

FROM No. 4
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 89/06
2. Misc Petition No.
- 3- Contempt Petition No.
4. Review Application No.

Applicant(S) Abul Kalam

Respondants M. O. P. Goms

Advocate for the Applicant(S) S. S. Dey, H. Nath, D. P. Boraiah

Advocate for the Respondant(S) Case

Notes of the Registry	Date	Order of the Tribunal
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This application is in form
is filed/C.F. Rs. 50/-
deposit
No. 266/3237/04
Dated 5.4.06

26.04.2006

The application is disposed of
at the admission stage itself in
terms of the order passed in
separate sheets. No order as to
costs.

Heels
Dy. Registrar

AS

NS
19.4.06

mb

vice-Chairman

Shps taken.

AS

28/4/06
Add CSRC.

28.4.06

C. Copy of the order
has been collected by
the L/Adv. for the applicant.
AS

10-5-83

~~CONFIDENTIAL~~

U.O.P (ans). The ~~same~~ and may be seen.

SECRET

[Handwritten notes and stamps are visible at the bottom of the page, including "Mr. G. Tolson" and various dates.]

[Signature]

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CONFIDENTIAL

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1000 to 1200

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CONFIDENTIAL

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

89 of 2006

O.A. No.

26.04.2006.

DATE OF DECISION

Sri Abul Kalam

Applicant/s

Mr. S.S.Dey, Mr. M. Nath Mr. D.P. Boruah

Advocate for the
Applicant/s.

- Versus -

Union of India & Others

Respondent/s

Mr. M.U. Ahmed, 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 ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether to be forwarded for including in the Digest
Being compiled at Jodhpur Bench ? Yes/No
4. Whether their Lordships wish to see the fair copy
of the Judgment ? Yes/No

27/4/06
Vice-Chairman (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 89 of 2006

Date of Order: This is the 26th day of April 2006.

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

Shri Abul Kalam
Son of Late Mutahir Ali
Resident of Matgharia,
P.O. & P.S.: Noonmati
District - Kamrup, Assam.

... Applicant.

By Advocates Mr. S.S. Dey, Mr. N. Nath, Mr. D.P. Boruah.

- Versus -

1. The Union of India, -
represented by the Secretary (P),
Department of Post, Dak Bhawan,
New Delhi - 110 001.
2. The Chief Post Master General,
(Assam Circle), Meghdoot Bhavan,
Guwahati - 1.
3. The Assistant Post Master General (Staff)
Meghdoot Bhavan, Guwahati - 1.
4. The Deputy Divisional Manager, (PIL),
Office of the Chief Post Master General,
(Assam Circle), Meghdoot Bhavan, Guwahati - 1.

... Respondents.


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

....

ORDER (ORAL)

K.V. SACHIDANANDAN (V.C.)

The applicant was serving as Postal Assistant in Postal Life Insurance section in the office of the Chief Postmaster General, Assam Circle, Guwahati. The applicant was placed under



suspension vide annexure - 6 dated 25.07.2005. The applicant has already submitted an appeal dated 15.09.2005 before the competent authority for revocation of the suspension order dated 25.07.2005 on the ground that the suspension order was issued by the authority below the rank of the appointing authority. The applicant also further averred in the application that subsistence allowance has not been paid to him and his family is starving for want of money.

2. I have heard Mr. S.S. Dey, learned counsel for the applicant and Mr. M.U. Ahmed, learned Addl. C.G.S.C. on behalf of the respondents.

3. Mr. M.U. Ahmed, learned Addl. C.G.S.C. on behalf of the respondents submitted that he would like to take instructions as to why subsistence allowance has not been paid to the applicant. At this stage, Mr. S.S. Dey, learned counsel for the applicant submitted that he will be satisfied if a direction is given to the respondent No. 3 to consider and dispose of the appeal filed by the applicant as expeditiously as possible and also direct the respondents to pay the subsistence allowance to the applicant as per rules.

3. Considering the facts of the case, this Court is of the view that ends of justice will be met if such a direction is issued to the respondents. Accordingly, this Court directs the 3rd respondent or any other competent authority to consider the appeal filed by the

h

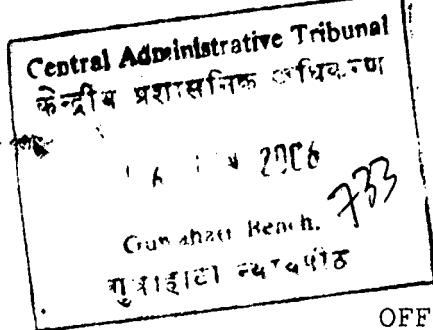
applicant on 15.09.2005 and dispose of the same as per rules as expeditiously as possible at any rate preferably within a period of one month from the date of receipt of this order. The respondents are also directed to grant the subsistence allowance to the applicant as per rules and pass appropriate order if he is eligible to receive the same and communicate the order to the applicant thereof.

The O.A. is disposed of as above. Considering the facts, no order as to costs.



(K. V. SACHIDANANDAN)
VICE-CHAIRMAN

/mb/



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

No.Staff/9-64/2005

Dated at Guwahati the June 12, 2006

CORRIGENDUM

Refer the Appellate Order issued by this office memo. of even no. dated 2.6.06 in respect of appeal dated 15.9.05 preferred by Sri Abul Kalam, PA PLI Section (now under suspension) O/o Chief PMG, Assam Circle, Guwahati.

In the second line of page No.5 date of appeal may be read as 15.9.2005 instead of 19.5.2005.

This is for information to all concerned.

For Chief Postmaster General
Assam Circle, Guwahati - 781 001

Copy to :-

1. Shri Abul Kalam, PA, PLI Section, CO/Guwahati (now under suspension).
2. The DDM(PLI), CO/Guwahati-781001, for information and necessary action. He will arrange to deliver the letter to the addressee at Sl.1 above under receipt and a signed acknowledgement be sent to this office for office record.(enclo : One cover).
3. The Registrar, CAT, Rajgarh Road, Dispur, Guwahati-781005. This refer to CAT case OA No.89/2006.
4. Shri M U Ahmed, Addl. CGSC, CAT Rajgarh Road, Dispur, Guwahati-781005. He will kindly apprise the Hon'ble Tribunal on the compliance on OA No.89/2006.
5. O/c.

For Chief Postmaster General
Assam Circle, Guwahati - 781 001

C.O.
19.6.06

8

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORIGINAL APPELICATION NO. _____

89/06

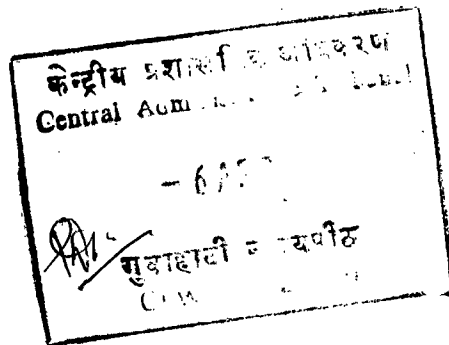
1. a) Name of the Applicant:- A. Kalam
b) Respondants:- Union of India & Ors
c) No. of Applicant(S) :-
2. Is the application in the proper form:- Yes/No.
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/ No.
4. Has the application been duly signed and verified :- 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. Is the application 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: 5/- 260 323704
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 annexures duly attested filed:-Yes/No.
15. Has the Index of 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 the 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 point:-
23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-

The application is in order.

SECTION OFFICER (J)

DEPUTY REGISTRAR

25.4.06



-12-

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 89 /2006

BETWEEN

SRI ABUL KALAM

.....APPLICANT

-AND-


UNION OF INDIA & ORS.

.....RESPONDENTS

I N D E X

Sl. No.	Particulars	Page Nos.
1.	Synopsis -----	A
2.	List of Dates -----	B
3.	Application -----	1- 10
4.	Verification -----	11
5.	Annexure - 1 & 1A -----	12-15
6.	Annexure - 2 -----	16
7.	Annexure - 3 Series -----	17-19
8.	Annexure - 4 Series -----	20
9.	Annexure - 5 -----	21
10.	Annexure - 6 -----	22
11.	Annexure - 7 -----	23-28

Filed by


(Dipankar Pd. Borah)

Advocate

-A-
-13-

Before the Central Administrative Tribunal,

Guwahati Bench

O.A. No. 89 /06

Shri Abul KalamAPPLICANT

VERSUS

Union of India & othersRESPONDENTS.

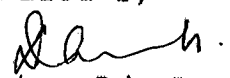
SYNOPSIS

Your applicant was serving as Postal Assistant in Postal Life Insurance section in the office of the Chief Post Master General, Assam Circle, Meghdoot Bhawan, Guwahati -781001. The Deputy Divisional Manager (PLI section) issued an order dated 25.7.05 vide No. .DDM(PLI)/Staff/2005 under Rule 10(1) of CCS(CCA) Rules, 1965 placed your applicant under suspension contemplating/pending departmental proceeding. Against the said order the applicant submitted his statutory appeal to the Assistant Post Master General Staff, Assam Circle, Meghdoot Bhawan, Guwahati-1 praying for revocation of the suspension order dated 25.7.05 on the ground that the suspension order issued by the authority who is below the rank of the appointing authority.

It is now more than 8 (eight) months have elapsed that neither the appeal was disposed of by the authorities nor any departmental proceeding was initiated nor the authorities had reviewed the order of suspension. The authorities also have not paid the subsistence allowance to the applicant with effect from the date of suspension till date.

Hence this application.

Filed by


(Dipankar Pd. Borah)
Advocate

LIST OF DATES

- Para-4.1 30.4.84 Applicant was appointed as Group D staff
Page-2 and posted in the Office of the Post
Master General, Shillong and
subsequently he was appointed as L.D.C.
- 5.10.93 The post of the applicant as L.D.C. was
converted to the post of Time Scale
Postal Assistant w.e.f. 26.6.93.
ANNEXURE - 1, PAGE : 11-14
- 4.2.94 Services of the applicant was confirmed
in the Scale of Pay of Rs. 975-1660/-.
ANNEXURE - 1A, PAGE : 15
- Para-4.2 31.3.99 Applicant was appointed as Development
Page-3 Officer (PLI), Circle Officer, Guwahati.
ANNEXURE - 2 , PAGE : 16
- Para-4.3 . Applicant was awarded Silver Certificate
Page-3 by the Respondents as recognition of his
meritorious service.
ANNEXURE - 3, PAGE : 17-19
- Para-4.4 3.6.05 Res No. 3 allowed the applicant to
Page-3 collect PLI business as per target fixed
against his name.
- Para-4.6 19.7.05 Applicant deposited an amount of Rs.
Page-4 14,356/- on behalf of Sri B.C. Nath for
revival of his policy.
- 31.8.05 Applicant deposited an amount of Rs.
3842 & Rs. 2072/- on behalf of Sri Dilip
Das & Sri Biren Das respectively for
revival of their policies.
ANNEXURE - 4 SERIES, PAGE : 20
- Para-4.7 21.7.05 Respondent No. 4 issued letter to the
Page -5 applicant stating that it was found that
the applicant has fraudulently taken
money being the arrear premiums for
revival of the policies of the insurants
to the tune of Rs. 71,042.00/- in
respect of 14 PLI/RPLI policies and the
applicant was requested to deposit the
aforesaid amount immediately.
ANNEXURE - 5, PAGE : 21
- 25.7.05 Applicant was placed under suspension.
ANNEXURE - 6, PAGE : 22
- Para-4.9 15.9.05 Applicant filed statutory appeal before
Page-7 the Respondent authorities.
ANNEXURE - 7, PAGE : 23-28

Filed by

(Dipankar Pd. Borah)
Advocate

Filed by '2
The applicant through
Dipankar P. Borah
Advocate

Before the Central Administrative Tribunal,
Guwahati Bench

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

O.A. No. 89 /06

BETWEEN

SHRI ABUL KALAM

Son of Late Mutahir Ali,

Resident of Matgharia, P.O. & P.S. : Noonmati

District - Kamrup, Assam.

....APPLICANT

AND

1. The Union of India

represented by the Secretary (P)

Department of Post, Dak Bhavan, New Delhi - 110001

2. The Chief Post Master General,

(Assam circle) Meghdoot Bhavan, Guwahati - 1

3. The Assistant Post Master General, (Staff)

Meghdoot Bhavan, Guwahati - 1.

4. The Deputy Divisional Manager, (PLI)

Office of the Chief Post Master General,

(Assam Circle), Meghdoot Bhavan, Guwahati - 1

5. Director of Postal Services,

Meghdoot Bhawan, Guwahati - 781001.

....RESPONDENTS

Abul Kalam

PARTICULARS OF THE APPLICATION

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

This application is preferred against the order No. DDM (PLI)/Staff/2005 dated Guwahati, 25.07.05 issued by the Deputy Divisional Manager, (PLI), Respondent No. 4 placing the Applicant under suspension contemplating/pending departmental proceedings.

2. LIMITATION:-

The applicant declares that this application has been preferred within the period of limitation prescribed under the Central Administrative Tribunal Act, 1985.

3. JURISDICTION:-

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

4. FACTS OF THE CASE:-

4.1 That your humble applicant is a permanent resident of District Kamrup in the State of Assam. On 30.4.84, the applicant was appointed as Group D staff and posted in the Office of the Post Master General, Shillong. On 13.12.98, he was temporarily appointed as Lower Division Clerk by the respondents and posted in Meghdoot Bhavan, Guwahati. On 4.2.1994, the services of the applicant was confirmed in the scale of pay of Rs. 975-1660 under an order issued by the respondent No. 3. Subsequently on 5.10.93, the post of your applicant as L.D.C. was converted to the post of Time Scale Postal Assistant w.e.f. 26.6.93 along with other persons.

Abul Kalam

The said order was issued under Memo No. Staff/2-30/93 dated 5.10.93 by the respondent No. 3.

Copies of the order dated 5.10.93 and 4.2.1994 are annexed herewith and marked as ANNEXURE - 1 & 1A respectively.

4.2 That on 31.3.99, the applicant was appointed as Development Officer (PLI), Circle Office, Guwahati for a period of three years w.e.f. 1.4.99 in the scale of Pay of Rs. 4500-7000. The said period was extended upto 31.3.04 by the Assistant Post Master General Staff vide order dated 7.3.03.

A copy of the order dated 31.3.99 is annexed herewith and marked as ANNEXURE - 2.

4.3 That during the appointment as Development Officer (PLI), your applicant rendered his services with utmost honesty and sincerity and as recognition of his meritorious services he was awarded Silver Certificate by the Respondent No. 2 for consecutive four years w.e.f. 1999 to 2004.

Copies of the silver certificates are annexed herewith and marked as ANNEXURE - 3 SERIES.

4.4 That after completion of the aforesaid period, your applicant was transferred to PLI section as Postal Assistant vide order dated 28.4.2004 under No. Staff/27/98/Pt-1 issued by the respondent No. 3. Thereafter, vide order dated 3.6.05, under No. LI/AM/1-5/88/Ch-II the respondent No. 3 allowed your applicant to collect PLI business as per target fixed against his name. Accordingly your applicant joined in the said post and was rendering his

Abul Kalam

services with utmost sincerity. However, on 20.7.05, the respondent No. 4 canceled the aforesaid order dated 3.6.05.

4.5 That your applicant states that while he was serving in the aforesaid post, he was entrusted mainly with the duties of receipt of all kinds of Dak, revival of PLI/RPLI, issuance of duplicate PR book and policies, change of nominations and corrections of PLI policies and PLI books. Further he was also allotted a computer terminal connected with the main server to work in the updating of the existing policies, duplicate policy documents and revival of policies.

4.6 That your applicant states that while he was entrusted with the aforesaid duties, he had to deal with various policy holders who come to his office for revival of the policies and other works as mentioned above. On 26.6.05, one Shri B.C. Nath from Udalguri came to the applicant's office for revival of his policy No. AM-YS-56782-CS and requested your applicant to complete the necessary formalities for revival of his lapsed policy. The premium with interest accrued to Rs. 14,356.00 to be paid by Shri B.C. Nath. Since Shri B.C. Nath had to return to Udalguri on the same day, he requested and handed over the aforesaid amount to your applicant to be deposited for revival of his policy. As the official formalities takes some time, your applicant deposited the same amount on behalf of Shri B.C. Nath on 19.7.05 vide receipt No. 074 dated 19.7.05, Book No. 145831 after completing of all the formalities.

On similar situation, one Shri Dilip Das, holder

Abul Kalam

of PLI policy No. AM 34936-CS and Shri Biren Das of Khetri, Holder of RPLI policy No. R-AS-HQ-GY-15121 dated 30.3.01 requested your applicant to deposit Rs. 3842/- and Rs. 2072/- in the Post Office respectively for revival of their policies. Unfortunately, your petitioner had fallen sick as he was suffering from nerve disorder since long back, as a result he had to take leave for a period of a month w.e.f. 22.7.05. Consequently, he could not deposit the aforesaid amounts in time in the Post Office. However on 31.8.05, when your applicant recovered partially from nerve disorder, he immediately deposited the aforesaid amount in the Post Office vide Book no. CA 234398, Receipt no. 033 and Book no. 234398, Receipt No.032.

Copies of the above mentioned receipts are annexed herewith and marked as ANNEXURE - 4 SERIES

4.7 That it may be stated that on 21.7.05, a letter was issued by the respondent No. 4 to your applicant inter alia stating that on preliminary enquiry it was found that your applicant has fraudulently taken money being the arrear premiums for revival of the policies of the insurants to the tune of Rs. 71,042.00 (rupees Seventy One thousand and Forty Two) in respect of 14 PLI/RPLI policies and your humble applicant was requested to deposit the aforesaid amount on the Guwahati GPO under UCR in ACG-67 immediately so that the revival could be settled. However, before answering to the aforesaid letter dated 21.7.05, an order dated 25.7.05 vide No. DDM(PLI)/Staff/2005 issued by the respondent No. 4 was served on the wife of the applicant on 6.8.05 by which your applicant was placed under suspension under Rule 10 of Central Civil Services(CCA) Rules, 1965,

Abul Kalam

contemplating/pending disciplinary proceeding.

A copy of the aforesaid letter dated 21.7.05 is annexed herewith and marked as ANNEXURE - 5

A copy of the aforesaid order dated 25.7.05 is annexed herewith and marked as ANNEXURE - 6.

4.8 That your applicant was surprised to receive the aforesaid order dated 25.7.05 as throughout his service career he had served the department with outmost honesty and sincerity. Even while he was serving as Development Officer (PLI), he was awarded with Silver Certificates for four consecutive years due to his meritorious service. Your applicant categorically states that while he was serving in the aforesaid post, all along he had maintained an upto date File bearing No. LI/DPRB/ISSUE/05 in the Office wherein he has recorded all the works/duties carried out in respect of revival of lapsed policies as well as other duties allotted to him by the authorities. Your applicant denies that he had fraudulently taken money from 14 insurants for revival of their policies and it was only on 3 occasions whenever insurants handed over their money to the applicant for revival of their policies, your applicant had deposited the same in the office on their behalf as stated above. However, the respondent No. 4 without any justifiable and valid reasons placed your applicant under suspension without any materials on record against your applicant. This Hon'ble Tribunal may be pleased to call for the aforesaid File No. LI/DPRB/ISSUE/05 which your applicant maintained while serving in the aforesaid post for kind perusal and on perusal of the aforesaid File, this Hon'ble Tribunal will find that there was no lapses on the part of your applicant

Abul Kalam

in any manner while he was serving as Postal Assistant in PLI section. The record will also reflect that your applicant has deposited the amount handed over to him by the aforesaid persons on their behalf in the office. Similarly, the entire past service records of your applicant reflects the sincerity and honesty of your applicant.

4.9 That your applicant states that after receiving the order of suspension dated 25.7.2005, he has filed a statutory appeal before the Respondent No. 3 on 15.9.2005 praying for revocation of his suspension order dated 25.7.2005 and also praying for grant of subsistence allowances to him. The said appeal was received by the Respondent No. 3 on 16.9.2005. The applicant has also submitted non-employment certificates dated 25.1.2006, 22.2.2006 and 6.3.2006 to the Respondents inter alia stating that he has not been engaged in any other employment/profession/business w.e.f. the date of suspension till date followed by another application dated 9.1.2006 praying for payment of subsistence allowances. When no action was taken in this regard the wife your applicant under compelling circumstances submitted another application on 27.1.2006 before the Chief Post Master General, Assam Circle, the Respondent No. 2 herein, praying for payment of subsistence allowances w.e.f. 25.7.2005, duty pay for the month of July, 2005 and also bonus for the year 2003-2004 on the ground that due to non-payment of the subsistence allowances to her husband the family is facing starvation and the said application was received by the Respondent No. 2 on 27.1.2006. However, till date no steps has been taken by the Respondent authorities in this regard.

Abul Karim

A copy of the aforesaid appeal dated 15.9.2005 submitted by your applicant is annexed herewith and marked as ANNEXURE - 7.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the Respondent No. 4 has issued the impugned order dated 25.7.05 in clear violation of the provisions of Rule 10 of the Central Civil Services (C.C.A. Rules, 1965).

5.2 For that the respondent No. 4 who is much below the rank of the Appointing Authority of your applicant issued the order dated 25.7.05 without being empowered under law to pass such order of suspension against your applicant. As such, the same is liable to be set aside and quashed.

5.3 For that the order dated 25.7.05 issued by the respondent No. 4 is totally on non-existent ground inflicting punishment on the applicant for no fault of his own. As such, the order dated 25.7.05 being illegal, arbitrary and unreasonable is violative of Article 14 of the Constitution of India. Hence the order dated 25.7.05 is liable to be set aside and quashed.

5.4 For that it is now more than 8 (eight) months that your applicant has been placed under suspension, i.e., on 25.7.05 and till today neither any departmental proceeding has been initiated nor the appeal dated 15.9.05 which has been submitted by the applicant has been disposed off by the respondent authorities. Even the order of suspension has

Abul Kalam

not been reviewed by the authorities till date for continuance of your applicant under suspension. Hence, on the aforesaid grounds the order dated 25.7.05 is liable to be set aside and quashed.

5.5 For that at any rate, the order dated 25.7.05 being arbitrary, illegal and unreasonable as well as the same having been passed by an authority not empowered under law, is liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:-

Your applicant has filed an appeal on 15.9.05 (Annexure - 7) to the respondent No. 2 against the order of suspension dated 25.7.05 (Annexure - 6). However, till date the said appeal has not been disposed off by the authorities. Hence, your applicant is approaching this Hon'ble Tribunal vide the present application.

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

The applicants declares that he has not filed any application, writ petition or suit in respect of the order dated 25.7.2005 issued by the Respondent No. 4 before any other Court/Tribunal or any other Forum of Law.

8. RELIEF SOUGHT FOR :-

Your applicant prays that this Hon'ble Tribunal may be pleased to admit this application, call for the records of the case including file No. LI/DPRB/ISSUE/05 and on perusal of the records and hearing the parties be pleased to grant the following reliefs to the applicant:

Abul Kalam

8.1 To set aside and quash the suspension order dated 25.7.2005 (Annexure - 6) issued by the respondent No. 4 vide No.DDM(PLI)/Staff/2005 and direct the respondent authorities to treat the period of suspension of your applicant as on duty and also to grant him all the consequential benefits.

8.2 Cost of the application.

8.3 Any other relief/reliefs as this Hon'ble Tribunal may deem fit and proper.

9. INTERIM ORDER PRAYED FOR :-

Considering the aforesaid facts and circumstances of the case, this Tribunal may be pleased to:-

(a) to stay the suspension order date 25.7.05 issued by the respondent No. 4 (Annexure - 6);

(b) direct the respondents to pay the subsistence allowance to your applicant with effect from the date of suspension, i.e, 25.7.05 till date forthwith.

10. PARTICULARS OF THE I.P.O :-

(i) I.P.O. No. :

(ii) Date :

(iii) Payable at :

11. LIST OF ENCLOSURES :-

As stated in the index.

Abul Kalam

VERIFICATION

I, SHRI ABUL KALAM, Son of Late Mutahir Ali, aged about years, Resident of Matgharia, P.O. & P.S. : Noonmati, District - Kamrup, Assam do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4.5, 4.8, 6, 7, 10 & 11 are true to my knowledge and those made in paragraphs 4.1, 4.2, 4.3, 4.4, 4.6, 4.7, 4.9 being matters of record of the case are true to my knowledge and information derived therefrom which I believe to be true and the rest are my humble submission before the Hon'ble Tribunal.

And in proof I sign this verification on this the day of April, 2006.

Abul Kalam

SIGNATURE

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

Memo.No.Staff/2-30/93

Dated at Guwahati the 05-10-93.

The following UDCs/LDCs of CO/RO Guwahati who have opted for TBOP & BCR Scheme are converted to the post of Time Scale Postal Assistants, CO/RO Guwahati carrying the scale of Rs.975-25-1150-EB-30-1660/- with effect from 26-6-93.

<u>Name of officials</u>	<u>Converted to</u>
1. Sri T.C.Das, UDC/CO	PA/CO
2. " O.P.Tewary, UDC/CO	PA/CO
3. " B.N.Sarma, UDC/CO	PA/CO
4. " J.N.Deka, UDC/CO	PA/CO
5. " C.P.Das, UDC/CO	PA/CO
6. " K.K.Mazumdar, UDC(Cashier)/CO	PA/CO
7. " A.K.Roy, UDC(Cashier)/RO	PA/RO
8. " B.B.Das, UDC/CO(Po st tedas DO PLI)	PA/CO
9. " G.M.Sarma, UDC/CO	PA/CO
10. " J.Bhuyan, UDC/CO	PA/CO
11. " O.W.Rynjah, UDC/RO(On de ptn to NVS)	PA/RO
12. " H.C.Saloi, UDC/CO	PA/CO
13. " H.G.Choudhury,UDC/CO(Po st tedadDOPLI)	PA/CO
14. " T.Deka, UDC/CO	PA/CO
15. " M.Rah man , UDC/CO	PA/CO
16. " D. M. Ali, UDC/CO	PA/CO
17. " J.Biswas, UDC/RO	PA/RO
18. " B.N.Ojha, UDC/CO	PA/CO
19. " U.K.Dey, UDC/CO	PA/CO
20. " S.K.Sarkar, UDC/RO	PA/RO
21. " J. Baruah, UDC/CO	PA/CO
22. " P.K.Ath paria , UDC/RO	PA/RO
23. " N.K.Choudhury, UDC/CO	PA/CO
24. " B.C.Deka, UDC/CO	PA/CO
25. " B.C.Das, UDC/CO	PA/CO
26. " K.Kalita, UDC/CO	PA/CO
27. " D. Baruah, UDC/RO	PA/RO
28. " A. Ahmed, UDC/RO	PA/RO
29. " P.K.Das, UDC/CO	PA/CO
30. Smt. Shova Guha, UDC/RO	PA/RO
31. Sri Chakradhar Das, UDC/ RO	PA/RO
32. " N.Ahmed, UDC/CO	PA/CO

Contd...2/

Sanitized to be true Copy
N/A
Advertise

33. Sri M.M.Sarma, UDC/RO	PA/RO
34. " A.Kuddus, UDC/CO	PA/CO
35. " L.R.Khataniar, UDC/CO	PA/CO
36. " K.K.Baidya, UDC/RO	PA/RO
37. " R.C.Deka, Offg.UDC/RO	PA/RO
38. " B.Chose, Offg.UDC/CO	PA/CO
39. " M.B.Kar, Offg.UDC/RO	PA/RO
40. " G.K.Malakkar, Offg.UDC/RO	PA/RO
41. " B.B.Dey, LDC/RO	PA/RO
42. " Bimalendu Bhattacharjee, LDC/CO	PA/CO
✓ 43. " Abul Kalam, LDC/CO	PA/CO
44. " B.Mazumdar, LDC/RO	PA/RO
45. " D.K.Sarkar, LDC/RO	PA/RO
46. " D.Swargiary, LDC/RO	PA/RO
47. " A.Bhattacharjee, LDC/RO	PA/RO
48. " K.Roy, LDC/CO	PA/CO
49. " G.Prasad, LDC(Hindi typist)/CO	PA/CO
50. " M.Barro, LDC/CO	PA/CO
51. Smt. Siwadi Dewri, LDC/RO	PA/RO
52. Sri A.K.Das, LDC/CO	PA/CO
53. " J.Haloi, LDC/CO	PA/CO
54. " Ratnadhar Das, LDC/CO	PA/CO
55. " P.K. Barman, LDC/CO	PA/CO
56. " B.P.Swargiary, LDC/CO	PA/CO
57. " T.C.Basumatary, LDC/CO	PA/CO
58. " Ram Ch. Das, LDC/RO	PA/RO
59. " J.K.Deka, LDC/CO	PA/CO
60. Smt. Rohini Devi, LDC/CO	PA/CO
61. " Goma Thapa, LDC/RO	PA/RO
62. Miss B.Kurkalong, LDC/CO	PA/CO

S.II—
(P. NATH)
A.P.M.G.(Staff)
For Chief Postmaster General,
Assam Circle, Guwahati-781001.

Contd....3/

- 14 -

-: 3 :-

Copy for information and necessary action to :-

- (1) The AD(Estt.), CO/RO; Guwahati.
- (2) The AD(A/Cs), CO/RO: Guwahati.
- (3) The AAO(Bgt), CO/RO: Guwahati.
- (4) The DA(P), Calcutta(through A&P SEC.).
- (5) The Office Supdt., CO/RO: Guwahati.
- (6) All Group Officer, CO/RO: Guwahati.
- (7) All Section Supervisors, CO/RO: Guwahati.
- (8) The Sr.PA/PA, CPMG/PMG/DPS: Guwahati.
- (9) The Staff Section; RO/Guwahati.
- (10) The G/L File No. Staff/19-1/88.
- (11) The officials concerned.
- (12) The P/F of officials.
- (13) Office copy.
- (14) Spare.

90

(P. NATH)
A.P.M.G.(Staff)
For Chief Postmaster General,
Assam Circle, Guwahati.

-: :-

Baro/61093.

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

Memo No. Staff/5-3/90

Dated at Guwahati, the 4th Feb. 1994.

The Director of Postal Services, Office of the Chief Postmaster General, Assam Circle, Guwahati is pleased to confirm the following approved officials in the cadre of PA, CO/RO in the scale of pay Rs. 975-25-1150-EB-30-1660/- with effect from the dates shown against each.

<u>Name of officials</u>	<u>Date of confirmation</u>	<u>Post against which confirmed</u>
✓ 1. Sri Abul Kalam	1-2-1994	PA, Circle Office, Guwahati.
2. Sri Dharmeswar Swargiary	1-2-1994	--Do--
3. Sri Abhijit Bhattacharjee	1-2-1994	PA, Regional Office, Guwahati.

(I.C. SARMA)
A.P.M.G. (Staff)
For Chief Postmaster General,
Assam Circle, Guwahati-781 001.

Copy to:-

1. The P.M.G., Assam Region, Guwahati.
2. The A.D.P.S. (A/Cs), CO/RO, Guwahati.
3. The A.A.O. (BGT), CO/RO, Guwahati.
4. The Office Supdt., CO/RO, Guwahati.
5. The Officials concerned.
6. The P/F of officials.
7. The Circle Office G/L file.
8. Office copy.
9. Spare.

(I.C. SARMA)
A.P.M.G. (Staff)
For Chief Postmaster General,
Assam Circle, Guwahati-781 001.

TCB:040294

Certified to be true Copy
Advocate

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

No. Staff/7-6/90

Dated at Guwahati, the 31st March, 1999.

The D.P.S., Office of the Chief Postmaster General, Assam Circle, Guwahati is pleased to appoint Shri Abul Kalam, PA(RO) and Shri Tarun Ch. Basumatary, PA(RO) in the posts of D.O.(PLI), Circle Office, Guwahati in the scale of pay rs.4500-125-7000/- to be effected from 01-04-99 for 3 years vice Shri J.C. Sarma Bordoloi and Bibhuti Bn. Dey reverted to their substantive post of PA(CO) and PA(RO) respectively.

(2) Posting orders of Shri J.C. Sarma Bordoloi, PA(CO) is being issued separately and Shri Bibhti Bn. Dey will seek posting order at RO/Dibrugarh at Guwahati.

(3) Shri Abul Kalam and Shri Tarun Ch. Basumatary will be attached to PLI section, CO/Guwahati. This is however subject to their being able to obtain adequate PLI business for which target will be prescribed from time to time by the CPMG(PLI). On termination of their appointment to the posts either on completion of 3 years tenure or otherwise Shri Abul Kalam and Shri Tarun Ch. Basumatary shall be reverted to their substantive posts of PA in RO, Dibrugarh at Guwahati.

(4) This appointment is purely temporary and on adhoc basis and will confer upon the official no claim for regular absorption in the posts. This arrangement can be terminated at any time in the interest of service without assigning any reason.

(I. PANGERNUNGSANG)

Asstt. Postmaster General (Staff)
O/O the Chief Postmaster General,
Assam Circle, Guwahati-781 001.

Copy for information and necessary action

To,

1. The PMG, Dibrugarh at Guwahati w.r.t. his No. Staff/1/28-3/98 (RP) dtd. 18-01-99.
2. The DDM(PLI), CO/GH w.r.t. his No. LI-DO/Bordoloi/98 dtd. 22-12-98
3. The AD(A/Cs), CO/RO, Guwahati.
4. The AJO(BGT), CO/Guwahati.
5. The O.S., CO/Guwahati.
6. The Officials concerned.
7. PF of the officials.

(I. PANGERNUNGSANG)

Asstt. Postmaster General (Staff)
For Chief Postmaster General,
Assam Circle, Guwahati-781 001.

Certified to be true Copy

Advocate

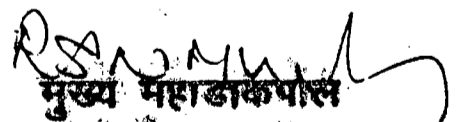
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भारतीय डाक विभाग
DEPARTMENT OF POST, INDIA
डाक जीवन बीमा
POSTAL LIFE INSURANCE

श्री/श्रीमती ए. कालाम
विकास / क्षेत्रीय अधिकारी असम
परिमण्डल को वर्ष 1999-2000 में उत्तम कार्य करने
के लिए रजत पत्र प्रदान किया गया।

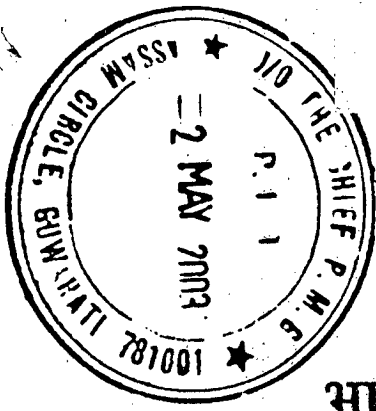
Shri/Smt. A. Kalam
Development / Field Officer (PLI) of Assam
Circle has been awarded Silver Certificate for the
year...1999-2000. for outstanding performance in
securing Postal Life Insurance business.


मुख्य महाडाकपाल
CHIEF POST MASTER GENERAL
परिमण्डल CIRCLE

Delivered to the Post Office

80

2018



भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA
डाक जीवन बीमा
POSTAL LIFE INSURANCE

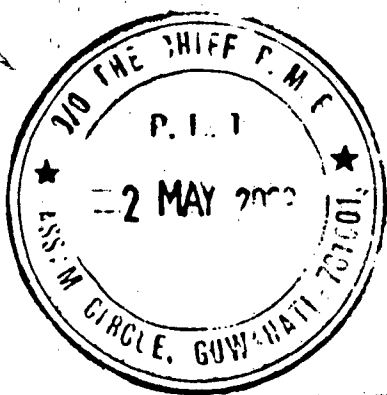
श्री/श्रीमती ..आबुल कलाम.....
विकास / क्षेत्रीय अधिकारी (डा.जी.बी.) ..असम.....
परिमण्डल को वर्ष 2000-2001 में उत्कृष्ट कार्य करने
के लिए रजत पत्र प्रदान किया गया।

This Silver Certificate has been awarded to
Shri/Smt. ..Abul Kalam.....
Development / Field Officer (PLI) of.....Assam.....
Circle for his/her outstanding performance in
securing Postal Life Insurance business during
the year 2000 - 2001

82/5/08
मुख्य पोस्टमास्टर जनरल
CHIEF POSTMASTER GENERAL
M. K. Banerjee
पश्चिम बंगाल
Chief Postmaster General
असम परिमंडल, गुवाहाटी-781001
Assam Circle, Guwahati-781001

Certified to be true Copy

Advocate



Annexure - 3C

30

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA
डाक जीवन बीमा
POSTAL LIFE INSURANCE

श्री/श्रीमती आबुल कालाम
विकास / क्षेत्रीय अधिकारी (डा.जी.बी.)
परिमण्डल को वर्ष 2001-2002 में उत्कृष्ट कार्य करने
के लिए रजत पत्र प्रदान किया गया।

This Silver Certificate has been awarded to
Shri/Smt. *Abul Kalam*
Development / Field Officer (PLI) of
Circle for his/her outstanding performance in
securing Postal Life Insurance business during
the year 2001 - 2002

[Signature] 02/5/03
मुख्य पोस्टमास्टर जनरल

CHIEF POSTMASTER GENERAL

[Signature]
मुख्य पोस्टमास्टर जनरल

Chief Postmaster General
असम परिमंडल, गुवाहाटी-781001
Assam Circle, Guwahati-781001

Certified to be true Copy

[Signature]
Advocate

Original /

Annexure- 4 A

भारतीय डाक विभाग
DEPARTMENT OF POST, INDIA

[डाक-तार वित्त पुस्तिका खण्ड I के नियम 8, 154, 159 और 160 तथा डाक-तार वित्त पुस्तिका खण्ड III (भाग I) द्वितीय संस्करण के नियम 100 देखें] प्रथम संस्करण (पुनःमुद्रित)

See Rules 8, 154, 159 and 160 of Posts and Telegraphs Financial Handbook, Volume I Second Edition and Rule 100 of P. & T. Financial Handbook, Vol. III (Part I) First Edition (Reprint)

पुस्तक संख्या
Book No. CA

रसीद संख्या
Receipt No.

Received from **145831** **074**
Bhencitra Ch. Nath

₹/Rs. **14356** रुपये **Fourteen thousand three hundred and thirty six**
on account of **being the Area P&T Premium**

स्थान **against P&T policy No** हस्ताक्षर
Place **Am-ys-56732-CS-** Signature

दिनांक **19/7/05** पद
Date Designation

प्रमाणित मन्त्र/MPF (PU) Santa **19/7/05** (SFS/S-1/24/44-
22-11-97-18-11-97 100,000 Bks)



A.C.G.-5

Original

Annex- 4B

भारतीय डाक विभाग
DEPARTMENT OF POST, INDIA

[डाक-तार वित्त पुस्तिका खण्ड I के नियम 8, 154, 159 और 160 तथा डाक-तार वित्त पुस्तिका खण्ड III (भाग I) द्वितीय संस्करण के नियम 100 देखें] प्रथम संस्करण (पुनःमुद्रित)

See Rules 8, 154, 159 and 160 of Posts and Telegraphs Financial Handbook, Volume I Second Edition and Rule 100 of P. & T. Financial Handbook, Vol. III (Part I) First Edition (Reprint)

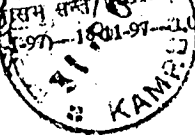
पुस्तक संख्या **CA 234398** रसीद संख्या **032**
Book No. Receipt No.

Received from **A. K. Das**
₹/Rs. **3842** रुपये **Three thousand eight hundred and forty two**
on account of **for the year 1904-05**

स्थान **agent** हस्ताक्षर
Place Signature

दिनांक **19/7/05** पद
Date Designation

प्रमाणित मन्त्र/MPF (PU) Santa **19/7/05** (SFS/S-1/24/44-
22-11-97-18-11-97 100,000 Bks)



Certified to be true Copy

Advocate

Annexure - 5

Under hand receipt

Department of Posts, India
Office of the Chief Postmaster General, Assam Circle, Meghdoot Bhawan, Fifth Floor,
Guwahati - 781001.

No.AM/YS-56732-CS/Misc.
Dated Guwahati, 21.07.2005.

To


Shri Abul Kalam,
PA, PLI Section,
Office of the Chief Postmaster General,
Assam Circle, Meghdoot Bhawan, 5th Floor,
Guwahati-781001.

Sub : Fraudulent collection of arrear premiums of PLI/RPLI revival cases.

On preliminary enquiry it is found that you have fraudulently taken money being the arrear premiums for revival of their policies from the Insurants to the tune of Rs.71,042.00 (Rupees Seventyone Thousand fortytwo only), in respect of 14 PLI/RPLI Policies, the particularized list is enclosed herewith.

You are, therefore, requested to deposit the above amount in the Guwahati GPO under UCR in ACG-67 immediately so that the revival can be settled.

Encl. As above.


(D. N. Sharma),
Deputy Divisional Manager(PLI).

Certified to be true Copy


Advocate


Department of Posts, India
Office of the Chief Postmaster General, Assam Circle, Meghdoot Bhawan, 5th Floor,
Guwahati - 781001

NO. DDM(PLI)/Staff/2005.
Dated Guwahati, 25-07-2005.

Whereas a disciplinary proceeding is against Shri Abul Kalam, Postal Assistant, PLI Section, office of the Chief Postmaster General, Assam Circle, Guwahati is contemplated/pending.

Now, therefore, the undersigned in exercise of the power conferred by Rule-10 (1) of CCS (CCA) Rules 1965, hereby places the said Shri Abul Kalam under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarters of Shri Abul Kalam, PA, PLI Section should be Guwahati and the said Shri Abul Kalam shall not leave the headquarter without obtaining the previous permission of the undersigned.


(D. N. SHARMA),
Deputy Divisional Manager (PLI)
Office of the Chief Postmaster General,
Assam Circle, Guwahati-781001.


To

Shri Abul Kalam, Postal Assistant (PLI Section),
Office of the Chief Postmaster General,
Assam Circle, Guwahati-781001.

Residing at :--

Shri Abul Kalam.
No.2 Mathgharia,
Noonmati,
GUWAHATI - 781 020.

25/7/05

Certified to be true Copy

Advocate

-23-

To,

Date : 15.9.2005

The Assistant Post Master General (Staff),
Assam Circle
Meghdoot Bhavan, Guwahati - 781001.

Sub : An appeal praying for revocation of the suspension order dated 25.7.2005.

Sir,

Most humbly I beg to file this appeal for your kind and sympathetic consideration on the following grounds :-

1. That on 30.4.84, I was appointed as Group D staff and posted in the Office of the Post Master General, Shillong. On 13.12.98, I was temporarily appointed as Lower Division Clerk and posted in Meghdoot Bhavan, Guwahati. On 4.2.1994, my services was confirmed in the scale of pay of Rs. 975-1660 under an order issued by Your Honour. Subsequently on 5.10.93, my post as L.D.C. was converted to the post of Time Scale Postal Assistant w.e.f. 26.6.93 along with other persons. The said order was issued under Memo No. Staff/2-30/93 dated 5.10.93 by Your Honour.

A copy of the order dated 5.10.93 is annexed herewith and marked as ANNEXURE - 1.

2. That on 31.3.99, I was appointed as Development Officer (PLI), Circle Office, Guwahati for a period of three years w.e.f. 1.4.99 in the scale of Pay of Rs. 4500-7000. The said period was extended upto 31.3.04 by Your Honour vide order dated 7.3.03.

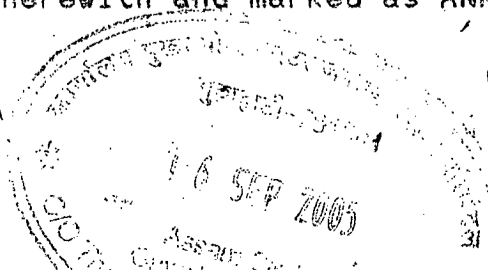
A copy of the order dated 31.3.99 is annexed herewith and marked as ANNEXURE - 2

Certified to be true copy

Advocate

1001

Postmaster General



3. That during the appointment as Development Officer (PLI), I rendered my services with outmost honesty and sincerity and as recognition of my meritorious services I was awarded Silver Certificate by His Honour the Chief Post Master General, Assam Circle, Meghdoot Bhavan, Guwahati - 1 for consecutive four years w.e.f. 1999 to 2004.

Copies of the silver certificates are annexed herewith and marked as ANNEXURE - 3 SERIES

4. That after completion of the aforesaid period, I was transferred to PLI section as Postal Assistant vide order dated 28.4.04 under No. Staff/27/98/Pt-1 issued by Your Honour. Thereafter, vide order dated 3.6.05, under No. LI/AM/1-5/88/Ch-II I was allowed to collect PLI business as per target fixed against my name. Accordingly I joined in the said post and was rendering my services sincerely. However, on 20.7.05, the Deputy Divisional Manager (PLI) canceled the aforesaid order dated 3.6.05 considering my performance.

Copies of the orders dated 3.6.05 and 20.7.05 are annexed herewith and marked as ANNEXURES-4 & 5 respectively.

5. That Sir, while I was serving in the aforesaid post, I was entrusted mainly with the duties of receipt of all kinds of Dak, revival of PLI/RPLI, issuance of duplicate PR book and policies, change of nominations and corrections of PLI policies and PLI books. Further I was also allotted a computer terminal connected with the main server to work in the updating of the existing policies, duplicate policy

documents and revival of policies.

6. That Sir, while I was entrusted with the aforesaid duties, I had to deal with various policy holders who come to the office for revival of their policies and other works as mentioned above. On 26.6.05, one Shri B.C. Nath from Udalguri came to the office for revival of his policy No. AM-YS-56782-CS and requested me to complete the necessary formalities for revival of his lapsed policy. The premium with interest accrued to Rs. for 14,356.00 to be paid by Shri B.C. Nath. Since Shri B.C. Nath had to return to Udalguri on the same day, he requested and handed over the aforesaid amount to me to be deposited for revival of his policy. Due to some unavoidable circumstances, I deposited the same amount on behalf of Shri B.C. Nath on 19.7.05 vide receipt dated 19.7.05, Book No. 145831 after completion of all the formalities as per my undertaking given on 18.7.05.

On similar situation, one Shri Dilip Das, holder of PLI policy no. AM 34936-CS and Shri Biren Das of Khetri, Holder of RPLI policy No. R-AS-HQ-GY-15121 dated 30.3.01 requested me to deposit Rs. 3842.00 and Rs. 2072.00 in the Post Office respectively for revival of their policies. In this regard I gave the undertaking that the said amount would be paid by me on 29.7.2005 & 22.7.2005 respectively. Unfortunately, I had fallen sick as I was suffering from nerve disorder since long back, as a result I had to take leave for a period of one month w.e.f. 22.7.05. Consequently, I could not deposit the aforesaid amounts in time in the Post Office. However on 31.8.05, when I

recovered partially from nerve disorder, I immediately deposited the aforesaid amount in the Post Office vide Book No. CA 234398, Receipt no. 033 and Book No. 234398, Receipt No. 032.

Copies of the above receipts are annexed herewith and marked as Annexure - 6 Series.

7. That Sir, on 21.7.2005 a letter was issued to me by the Deputy Divisional Manager (PLI) stating that I had fraudulently taken money from the insurers for revival of their policies to the tune of Rs. 71,042/- in respect of 14 PLI/RPLI and I was requested to deposit the said amount in the GPO so that revival can be settled.

A copy of the aforesaid letter dated 21.7.2005 is annexed herewith and marked as ANNEXURE - 6(I)

8. That before I could answer the aforesaid letter dated 21.7.2005 surprisingly on 6.8.05, a copy of the order dated 25.7.05, under no. DDM(PLI)/Staff/2005 issued by the Deputy Divisional Manager (PLI) 4 was served on my wife by which I was placed under suspension under Rule 10 of Central Civil Services(CCA) Rules, 1965, contemplating/pending disciplinary proceeding.

A copy of the aforesaid order dated 25.7.05 is annexed herewith and marked as ANNEXURE - 7.

9. That I was surprised to receive the aforesaid order dated 25.7.2005 as throughout my service career I had served the Department with utmost sincerity and it was due to this fact I had deposited the above mentioned amount in the name of the concerned policy holders which I had

received from them. Even while I was serving as D.O. (PLI), I was awarded Silver Certificate on 4 (four) consecutive years due to my meritorious service. It may also be brought to the notice of Your Honour that while serving as P.A. in PLI section I have maintained an upto date Register^{File No. 11/DPRB/Issue/05} where I have noted all the duties/functions undertaken by me in discharge of my duties in connection with revival of lapsed policies and other works entrusted to me.

Further, I totally deny that I had fraudulently taken money from 14 Insurers for revival of their policies and it was only on 3 (three) occasions when the insurers handed over their money to me and I had deposited the same on their behalf in the Office as stated above. If I had any malafide intention I simply could have denied the same by not depositing the amount in the name of the policy holders. However, the Deputy Divisional Manager (PLI) without considering the above fact and without any justifiable and valid ground issued the order of suspension dated 25.7.2005.

I therefore humbly pray to Your Honour to peruse^{File No. 11/DPRB/Issue/05} the Register^{File} that I had maintained while performing my duties as P.A. in PLI section and on perusal of the said Register Your Honour would find that I was never involved in the 14 cases mentioned in the order dated 21.7.2005. Even the records of my entire service career will reflect honesty and sincerity maintained by me throughout my service career.

10. That Sir, the Deputy Divisional Manager (PLI) has issued the impugned order dated 25.7.05 in clear violation of the provisions of Rule 10 of the Central Civil Services (

C.C.A. Rules, 1965) and he being the authority below the rank of the Appointing Authority, i.e., Your Honour, issued the order dated 25.7.05 without being empowered under law to pass such order of suspension. As such, the same is liable to be set aside and quashed.

11. That the order dated 25.7.05 issued by the Deputy Divisional Manager (PLI) is totally on non-existent ground inflicting punishment on me for no fault of my own. As such, the order dated 25.7.05 being illegal, arbitrary and unreasonable is liable to be interfered with by Your Honour.

12. That Sir, if inadvertently any lapses had occurred during my tenure as P.A. in PLI section, I may kindly be excused.

It is therefore prayed that considering the aforesaid facts Your Honour would be pleased to ~~revoke~~ the suspension order dated 25.7.2005 issued by the Deputy Divisional Manager (PLI), and also grant me the suspension allowances.

And for this act of kindness I will be highly obliged.

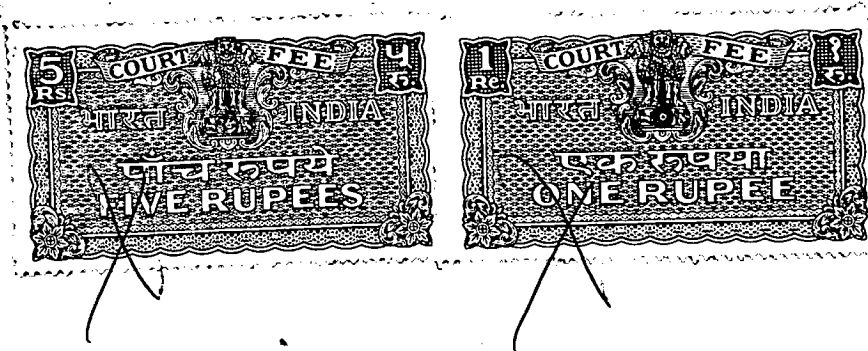
Thanking you,

Yours sincerely,

(Shri Abdul Kalam),
P.A. (PLI) section (under suspension)
Office of the Chief Post Master
General, Guwahati - 1

Copy to,

The Chief Post Master General, Assam Circle, Meghdoot Bhavan, Guwahati - 781001



340
Abul Kalam

VAKALATNAMA

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 89 of 2006

Sri Abul Kalam

PETITIONER(S)
Applicant

VERSUS

Unio of India & Ors.

RESPONDENT(S)
OPPOSITE-PARTY

Know all men by these presents that the above named Applicant do hereby nominate, constitute and appoint Sri/Smti. S.S. Dey, M. Nath, D.P. Borah Advocate and such of the under-mentioned 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, filling in or taking out papers, deeds of composition etc. for me/us and my/our behalf and I/We agree to ratify and confirm all acts 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 Advocates will be bound to appear and act on my/our behalf.

In Witness Whereof I/We hereunto set my/our hand on this 6th Day of April, 2006

Mr. S.S. Dey
Ms. P.R. Mahanta

Mr. M. Nath
Ms. M. Laskar.

Mr. D.P. Borah

Received from the Executant,
Satisfied and accepted

Mr/Ms. will lead And Accepted
us in case

Advocate

Advocate

Advocate

And Accepted

And Accepted

Dipankar P. Borah
Advocate

Advocate

Advocate

Advocate

u

Notice

From,
Dipankar Pd. Borah, Advocate

To,

Sub:- O.A. No. 1/2006

Sri Abul Kalam -- - Applicant
- Vs -

Union of India & Ors. -- - Respondents

Sir,

Please take notice that an application in connection with the matter above mentioned is being filed before this Hon'ble Tribunal, a copy whereof is being served upon you. Kindly acknowledge the receipt of the same.

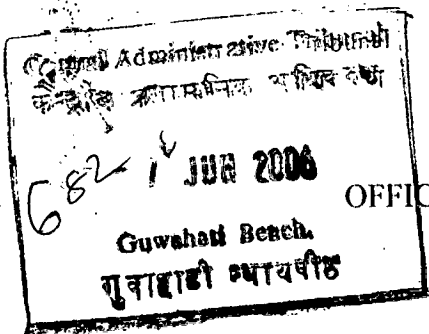
Received

Sincerely yours.

Dipankar Pd. Borah
6.6.06
Advocate

N.B.:- I personally served the copy of the C.G.S.C.

/
Dipankar Pd. Borah



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

No. Staff/9-64/2005

Dated Guwahati-1 the 02-06-2006.

APPELLATE ORDER

This is an appeal dated 15-09-2005 submitted by Shri Abul Kalam, PA, PLI Section [now under suspension], O/O the Chief Postmaster General, Assam Circle, Guwahati [hereinafter called as appellant] against the suspension order issued by the DDM, PLI, O/O the Chief Postmaster General, Guwahati Memo No.DDM(PLI)/Staff /2005 dated 25-07-2005 [copy enclosed at Annexure-A].

2. Shri Abul Kalam, PA (U/S), PLI Section, Circle Office, Guwahati while functioning as such, during the period from June, 2004 to 18-07-2005 misappropriated Govt. money to the tune of Rs.71,042.00 (so far detected) by collecting arrear PLI premiums from the holders of 14 (fourteen) PLI/RPLI policies. On conducting a preliminary enquiry, it reveals that a prima facie case was justified and a disciplinary proceedings against Shri Abul Kalam is contemplated and as such he was placed under suspension vide memo No. DDM(PLI)/Staff/2005 dated 25-07-2005. Being aggrieved, the appellant preferred this appeal dated 15-09-2005 [copy enclosed at Annexure-B], which was received by this office on 16-05-2005. The appellant, without transmitting through proper channel, submitted the appeal direct to this office.

3. I have gone through the appeal and other relevant records very carefully. My findings are given below :-

i) At paras 1, 2, 3 of the appeal dated 15-09-2005, the appellant furnished the letters numbers of his appointment particulars in various cadres in the Department, which are all of matters of official records and there is nothing to comment to the extent consistent with such records.

ii) In respect of statement made at para 4 of the appeal, it is stated that DDM (PLI) CO Guwahati vide letter No.LI/AM/1-5/88/Ch.II dated 20-7-2005, cancelled the permission given to Shri Abul Kalam to collect PLI/RPLI business and also directed to return the LI-7(a) along with all the collected cash and proposals, as it was found that he had fraudulently taken money being the arrear PLI premiums for revival of lapsed policies from the insurants. As such, his performance in PLI Section is not beyond doubt.

Contd...

Mn ~~89/06~~ / Dm.
6A 89/06.
N.E.
14.6.06

- iii) At para 5, the appellant elaborated the duties to be performed by him. The appellant was entrusted with such jobs to be performed by him at the direction of the concerned authority, with honesty and integrity.
- iv) (a) The appellant admitted at para 6 that for revival of the lapsed policies, the premiums with interest accrued thereon lapsed policies, were taken by him. Some of these amount was deposited by him and others were deposited by the policy holders. The appellant stated that one Shri B C Nath, holder of policy No. AM-YS-56782-CS came to him on 26-06-05 and handed over Rs.14,356.00 for revival of his lapsed policy. He admitted that he took the amount and deposited the said amount to Govt. account on 19-07-05 i.e., one day ahead of the date (20-07-05) of cessation of performing PLI/RPLI business by him. However, the appellant did not mention under what authority he had taken amount of premium himself and also that at what capacity.
- (b) Again, the appellant admitted that he had taken Rs.3842.00 and Rs.2072.00 from Shri Dilip Das and Shri Biren Das respectively, giving undertaking to revive the lapsed PLI policies Nos. AM-34936-CS and R-AS-HQ-GY-15121, by 29-07-05 and 22-07-05 respectively. Further, he stated that due to his illness he failed to deposit the above noted amount of aforesaid two policy holders. Thus, it transpires that appellant had taken the money from the insurants with the false hope to revive the lapsed PLI policies without any authority, violating the prescribed procedure misusing his official position, though he was debarred from performing PLI/RPLI business from 20-07-2005.
- (c) The appellant stated he proceeded on leave with effect from 22-07-2005, whereas he was asked vide DDM, PLI, CO Guwahati vide letter No.AM/YS-56732-CS/Misc dated 21-07-2005 to deposit Rs.71,042.00, which was fraudulently taken by him with the false hope given to the insurants of 14 PLI/RPLI policies, being the arrear premiums for revival of their lapsed policies. The appellant was put under suspension with immediate effect vide MEMO DATED 25-07-2005. On the other hand, he stated that he took leave for one month with effect from 22-07-2005 which is contradictory. On accepting/taking the amount of PLI premiums from the insurants unauthorizedly and depositing later on after utilizing the money for his own purpose, does not absolve the appellant from his guilt.
- v) In respect of statement made by the appellant at para 7, it is enjoined here that a preliminary enquiry revealed a prima facie case where there was evidence that Rs.71,042.00 was taken by the appellant being the PLI premiums in respect of PLI/RPLI policies. Hence, he was asked vide letter dated 21-07-2005 to deposit the said amount so that revival of 14 lapsed PLI policies can be made.

Contd..

- vi) At para 8 of the appeal, the appellant stated that he was placed under suspension before replying the letter dated 21-07-2005. The DDM, PLI, CO Guwahati vide letter dated 21-07-2005 confirmed that on preliminary enquiry it was found that the appellant had fraudulently taken money being the arrear PLI premium to the tune of Rs. 71,042.00, for revival of the policies of the insurants of 14 PLI/RPLI policies. He was also asked to deposit the said amount immediately. The authority taking into account all the factors as well as deciding that his continuance in office would be against the wider public interest, it was considered appropriate to place the appellant under suspension and issued order of suspension vide memo no. ibid dated 25-07-2005. On issuing suspension order, the appellant was neither debarred from replying the letter dated 21-07-05 nor he was enforced to reply but he was asked to deposit the defrauded amount immediately. Thus the appellant could not bring any material to prove his contention on this score.
- vii) The appellant stated in para 9 of the appeal that his duties/functions are noted in file No.LI/dPRB/Issue/05 and he performed duty with honesty and sincerity throughout his service career. He also stated that he was awarded for his service while he was DO (PLI). On preliminary enquiry, the appellant was placed under suspension considering that his continuance in office would prejudice to further investigation. During procedural inquiry, the appellant may avail the chance to prove the claim of his innocence. By placing Shri Abul Kalam under suspension vide memo dated 25-07-2005 the appellant is kept out of duty temporarily pending final action being taken against him for the specific allegations of serious nature for the particulars period and past records do not have any bearing on the present case. Suspension was resorted to on the basis of the gravity of the particular allegation. Hence, past records of services can not be considered in such matter.
- viii) There was not violation of any provision of Rule 10 of CCS (CCA) Rules, 1965, as alleged by the appellant at para 10, in issuing the order for placing him under suspension as the DDM, PLI CO Guwahati was empowered by the competent authority.
- ix) At para 11, the appellant stated that the order dated 25-07-2005 is totally on non-existent ground inflicting punishment on him for no fault of his own and the said order is illegal, arbitrary and unreasonable. Shri Abul Kalam was placed under suspension for misappropriation of Govt. money to the tune of Rs.71,042.00 in respect of 14 PLI/RPLI policies. The appellant himself admitted at para 6 of his appeal dated 15-09-2005, that he collected/taken the arrear PLI premium from the insurants mentioned there and did not credit the amount to Govt. accounts. The plea on proceeded on leave as put forward for non-crediting the collected amount,

Concluded

is not convincing/acceptable. On the other hand, the appellant pleads that he was suspended due to no fault of his own whereas he admitted his lapses at para 6 of his appeal dated 15-09-2005. Such contradictory statements are not tenable and maintainable. There were sufficient grounds and taking all those factors into account, the appellant was placed under suspension, as narrated in foregoing paras. Taking into the gravity of the allegations, relating to the interests of the general public for serving whose interests the Govt. machinery exists and functions, it was considered to debar the appellant, for a time, of his office or position. There was no unreasonness, as alleged by he appellant. He also failed to substantiate his allegation by any proof/evidence. Further, at this present stage, his allegation on "inflicting punishment" is not correct at all, as the suspension provides the Govt. servant with enough time to prepare himself adequately for the enquiry. The appellant raised the allegation without the backing of merit and this allegation at this stage, is unacceptable.

- x) At para 12, he appellant requested to excuse him for the lapses. He also prayed to grant the subsistence allowance and revoke the suspension order issued vide memo dated 25-07-2005. So far his request is concerned, it is mentioned here that the appropriate authority will take the final decision of the lapses committed by him in due course. Subsistence allowance had already been granted vide order No. DDM(PLI)/Staff/2005 dated 15-05-2006. Regarding revocation/continuation of the suspension of the appellant, the Review Committee constituted for the purpose, has reviewed the matter on 17-02-2006 and the last review was done on 16-05-2006 wherein it was recommended for continuation of suspension for a further period of 90 (ninety) days from 18-05-2006.

4. While working in such a responsible post, it was alleged that he failed to discharge his duties properly. On preliminary investigation it was prima facie justified to put the appellant under suspension, pending further thorough investigation into the allegations as well as pending departmental procedural inquiry.

5. Keeping in view of the discussions made in foregoing paras, I do not find any ground to interfere with the decision of the DDM (PLI), Circle office, Guwahati and therefore, dispose the appeal [though not addressed to the appropriate appellate authority] passing the order as follows :

Contd....

ORDER

I, Dr. N Vinodkumar, Director Postal Services, (HQ&M), Office of the Chief Postmaster General, Assam Circle, Guwahati, do hereby reject the appeal dated 19-05-2005 submitted by Shri Abul Kalam, PA (U/S), PLI Section, Circle Office, Guwahati and uphold the suspension order issued vide DDM (PLI), C.O. Guwahati Memo No. DDM(PLI)/Staff/-2005 dated 25-07-2005.

Sd/-

(Dr. N Vinodkumar)
Director Postal Services (HQ&M),
O/O the Chief Postmaster General,
Assam Circle, Guwahati-781001.

Copy to :

1. Shri Abul Kalam, PA, PLI Sec., CO Guwahati (now under suspension).
2. The DDM (PLI), Circle Office, Guwahati-781001, for information and necessary action. He will arrange to deliver the letter to the addressee at sl. 1 above under receipt and a signed acknowledgement be sent to this office for office record.

[Enclo: One cover]

- Ref 3. The Registrar, CAT, Rajgarh Road, Dispur, Guwahati-781005. This refer to CAT case OA No. 89/2006.
4. Shri M U Ahmed, Addl. CGSC, CAT Rajgarh Road, Dispur, Guwahati-781005. He will kindly apprise the Hon' Tribunal on the compliance on OA No, 89/2006.
 5. O/C.

V (mm)
(Dr. N Vinodkumar)
Director Postal Services (HQ&M),
O/O the Chief Postmaster General,
Assam Circle, Guwahati-781001.

(57)
1-8-05 Annexure A
47

Department of Posts, India
Office of the Chief Postmaster General, Assam Circle, Meghdoot Bhawan, 5th Floor,
Guwahati - 781001

NO. DDM(PLI)/Staff/2005.

Dated Guwahati, 25-07-2005.

Whereas a disciplinary proceeding is against Shri Abul Kalam, Postal Assistant, PLI Section, office of the Chief Postmaster General, Assam Circle, Guwahati is contemplated/pending.

Now, therefore, the undersigned in exercise of the power conferred by Rule-10 (1) of CCS (CCA) Rules 1965, hereby places the said Shri Abul Kalam under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarters of Shri Abul Kalam, PA, PLI Section should be Guwahati and the said Shri Abul Kalam shall not leave the headquarter without obtaining the previous permission of the undersigned.

Sd/-

(D. N. SHARMA),
Deputy Divisional Manager (PLI)
Office of the Chief Postmaster General,
Assam Circle, Guwahati-781001.

To

Shri Abul Kalam, Postal Assistant (PLI Section),
Office of the Chief Postmaster General,
Assam Circle, Guwahati-781001.

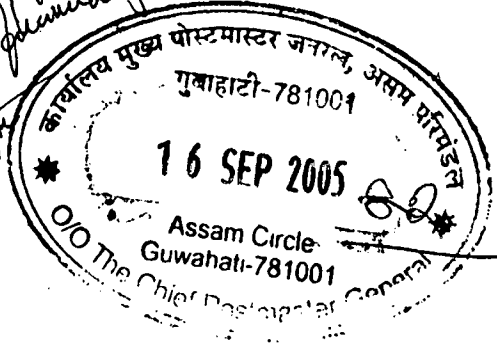
Residing at :--

Shri Abul Kalam,
No.2 Mathgharia,
Noonmati,
GUWAHATI - 781 020.

Contd....2....

HO JB

In Witness Whereof



Date : 15.9.2005

The Assistant Post Master General (Staff),
Assam Circle
Meghdoot Bhavan, Guwahati - 781001.

Sub : An appeal praying for revocation of the suspension order dated 25.7.2005.

Sir.

Most humbly I beg to file this appeal for your kind and sympathetic consideration on the following grounds :-

1. That on 30.4.84, I was appointed as Group D staff and posted in the Office of the Post Master General, Shillong. On 13.12.98, I was temporarily appointed as Lower Division Clerk and posted in Meghdoot Bhavan, Guwahati. On 4.2.1994, my services was confirmed in the scale of pay of Rs. 975-1660 under an order issued by Your Honour. Subsequently on 5.10.93, my post as L.D.C. was converted to the post of Time Scale Postal Assistant w.e.f. 26.6.93 along with other persons. The said order was issued under Memo No. Staff/2-30/93 dated 5.10.93 by Your Honour.

A copy of the order dated 5.10.93 is annexed herewith and marked as ANNEXURE - 1.

2. That on 31.3.99, I was appointed as Development Officer (PLI), Circle Office, Guwahati for a period of three years w.e.f. 1.4.99 in the scale of Pay of Rs. 4500-7000. The said period was extended upto 31.3.04 by Your Honour vide order dated 7.3.03.

A copy of the order dated 31.3.99 is annexed herewith and marked as ANNEXURE - 2

3. That during the appointment as Development Officer (PLI), I rendered my services with outmost honesty and sincerity and as recognition of my meritorious services I was awarded Silver Certificate by His Honour the Chief Post Master General, Assam Circle, Meghdoot Bhavan, Guwahati - 1 for consecutive four years w.e.f. 1999 to 2004.

Copies of the silver certificates are annexed herewith and marked as ANNEXURE - 3 SERIES

4. That after completion of the aforesaid period, I was transferred to PLI section as Postal Assistant vide order dated 28.4.04 under No. Staff/27/98/Pt-1 issued by Your Honour. Thereafter, vide order dated 3.6.05, under No. LI/AM/1-5/88/Ch-II I was allowed to collect PLI business as per target fixed against my name. Accordingly I joined in the said post and was rendering my services sincerely. However, on 20.7.05, the Deputy Divisional Manager (PLI) canceled the aforesaid order dated 3.6.05 considering my performance.

Copies of the orders dated 3.6.05 and 20.7.05 are annexed herewith and marked as ANNEXURES-4 & 5 respectively.

5. That Sir, while I was serving in the aforesaid post, I was entrusted mainly with the duties of receipt of all kinds of Dak, revival of PLI/RPLI, issuance of duplicate PR book and policies, change of nominations and corrections of PLI policies and PLI books. Further I was also allotted a computer terminal connected with the main server to work in the updating of the existing policies, duplicate policy

documents and revival of policies.

6. That Sir, while I was entrusted with the aforesaid duties, I had to deal with various policy holders who come to the office for revival of their policies and other works as mentioned above. On 26.6.05, one Shri B.C. Nath from Udalguri came to the office for revival of his policy No. AM-YS-56782-CS and requested me to complete the necessary formalities for revival of his lapsed policy. The premium with interest accrued to Rs. for 14,356.00 to be paid by Shri B.C. Nath. Since Shri B.C. Nath had to return to Udalguri on the same day, he requested and handed over the aforesaid amount to me to be deposited for revival of his policy. Due to some unavoidable circumstances, I deposited the same amount on behalf of Shri B.C. Nath on 19.7.05 vide receipt dated 19.7.05, Book No. 145831 after completion of all the formalities as per my undertaking given on 18.7.05.

On similar situation, one Shri Dilip Das, holder of PLI policy no. AM 34936-CS and Shri Biren Das of Khetri, Holder of RPLI policy No. R-AS-HQ-GY-15121 dated 30.3.01 requested me to deposit Rs. 3842.00 and Rs. 2072.00 in the Post Office respectively for revival of their policies. In this regard I gave the undertaking that the said amount would be paid by me on 29.7.2005 & 22.7.2005 respectively. Unfortunately, I had fallen sick as I was suffering from nerve disorder since long back, as a result I had to take leave for a period of one month w.e.f. 22.7.05. Consequently, I could not deposit the aforesaid amounts in time in the Post Office. However on 31.8.05, when I

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Copies of the aforesaid receipts are annexed herewith and marked as Annexure - 6 Series.

7. That, Sir, on 21.7.2005 a letter was issued to me by the Deputy Divisional Manager (PLI) stating that I had fraudulently taken money from the insurers for revival of their policies to the tune of Rs. 71,042/- in respect of 14 PLI/RPLI and I was requested to deposit the said amount in the GPO so that revival can be settled.

A copy of the aforesaid letter dated 21.7.2005 is annexed herewith and marked as ANNEXURE - 6(I)

8. That before I could answer the aforesaid letter dated 21.7.2005 surprisingly on 6.8.05, a copy of the order dated 25.7.05, under no. DDM(PLI)/Staff/2005 issued by the Deputy Divisional Manager (PLI) & was served on my wife by which I was placed under suspension under Rule 10 of Central Civil Services(CCA) Rules, 1965, contemplating/pending disciplinary proceeding.

A copy of the aforesaid order dated 25.7.05 is annexed herewith and marked as ANNEXURE - 7.

9. That I was surprised to receive the aforesaid order dated 25.7.2005 as throughout my service career I had served the Department with utmost sincerity and it was due to this fact I had deposited the above mentioned amount in the name of the concerned policy holders which I had

received from them. Even while I was serving as D.O. (PLI), I was awarded Silver Certificate on 4 (four) consecutive years due to my meritorious service. It may also be brought to the notice of Your Honour that while serving as P.A. in PLI section I have maintained an upto date ^{File No. LI/DPRB/issu/05} Register where I have noted all the duties/functions undertaken by me in discharge of my duties in connection with revival of lapsed policies and other works entrusted to me.

Further, I totally deny that I had fraudulently taken money from 14 Insurers for revival of their policies and it was only on 3 (three) occasions when the insurers handed over their money to me and I had deposited the same on their behalf in the Office as stated above. If I had any malafide intention I simply could have denied the same by ^{not} depositing the amount in the name of the ^{thrice} policy holders. However, the Deputy Divisional Manager (PLI) without considering the above fact and without any justifiable and valid ground issued the order of suspension dated 25.7.2005.

I therefore humbly pray to Your Honour to peruse the ^{File No. LI/DPRB/issu/05} Register that I had maintained while performing my duties as P.A. in PLI section and on perusal of the said ^{File} Register, Your Honour would find that I was never involved in the 14 cases mentioned in the order dated 21.7.2005. Even the records of my entire service career will reflect honesty and sincerity maintained by me throughout my service career.

10. That Sir, the Deputy Divisional Manager (PLI) has issued the impugned order dated 25.7.05 in clear violation of the provisions of Rule 10 of the Central Civil Services(

C.C.A. Rules, 1965) and he being the authority below the rank of the Appointing Authority, i.e., Your Honour, issued the order dated 25.7.05 without being empowered under law to pass such order of suspension. As such, the same is liable to be set aside and quashed.

11. That the order dated 25.7.05 issued by the Deputy Divisional Manager (PLI) is totally on non-existent ground inflicting punishment on me for no fault of my own. As such, the order dated 25.7.05 being illegal, arbitrary and unreasonable is liable to be interfered with by Your Honour.

12. That Sir, if inadvertently any lapses had occurred during my tenure as P.A. in PLI section, I may kindly be excused.

It is therefore prayed that considering the aforesaid facts Your Honour would be pleased to ~~revoke~~ the suspension order dated 25.7.2005 issued by the Deputy Divisional Manager (PLI), and also grant me the suspension allowances.

And for this act of kindness I will be highly obliged.

Thanking you,

Yours ~~sincerely~~, *faithfully*

(Shri Abdul Kalam),
P.A. (PLI) section (under suspension)
Office of the Chief Post Master
General, Guwahati - 1

Copy to,

The Chief Post Master General, Assam Circle, Meghdoct Bhavan, Guwahati - 781001