bill/02 with note sheet
- 3.C.O. Shillong letter No.Tecg/Mobil-Tele-Bill/02 dtd.21-02-2005
4. Reply dtd.03-03-05 from the undersigned in response to the letter at Sl.2 above

Photocopy of C.O. Shillong letter No. Tech/Mobil-Tele-Bill/02 dtd.21-2-05

#### Article - VI

1. C.O.Shillong file No.Bldg/27-38/88-89 with note sheet
2. Copy of G.I.'s order No.G.I.MW & H Directorate OMNo.220-13(7)I-POL II Dtd.13-7-1981 below FR 317-B-26
3. C.O. Shillong File approving compassionate appointment of Smt Tapashi Sarkar CSC.

1. Photo copy of 68/N&69/N of C.O. Shillong file No.Bldg/27-38/88-99
2. Photocopy of C.O.Shillong No. Staff/26-14/77/II dtd.20-05-2004

#### Article – VII

1. C.O.Shillong File No.Staff/26-14/77/II with note sheet
- 2.Appointment Files of Sri Sumit Debnath Sri Jasbir Rai & Smt Bayana Marbimiang

1. Photocopy of 68/N of C.O.Shillong file No.Staff/26-14/77/II
- 2.Photocopy of C.O. Shillong No.Staff/26-14/II dtd.20-05-2004

Article- VIII

- 1.C.O. Shillong File No.Staff/26-11/91 with note sheet
- 2.Enclosre of C.O.Shillong letter No. Staff/26-11/91 dt.17-11-03 addsd.to the Employment Officer Employment Exchange, Shillong

- 1.Photocopy of C.O.Shillong letter No. Staff/26-11/91 dt.17-11-03 without enclosure.
- 2.Photocopy of C.O.Shillong No.Staff/26-11/91 dtd.19-02-2004

16: Min. part  
2. Rule 7:

DISTRICT:

Ex.

**VAKALATNAMA**  
**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH : GUWAHATI**

O. A. NO. .... 80 .... OF 2006.

SRI BIPUL RANJAN HALDER

APPLICANT  
PETITIONER

VERSUS

UNION OF INDIA & ors

RESPONDENT  
OPPOSITE PARTY

Know all men by these presents that the above named ..... APPLICANT ..... do hereby nominate, constitute and appoint Sri/ Smti B. C. PATHAK, B. PATHAK ..... Advocate and as 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 4<sup>th</sup> Day of APRIL 2006

A K CHOUDHURI

H K MAHANTA

B. PATHAK

BHUBANESWAR KALITA

DR. (MRS) M PATHAK

DEEPAK BORA

CHINMOY CHOWDHURY

NIRAN BARAH

NEELAKHI GOSWAMI

MANORANJAN DAS

DINAMANI SARMA

JULI GOGOI

B.C. PATHAK

DILIP BARUA

AMVALIKA MEDHI

NISHITENDU CHOUDHURY

P J SAIKIA

JAVED ALI HASAN

BOLIN SARMA

JOY DAS

GUNAJIT BAISHYA

MANIK CHANDA

DIPENJYOTI DUTTA

S C KEYAL

SUNIT SAIKIA

Received from the executant, Mr/Ms.....  
satisfied and accepted Will lead me/us in the case

And Accepted

*B. mode Ch. Pathak*  
Advocate

And Accepted

*Bishesh Pathak*  
Advocate

And Accepted

Advocate

Advocate

NOTICE

Date: 4.4.2006

from:

B. Pathak  
Advocate, Guwahati

To,

Addl. C.G.S.C  
Central Administrative Tribunal,  
Guwahati Bench

Subject: OA. NO. 1/2006 filed by Sri Bipul Ranjan Haldar vs. U.O.P

Sir,

Please find enclosed herewith a copy of the OA. NO. 1/2006  
filed by the aborenamed applicant in this Hon'ble Tribunal  
on 4.4.2006.

Kindly acknowledge the receipt of the same.

Yours faithfully  
Bishash Pathak

Advocate  
4/4/2006

RECEIVED COPY:

Gabin  
Sr. C.G.S.C  
4.3.06  
(SIGNATURE)

DATE: