

FROM NO. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. original Application No. 97/2006
2. Misc Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) Sui A. B. Seal

Respondents U.O.I. 2006

Advocate for the Applicant(s). MR. M. Rahman,.....
MR. Mizanur Rahman

Advocate for the Respondant(s)....C.G. SC.....

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposit..... SD No.134 036887	4.5.2006	Heard learned counsel for the parties. The D.A. is disposed of at the admission stage itself as per order kept separately.
Dated..... 27.4.06.....		
<i>N. S. M. 28/4/06 Dy. Registrar</i>	bb	
Slips taken..... <i>N. S. M. 28/4/06</i>		
<i>Received C.R. M. Rahman Advocate 5/5/06</i>		
<i>14/5/06</i>		
<u>5.5.06</u>		
Copy of the Judgment handed over to the L/Adv. for the parties.		
<i>ab</i>		

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

97 of 2006

O.A. No.

04.05.2006

DATE OF DECISION

Sri A.B.Seal

Applicant/s

Mr.M.Rahman

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

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

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 complied at Jodhpur Bench ? Yes/No
4. Whether their Lordships wish to see the fair copy
of the Judgment ? Yes/No

5/5/10
Vice-Chairman (J)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 97 of 2006.

Date of Order: This, the 4th Day of May 2006,

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

Sri Anil Baran Seal
S/o Late Chandra Kr. Seal
Resident of Naliyapur, Jyoti Nagar
P.O: & P.S: Dibrugarh
Dist: Dibrugarh
Assam. Applicant.

By Advocates S/Shri Mahibur Rahman & Mizanur Rahman.

- Versus -

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

.....Respondents.

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



ORDER (ORAL)

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

The applicant who was functioning as a Senior Postmaster, Guwahati GPO, was charge sheeted vide memorandum dated 29.4.2002 with the charge of fraudulent behaviour/action. According to him, the departmental proceeding was initiated without affording him a reasonable opportunity and the applicant attained superannuation and retired on 31.1.2004. The Enquiry Officer did not find him guilty but subsequently after the retirement of the applicant respondents issued memorandum dated 28.12.2004 (Annexure-4) to the applicant with a disagreement note with the Enquiry Officer's report affording an opportunity him to make a representation within fifteen days. The applicant accordingly submitted representation dated 12.1.2005 (Annexure-5) but till date nothing has transpired and aggrieved by the said inaction he has filed this Original Application seeking the following reliefs:-

- "8.1 To set aside and quash the Memorandum dated 28/12/04 along with the proceeding and to exonerate the applicant from the charge issued under Memorandum of Charge date 29/04/02 and to release his pensionary dues forthwith along with an interest 21% p/a on such delayed settlement of dues.
- 8.2 Cost of the application.
- 8.3 Any other relief/relief's to which the applicant is entitled to under the facts and circumstances of the case and deem fit and proper."

It is also submitted that his pensionary dues and other benefits are withheld and he has been put to great hardship.

2. I have heard Mr. M. Rahman, learned counsel for the applicant and Mr. M. U. Ahmed, learned Addl.C.G.S.C. represented the respondents. Counsel for the applicant submits that the applicant will be satisfied if a direction is issued to the respondents to consider and dispose of Annexure-5 representation dated 12.1.2005 within a time frame and pass a speaking order and communicate to him. In the interest of justice this Tribunal is also of the view such an action will suffice the ends of justice. Therefore, this Tribunal directs the respondent no.2 or any other competent authority as directed by him to consider and dispose of the aforesaid representation (Annexure-5) within a time frame of one month from the date of receipt of this order and pass appropriate speaking order therein and communicate the same without ~~further~~ delay. The applicant is also directed to send a copy of this O.A. as well as Annexure-5 representation to the concerned respondent forthwith.

The Original Application is disposed of as above. In the circumstances, there is no order as to costs.



(K.V. SACHIDANANDAN)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORIGINAL APPEAL NO.

97/06

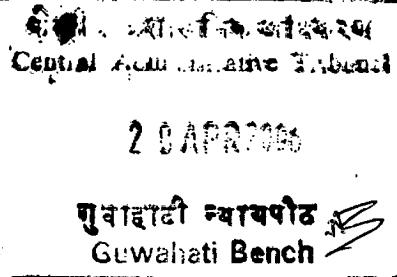
1. a) Name of the Applicat:- A. B. Seal
b) Respondants:- Union of India & Ors
c) No. of Applicant(S) :- one
2. Is the application in the proper form:- Yes/No.
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/ No.
4. Has the application been duly signed 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 IFO/DD/For Rs: 5/- 13H 036887 dt'd 27-4-06
12. Has the application is maintainable :- Yes/ No.
13. Has the Impugned order original duly attested been filed : Yes/ No.
14. Has the legible copies of the 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:-
This application is in form.

J. Seal
28-4-06.

SECTION OFFICER (J)

DEPUTY REGISTRAR

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.



ORIGINAL APPLICATION No.97..../2006.

ANIL BARAN SEAL

..... Applicant

-AND-

UNION OF INDIA & OTHERS

..... Respondents

SYNOPSIS

The Applicant who was functioning the post of Senior Post Master Guwahati GPO in addition to his regular duty as welfare officer in office of the Chief P.M.G., Assam Circle, Guwahati was Charge sheeted by an unauthorized person (Assistant Post Master General, Vig) vide memo No. VIG/1-4/CBI/96-97 dated 6th March 2002 (Annexure – I) and after knowing the fact again the petitioner was charge sheeted with the same false and fabricated charge Vide Memo No./1-4/CBI/96-97 (pt.) dt 29th April 2002 (Annexure – 2) to be occurred from the period from 26/12/1991 to 9/3/1992. Pursuant to the said memorandum of charges a regular Departmental proceeding was initiated by appointing I.O and P.O. After the completion of the proceeding I.O. Submitted his report (date and Memo No. is not shown) without supplying the same to the Applicant. But the Respondents continued to proceed with the Departmental proceedings and in the mean time the applicant on attaining the age of superannuation retired from his service on 31/1/2004. But, subsequently respondent No. 3 issued the Memorandum No. 26-6/94 – Vig (I) dated 28.12.04 (Annexure – 4) and a disagreement note with the I.O.'s Report and gave an opportunity by the disciplinary authority to make a representation or submission in writing, to the Director General (Posts) within 15 days from the date of receipt of the said Memorandum, failure of which the disciplinary authority will take action in the matter ex-parte. And after receiving the said Memorandum the Applicant submits his representation on 12.1.05 (Annexure – 5). But till today after one year of expiry of submitting the representation no action is taken from the respondent end. The applicant being aggrieved by the aforesaid action / inaction on the part of the respondents have come under the protective hands of this Hon'ble Court seeking an urgent and immediate relief as the respondents in the name of the aforesaid Departmental proceeding withheld his pensionary dues. Inspite of repeated request the respondents are yet to release his pensionary dues.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

ORIGINAL APPLICATION No.97/2006.

Between

ANIL BARAN SEAL

..... Applicant

-AND-

UNION OF INDIA & OTHERS

..... Respondents

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Filed by

M. Rahman
28/4/08

Advocate

Filed by the petitioner
through
Mahibar Rahman
Advocate
28/4/06

ANIL BARAN SEAL
Anil Baran Seal

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

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

ORIGINAL APPLICATION No. 97/2006.

Between

ANIL BARAN SEAL

..... Applicant

-AND-

1. The Union of India

Represented by Secretary to the
Govt. of India.
Ministry of Communication,
Department of posts, Dak Bhawan
New Delhi. – 110001.

2. The Chief Post Master General

Department of Posts
Assam Circle, Meghdoot Bhawan
Guwahati – 781001.

3. Assistant Director General (Vigilance)

Dept. of Posts, Dak Bhawan
New Delhi – 110001.

4. The Director

Postal Service, Ambala
(enquiry officer)
Office of the Chief Post Master General
Haryana Circle, Ambala – 13301.

..... Respondents

Details of the Application :-

1. The Particulars against which this applicant is made :

This application has been made against the Memorandum issued by Assistant Director General (Vig) dated 28.12.04 by which disciplinary authority disagreed the I.O. Report and given an opportunity to submit representation within 15 days and after

Anil Barua Seal

submitting the representation no action is taken from the respondents end.

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

2. Limitation :

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

3. Jurisdiction

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

4. Facts of the Case :

4.1 That the applicant who was functioning the post of Senior Post Master, Guwahati GPO in addition to his regular duty as welfare officer in the office of Chief PMG, Guwahati, Assam Circle, was Charge sheeted vide Memo No. Vig/1-4/CBI/96-97 dated 6th March 2002 by an unauthorized person (Assistant Post Master General, Vig.) & again the applicant was charge sheeted with a fresh charge sheet pertaining to a false and fabricated charge stated to be occurred from the period from 26/12/1991 to 9/3/1992, vide Momo No. Vig/1-4/CBI/96-97 (pt.) dated 29/4/2002 pursuant to the said Memorandum of the Charges a regular Departmental proceeding was initiated by appointing I.O. and P.O. and on attaining the age of superannuation the applicant retired from his service on 31/1/04. But no action has been taken from the respondent ends. After the completion of the proceeding I.O. submitted its report (date and Memo No. is not mentioned in the report) and same is supplied to the petitioner on 28.12.04 with a Memorandum and a copy of the CVC's advice. The I.O. in his

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report said that the petitioner is not entirely responsible in this case. However, the I.O. report was disagreed by D.G. (Posts), the competent disciplinary authority given an opportunity by the Disciplinary authority to make the petitioner a representation or submission in writing to the Director General (Posts) within 15 days from the date of receipt of the said Memorandum and failing of which further action in the matter will be taken ex-parte. After receiving it the petitioner submitted his defence statement in writing on 12.1.2005 but no action has been taken by the respondents till today. The Applicant being aggrieved by the aforesaid action / inaction on the part of the respondents have come under the protective hand of this hon'ble Court seeking an urgent and immediate relief as the respondents in the name of the aforesaid Departmental proceeding withheld his pensionary dues. Inspite of repeated request the respondents are yet to release his pensionary dues.

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

4.3 That the applicant while was working as Assistant Director Postal Services under the office of the Post Master General, Dibrugarh region was issued with a Memorandum of Charges vide Memo No. Vig/1-4/CBI/96-97 dated 6.3.02 by an unauthorized person and again issue another Memorandum of charges vide Memo No. Vig/1-4/CBI/96-97 (pt.) dt: 29/4/02 enclosing the statement of article of charges and imputation of misconduct or misbehavior as well as list of documents and witness. The allegation made in the said Memorandum of Charges basically relating to passing out three numbers of vouchers amounting to Rs. 76,305 (Rupees

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Ariel Barren Seal

seventy six thousand three hundred five) only in the different dates during the period from 26/12/1991 to 3/9/1992.

A copy of said Memorandum of Charge dated 6.3.02 & 29/4/02 are Annexed herewith and marked as Annexure – 1 & 2 respectively.

4.4 That the applicant immediately on receipt of the said charge Sheet, submitted a written representation dated 2.5.02 indicating the factual aspect of the matter and through his said representation he denied the charge made in the Memo Dated 29.4.02. It is pertinent to mention here that in the said representation the applicant while highlighting the circumstances under which he had to perform his duty during the period in question.

A copy of said representation dated 2.5.02 is Annexed herewith and marked as Annexure – 3

4.5 That the disciplinary authority however without taking into consideration the representation filed by the applicant, took a decision to proceed with the matter and to that effect the respondent No. 3 appointed I.O. and P.O. Vide letter No. Vig/1-4/CBI/96-97 dated 10.10.02. That the respondents although took a decision to proceed departmentally by appointing I.O. and P.O. but the said authority took a long time to shoot the proceeding. The applicant who at the relevant point of time was at the verge of retirement kept of apprising the authority for finalizing the proceeding and finally the respondents, started the daily hearing from 26.11.02. It is noteworthy to mention here that prior to that the applicant was asked to nominate defence Assistant and he was also given the intimation regarding daily hearing of the said proceeding. Accordingly the applicant nominates Sri D. N.

Anil Baran Seal '03

Sarmah, D.D.M (P.L.I) office of the Chief P.M.G. Assam Circle, Guwahati as his defence Assistant.

4.6 That the applicant begs to state that as per the Schedule date of hearing i.e. 26.11.02 the respondent have covered substantial part of the proceeding by examining some of the witnesses except SW-4, SW-5 and SW-8 who are not present. The I.O. as per procedure prescribed under the C.C.S (C.C.A.) rules 1965 issued notice to SW-4, Sw-5 and SW-8 for their appearance but surprisingly during the whole proceeding SW-4, SW-5 and SW-8 are not present and the inquiry is completed by I.O. and P.O. without hearing the SW-4, Sw-5 and SW-8.

4.7 That the Chief Post Master as well as Assistant Post Master General also pursuing the matter of the applicant for its early disposal in view of his retirement but same yielded no result in positive.

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

4.8 That the stated above on 31.01.04 the applicant on attaining the age of superannuation and retired from his service. However, due to the pendency of the aforesaid Departmental proceeding he is yet to receive his pensionary dues. And therefore he is facing lots of financial hardship. But on 28.12.04 disciplinary authority with some ulterior motive issued a Memorandum Vide No. 26-6/94 Vig(i) dt. 28.12.04 in which I.O's report is opposed and given a time limit of 15 days to furnish written statement in defence. And

Anil Baruah Seal

the Applicant submit his written statement on 12/1/05 but nothing is done from the respondents end till today.

A copy of the Memorandum
Dated 28.12.04 of the disciplinary
authority and written statement of
the applicant dt. 12.1.05 is
Annexed herewith marked as
Annexure – 4 & 5 respectively.

4.9 That the applicant begs to state that the plain reading of the charge level against him clearly indicates the malafide intention on the part of the respondents to harass him. Apparently the alleged incident reflexed the period of 26/12/1991 to 9/3/1992 and the charge sheet was issued in the year 2002. On the score along the proceeding initiated against the applicant is required to be set aside including the Memorandum dated 28.12.04.

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

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

4.11 That the applicant begs to that on 31.01.04 the applicant on attaining the age of superannuation and retired from his service but due to pendency of the so called Departmental proceeding

Arif Bawar Seal

which is infact come to an end in his favour, he is yet to receive his pensionary dues and the respondent have virtually punished the applicant by withholding said dues which is not permissible under the rules holding the field. It is pertinent to mention here that regarding withholding of his pensionary dues respondents are yet to furnish him any suitable reply which clearly indicates the ulterior motive on the part of the respondent and as such appropriate direction need to be issued to the respondents to release all the pensinery dues including penal interest forthwith.

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

5 Grounds for relief with legal provision :

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

5.2 For that the respondents have included Hypothetic charge against the applicant by stating that under rule 115 (1) and 118 of Posts and Telegraphs Financial Hand Book Vol-II (First edition - reprint) the applicant failed to exercise the Verification and checks before passing the bills / vouchers of pension but the duties of Post Master prescribed in rule – 115, 116 and 117 of

Adil Bora Seal 16

Financial Hand Book Vol-II stand delegated to the Deputy Post Master in First Class Post Offices vide exception below rule 117 of Financial Hand Book Vol-II and Guwahati GPO is also a first class post Office. Again as per rule 118 of Financial Hand Book Vol-II every payment must be entered on both halves of the pension payment and attested by the disbursing Officer but no such documents were presented to the applicant on attestation etc. Applicant's attestation is no where on any other documents also.

- 5.3 For that I.O was submitted his report without taking the evidence of SW-4, SW-5 and SW-8 are not present during all investigation period and I.O. submits his report without taking their evidence.
- 5.4 For that the respondents whimsically with intention to harsh the applicant prepared and forwarded the disagreement note without any basis. Therefore it is prayed to set aside the Memorandum No. 26-6/94vig(II) dated 28/12/05 and exonerate the petitioner from the charges.
- 5.5 For that Sri Premananda Nath APMG charged for the same offence occurred from the period from 01.05.1991 to 23.12.1991 was exonerated from his charge by disciplinary authority vide Memo No. 26-6/94/vig dt. 2/6/05 as per direction of this Hon'ble Tribunal dated 9.11.04 in connection with O.A No. 257/04. And accordingly the principal offender Sri Ghanashayam BuzarBarauh was aquited by the special judge Guwahati.
- 5.6 For that in any view of the matter the impugned action of the respondents are not sustainable in the eye of law and liable to be aside and quashed.

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

Anil Baran Seal

6 Details of remedies exhausted :

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

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

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

8 Relief Sought for :

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

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

8.2 Cost of the application.

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

9 Interim Order prayed for :

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

11 Particulars of the I.P.O.

a. I.P.O. No. : 13H 036887
b. Date : 27/9/06
c. Payable at : GPO, Guwahati

12. List of enclosure :

As stated in the index.

Arif Baran Seal

VERIFICATION

1 Anil Baran Seal, S/o Late Chandra Kr. Seal, aged about 62 years at resident of Naliya Pur, Jyoti Nagar, Dibrugarh, P.S & P.O : Dibrugarh, Dist : Dibrugarh, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs 1,2,3,4,1,4,2,4,5,4,6,4,7,4,9 to 4,12, 5 to 12..... true to my knowledge and those made in paragraph 4,3, 4,4, 4,8, 4,10..... are also matter of records and the rest are my humble submission before the hon'ble Tribunal. I have not suppressed any materials facts of the case.

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

And I sign on this the Verification on this the ^{28th} day of April 2006.

Identified By :

Mahbub Rahman
28/4/06
Advocate

Anil Baran Seal

Signature

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

Memo No.Vig/1-4/CBI/96-97

Dated Guwahati, the 6th March,2002

MEMORANDUM

It is proposed to hold an inquiry against Shri Anil Baran Seal under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. Shri Anil Baran Seal is directed to submit within 10 days of receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.
4. Shri Anil Baran Seal is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him *ex parte*.

Certified to be

true copy

M. Rahman

28/4/06

Advocate

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

6. The receipt of the Memorandum may be acknowledged.

By order of competent authority



(S. Shyam)

Asstt. Postmaster General [Vig]
O/o the CPMG, Assam Circle, Guwahati

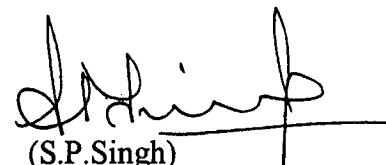
To:

Shri Anil Baran Seal,
Assistant Director
O/o the Postmaster General,
Dibrugarh-786 001.
(through PMG, Dibrugarh)

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

Memo No.VIG/1-4/CBI/96-97 (Pt) Dated Guwahati the 29th April,2002

The disciplinary proceedings under rule 14 of CCS(CCA) Rules, 1965 issued vide this office memo No. Vig/1-4/CBI/96-97 dated 6.3.2002 against Shri Anil Baran Seal, Asstt. Director, Office of the PMG, Dibrugarh Region, Dibrugarh is hereby cancelled as it was not signed by the appropriate competent authority. This cancellation is without prejudice to issue of fresh disciplinary proceedings under rule 14 of CCS(CCA)Rules,1965 against him by the competent authority.



(S.P. Singh)

Chief Postmaster General
Assam Circle, Guwahati.

Shri Anil Baran Seal,
Asstt. Director Postal Services,
Office of the Postmaster General,
Dibrugarh Region,
Dibrugarh-786001.

**Certified to be
true copy**
M. Rahman
28/4/06
Advocate

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

Memo No.Vig/1-4/CBI/96-97

Dated Guwahati, the 29th April, 2002

MEMORANDUM

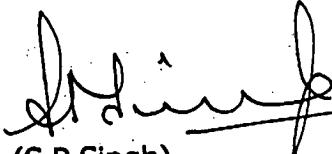
It is proposed to hold an inquiry against Shri Anil Baran Seal under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. Shri Anil Baran Seal is directed to submit within 10 days of receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.
4. Shri Anil Baran Seal is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him *ex parte*.

Contd.....

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

6. The receipt of this memorandum may be acknowledged.



(S.P.Singh)

Chief Postmaster General
Assam Circle, Guwahati-781001

To
Shri Anil Baran Seal,
Asstt. Director,
O/o the Postmaster General,
Dibrugarh Region,
Dibrugarh-786001.

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ANNEXURE-I

Statement of articles of charge framed against
Shri Anil Baran Seal, Asstt. Director
Office of the Postmaster General, Dibrugarh Region, Dibrugarh

That the said Shri Anil Baran Seal while functioning as Senior Postmaster, Guwahati GPO during the period from 26.12.91 to 9.3.92 in addition to his regular duty as Welfare Officer in the office of the Chief PMG, Assam Circle, Guwahati, wrongfully passed for payment of three numbers of false and forged bills/vouchers of arrear family pension under the "Employees Family Pension Scheme, 1971" amounting to Rs.76,305/- in total on different dates during the said period.

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

ANNEXURE - II

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri Anil Baran Seal, Asstt. Director, Office of the Postmaster General, Dibrugarh Region, Dibrugarh

That the said Shri Anil Baran Seal, presently working as Asstt. Director in the office of the Postmaster General, Dibrugarh Region, Dibrugarh had officiated as Senior Postmaster, Guwahati GPO during the period from 26.12.91 to 9.3.92 in addition to his regular duty as Welfare Officer in the office of the Chief PMG, Assam Circle, Guwahati. During 1991 to 1993, Shri Ghanashyam Bazarbaruah, Postal Asstt in the Accounts Branch of the same GPO had fraudulently withdrawn and misappropriated pension arrears to the tune of Rs.3,84,407.15 in total on different occasions from the accounts of different pensioners under "Employees Family Pension Scheme, 1971" by preparing false vouchers and getting signatures of different passing officers on these false vouchers. In fact, the payment of these arrears of pension had already been made to the actual pensioners earlier in the same GPO. Out of the false and forged vouchers by which the fraudulent withdrawals were made, the said Shri Anil Baran Seal had signed and passed the vouchers shown below for payment in capacity as officiating Sr. Postmaster on the dates shown against them.

Sl	Name of the pensioner	Period of arrear	Amount & date of payment to genuine payment	Date of subsequent fraudulent payment
1	Smt. Tilottama Deka	1.4.82 to 31.5.90	Rs.32,464/- 25.7.90	22.1.92
2	Smt. Dipali Stephen	22.8.87 to 31.5.90	Rs.22,331/- 15.6.90	1.2.92
3	Shri Nepal Chandra Dey	8.10.82 to 30.4.90	Rs.21,510/- 20.7.90	2.3.92

The said Shri Anil Baran Seal failed to exercise the verification and checks before passing the bills/vouchers of pension as required under Rule 115(1) and 118 of Posts and Telegraphs Financial Hand Book, Vol-II (First Edition - Reprint) and thus facilitated making of fraudulent payment of pension arrears amounting to Rs.76,305/- and caused loss to the government.

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

ANNEXURE-III

List of documents by which articles of charge framed against Shri Anil Baran Seal, Asstt Director, Office of the Postmaster General, Dibrugarh Region, Dibrugarh are proposed to be sustained

1. Paid voucher dated 22.1.92 for an amount of Rs.32,464/- being the arrears of pension paid to the name of Smt. Tilottama Deka (alleged to be false).
2. Paid voucher dated 25.7.90 for an amount of Rs.32,464/- being the arrears of pension paid to actual pensioner Smt. Tilottama Deka (Genuine).
3. Paid voucher dated 1.2.92 for an amount of Rs.22,331/- being the arrears pension paid to the name of Smt. Dipali Stephen (alleged to be false).
4. Paid voucher dated 15.6.90 for an amount of Rs.22,331/- being the arrears pension paid to actual pensioner Smt. Dipali Stephen (Genuine).
5. Paid voucher dated 2.3.92 for an amount of Rs.21,510/- being the arrears of pension paid to the name of Shri Nepal Chandra Dey (alleged to be false).
6. Schedules of pension payment containing entries of the payment made falsely on 22.1.92, 1.2.92 and 2.3.92 (3 sheets).
7. HO Cash Book of Guwahati GPO containing entry of charges against the fraudulent payment of pension (EFPS) on 22.1.92 in the GPO.
8. HO Cash Book of Guwahati GPO containing entry of the charges against the payment of pension (EFPS) on 1.2.92 fraudulently in the GPO.
9. HO Cash Book of Guwahati GPO containing entry of charges against pension payment (EFPS) on 2.3.92 in the GPO fraudulently and also containing signature of Shri Anil Baran Seal as officiating Sr. Postmaster (2 sheets).
10. Treasurer's Cash Book of Guwahati GPO containing entries of fraudulent pension payment (EFPS) on 22.1.92, 1.2.92 and 2.3.92 in the GPO (3 sheets).
11. Opinion No.DXC-235/95 dated 27.2.96 of the Govt. Examiner Questioned Documents.
12. ATR's Rough Book containing the entries of fraudulent payment of pension (EFPS) on 1.2.92 and 2.3.92 in the GPO, Guwahati (2 sheets).

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ANNEXURE - IV

**List of witnesses by whom the articles of charge framed against Shri Anil Baran Seal,
Asstt. Director, Office of the Postmaster General, Dibrugarh**

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

To

The Chief Postmaster General
Assam Circle
Meghdoot Bhawan 4th Floor
Guwahati 781001

Sub: - Representation of Defence Statement in respect of charges framed under Rule -14 vide CO/Guwahati Memo No. Vig/1-4/CBI/96-97 dtd. 29.4.2002 against Shri A.B.Séal, Asstt.Director Postal Services, O/O the Postmaster General, Dibrugarh Region, Dibrugarh.

Sir.

I beg to acknowledge the receipt of the memo delivered to me on 29.4.2002.

That Sir, my date of superannuating is on 31.1.2004..

Before, defending my-self against the unjust charges framed against me after a spell of eleven years, I feel it necessary to bring before you the following points for favou of your kind perusal and sympathetic consideration.

That Sir, my promotion to JTS Cadre was due in the year 2000. As soon as the result was declared, I found that my name was not in the list of selected candidates. The names of the following candidates who have superseded me (1) Shri P.Nath and (II) Shri I.C.Sarma. I submitted my representation to Shri B.Som the then Secretary, Department of Posts, India. But no reply was received from the Directorate till to day. On the other hand, the Chief Postmaster General, Guwahati has intimated me under his letter No. Staff/1-399/88 dtd. 22.2.2001 that my name was in consideration for the year 1997-98 (Review DPC) for promotion to JTS Cadre, but could not be considered due to grading as reflected in my ACR.

2. Again, result of JTS Cadre for the year 2001 was declared vide Dte, New Delhi letter No. 4-9/2001-SPG dtd. 21.1.2002 and second list declared vide Dte, New Delhi letter No. 4-9/2—1-SPG dtd. 7.2.2002 respectively. There I found that one Shri J.Bhattacherjee has been placed in 7th position who was superseded by Shri I.C.Sarma. Shri Sarma was in 6th position in the merit list in the year 2000 declared vide Dte, New Delhi letter No. 4-71/98-SPG. Shri Bhattacherjee was on long leave on medical ground.

Shri H.Ahmed whose name has been declared selected in special list was under suspension for long time and disciplinary case against him was pending for long time.

3. That Sir, due to step motherly attitude of the Circle Administration, I lost my HSG-I benefit for the whole life. In the year 1986-87, while my promotion was due for HSG-I cadre, at that time willingness was called for by the then Circle Office administration. At that time I gave my willingness for Dibrugarh and Guwahati. But after receiving my representation, they asked me to go to Imphal on ad-hoc promotion in HSG-I cadre. At that time, I was at Dibrugarh as ASPOs (Outdoor). I came from Kohima in 1986 on transfer for treatment of my ailing wife. If the Circle Administration was kind enough could have given me the chance at Dibrugarh itself or at Guwahati.

**Certified to be
true copy**
M. Rahman
28/4/06
Advocate

But due to vested interest of some people, it could not be materialized with the full knowledge of the Circle Administration. I lost my HSG-I benefit for the whole life.

4. That Sir, in the year 1989, I was posted as DSRM (HQ), Guwahati where I worked only for fifteen days from 16.10.89 to 31.10.1989. I joined as Welfare Officer, Circle Office, Guwahati on 1.11.1989. The following sections were attached with the Welfare Officer, Circle Office, Guwahati in addition to his own work: (i) Asstt. Director (Tech) (ii) Asstt. Director (Estt & Plg), (iii) Asstt. Director (Personnel) and Hindi Officer without any additional allowances.

5. That Sir, in the year 1991 entire staffs of Post and Telecom were in aggrieved mood in demand of SDA payment. By the end of 1991, Postal Staffs went on in-definite strike from 15.11.91 for long 38 (Thirty Eight) days. At that time Sri R. Thyagajan was holding the charge of Chief Postmaster General, Assam Circle, Guwahati and Shri ASIS Paul was holding the charge of the Postmaster General, Assam Region, Guwahati. No approved DS was in the Circle (HQ). Mrs. M lawphnian was officiating as DPS (HQ) in addition to the charge of the SSPOs, Guwahati.

6. During Strike Period, Shri P. Nath was holding the Charge of the Sr. Postmaster, Guwahati. Rest Postal Officers were called on for counter duties by the then Head of the Circle. I was working in the stamp counter for about 10 days and then sent to Jorhat to help the administration for maintaining postal services at Jorhat. Though I was working in officiating capacity, the Circle Head was pleased on my service and asked me to help the administration in this regard. I made operational Jorhat HO during that period. Thereafter, I was called back to Guwahati GPO for starting delivery works (particularly accountable article) from Guwahati GPO. I did the work successfully as desired by the then Chief Postmaster General and Postmaster General

7. As soon as the strike was called off in the last part of December, 1991, Shri P. Nath Sr. Postmaster, Guwahati GO reported sick having seen the pressure of the work from all branches. Still I can remember, it was night at about 2030 hrs. Shri R. Thyagajan the then Hon'ble Chief Postmaster General, Guwahati rang up me to the Officers' Mess where I did stay with other Officers and ordered over phone to take charge of Sr. Postmaster, Guwahati in addition to my own duty. Immediately over phone I pointed out to the then CPMG that it will be irregular if I am to hold the charge of Sr. Postmaster and the Welfare Officer at the same time. He stated over phone that I being a chief Postmaster General ordered you to hold the charges. Otherwise you will be in trouble being an officiating officer it may harm your future nomination also. My other friends who were standing besides me, told that there is no other alternative but to carry out the orders otherwise the present CPMG may spoiled your future life. The following officers were in my mess at that time

- i. Shri S.R. Deb
- ii. Shri B.S. Chakraborty
- iii. Shri P. Nath, and
- iv. Shri Mahapatra from Orissa Circle.

Shri P. Nath returned from the GPO at the said night and through the bunch of the keys of Guwahati GPO to me and told, "I am leaving of home at Silchar"

8. The held up mails for long 38 days started to come from entire country. The then Chief PMG, PMG and DPS (HQ) ordered me to clear pending mails on priority basis. I had to work day and night to clear the pending mails upto the first week of March, 1992, before handing over the charge to Shri A.K.Biswas as Sr. Postmaster, Guwahati GPO as I was transferred to Tinsukia as Supdt. of POs, Tinsukia Division.

9. During that time, I could not sit in one place for ten minutes even. I remember, files of C.O and GPO had to be signed in walking condition. As because I was to see physical position of mails, receipt and dispatch and delivery on spot. Time to time I had to report the position of mails to the CPMG / PMG / DPS in their respective chambers personally. I had to clear the files dealt in CO's Viz. Welfare, Estt. Planning, Technical, Personnel etc.

10. I being a human cannot claim I have done everything perfectly like "Satan"; there is a proverb that "Only Satan can not make any mistake".

11. The situation during that period in entire N.E.Zone was not at all congenial in between the Administration and the Working community. The staffs on duty particularly officers were in very occurred position, as because Striking staffs were always in non co-operative mood. General Staffs lost their pay and allowances for strike period so always tried to put the administration in troubles.

12. In this particular case, enquiry was carried out by the CBI in the year 1993. So far I can remember, I told the inspecting officer, that I was on Casual Leave on 22.1.92 and regarding Signature I was not sure whether it was mine or others, because during that period, I had work on pressure from administration and unions etc. Even during the period, I could not sign the files by sitting in one place.

13. The charges brought against me under Rule 115 (1) and 118 of P&T Financial Handbook Vol. II (First Edition-Reprint) are not at all justified and maintainable in this case.

That Sir, I am serving in this Department since thirty-seven years and I never got any adverse remark from my superiors regarding absolute integrity and devotion to duty. At this fag end of service if such allegation is brought against me how much I feel humiliated that can be easily realized by your honour please. Moreover, had I been of such nature was it possible to tackle this fire like situation prevailing at Guwahati GPO after strike.

14. As regards verifications of pension scheduled / vouchers etc, it is the responsibility of DPM / APM of accounts branch. For correct payment of pension responsibility lies with treasurers and DPM-I of GPO, Guwahati. Shri Nagendra Nath Sarma APM (A/Cs), Shri Sukumar Paul (Accountant) and Shri Nagen Sarma DPM-I were responsible for this wrong payment. It is also not understood how the name of Sri Nagen Sarma the then DPM-I has been dropped from the list of witness.

15. A group of staffs intentionally had committed this fraud with malafide intention to harm my future career forever. In my earlier paras, it has already been stated that I had carryout the work of Sr. Postmaster, Guwahati GPO under pressure of the Head of the Circle.

16. Shri P.Nath the then Sr. Postmaster, Guwahati subsequently got his promotion though he was also involved in the case. But in my case the Department had inform that due to grading my case could not be considered.

17. It may be seen that, a person who left the office leaving the administration in troubles during strike period, was considered to be the best worker in the country, and shown him at the top of JTS cadre in the year 2000 as reflected in the result sheet declared by Directorate, New Delhi.

18. It is my bad luck that the Department is pleased to serve Rule 14 charge sheet to me after discharging sincere service to the administration just after the strike period to till this day. Now I cannot dream even for my JTS promotion.

19. The justice of the Department is that the person who put the administration in troubles got his promotion and who discharges sincere service to the Department is deprived of from getting HSG-I promotion from 1986 and prescribed allowance for carrying out the work of the Asstt.Director while at Circle Office, Guwahati.

In view of the fact and circumstance stated above, I beg to refute the charges brought against me and I beg to pray before your kind honour to exonerate me from the charges taking into consideration of my faithfully services I have renders in the Department and relieve me from my mental agony and for such act of kindness, I shall remain ever grateful to you.

Dated, at Dibrugarh the 2nd May 2002

Yours faithfully


(ANIL BARAN SEAL) 275/2002
Asstt. Director Of Postal Services - I
O/O the Postmaster General
Dibrugarh Region : Dibrugarh

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

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

Dated: 28 December, 2004.

MEMORANDUM

Shri Anil Baran Seal, Asstt. Director (now retired), Dibrugarh Region was proceeded against under Rule 14 of CCS (CCA) Rules, 1965 vide Circle Office Memo No.Vig/1-4/CBI/96-97 dated 29.4.2002 for certain irregularities committed by him while functioning as Sr. Postmaster, Guwahati GPO. The said Shri Seal, vide his statement of defence dated 02.5.2002, denied the charges framed against him. Accordingly, I.O. and P.O. were appointed vide Circle Office orders each dated 10.10.2002 to conduct oral inquiry in the case.

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

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

4. Shri Anil Baran Seal is hereby accordingly given an opportunity by the President to make his representation or submission, in writing, within 15 days from the date of receipt of this Memorandum, irrespective of whether the report/findings of the President are favourable to him or not, failing which further action in the matter will be taken *ex parte*.

Certified to be

true copy

M. Rahman

28/4/06

Advocate

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

By order and in the name of the President.

S.S.K. RAO
(S.S.K. RAO)
Assistant Director General (Vig.)

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

~~Shri Anil Baran Seal,
Asstt. Director (Now Retired)
O/o the Postmaster General,
Dibrugarh Region,
Dibrugarh - 786001.~~

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

DISAGREEMENT NOTE

On the basis of assessment of defence statement and defence brief, it is seen that there is a mention of Charged Officer's raising **verbal** objection about entrusting him additional duties of Sr. Postmaster of Guwahati GPO and narration of genuine difficulty **over phone** to the then CPMG while the latter had asked the said Shri Seal to hold the additional charge of Sr Postmaster. The disciplinary authority, however, gave him an opportunity to prove the authenticity of his verbal objection by referring the case for oral inquiry. But the C.O. did not avail the opportunity and requested the I.O. not to hold further inquiry. This clearly shows that the C.O. was in no way able to produce any oral or documentary evidence to defend himself or to corroborate his averments. Rather, he has come up with the same averments as those in his defence statement dated 02.5.2002, as his introductory defence. Thus, his verbal objection, if any, should have not been given any importance at a later stage and the same should have been considered as an afterthought. But the I.O., without considering this aspect, has given undue importance to this afterthought of the Charged Officer. Hence, the observations/findings of the I.O., in this regard, are considered as not based on documentary evidence produced during the course of inquiry and, as such, deserve no consideration.

It is the Charged Officer who has **accepted**, during the course of inquiry, that the pay orders (S-I, S-III, S-V), by which arrears of pension were fraudulently paid, **bear his signature**. On scrutiny, it is revealed that these three documents were not routed through APM (A/Cs), as they did not bear the initial/signature of APM (A/Cs) below the rubberstamp of Sr. Postmaster. Thus, it is apparent that the Charged Officer, at the time of signing these pay orders, was fully satisfied with the records submitted **directly** to him, otherwise he must have returned them to the APM (A/Cs) for checking and authentication. As a matter of fact, once the Sr. Postmaster, the Disbursing Officer, passes the vouchers for payment there may not be any harm in making payment as also admitting and scheduling the payment made against them. Therefore, the observation of the I.O. that the failure on the part of APM (A/Cs) is mainly responsible for payment of the bills, **is not a befitting observation in the context of the present case**. It is upto the officer who has to decide, at his own level, the perimeter and sphere in which he would rely on his subordinate(s) in official work, if at all he wants do so. Because, any irregularity, financial or otherwise, caused due to his appending signature, would be considered as the mistake, intentional or unintentional, of the signing authority. Hence, the reliability factor as discussed in I.O.'s report could in no way save the signing authority or dilute

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the gravity of the charge. No Rule provides for such an immunity to the signing authority.

Rule 115(1) of P&T FHB Vol. II relates to 'Checks to be applied by the Disbursing Officer'. But the duties of the Postmaster prescribed in the aforesaid Rule may be performed in 'first class Head Offices' by the Deputy Postmaster. In the present case, the vouchers in question were put up directly to the Charged Officer. So, the Charged Officer himself had to apply the required checks or he would have returned the vouchers to the APM (A/Cs) for checking. But he failed to do either of these two things and put his signature on the voucher. Hence, violation of Rule 115 (1) is apparent in the case. Rule 118 of the aforesaid FHB speaks about 'Record of Payment'. According to this rule, every payment must be entered on the reverse of both halves of the Pension Payment Order and attested by the Disbursing Officer. In the instant case the C.O. was the Disbursing Officer and he has been charged with the failure to exercise verification and checks required under Rule 115(1) and 118 of P&T FHB, there is no ambiguity in holding this component of charge as proved. Hence, the argument put forth, in this regard, by the Charged Officer in his brief as well as in his defence statement does not hold good. **The observation of the I.O.** that the duties under these rules are to be performed by the APM (A/Cs) as per delegation is not based on rules/instructions or the evidences produced during the course of inquiry. The findings of the I.O. on this count are, therefore, disagreed with.

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

The verification and application of requisite checks before passing the bills/vouchers, especially when the bills/vouchers were not routed through the concerned officer(s) of Account Branch, were of utmost importance in the case. Had these checks been exercised by the Charged Officer appropriately, the fraudulent payments would have been stopped. The Charged Officer, instead, went on signing the forged bills, that too, prepared simply on a plain paper, without following the procedure laid down for the safety of an officer. Apparently, on the face of these facts on record, the pleas like (i) having been threatened and forced to accept the

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additional duty of Sr. Postmaster / the duty of scrutinizing bills and their payments being the duty of Accounts Branch etc., (ii) the miscreant with an ill motive and having managed to obtain the signature as a token of pay order in a busy moment, (iii) negligence in duty by APM (A/Cs), etc. would amount to lame excuse and alibi in a bid to conceal the deliberate wrongdoings. In normal circumstances, if a person is overburdened with heavy workload and busy looking after duties of more than one office located at different places, he or she is supposed to be extra cautious in order to avoid any complication that may arise as a result of incorrect and inappropriate checks, and if the matter is still unmanageable, there would be no option but to either return the case for getting it checked by the concerned subordinate(s) or ensure that only those cases are disposed of by him/her as are complete in all respect. But the C.O. did neither. The circumstances and averments that the C.O. has come up with **without evidence** would not stand the test if seen in the context as to how a prudent and rational person would act in his best judgment in a similar case. Needless to say, the charge of lack of absolute integrity stands proved in the aforesaid background and at the same time this renders the conclusions arrived at by the I.O. fallacious.

The foregoing discussion makes it apparent that there are reasons to disagree with the findings of the I.O. Therefore, the charges framed against Shri Anil Baran Seal, AD (since retired on superannuation), vide Circle Office Memo No. Vig/1-4/CBI/96-97 dated 29.4.2002, are taken as fully proved in its entirety on the basis of the facts and evidences related to the case.

INQUIRY REPORT

A disciplinary proceedings under Rule 14 of CCS(CCA) Rules, 1965 was drawn by the Chief Postmaster General, Assam Circle, Guwahati against Shri Anil Baran Seal, Asstt. Director, O/o the Postmaster General, Dibrugarh Region, Dibrugarh:786001 and the then Sr.Postmaster Guwahati GPO vide Memo No. Vig/1-4/CBI/96-97 dated 29.4.2002. The charges brought against and communicated to him as annexure- I were as follows:-

That the said Shri Anil Baran Seal while functioning as Sr. Postmaster, Guwahati GPO during the period from 26.12.91 to 9.3.92 in addition to his regular duty as welfare Officer in the office of the Chief PMG, Assam Circle,Guwahati, wrongfully passed for payment of three numbers of false and forged bills/vouchers of arrear family pension under under the "Employees Family Pension Scheme, 1971" amounting to Rs.76,305/- in total on different dates during the said period.

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

Shri Anil Baran Seal, the SPS refuted the charges brought against him vide his written statement of defence dtd. 2.5.2002 which necessitated detailed oral inquiry. I was appointed as the Inquiry Authority in this case vide the Chief Postmaster General Assam Circle, Guwahati memo No.Vig/1-4/CBI/96-97 dated 10.10.2002 to inquire into the matter. Shri Sudhir Ghosh, AD (A/Cs), O/o the chief PMG, Guwahati was appointed as the Presenting Officer by a separate memo No.Vig/1-4/CBI/96-97 dated 10.10.2002 to resent the case on behalf of the Disc. Authority. Shri Seal, the SPS nominated Shri D.N.Sharma, DDM(PLI), O/o the Chief PMG, Guwahati as his Defence Assistant. Preliminary hearing was held on 26.11.2002 followed by regular hearing on 30.1.2003. Written briefs were submitted by the Presenting Officer on 18.2.2003 and by the SPS on 12.5.2003.

2. I have gone through the records, depositions of witnesses, written

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briefs of the Presenting Officer and the Charged Officer very carefully. In the brief, the Defence side narrated that while the Charged Officer was holding the charges of Welfare Officer in the office of the Chief PMG, Guwahati, he was asked to look after the duties of the Sr. Postmaster, Guwahati GPO from 26.12.1991 to 9.3.1992. The Welfare Officer was also entrusted with the duties of A.D.(Personel) and Hindi Officer in addition to his regular job of Welfare Officer. The duties of welfare Officer together with that of AD(Personnel) and Hindi Officer were quite heavy. To entrust further duties of the head of a big operative office like Guwahati GPO was excessive where commission of mistake could not be ruled out. The Charged Officer pointed out this genuine difficulty to the then Chief PMG who did not pay attention to it and forced him in writing to carry out the duties of all the offices. To work in various capacities in the same office is different to that of working in more than one office having heavy responsibilities. I find the point a considerable one but the Presenting Officer could not cross or nullify it. It is fact that Rs.76305/- as arrear pension was fraudulently paid during the above mentioned period and the pay orders were signed by the Charged Officer. The matters relating to pension payment is dealt by the Accounts Branch, which functions under the exclusive supervision of the Asstt. Postmaster (Accounts). The payment vouchers are prepared by the dealing assistants of the branch under the supervision and authority of the APM(A/Cs) before producing to the Sr. P.M. for signature. Shri Ghanashyam Bujarbaruah, the bill clerk prepared the bills but the APM(A/Cs) failed to scrutinize it before being put up to the competent authority for signature. As it was put up to the Sr. PM , Shri Seal signed the pay order with obvious mind that the A/Cs Supervisor i.e. APM(A/Cs) might have checked it. Therefore the APM (A/Cs) failure is mainly responsible for payment of the bills. After payment also the paid vouchers are supposed to be checked by the APM (A/C) before admitting and scheduling the payment. Here also the APM(A/c) failed to perform his duties judiciously though he was delegated to do so. An officer has to rely on the supervisor subordinate to him before authorization of any payment otherwise it may not be possible for him to perform daily work particularly in a operative office like Guwahati GPO inspite of the fact that the charged Officer had to discharge heavy duties of more than one officers in more than one office. The prosecution charged the officer for not following the procedure of checking the vouchers of pension as required under rules 115(1) & 118 of P&T FHB Vol II . The posts of APM(A/Cs) are created exclusively for accounts branch to assist the Sr. PM. In all accounts matters including checking the vouchers. The duties under these rules are therefore to be performed by the APM(A/C) as per delegation. But the APM(A/C) has not been brought to picture and Shri Seal has been held entirely responsible which does not appear to be fair and just. The prosecution did not take the circumstances in which the pay order was signed by the charged officer where primary duty to

observe the provision of the above mentioned rules lies with the full fledged supervisor posted in the office but simply held the gullible head of the office guilty without discussing the basis and reason of holding him responsible. It is also charged for violation of the provision of the above mentioned rules, Shri Seal displayed disintegrity and non devotion to duty. The prosecution could not produce any other evidence to prove that Shri Seal ever displayed disintegrity and non-devotion to duty. There is no any instance in his past service that Shri Seal's integrity and devotion to were ever questioned by any authority. Therefore his integrity and devotion to duty may not be considered doubtful in view of this case alone where primary duty of checking vouchers lies with supervisor i.e. APM(A/C) under him. The miscreant, with an ill motive and due to negligence in duty by the Account's Supervisor i.e. APM(A/C), managed to obtain the signature of the Sr. PM, as a token of pay order in a busy moment. In view of this fact, I find it difficult to directly hold Shri Seal, the gullible Sr. Postmaster entirely responsible in this case.


(V. C. Roy)
Inquiry Authority)
&
Director of Postal Services(HQ)
Assam Circle, Guwahati:781001.

- 67/N -

CONFIDENTIAL

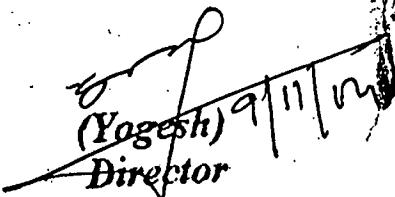
CENTRAL VIGILANCE COMMISSION

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

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

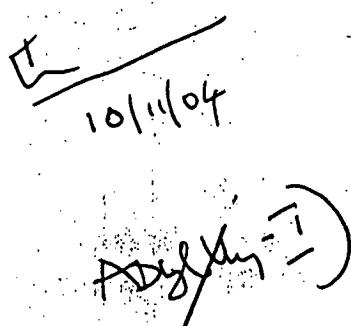
The Commission has perused the inquiry report, along with its relevant records and the comments of the administrative authorities thereon. It does not agree with the findings of the inquiring authority. It concurs with the recommendation of D/o Posts and would advise for imposition of Major Penalty on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

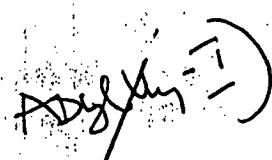
All the records of the case as received in the Commission are returned herewith. Its receipt may please be acknowledged. Action taken in pursuance of Commission's advice may also please be intimated within a month of the receipt of this communication.


(Yagesh) 9/11/04
Director

Department of Posts, (Shri P.K. Gopinath, DDG(V), Dak Bhawan, Sansad Marg,
New Delhi - 110 001.
C.V.C I.D. Note No. 99/P&T/018 dated 9315 09 NOV 2004

57-encd/ll
11/11/04


10/11/04


10/11/04


11/11

WRITTEN REPRESENTATION OF SRI A.B.SEAL, ASSISTANT DIRECTOR (SINCE RETIRED) O/O THE POSTMASTER GENERAL, DIBRUGARH REGION, DIBRUGARH.

In the matter of

Report of the Inquiry Authority in the Rule 14 enquiry initiated against Sri A.B.Seal, Asstt. Director (since retired) O/O the Postmaster General, Dibrugarh Region, Dibrugarh under the authority of the Chief Postmaster General, Assam Circle, Guwahati Memo No. Vig/1-4/CBI/96-97 dated 29.04.2002.

Submitted to:

The Competent Disciplinary Authority, Govt. of India, Ministry of Communication & IT, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi - 110 011 having a reference to No. 26-6/94-Vig(i) dated 28th December, 2004 (Through the Postmaster General, Dibrugarh Region, Dibrugarh -786 001).

Beg to submit the following:

The charge framed against me primarily was non observance of Rules 115(1) and 118 of P&T FHB volumes II while signing the three nos. bills/vouchers of arrear pension amounting to Rs.76,305/- only on different dates.

During the period under reference, the postal operation in and around Assam Circle was in mess after 38 days of total strike by Group C and D employees. In such a chaotic situation, I was given with the responsibility of Senior Postmaster, Guwahati GPO in addition to my huge responsibility of Welfare Officer, Circle Office, Guwahati during the period from 26.12.1991 to 09.03.1992.

In fact, I raised a verbal objection over the telephonic order of the then Chief Postmaster General, Assam Circle, Guwahati Mr. R.Thiagarajan who simply turned down my objection and forced me to take the responsibility by issuing a written order.

During enquiry, no befitting evidence of my objection could be produced as no written representation was submitted against the order. This was not made on the plea that such action could be amounted to defying the order of a superior authority. However, the Inquiry Authority in his finding very judiciously assessed the situation and amended due

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M. Rahman
28/4/06
Advocate

importance. During the period under reference, in the capacity of Welfare Officer of the Circle Office, Guwahati, I had to clear the files of Welfare Officer, Asstt. Director (Personal) and Hindi Officer in the third floor of the building, again as a Senior Postmaster in the second, first, ground and basement floor of the building. One can easily appreciate the difficulties in discharging duties in the different offices in several floors at a time, that too in a situation while bringing the postal operation on the proper track was the primary concern.

Thus, the findings of the Inquiry Authority is quite in order and there should not be any point of disagreement. Moreover, it may kindly be seen that, the presenting officer could not cross and nullify the point. In otherword the prosecution side accepted the point as valid.

There is not two option that, the three bills/vouchers presented before the Inquiry Authority, bore my signature which I accepted. But the circumstances under which my signature was managed to obtain by an official with ill motive is to be assessed and given due importance.

The matter relating to pension payment is dealt by the Accounts Branch of Guwahati GPO which functions under the exclusive supervision of APM(Accounts). It is obvious that the payment vouchers/bills prepared by the dealing assistants of the branch must be scrutinized and authenticated by the APM(A/Cs) before producing to the Senior Postmaster for signature. The bills/payment vouchers in the instant case were related to the payment of arrear pension. Hence these could not be prepared and produced without scrutiny and authentication of the APM(A/Cs) the supervisor of the Accounts Branch. But is stated that the bills were prepared by Sri Ghanashyam Bujarbaruah the bill clerk and produced before me for signature. In fact, the burden of duties of different jobs compelled me to put my signature with the obvious mind that the APM(Accounts) might have checked it and found in order. Due to pressure of work in both the office, Circle Office as well as GPO, I could not go into depth before authentication of the payment. An officer has to rely upon the supervising subordinate before authorization of any payment, otherwise it is not possible to perform daily work regularly in an operative office like Guwahati GPO. Thus it can be seen that the mistake took place due to some bonafide reason which could not be averted. The Inquiry Authority has taken a very genuine and judicious view while evaluating the circumstances and there is no valid reason of disproving his findings.

Under the circumstances stated above, I beg to submit that, on the basis of the report of the Inquiry Authority taking a lenient view I may kindly be exonerated from the charges. Further Sir, at present, I am retired from the service and I have been deprived of a few retirement

benefits. I have two grown up children and my wife for whom with the little amount of pension I find difficult to make both end. Hence your kind and favourable action will be a shower of blessings upon me and my fellow family members and for such act of kindness I shall remain ever grateful.

With profound regards.

I remain Sir

Dated at Dibrugarh
the 12th January, 2005

Anil Baran Seal
(Anil Baran Seal)
Assistant Director (Retd)
O/O the Postmaster General
Dibrugarh Region
Dibrugarh -786 001



Received
17/1/05

Central Administrative Tribunal
Guwahati Division

25/4/2004.....

In O.A.

Plaint (s) Prasanta Manjula Majhi

Respondent (s) U.C. 11618

Voice for the Applicant M.N.S. Samanta, M.K. Mazumdar, Miss U.Das
and W.D. Smith, S.S. Dasi

Voice for the Respondents Railway C.G.S.C.

ORDER OF THE TRIBUNAL

OFFICER-IN-CHARGE

DATE

9.11.04.

Present: Hon'ble Mr. Justice R.K. Batta,
Vice-Chairman.

Hon'ble Mr. K.V. Prasad, Administrative
Member.

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

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

Ques-

contd/-

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true copy

M. Rahman

28/4/06

Advocate

O.A. 257 of 2004.

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

Sd/ VICE CHAIRMAN
Sd/ MEMBER(Adm)

N Srinivas
16/11/04
Section Officer (1)
16/11/04

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

DAK BHAVAN, SANSAD MARG,
NEW DELHI - 110 001.

DATED: 02 JUNE, 2005.

ORDER

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

Article-I

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

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

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true copy
M. Rahman
28/4/06
Advocate*

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

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

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

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

Annexure - I of Memo No.26-6/94-Vig. dated 22.2.2002 as not proved. The Inquiry Officer's report and the relevant documents were forwarded to the Central Vigilance Commission for tendering their 2nd stage advice in the matter. The CVC, vide ID Note No.99/P&T/018/8451 dated 3.5.2005 (copy enclosed), advised exoneration of Shri P. Nath, APMG (now retired).

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

By order and in the name of the President.

Scd/

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

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

To

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

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

- 4 -

Copy to:-

1. Shri S.K. Das, Chief Postmaster General, Assam Circle, Guwahati - 781 001 with the request that the enclosed Order, in original, along with its enclosures may please be got delivered to Shri Premananda Nath, Asstt. Postmaster General (Now retired), and his dated acknowledgement sent to the Directorate, for record.

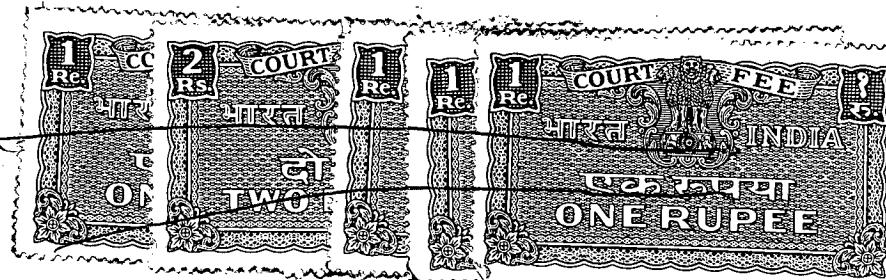
This also refers to Circle Office letter No. Vig/5/I(A)/05 dated 16.05.2005 vide which a copy of the judgement of CAT in connection with the Miscellaneous Petition No. 95/05 filed by the department was forwarded to the Directorate. They may also file necessary compliance report before the Hon'ble CAT,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

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

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

02-06-2005

19950



SL. No.

DISTRICT:

VAKALATNAMA**IN THE GAUHATI HIGH COURT**

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

C A T

O.A NO 97 OF 2006

Anil Baran Seal

APPELLANT
PETITIONER

VERSUS

Union of India & ors

RESPONDENT
OPPOSITE-PARTY

Know all men by these presents that the above named *petitioner* do hereby nominate, constitute and appoint Sri/Smti .. *Mahibar Rahman, Mizanur Rahman* Advocate and such of the undermentioned Advocates as shall accept this Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf.

In Witness Whereof I/We hereunto set my/our hand on this 28th Day of April - 2006.

N. M. LAHIRI (Sr. Adv.)	K. R. PATHAK (Sr. Adv.)	D. C. MAHANTA (Sr. Adv.)	S. P. ROY
B. M. GOSWAMI (Sr. Adv.)	BHUBANESWAR KALITA (I) (Sr. Adv.)	T. C. KHATRI (Sr. Adv.)	K. K. BHATRA
J. P. BHATTACHARJEE (Sr. Adv.)	B. R. DAS (Sr. Adv.)	MS. BINOYA DUTTA	R. P. SHARMA (Sr. Adv.)
D. C. SHARMA	S. P. DEKA	BHABATOSH BANERJEE	S. C. BISWAS
B. K. GOSWAMI (Sr. Adv.)	D. R. GUHA	R. K. JAIN	P. C. RAYMEDHI
A. M. MAZUMDAR (Sr. Adv.)	S. A. LASKAR	G. K. BHATTACHARYYA (Sr. Adv.)	UTPAL DAS (I)
P. K. BARUA (Sr. Adv.)	SAUKAT ALI (Sr. Adv.)	PRANABANANDA PATHAK (Sr. Adv.)	DR S. S. HARLALKA
S. N. BHUYAN (Sr. Adv.)	B. K. ACHARYYA	T. C. MAJUMDAR (Sr. Adv.)	D. R. GOGOI
J. K. BARUAH (Sr. Adv.)	MS. USHA BARUAH	DR H. N. DAS (Sr. Adv.)	KAHIRUL BASAR
ANIL SARMA (Sr. Adv.)	N. C. DAS (Sr. Adv.)	B. C. MALAKAR	A. S. CHOUDHURY (Sr. Adv.)
B. K. DAS (Sr. Adv.)	A. K. BHATTACHARYYA (Sr. Adv.)	SAMSUL HUDA	DINDAYAL AGARWALA
M. A. LASKAR (Sr. Adv.)	A. B. CHOUDHURY (Sr. Adv.)	BHADRESWAR TANTI	KAMAL AGARWAL
DR S. N. CHETIA	T. S. DEKA (Sr. Adv.)	N. N. SARMA	MD. SAMNUR ALI
A. S. BHATTACHARJEE (Sr. Adv.)	K. P. SARMA (Sr. Adv.)	JANARDAN DAS	JOYDEV CH. DAS
A. R. BANERJEE (Sr. Adv.)	B. P. BORAH (Sr. Adv.)	CHAITANYA BARUAH (Sr. Adv.)	V. K. BHATRA
D. K. HAZARIKA (Sr. Adv.)	H. K. SARMA	A. C. SARMA	A. C. BORBORA (Sr. Adv.)
N. N. SAIKIA (Sr. Adv.)	PRABIN BARTHAKUR (Sr. Adv.)	N. Z. AHMED	P. K. KALITA
J. M. CHOUDHURY (Sr. Adv.)	M. C. BARTHAKUR	N. C. PHUKAN	SAILEN MEDHI
P. K. GOSWAMI (Sr. Adv.)	P. C. GAYAN	MUNIN (GAUTOM) SARMA	MRS. M. B. DUTTA CHOUDHURY
P. G. BARUAH (Sr. Adv.)	C. K. SHARMA BARUA (Sr. Adv.)	FAIZNUR ALI	P. C. GOSWAMI
C. R. DE (Sr. Adv.)	ANUP KR. DAS	D. K. KAKATI	APURBA SARMA (I)
D. K. BHATTACHARYYA (Sr. Adv.)	DR Y. K. PHUKAN (Sr. Adv.)	G. N. SAHEWALLA (Sr. Adv.)	K. H. (SALIM) CHOUDHURY (Sr. Adv.)
D. K. TALUKDAR (Sr. Adv.)	DIBAKAR GOSWAMI	G. K. JOSHI (Sr. Adv.)	A. K. PURKAYASTHA
R. P. AGARWALA (Sr. Adv.)	BIJON CH. DAS (Sr. Adv.)	A. A. MIR	ASHIS DAS GUPTA
D. P. CHALIHA (Sr. Adv.)	R. L. YADAV	MS. REKHA CHAKRAVORTTY	L. P. SHARMA
MRS. K. DEKA	PRAFULLA ROY	MRS. JHARANA BORAH	VIJAY HANSARIA
BISHNU PRASHAD	A. C. BURAGOHAIN	S. N. SARMA (Sr. Adv.)	B. N. SARMA
S. S. RAHMAN	B. L. SINGHA	MD. ABDUL MANNAN	J. L. SARKAR
GOLAP SARMA	P. K. MUSAHARY	DILIP KR. DAS (Sr. Adv.)	R. C. SANCHATI
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SAJID RAHMAN	R.K. NATH	MRINMOY DUTTA	MS. NAVANITA BARUAH
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S.K. MEDHI (II)	PARTHA CHODHURY	MISS. NIZIFA KHANAM	MISS. NAMITA CHODHURY
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MS. B. CHAKRABARTTY	AISWARYYA SARMA	SANJAY ROY	ARUN DEV CHODHURY
MS. INDRANI CHETIA	MS. A. BARUA	IMTI LONGJEM	NAKUL KALITA
MS. ANUPAMA DEVI	MD. NIZAMUDDIN SEIKH	MISS. BIPASHA SARKAR	MS. MUNMUN B. SARMA
SIDDHARTH BARUAH	DIGANTA GOGOI	MISS. RINI SHARMA	MISS. RANJUMONI NEWAR
S.R. RAJBONGSHI	SANJIB ROY	SHAMIMA JAHAN	MOIRANGTHEM G. SINGH
K.K. BHATTACHARYYA	MS. KALPANA GOGOI (SARMAH)	NILOUTPAL RAJKHOWA	SANDIP BHATTACHARJEE
MS. MANJULIKA BAROOAH	ANIRBAN DAS	R.K. DEV CHODHURY	DEBASHISH SAIKIA
MS. MANJUSHA JHA	MRS. INDRANI CHOWDHURY	SONIT KR. SAIKIA	NANDAN SARKAR
MD. KHORSHED ALI	ANAN KR. BHUYAN	MISS. SEWALI KEOT	SOFIQR RAHMAN
ZAHANGIR HUSSAIN	PALASH DAS	MS. MITALI MAHANTA	UDAY J. SAIKIA
S. N. DEV PUZARI	MS. BIPAAKKHI BORTHAKUR	GAUTAM KR. SARMA	PANKAJ KR. DEKA
DIGANTA KR. MISRA	DIPAK KR. DEY.	SHAHAB UD. MAZUMDAR	IMRAN H. LASKAR
MD. AFTAB HUSSIAN	PARTHA P. BARUAH	ABDUL MANNAF	MS. BANASHREE GOGOI
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M.K. MODI	MD. TARIQUL ISLAM		
I.A. HAZARIKA	ABU SAYED		

ISWARCH. GOGOI	SUDIPTO BHATTACHARJEE	MRS. RUBI G. GOHAIN BARUAH	MISS DIPANJALI DEKA
MISS BIJOYA SINHA	PRAHLAD KR. BRAHMA	MISS. JOYATI PAUL	MD. ALAM GEER
MD. KURBAN ALI	MS. JAGRITI RAJKUMARI	MISS. ANOWARA MAZUMDAR	NUR ISLAM
SAHIDUL H. SARKAR	KUSH RAM BORA	MISS. MADHUSMITA BAISHYA	BABUL DEKA
GAUTAM SHARMA	MS. DEEPALE KALITA	ABHIJIT DAS	AJOY KR. PHUKAN
MISS. ADITI BHATTACJARJEE	DEEPAK BORA	BIJOY KR. DAS	ATAL TEWARI
DHRUBA BANIA	DIPANKAR PD. BORAH	JAHURUL ISLAM	MISS WAHEEDA REHMAN
GAUTAM CHAUDHURY	RAJESH KR. AGARWAL	MISS. GITUMANI DEKA	N. UNNI K. NAIR
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NARAYAN D. BHUYAN	RINKU MAHANTA	MS. PRTIBHA DEKA	MISS SANGEETA SARKAR
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MD. ASLAM KHAN (II)	ZAKIRUL AHSAN	MRS. MANASI DAS	MISS JAYA CHANDA
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NARAYAN SHARMA	MISS. MANASHI CHOWDHURY	ANOWAR HUSSAIN	MS. ARPANA BORAH PHUKAN
MS. PANCHALI BRAHMA	SANTANU RAJ GOGOI	ADITYA HAZARIKA	MISS LIPIKA TALUKDAR
MANISH NATH	MISS. SHARMILA DAS	SHIMANTA NEOGI	MISS MEGHALI DEHINGIA
MISS. REHNA BEGUM (II)	MRS. RUPREKHA DAS	RUPAK DHAR	MISS RIMLY BARUAH
MS. RAJI CHETRI	MS. ARPITA PAUL	TAPAS DHAR	MS. BIPASHA DAS
KISHOR KR. BHANSALI	JOY DAS	RAJA JOY PHOOKAN	MS. PRANITA DAS
DIBAKAR BORAH	DHRUPAD KASHYAP DAS	MANOJ KR. SHARMA	ABHIJEET KR. BARUAH
NARESH MARKANDA	MS. SARMISTHA BARUA	ROUSHAN LAL	SULTAN AHMED
MRS. MAITREYEE BORAH	MRS. PRANITA PATHAK	MD. ROFIQUL ALOM	MISS BARNALI BARUAH
JAYANTA KR. PARAJULI	MS. MOUSHUMI DAS	MISS. PRANATI DAS	MRS. M. MAZUMDER DEB
BAPAN CHOWDHURY	MS. BULIE SARMAH	RATUL DAS	MS. PANKAJA UPADHYAY
UTPAL KR. KALITA	MS. NANDINI MUKHARJEE	MISS. BAGMITA SARMA	THANESWAR SARMA
MS. APARAJITA SAIKIA	NEERAJ ANAND	MISS. P. R. MAHANTA	ASHIM TALUKDAR
MRS. MEERA H. BORAH	GITARTHA PATHAK	SANTANU BORTHAKUR	ABID ALI
DEBABRATA SAHA	SANKAR P. BHATTACHARJEE	MISS. MITALI BHUYAN	MS. SIMA GUPTA
MS. ANIMITA GOSWAMI	MD. KOHINOOR ISLAM	MISS. SABINA YASMIN	D. N. BHATTACHARYYA
MS. MANOSHI SHARMA	SYED MUSFIQUR RAHMAN	KISHORE KR. HAZARIKA	MISS SUDAKSHINA KHANIKAR
MISS. SATYAWATEE KONWAR	PUSPENDRA KR. MEDHI	MOYNUL H. CHOWDHURY (2)	ASHIMANTA GOSWAMI
MD. JAKIR H. KHAN	SANJIB KR. SINGHA	JONAB ALI AHMED	ANIL SHARMA BHATRA
BIJAN KR. MAHAJAN	MISS. NILAKSHI GOSWAMI	BHASKAR NATH	K. R. PATGIRI
ABHIJIT BHATTACHARJEE (II)	MISS. MANISHA SHARMA	ALIN SARMA	DEBENDRA SAHARIA
ARSHAD CHAUDHURY	GAUTAM RAHUL	KULA PD. GOGOI	RAJIB SARMA
PRANAB KR. DAS	MS. ANITA VERMA	H. M. A. MANNAN LASKAR	MUSTAFA JAMAL QUADIR
MS. MITALEE LAHKAR	TONGPOK PONGENER	BIBHASH PATHAK	MISS MANASKANTA BARUAH
KHANINDRA LAHKAR	ANIL GOHAIN	MD. JYOTSHNA ALI	MISS KAVITA K. JAIN
MS. MANJU BORDOLOI	MISS. ANUJITA BORA	JITU BORAH	TAPAN RANJAN DAS
SUSHANTA S. BAROOAH	SANJAY KR. SINGH	MISS BABITA DAS	TRIDIB KALITA
MS. S. HAZARIKA (BORA)	SANJIB BARUAH	MISS RUNMANI DEKA	MS. MAMONI ROY
MD. ASLAM	MISS. SOBHANA SAIKIA	MISS MURCHAN SARMA	SAIDUL ISLAM
PRANJAL DAS	MISS. MOON BARUAH	ASHOK KR. BORA	MS. SHAMIMA BEGUM
MS. PANNA SHARMA	BRIJESH SHARMA	RANJAN KR. BHARALI	DIPANKAR BAGCHI
MS. MONALISA KONWAR	MISS. RAKHI PATHAK	BIJAY KRISHNA SEN	SHYAMAL AICH
SANDI K. DEORI	RATAN CH. DAS	MISS MEDHA LILA GOPE	MS. KANIKA SINGHA
MS. M. CHAKRABORTY	NABAJIT NARZARY	DR N.G. GOSWAMI	JAGADISH CH. GOGOI
DEBOJIT SENAPATI	SAFIQUL HUSSAIN	KASHEM BHUYAN	MISS SWARNALI S. CHOWDHURY
RAJKUMART. SINGH	NASIR UDDIN	MISS LIYANA RAHMAN	HARIBRATA CHANDA
MS. B. GHOSH.(SEN)	MS. N. M. BORDOLOI (BORA)	M. U. MONDAL	MUKUT CH. BHATTA
MS. TASFIA HUSSAIN	PRAKASH KR. BOTHRA	MISS PARUL DAS	SUJIT KR. ROY
MRS. MEHBOOBA BEGUM	BIJOY CHETIA	JAYABRATA SINHA	RAJU GOSWAMI
JAI KISHAN BAJAJ	SUBHAJIT BANIK	MISS BIJAYA HAZARIKA	NANI G. KUNDU
MS. JAYATI PURKAYASTHA	SAHADEV DAS	MISS SUMITA CHOWDHURY	SHEKHAR CHAKRABORTY
MS. PAREE GOGOI	DR K. UDDIN AHMED	DEBAJIT BARUAH	OM P. AGARWAL
A. M. BARBHUJIYA	MD. A. Q. AKANDA	MISS DIPANJANA NANDI	RANABRATA BANERJEE
MISS. ARJUMANDA BHANU	PRADIP KR. AGARWALA	ABDUL KASHIM TALUKDAR	MS. SUMITRA SARMA
MS. KANGKI BORKATAKI	MD. FARID U. BARBHUJIYA	BIKASH SARAF	MRS. BANDANA DEKA
BINOY PATHAK	MISS. NIYATI KALITA	MS. AMVALIKA MEDHI	TARUN BORA
NITYANANDA UPADHYAYA	MRS. SADHANA KALITA	BABUL KUMAR DAIMARI	MOTI RAJ ADHIKARI
SANJIT SHIL	ARUP GOSWAMI (II)	MISS IVALINA DEKA	MISS SABBINA YASMIN
MS. JULIE MAHANTA	MS. ARUNDHATI BORA	SANJIB GOSWAMI	BISWAJIT BURAGOHAIN
MRS. MADHABI SAIKIA	MS. RITAMANI GOSWAMI	SABYASACHI P. CHOWDHURY	MRS. BOBY G. BURAGOHAIN
MISS. BABITA RANI DAS	SHUROT ZAMAL SHEIKH	DEBA KUMAR BORDOLOI	MISS SANGEETA BURAGOHAIN
SANTANU KR. DAS	SUMAN CHETIA	MANINDRA CHANDRA DAS	NEEL KAMAL DEV NATH
MISS. DOLORINA PATHAK	ALAKESH DEV SARMAH	MUL HOQUE AHMED	MISS DIPANNITA CHAKRABORTY
SUBHRANGSU DHAR	RANJIT KR. GOSWAMI	BATU KRISHNA BORAH	NAZMUL I. MAZARBHUIYA
PARAMA KUMAR GOGOI	JAKIR HUSSAIN SAIKIA	MISS BANDITA DEY	PRASANTA HAZARIKA
MISS. GOPA SUTRADHAR	BHUPEN CH. PEGU	MISS JULI GOGOI	MS. NAZNEEN AHMED
IKBAL AHMED	KUNTAL SHARMA PATHAK	MS. V. N. LASKAR	RIYAJUDDIN ANSARI
SANJIB GOGOI	DEEPAK KEJRIVAL	MISS RANJITA VERMA	SOURAV SHARMA
ABHIJIT BHATTACHARYA (III)	MISS. AMI SAIKIA	HARINARAYAN SARMA	MS. SIMA RANI DEY

MS. SWARNALATA GOSWAMI	LALIT KR. MINDA	SANJAY SINGH	ROSHAN MALOO (JAIN)
MAINUL H. BARBHYAN	MD. FAJLEY K.R. AHMED	PRATIM KR. CHAKRABORTY	MS. ONTIMA SHARMA
MUKTI RAM LASKAR	AMZAD HUSSAIN	MOHD. ANAM UDDIN	TAPAN ROY
MISS BINITA BARUAH	PHANINDRA KALITA	NEELOTPAL DEKA	MOINUL HOQUE ANSARY
RAFICUL ISLAM (II)	JITEN PAYENG	MS. RABINA SULTANA	MD. RAHMAT ALI (II)
MISS KAMALA SINGHA	MS. KABERI DEKA	PARSWAJYOTI DAS NAIR	MISS MARY GOGOI
MISS ANUPAMA ROY	PRADIP KR. KALITA (II)	MS. AYESHA SIDDIKA	IDRISH CHOWDHURY
BISWAJIT CHAKRABORTY	SANTANU BORA	MS. BHARATI MUKHERJEE	MS. MINAKSHI BHATTACHARJEE
MD. RAFIKUL ISLAM (III)	KARABI KALITA	MS. MALABIKA P. GOGOI	JYOTIRMoy PATOWARY
BINODAN TALUKDAR	MISS MANIKA CHOWDHURY	SRAVAN KR. TALUKDAR	SHEELADITYA
MISS MINERVA BARTHAKUR	MISS RUMA DAS	HIFZUL I. CHOWDHURY	MADHURYA MAHANTA
MISS NITU HAWELIA	RAFIQUL ISLAM (IV)	SUSHANTA DAS	MISS SHEHNAZ RASUL
RAHUL BEZBARUAH	MASTER SHELIM	AMIT JALLAN	RASIDUL HUSSAIN
ABU NASERUDDIN AHMED	MRS. SUNITI KALITA	ISTIAQUE ALAM	MISS ANJANA SINGHA
SUMIT DAS	MD. NEKIBUDDIN AHMED	RAJIB CHAKRAVORTY	MD. ABUBAKKAR SIDDIQUE
SANACHOWBA SINGHA	RAJIB BORPUJARI	LASHMI N. DIHINGIA	ABDUL AWAL
YUNUSH AHMED	DIGANTA BARMAN	RAKESH DUBEY	SOHEL ALIM
MISS RITA DEVI	SAMIR DA	DEVJYOTI CHOWDHURY	JAHID M. A. CHOWDHURY
N. ANIX SINGH	ABDUL HASHEM KHANDAKER	PRIYANKU SUNDI	MISS JULFIYA BEGUM
BANDAN KR. KAR	DR TILOK DASGUPTA	SUBRATA NATH (II)	MD. HOSNUL HOQUE
BIKRAM MALAKAR	ASHIM KUAMR BARUAH	MISS GITY KALITA	TRIDIB BAIDYA

Received from the executant,
satisfied and accepted

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

And Accepted

Advocate

Mahibur Rahman

Advocate

And Accepted

Advocate

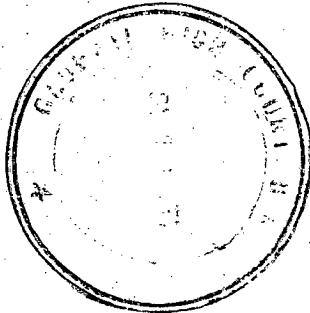
And Accepted

Advocate

Mizanur Rahman

Advocate

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Notice

From - Mahibar Rahman
Advocate

TO - C.G.S.C.

Sub:- Original Application No 106

Anil Baran Seal

... Applicant

- VS -

Union of India & Ors.
(Represented by P.O. & T.)

Sir,

Please take notice that a O.A. is being filed before this Hon'ble court today and a copy of said petition is annexed herewith for your kind perusal.

Please acknowledge receipt.

Yours faithfully

Mahibar Rahman
Advocate

28/4/06

Recd/ 28/4/06
M.U.A.W.D