

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 04/1581/2005

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... 64 Pg. to X
2. Judgment/Order dtd. 23/6/2003 Pg. 1 to 3. 23/6/2003
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 1581/2005 Pg. 1 to 3. 8
5. E.P/M.P..... Pg. to
6. R.A/C.P..... Pg. to
7. W.S..... Pg. to
8. Rejoinder..... Pg. to
9. Reply..... Pg. to
10. Any other Papers..... Pg. to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Kalita
21/11/2012

FORM NO. 4
 (SEE RULE 42)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH

ORDER SHEET

original Application No. 158/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) Th. Manihar Singh

Respondents U.O. I QCN

Advocate(s) for the Applicant(s) L.K. Nair, B.K. Talukdar, B. Sonam
 Arun C, Mrs. B. Chakrabarty

Advocate(s) for the Respondents Cafe

| Notes of the Registry | Date | Order of the Tribunal |
|--|-----------|--|
| <p>This application is in form is filed/C. F. for Rs 50/- deposited vide I.P.C/B.P. No. 11.6.2.8.8.79.</p> <p>Dated.....11.6.05.....</p> <p><i>Alen</i> Dy. Registrar</p> <p><i>Pho</i></p> <p><i>21/6/05</i></p> | 23.6.2005 | <p>Heard learned counsel for the parties. The application is disposed of at the admission stage itself.</p> <p><i>29-June-05</i></p> <p><i>Vice-Chairman</i></p> |
| <p>Received Alen Das, Add C.R.S.C 29/6/05</p> <p><i>29, C. 05</i></p> <p>Copy of the Order has been sent to the office for issuing the same to the applicant by post</p> <p><i>kh</i></p> | mb | |

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / R.A. No. 158/2005

DATE OF DECISION 23.6.2005

Th Manihar Singh APPLICANT(S)

Mr. U. K. Nair, B. K. Talukdar ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

Union of India & Ors. RESPONDENT(S)

Ms. U. Das, Addl. C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

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

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether the judgment is to be circulated to the other benches ?
- Judgment delivered by Hon'ble Vice-Chairman.

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application Nos. 158/2005

Date of Order : This the 23rd day of June, 2005.

The Hon'ble Sri Justice G. Sivarajan, Vice-Chairman.

Sri Th Manihar Singh, aged about 60 years,
S/o (Late) Shri Th Gopal Singh,
Keishampat Moirang Nighthou Leirak,
P.O. Imphal HPO PIN: 795 001.
PS : Imphal West, Distt. Imphal West
State : Manipur.

... Applicant

By Advocates Mr. U.K. Nair, Mr. B.K. Talukdar, Mr. B. Sarma
Aruna C, Mrs. B. Chakrabarty.

- Versus -

1. Union of India
Represented by the Secretary to the
Govt. of India -Cum- Director General (Posts),
Ministry of Communications,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi - 110 001.
2. The Chief Post Master General,
N.E. Circle, Shillong - 793 001.
3. Sri Abhinav Walia,
Director Postal Services (HQ)
N.E. Circle, Shillong - 793 001.

- Cum -

Director of Postal Services,
Manipur, Imphal - 795 001.

4. Shri R.K. Biswanath Singh,
The then Director Postal Services
Manipur, Imphal
Now : Director, Postal Directorate,
New Delhi - 110 001.
5. Shri Ksh Tomba Singh,
Deputy Supdt. of Post Offices,
Manipur, Imphal - 795 001.
6. Shri U Basumatary
The then Asstt. Supdt. of Post Offices

1st Sub Division, Imphal – 795 001.
 Now : Asstt. Supdt. of Post Offices (HQ)
 Manipur Division, Imphal – 795 001.

Respondents.

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

ORDER (ORAL)

SIVARAJAN. J. (V.C.)

The applicant retired as O/S (Cash) Imphal HO from the Department of Posts, Government of India on 28.02.2005. He has put in more than 37 years of service. His retiral benefits have been fixed as per orders dated 11.04.2005 (Annexures – A/17, A/18 and A/19). The grievance of the applicant is that respondents have not disbursed the retiral benefits on account of pending disciplinary proceeding against him based on an order dated 20.04.2005 (Annexure – A/2). It is the case of the applicant that respondents are willfully harassing the applicant by delaying completion of disciplinary proceeding and that the applicant had made representations against the harassment before the higher authority (Annexures – A/5, A/10, A/12 to A/15).

2. Mr. U.K. Nair, learned counsel for the applicant submits that the respondents are not entitled to withhold the pension of the applicant on the ground of pendency of the disciplinary proceeding. He in support relied on Rule 65 of CCS (Pension) Rules and orders issued thereunder. Counsel submits that if any disciplinary proceeding/ judicial proceeding is pending against the applicant, provisional pension has to be paid to the applicant. He has relied on para 69 at page 180 of Swamy's CCS (Pension) Rules in support. Counsel further submits that respondents must be directed to complete disciplinary proceeding within a short time frame. Counsel also submits that Inquiry Officer has already submitted his report and

9/2/

what remains is only to serve a copy of the inquiry report to the applicant and an opportunity to show cause against any proposal for imposition of punishment, if any.

3. I have also heard Ms. U. Das, learned Addl. C.G.S.C. for the respondents. Standing counsel submits that the disciplinary proceeding will take its own course and that it will be expedited. Standing counsel further submits that there is no basis for the various allegations made by the applicant against the authorities. Standing counsel also submits that the issue regarding grant of provisional pension will be considered by the respondents.

4. In the circumstances, I am of the view that this application can be disposed of at the admission stage itself with direction. The 3rd respondent is directed to complete the disciplinary proceeding pending against the applicant within a period of three months from the date of receipt of this order. The 3rd respondent is also directed to consider the claim for disbursement of provisional pension already sanctioned and to disburse the same within a period of six weeks from the date of receipt of this order. Needless to say that the allegations raised against the officers in the various representations may have to be considered in the right perspective.

The O.A. is disposed of at the admission stage itself as above.

G. Sivarajan
(G. SIVARAJAN)
VICE CHAIRMAN

0 JUN 2005

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
Guwahati Bench
GUWAHATI

O.A. No. 158 of 2005

BETWEEN
Shri Th Manihar Singh
..... Applicant.

-VERSUS-
Union of India & Ors.
..... Respondents.

SYNOPSIS

The instant application before Your Lordships is directed against the arbitrary, illegal and malafide action on the part of the Respondent authorities in withholding the appellants' pensionary benefits due to him on his reaching the age of superannuation under the pretext of a fabricated and frivolous departmental proceeding initiated against him. The said pensionary benefits of the applicant i.e. the gratuity amount, monthly pension etc. have already been sanctioned to the applicant but, the same could not be disbursed in view of the order dated 20.04.05 (Annexure - 2) passed by the Deputy Superintendent of post Officer restraining disbursement of the said pensionary benefits to the applicant, pending decision on the departmental proceedings initiated under Rule 14 of the relevant Rules. It is

9
mentioned here that pensionary benefits would not have been withheld in the manner it has been so done.

The departmental proceeding so initiated against the applicant has already been concluded inasmuch as the Inquiry Officer has already submitted his report to the Disciplinary authority and only decision of the Disciplinary Authority on the Inquiry Report is pending but, it has been inordinately delayed with the sole objective of harassing the applicant who had on earlier occasion resisted the nefarious design on the respondents part and represented against their cause and hence this vindictive attitude against the applicant. Therefore the applicant prays for appropriate directions from Your Lordships towards release of the said pensionary benefits to the applicant without any further delay.

APPENDIX - A
[FORM - I]

[See Rule 4]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

ORIGINAL APPLICATION No: 18 of 2005.
APPLICATION UNDER SECTION-19 OF THE A.T ACT 1985

Shri Th Manihar Singh

..... Applicant.
 - Versus -

Union of India & Others.

..... Respondents.

I N D E X

| Sl No | Description of documents relied upon | ANNEXURE | Page number |
|-------|--|---------------|-------------|
| 1 | Application | | 01-21 |
| 2 | Copy of Order No.B-2/Th Manihar Singh dated 08/02/2005 | ANNEXURE-A/1 | 22 |
| 3 | Copy of Order No.C-3/Pen/Th Manihar Singh/04-05 dated 20/04/2005 | ANNEXURE-A/2 | 23 |
| 4 | Copy of Order No.B-2/ Staff/Misc/Corr dated 09-09-02 | ANNEXURE-A/3 | 24 |
| 5 | Copy of Order No.B-2/ Staff/2002 dated 17-09-2002 | ANNEXURE-A/4 | 25 |
| 6 | Copy of Applicant's representation dated 23-09-2002 | ANNEXURE-A/5 | 26-28 |
| 7 | Copy of charge sheet Memo No.B-3/SDIPO-Report/MN dated 23-10-02 | ANNEXURE-A/6 | 29-31 |
| 8 | Copies of orders for the appointment of Inquiry Officer issued vide Memo No.B-3/Th Manihar-O/S(Mail) dated 04.06.2003 | ANNEXURE-A/7 | 32 |
| 9 | Copies of orders for the appointment of Presenting Officer issued vide Memo No.B-3/Th Manihar-O/S(Mail) dated 04.06.2003 | ANNEXURE-A/8 | 33 |
| 10 | Copy of order for the change of Inquiry Officer issued vide Memo No.B-3/Th Manihar-O/S(Mail) dated 11.05.2004 | ANNEXURE-A/9 | 34 |
| 11 | Copy of Applicant's letter to the Inquiry Officer dated 02-06-2005 | ANNEXURE-A/10 | 35 |
| 12 | Copy of Inquiry Officer's intimation letter No.A-1/DE/Rule-14/2004 dated 07-06-2005 | ANNEXURE-A/11 | 36 |
| 13 | Copy of Applicant's representation dated 01.03.2005. | ANNEXURE-A/12 | 37-45 |
| 14 | Copy of Applicant's representation dated 23.03.2005. | ANNEXURE-A/13 | 46-50 |

| | | | |
|----|--|---------------|-------|
| 15 | Copy of Applicant's representation dated 16.04.2005. | ANNEXURE-A/14 | S1-S2 |
| 16 | Copy of Applicant's representation dated 09.05.2005 | ANNEXURE-A/15 | S3-S4 |
| 17 | Extract of G.I., Dept of Per & Trg., O.M No.28034/6/2002-Estt.(A) dated 11-01-2002 | ANNEXURE-A/16 | S5 |
| 18 | Copy of Director of Accounts (Postal), North Eastern Postal Circle, Shillong Letter No.NE/LC-72/04-05 dated 11 Apr 2005 | ANNEXURE-A/17 | S6 |
| 19 | Copy of Director of Accounts (Postal), North Eastern Postal Circle, Shillong Letter No. NE/Pen/DCRG-09/05-06/LC-72/04-05 dated 11 Apr 2005 | ANNEXURE-A/18 | S7 |
| 20 | Copy of Director of Accounts (Postal), North Eastern Postal Circle, Shillong Letter No.NE/COM-02/05-06 dated 11 Apr 2005 | ANNEXURE-A/19 | S8 |
| 21 | VAKALATNAMA | | |

Date: 15/6/05

Mr. Ranita Singh

Signature of the applicant

Place: Guwahati

For use in Tribunal's office

Date of filing :

Or

Date of Receipt by post :

Registration No. :

Signature
For Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION No: 158 of 2005.

Shri Th Manihar Singh, Aged 60-years,
S/o [Late] Shri Th Gopal Singh,
Keishampat Moirang Ningthou Leirak,
PO : Imphal HPO PIN: 795 001.
PS : Imphal West, Distt : Imphal West
State : Manipur.

..... Applicant.

- VERSUS -

1. Union of India
Represented by:-
The Secretary to the Govt of India-Cum-
Director General (Posts),
Ministry of Communications,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi - 110 001.
2. The Chief Post Master General,
N.E-Circle, Shillong - 793 001.
3. Shri Abhinav Walia,
Director Postal Services (HQ),
N.E-Circle, Shillong - 793 001.
-Cum-
Director Postal Services,
Manipur, Imphal - 795 001.
4. Shri R K Biswanath Singh,
The then Director Postal Services,
Manipur, Imphal
Now: Director, Postal Directorate,
New Delhi - 110 001.
5. Shri Ksh Tomba Singh,
Deputy Supdt of Post Offices,
Manipur, Imphal - 795 001.
6. Shri U Basumatary,
The then Asstt Supdt of Post Offices,
1st Sub Division, Imphal - 795 001.
Now : Asstt Supdt of Post Offices (HQ),
Manipur Division, Imphal - 795 001.

..... Respondents.

158/05

1
Filed by → the Applicant
through → Brigade Showna
Advocate

In the matter of:

Arbitrary denial of Pensionery Benefits
in violation of statutory provisions of
CCS [Pension] Rules-1972 read-with govt
instructions for the time being in force.

-AND-

In the matter of:

Inordinate, but intentional and willful,
delay in the disposal of disciplinary case
initiated under Rule-14 of CCS(CC&A)
Rules 1965 with an ulterior motive to
cause harassment and mental agony, by
the Respondents No.3.

- AND -

In the matter of:

Misuse of official powers by the
Respondents No.3 to Respondent No.6
to cause undue harassment and extreme
humiliation to the humble applicant in
violation of statutory provisions of
rules, settled principles of law and
mandatory provisions of government
instructions.

- AND -

In the matter of:

Total inaction in the part of Respondent
No.1 and Respondent No.2 to check and
prevent the misuse of official powers by
the Respondents-3 to 6.

- AND -

In the matter of:

Non-disposal of applicant's
representation dated 01.03.2005,
23.03.2005, 16.04.2005 and 09.05.2005
by the Respondents-1 & 2 in violation of
G.I., Dept of Per. & Trg., O.M
No.28034/6/2002-Estt.(A) dated 11-01-
2002.

15/6/05.

19

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

1.1. The application is made against the irregular, arbitrary and illegal denial of pensionary benefits to the present applicant by the Respondent No.5 vide Order No.B-2/Th Manihar Singh dated 08/02/2005 and vide Order No.C-3/Pen/Th Manihar Singh/04-05 dated 20/04/2005, with the active collaboration of the Respondent No.3.

- Copy of Order No.B-2/Th Manihar Singh dated 08/02/2005 is submitted as ANNEXURE-A/1.

- AND -

- Copy of Order No.C-3/Pen/Th Manihar Singh/04-05 dated 20/04/2005 is submitted as ANNEXURE-A/2.

1.2. The application is also made against the following omissions and commissions of the above Respondents that:

(a) The Respondent No.3 has intentionally and willfully caused undue and inordinate delay in the disposal of disciplinary case initiated against the present applicant under Rule-14 of CCS(CC&A) Rules 1965 with an ulterior motive to cause harassment and mental agony to the present applicant;

(b) The Respondents No.3 to Respondent No.6 above has caused undue and excessive harassment to the present applicant by misuse of official powers conferred upon them respectively on their respective official positions; and

(c) The Respondent No.1 and Respondent No.2 have miserably failed to check and prevent the misuse of

15/6/05

official powers by the Respondents No.3 to Respondent No.6 against the humble applicant.

It is most respectfully submitted before the Hon'ble Tribunal that the acts of omissions and commissions by the Respondents No.3 to 6 above tantamount to misuse of official powers in violation of statutory provisions of rules, settled principles of law and mandatory provisions of government instructions at their personal capacity by virtue of holding the office in which they are/were posted during the material period. Hence, the Respondents No.3 to 6 above have been impleaded in personal as well as official capacities as warranted by the circumstances of the case.

1.3. The application is also made against non-disposal of applicant's representations dated 01.03.2005, 23.03.2005, 16.04.2005 and 09.04.2005 by the Respondents-1 & 2 in violation of G.I., Dept of Per & Trg., O.M No.28034/6/2002-Estt.(A) dated 11-01-2002.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter in which the present application is filed and the order against which the present applicant wants redressal are within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed in Section-21 of the Administrative Tribunals Act, 1985.

1
15/6/05

4. FACTS OF THE CASE:

- 4.1. The applicant is a retired employee of the Department of Posts under the Govt of India. The applicant was initially appointed in the cadre of Postman in Manipur Postal Division with effect from 25-02-1968. After rendering a satisfactory and excellent service, the applicant was promoted to the higher cadre, namely Overseer-Cadre, in the year 1981 with effect from 16-01-1981. Since then, the applicant had been working continuously in Overseer cadre up to his retirement on superannuation pension on 28-02-2005 (A/N). By virtue of his continuous service from 25-02-1968 to 28-02-2005 for 37-years and 4-days in a pensionable establishment, the applicant is eligible to receive full admissible pension and gratuity [also called as 'DCRG'] for a maximum of 33[Thirty three] years of qualifying service in accordance with Central Civil Services [Pension] Rules-1972 [in short called as 'CCS[Pension]Rules-1972'].
- 4.2. On 17-09-2002, the applicant was arbitrarily and illegally reduced to a lower grade/post by the Respondents No.4 and 6 by utter misuse of official powers. In other words, the applicant was suddenly posted as Postman, Imphal HPO vide Order No.B-2/Staff/Misc/Corr dated 09-09-02 issued by the above Respondent No.4 and Order No.B-2/Staff/2002 dated 17-09-2002 issued by the Respondent No.6. It is essential to mention here that the Postman Cadre is the lower cadre to the Overseer Cadre and in accordance with Central Civil Services (Conduct Classification & Appeal) Rules 1965 [here-in-after called

14

'CCS (CCA) Rules', 'Reduction to lower grade/post' is a major penalty, codified under the provisions of Rule-11 (vi) ibid. As per the provisions of the CCS (CCA) Rules, a major penalty such as 'Reduction in grade/post' can be imposed on a Govt servant only after following the provisions of Rule-14 and Rule-15 ibid. But, the applicant was reduced to the grade/post of Postman from the higher grade/post of Overseer by the Respondents-4 & 6, without going through the provisions of Rule-14 and Rule-15 ibid.

Copy of Order No.B-2/ Staff/Misc/Corr dated 09-09-02 issued by the above Respondent No.4 is submitted as ANNEXURE-A/3.

) - AND -

Copy of Order No.B-2/ Staff/2002 dated 17-09-2002 issued by the Respondent No.6 is submitted as ANNEXURE-A/4.

4.3. The applicant, therefore, represented against the illegal action of the Respondents-4 & 6 above to the Respondent No.2 vide a representation dated 23-09-2002; and only after the intervention of the Respondent No.2, the applicant was allowed to continue in the Overseer Cadre up to his retirement on superannuation pension on 28-02-2005.

Copy of Applicant's representation dated 23-09-2002 is submitted as ANNEXURE-A/5.

4.4. Although the applicant was allowed to continue in Overseer cadre by the above Respondents-4 & 6 after the intervention of the Respondent No.2, the applicant was falsely implicated and charge sheeted under Rule-14 of

7

CCS(CCA)Rules by the Respondent No.4 on the basis of a false report submitted by the Respondent No.6. The charge sheet was issued by the Respondent No.4 vide Memo No.B-3/SDIPO-Report/MN dated 23-10-02.

• Copy of charge sheet Memo No.B-3/SDIPO-Report/MN dated 23-10-02 is submitted as ANNEXURE-A/6.

4.5. A regular departmental inquiry under Rule-14 of CCS(CCA) Rules was also ordered by appointing an Inquiring Officer and Presenting officer vide Respondent No.4's Memo No.B-3/Th Manihar-O/S(Mail) 04.06.2003, ie. 6(Six) months after the issue of charge sheet.

• Copies of orders for the appointment of Inquiry Officer and Presenting Officer issued vide Memo No.B-3/Th Manihar-O/S(Mail) dated 04.06.2003 are submitted as ANNEXURE-A/7 & ANNEXURE-A/8 respectively.

4.6. Since the applicant was subjected to the biased treatment of the Inquiry Officer appointed by the Respondent No.4, the applicant represented his case to the Respondent No.2; and with the direction of the Respondent No.2, the Inquiry Officer was changed vide order No.B-3/Th Manihar Singh-O/S(Mail) dated 11-05-2004.

• Copy of order for the change of Inquiry Officer issued vide Memo No.B-3/Th Manihar-O/S(Mail) dated 11.05.2004 is submitted as ANNEXURE-A/9.

4.7. The Departmental inquiry, so continued with the changed Inquiry Officer, was completed by the Inquiry Officer on 23.12.2004; and as confirmed from the Inquiry Officer, the

Inquiry Officer's Report was submitted to department on 24.12.2004.

Copy of Applicant's letter to the Inquiry Officer dated 02-06-2005 and Inquiry Officer's intimation letter No.A-1/DE/Rule-14/2004 dated 07-06-2005 are submitted as ANNEXURE-A/10 & ANNEXURE-A/11 respectively.

- 4.8. The Respondent No.3, who is duty bound to finalise the disciplinary case in accordance with Rule-15 of CCS (CCA) Rules after the receipt of Inquiry Officer's report, did not take any action on the Inquiry Officer's Report till date. However, the applicant was allowed to retire from service on superannuation pension with effect from 28-02-2005(A/N) by the Respondent No.5, vide order dated 08/02/2005 [ANNEXURE-A/1], under specific condition that the applicant's retirement benefits would be decided as per relevant provisions of Pension Rules 1972 after the finalisation of the Rule-14 disciplinary case pending against the applicant.
- 4.9. After the retirement, the applicant was not granted any pensionary benefit such as pension, gratuity etc and consequently the applicant submitted representations dated 01.03.2005, 23.03.2005, 16.04.2005 and 09.05.2005. The said representations of the applicant were also submitted to the above Respondents-1 & 2, by endorsing, wherever the representations were addressed to the Hon'ble Prime Minister of India and the Hon'ble Minister of Communications. In the representations, the applicant has submitted in detail about harassments and

15/6/05

humiliations done to the innocent applicant by the concerned authorities while serious irregularities committed by the authorities concerned are left unnoticed by the higher authorities. The said representations of the humble applicant are still pending with the respective authorities without any disposal.

It is most respectfully submitted here for the kind information of the Hon'ble Tribunal that in accordance with G.I., Dept of Per & Trg., O.M No.28034/6/2002-Estt.(A) dated 11-01-2002, the representations of the Govt servants on service matters are to be disposed of within a stipulated time frame. But, the above stated representations of the applicant are lying pending in the hands of the above Respondents-1 & 2, without any action, in violation of G.I., Dept of Per & Trg., O.M No.28034/6/2002-Estt.(A) dated 11-01-2002.

- Copies of Applicant's representations dated 01.03.2005, 23.03.2005, 16.04.2005 and 09.05.2005 are submitted as ANNEXUREs-A/12, A/13, A/14 and A/15 respectively.

- AND -

- Extract of G.I., Dept of Per & Trg., O.M No.28034/6/2002-Estt.(A) dated 11-01-2002 is submitted as ANNEXURE-A/16.

4.10. The Pension, gratuity [DCRG] and Commutation of Pension entitled to the applicant have already been authorized by the Director of Accounts (Postal), North Eastern Postal Circle, Shillong vide No.NE/LC-72/04-05 dated 11 Apr 2005, No.NE/Pen/DCRG-09/05-06/LC-72/04-05 dated 11

15/6/05

Apr 2005 and No.NE/COM-02/05-06 dated 11 Apr 2005 respectively.

Copies of Director of Accounts (Postal), North Eastern Postal Circle, Shillong Letters (i) No.NE/LC-72/04-05 dated 11 Apr 2005 [ii] NE/Pen/DCRG-09/05-06/LC-72/04-05 dated 11 Apr 2005 and, [iii] No.NE/COM-02/05-06 dated 11 Apr 2005 are submitted as ANNEXURE-A/17, A/18 & A/19 respectively.

4.11. But, unfortunately, the Respondent No.3 has neither finalized the disciplinary case pending against the present applicant before the date of applicant's superannuation on 28-02-2005 nor has initiated any action to finalise the disciplinary case under the provisions of CCS[Pension]Rules 1972 after the retirement of the applicant. Due to the utter failure of the above Respondent No.3 to perform his bounden duty, the Respondent No.5 issued an order vide letter No.C-3/Pen/Th Manihar/04-05 dated 20-04-2005 [ANNEXURE-A/2], wherein it has been ordered that the pensionery benefits payable to the applicant should not be paid till finalisation of the pending Rule-14 case by the Disciplinary Authority.

4.12. The applicant, having been aggrieved of the omissions and commissions of the above Respondents as submitted in Para-1.2 above, has therefore approached the Hon'ble Tribunal for redressal and justice.

5. GROUNDS FOR RELIEF(S) WITH LEGAL PROVISIONS:

- 5.1. As per Rule-9(1) of CCS [Pension] Rules-1972, THE PRESIDENT RESERVES TO HIMSELF THE RIGHT OF WITHHOLDING A PENSION OR GRATUITY, OR BOTH, EITHER IN FULL OR IN PART, OR WITHDRAWING A PENSION IN FULL OR IN PART, WHETHER PERMANENTLY OR FOR A SPECIFIED PERIOD, AND OF ORDERING RECOVERY FROM A PENSION OR GRATUITY OF THE WHOLE OR PART OF ANY PECUNIARY LOSS CAUSED TO THE GOVERNMENT, IF, IN ANY DEPARTMENTAL OR JUDICIAL PROCEEDINGS, THE PENSION IS FOUND GUILTY OF GRAVE MISCONDUCT OR NEGLIGENCE DURING THE PERIOD OF SERVICE, INCLUDING SERVICE RENDERED UPON RE-EMPLOYMENT AFTER RETIREMENT. Thus, the power to withhold a pension or gratuity or both, either in full or in part, whether permanently or for a specified period is vested exclusively with the PRESIDENT OF INDIA alone and not with any other authority. Therefore, the order of the Respondent No.5 to withhold the pension, gratuity, commutation of pension etc till finalisation of disciplinary proceedings, as ordered in the ANNEXURE-A/1 and ANNEXURE-A/2 are beyond the purview of statutory powers vested with the Respondent No.5. Hence, the ANNEXURE-A/1 and ANNEXURE-A/2 are liable to be quashed and set-aside for want of statutory authority.
- 5.2. As per Rule-9 (2) (a) of CCS [Pension] Rules-1972, "THE DEPARTMENTAL PROCEEDINGS REFERRED TO IN SUB-

RULE (1), IF INSTITUTED WHILE THE GOVERNMENT SERVANT WAS IN SERVICE WHETHER BEFORE HIS RETIREMENT OR DURING HIS RE-EMPLOYMENT, SHALL, AFTER THE FINAL RETIREMENT OF THE GOVERNMENT SERVANT, BE DEEMED TO BE PROCEEDINGS UNDER THIS RULE AND SHALL BE CONTINUED AND CONCLUDED BY THE AUTHORITY BY WHICH THEY WERE COMMENCED IN THE SAME MANNER AS IF THE GOVERNMENT SERVANT HAD CONTINUED IN SERVICE.

Therefore, the above Respondent No.3, being the authority holding the charge of Director Postal Services, Manipur, Imphal is duty bound to conclude the disciplinary proceedings, which was initiated against the applicant under Rule-14 of CCS [CCA] Rules-1965, under the provisions of Rule-9 of CCS[Pension] Rules-1972 as if the applicant had continued in service. But, the Respondent No.3, by not concluding the disciplinary proceedings under Rule-9 of CCS[Pension] Rules-1972 till-date, has not only derelict from his bounded duty, but has intentionally and willfully caused undue harassment to the present applicant as because the applicant has been denied the source of income and livelihood for more than 3(Three) months after he was allowed to retire from service on superannuation pension vide ANNEXURE-A/2 by the Respondent No.5. Thus, the intentional, willful and inordinate delay caused by the Respondent No.3 in the finalisation of disciplinary proceedings initiated against the applicant while the applicant was in service, even 3(Three) months after the retirement of the applicant and withholding of applicant's

pensionary benefits on the pretext of pending disciplinary proceedings by the Respondent No.5 are the arbitrary and illegal acts/ omissions-and-commissions committed by the above Respondents No.3 & 5. Hence, the ANNEXURE-A/1 and ANNEXURE-A/2 are liable to be quashed and set-aside in the interest of justice, in addition that, the applicant needs to be allowed admissible interest on the withheld amount of pension with effect from 01.04.2005, gratuity with effect from 01.03.2005 and commutation of pension with effect from 11.04.2005;

- 5.3. As per Rule-64(4)(a) of CCS [Pension] Rules-1972, a Government servant on retirement before finalisation of pension/DCRG cases, is entitled to receive provisional DCRG equivalent to 100 % of entitled gratuity, after withholding ten percent of gratuity or one thousand rupees, whichever is less; and monthly provisional pension equivalent to entitled monthly pension along-with admissible Dearness Relief and other allowances. But, no provisional pension and DCRG were paid to the applicant by the Respondent No.5 till date. Therefore, the applicant is eligible to receive interest on admissible rates for the entitled amounts of Pension and DCRG with effect from the due dates of their respective payments, as determined by the Hon'ble Tribunal in the interest of equitable justice.

It is submitted for the kind information of the Hon'ble Tribunal that as per ANNEXURE-A/17 and A/18, the applicant is entitled to monthly pension @ Rs.3810 + Dearness Relief with admissible allowances with effect from

01.03.2005; and DCRG amounting to Rs.1,46,692/- [Rupees One lakh forty six thousand six hundred ninety two] only on 01.03.2005. [Provisional DCRG = 100 % Gratuity determined - 10 % or Rs.1000/-, whichever is less = Rs.1,47,692 - 1000 = Rs.1,46,692/-].

- 5.4. As per Rule-69 of CCS[Pension]Rules-1972 read-with G.I., M.F., O.M. No.11(6)-E.V(A)/73 dated 22nd July 1974, in respect of Govt servants against whom departmental or judicial proceedings are pending as on the date of retirement as referred to in sub-rule (4) of Rule-9 of CCS[Pension]Rules-1972, the Accounts Officer shall authorize the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service up to the date of retirement of the Govt servant. But in this instant case, although no order for payment of provisional pension has yet been issued by the Accounts Officer, the Accounts Officer concerned has already authorized the final retirement benefits vide ANNEXURE-A/17, A/18 and A/19 as if the disciplinary proceedings against the applicant were already finalized with an order of complete exoneration of the applicant on merits. Thus, it is evident that the disciplinary proceedings pending against the applicant by the intentional and willful omissions and commissions by the above Respondents No.3 and 5 are not only unjustified, unwarranted, unfounded and totally groundless, but the disciplinary proceedings are kept pending just to harass the humble applicant even without bringing the fact of pending disciplinary

proceedings to the notice to the Accounts Officer concerned by the above Respondents No.3 & 5.

- 5.5. As per Rule-68 of CCS[Pension]Rules-1972 read-with G.I., Dept of Per & A.R O.M No.F.7(1)-P.U/79 dated 11th July 1979 and No.1(4)/Pen. Unit/82 dated 10th January 1983, interest is payable on delayed payment of gratuity with effect from the date on which the gratuity had fallen due. In this instant case, under the circumstances submitted in Para-5.4 above, the gratuity had fallen due on 01.03.2005 and for the said reason interest on admissible rates is payable on the admissible gratuity with effect from 01.03.2005.
- 5.6. In accordance with rule-68(4) of CCS[Pension]Rules-172 read-with G.I., Dept of Pen & P.W., O.M No.38/116/93-P & P.W (F) dated 2nd May 1994 [printed as Govt of India's Decision (4) below Rule-68 of Swamy's compilation of CCS(Pension) Rules-1972, ADMINISTRATIVE HEADS OF THE MINISTRIES/DEPARTMENTS ARE DUTY-BOUND TO TAKE SUITABLE DISCIPLINAY ACTION WHEREVER EMPLOYEES ARE FOUND GUILTY OF NOT TAKING TIMELY ACTION. In this instant case, the Respondents No.3 & 6 severally and jointly committed serious irregularity/guilt as regards delay in payment of pensionery benefits to the humble applicant. Therefore, the Respondents No.3 & 5 are liable for disciplinary action for causing unjustified and undue delay in the payment of pensionery benefits to the present applicant.

5.7. As per G.I., Dept of Per & trg., O.M No.11012/21/98-Estt(A) dated 11-11-1998 read with O.M No.39/43/70-Estt.(A) dated 08-01-1971 mentioned therein, the Disciplinary Authority to take a final decision on the enquiry report within a period of three months. In cases where it is felt that it is not possible to adhere to this time limit, a report may be submitted to the next higher authority indicating the additional period required and reasons for the same. In this instant case, as confirmed from the Inquiry Officer vide ANNEXURE-A/11, Inquiry Officer's report was submitted to the Department on 24.12.2004; and the prescribed time-limit for disposal of the disciplinary case, thereby, ended on 24.03.2005. But, the Respondent No.3, who is duty-bound to dispose of the disciplinary case within 24.03.2005, neither finalized the disciplinary case within the stipulated time frame nor has shown any justification for the undue delay. Therefore, a grave injustice has been done to the present applicant as per the personal whims of Respondent No.3 and Respondent No.5 in violation of the statutory provisions of rules, settled principles of law and mandatory provisions of government instructions.

5.8. As per Rule-14 of CCS[CCA]Rules-1965 read with Rules-11 and 15 ibid, no order imposing any of the penalties specified in clauses (v) to (ix) of Rule 11 shall be made except after an inquiry held, as far as may be, in the manner provided in the relevant provisions of CCS[CCA]Rules-1965. In this instant case, the

15/6/05

Respondents No.4 & 6 issued ordered for the reduction of the applicant from his substantive grade/post of 'Overseers' to the lower grade/post of 'Postman' vide ANNEXURE A/3 in violation of Rule-14 of CCS[CCA]Rules 1965. Such usage of official powers by the Respondents-4 & 6 are nothing but misuse of official powers conferred upon them; and hence, the Respondents-4 & 6 are liable for disciplinary action for violating the statutory provisions CCS (CCA) Rules-1965. But, the Respondents-1 & 2, who are duty-bound to take appropriate disciplinary action against the Respondents-4 & 6, has not initiated any action against the defaulted Respondents-4 & 6 till-date. Thus, the Respondents have severally and jointly caused extreme humiliation and loss of prestige to the present applicant in addition to incalculable mental agony. Although the present applicant is processing to initiate appropriate civil/criminal action against the Respondents-3 to 6 for their respective omissions and commissions tantamount to misuse of official powers, the Hon'ble Tribunal also needs to view the serious lapses, omissions and commissions by the above Respondents under proper perspective.

- 5.9. As per the G.I., Dept of Per & Trg., O.M No.28034/6/2002-Estt.(A) dated 11-01-2002, representations received from Govt servants on service matters are to be disposed of within a stipulated time frame. But, the representations submitted by the applicant dated 01.03.2005, 23.03.2005, 16.04.2005 and 09.05.2005 [ANNEXURES-A/12 to A/15] are pending with the above Respondents-1 & 2 without any

action, in violation of instructions contained in G.I., Dept of Per & Trg., O.M No.28034/6/2002-Estt.(A) dated 11-01-2002 [ANNEXURE-A/16].

6. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant humbly submits that the applicant has no statutory remedy to be exhausted in this case. However, the applicant submitted representations dated 01.03.2005, 23.03.2005, 16.04.2005 and 09.05.2005 [ANNEXUREs-A/13 to A/15] to the Respondents-1 & 2 and the said representations are pending with the Respondents-1 & 2 without any action.

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

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

8. RELIEF(S) SOUGHT:

In view of the facts mentioned in Para-6 above, the applicant prays that the Hon'ble Tribunal be pleased to:

- (i) Issue appropriate order(s)/direction(s) to the above Respondents to release the retirement benefits pension, gratuity [DCRG] and commutation of pension with admissible interest for delayed payment, within such time limit as the Hon'ble Tribunal may deem proper;

15/6/05

- (ii) Issue such order(s)/direction(s) to the Respondent No.3 to finalise the disciplinary case pending against the applicant within such time limit as the Hon'ble Tribunal may deem proper;
- (iii) Issue such order(s)/direction(s) to the Respondents-1 and 2 to take appropriate departmental action against the Respondents-3 to 6 for their respective irregularities/omissions and commissions in violation of the statutory provisions of rules, settled principles of law and mandatory provisions of government instructions; with further direction that such departmental actions should be completed within such time limit as the Hon'ble Tribunal may deem fit and proper; The disciplinary action is warranted under the statutory provisions of the ground stated in Para-5.6 above read-with relevant facts in the present application]
- (iv) Issue such order(s)/direction(s) to the Respondents-1 & 2 to dispose of the Applicant's representations dated 01.03.2005, 23.03.2005, 19.04.2005 and 09.05.2005 [Annexures-A/12 to A/15], in accordance with relevant government instructions in Annexure-A/16, within such time limit as the Hon'ble Tribunal may deem proper; and
- (v) Award the cost of this application to the applicant; and

(vi) Pass such other order(s)/direction(s) as the Hon'ble Tribunal may deem fit and proper to render justice to the applicant in the circumstances of the case.

9. INTERIM ORDER, IF ANY PRAYED FOR:

In the interim, the applicant prays that the Respondents may be directed to pay provisional pension to the applicant under the provisions of Rule-69 of CCS [Pension] Rules-1972.

10. IN THE EVENT OF APPLICATION BEING SENT BY REGISTERED POST:

The applicant declares that the application is filed through his advocate.

11. PARTICULARS OF BANK DRAFT / POSTAL ORDER FILED IN RESPECT OF THE APPLICATION FEE:

| | | |
|----------------------------|---|--------------|
| Indian Postal Order Number | : | 11 G 388879 |
| Office of Issue | : | Imphal H.P.O |
| Date of Issue | : | 11-06-2005 |
| Office of Payment | : | Guwahati |

12. LIST OF ENCLOSURES:

1. Application accompanied by Index in Appendix-A
2. ANNEXURE-A/1 to ANNEXURE-A/19.
3. Indian Postal Order for Rs.50/- for application fee.

15/6/05

VERIFICATION

I, Shri Th Manihar Singh, S/o [Late] Shri Th Gopal Singh, aged 60 years, resident of Keishempat Moirang Ningthou Leirak, P.O : Imphal HPO [PIN: 795 001] P.S: Imphal West, State: Manipur, do hereby verify that the contents of Paras 1 to 12 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Date: 15/6/05

Sh. Manihar Singh
Signature of the applicant

Place: Guwahati

Filed by:-

Brijesh Sharma

Advocate

To

The Registrar,
Central Administrative Tribunal,
Rajgarh Road, Guwahati -781 005.

15/6/05

22
3

DEPARTMENT OF POST : INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES, MANIPUR, IMPHAL-795001

No:B-2/Th. Manihar Singh

dated at Imphal the 8/2/2005

Shri Th Manihar Singh, S/O (L) Th. Gopal Singh, employed as O/S (Cash) Imphal HO, whose date of birth falls on 01/3/1945 (1st March Nineteen forty five) is hereby allowed to retire on superannuation pension with effect from 28/2/2005 (A/N).

However his retirement benefits will be decided as per the relevant provisions of the Pension Rules, 1972 and the finalisation of the Rule-14 Disciplinary case pending against him.

Copies of charge reports should be submitted to all concerned.

Sdt

(Ksh Tomba Singh)
Dy. Supdt of Post Offices
Manipur, Imphal-795001

Copy to:-

1. The Postmaster Imphal HO for information & n/a.
2. Shri Th Manihar Singh, O/S(Cash) Imphal HO.
3. Budget Br, Dn Office Imphal.
4. P/F of the official.

(Ksh Tomba Singh)
Dy. Supdt of Post Offices
Manipur, Imphal-795001

certified to be true copy
Signature of witness
Advocate

15/6/05

(c)

(23) 93

DEPARTMENT OF POSTS INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES: MANIPUR
IMPHAL - 795001

AN 63/Pen/Th. Manihar/04-05 20-6-05

To

The Postmaster
Imphal HO

Sub: "Suspension pension in v/o Th. Manihar Singh Reid. O/SCash) Imphal.

The Rule-14 disciplinary case against the Reid. Official has not been finalised yet. You are therefore directed to make payment of pensionary benefits only after getting the final order of the Disciplinary Authority on the aforesaid Rule-14 case.

The official may verbally be informed that the case file has already been forwarded to Circle Office Shillong for finalisation and his pensionary benefits will be released soon after getting the decision of the Disciplinary Authority.

82
(KSH. TOMBA SINGH)
उप अधिकारी डाकघर, मनिपुर पोस्ट इम्फाल
Dy. Superintendent of Post Offices
Manipur Division, Imphal-795001

copy to: Th. Manihar Singh Reid. O/S Keisanthong Moirangningthou Leirak PO; Imphal for information.

62
(KSH. TOMBA SINGH)
उप अधिकारी डाकघर, मनिपुर पोस्ट इम्फाल
Dy. Superintendent of Post Offices
Manipur Division, Imphal-795001

certified to be true
सत्यापिता द्वारा दिया गया

D
Anwate

15/6/05

34

ANNEXURE - A/3

(24)

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES: MANIPUR
IMPHAL 795 001

No. B-2/Staff/Misc/Corr

09 Sep 02

The following overseers have been posted as detailed below with immediate effect due to shortage of staff.

| Sl | Name of the Overseers | POSTINGS |
|----|---|--|
| 1 | 1. Shri Th. Manihar Singh, O/S, ASP 1 st sub-Dn. 2. Md. Fazlur Rahman, O/S, ASP 1 st sub-Dn. | Postman, Imphal H.O. Postman, Imphal H.O. |
| 2 | 1. Md. T.A. Majam Khan SDIPOS 2 nd sub-Dn. | Postman, Singjamei Bz SO |
| 3 | 1. Md. Abdul Salam SDIPOS 3 rd sub-Dn. | Postman, Imphal H.O. |
| 4 | 1. Shri K.S. Hangui SDIPOS Ukhru sub-Dn. | Postman, Ukhru S.O. |
| 5 | 1. Shri P.P. Baskota SDIPOS Kangpokpi sub-Dn | Postman, Imphal H.O. |
| 6 | 1. Md. Hellaluddin SDIPOS Kakching sub-Dn | Postman, Kakching Bz SO |

It is further ordered that the SDIPOS/ ASPOS will make temporary officiating arrangement in O/S cadre as and when the need arises.

SD/

(R.K.B.Singh)
Director Postal Services

Copy to:

1. The postmaster, Imphal HO for information.
2. ASP 1st sub-Dn, Imphal for information and n/action.
3. SDIPOS 2nd sub-Dn, Imphal for information and n/action.
4. SDIPOS 3rd sub-Dn, Imphal for information and n/action.
5. SDIPOS Kakching sub-Dn, for information and n/action.
6. SDIPOS Kangpokpi sub-Dn, for information and n/action.
7. SDIPOS Ukhru sub-Dn, for information and n/action.
8. O/C.

SD/

(R.K.B.Singh)
Director Postal Services

B
Certified to be true copy
by [Signature]

B
Private

15/6/05

35
ANNEXURE - A/4.

(25)

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE ASSTT. SUPDT. OF POST OFFICES
1ST SUB DIVISION IMPHAL.

No. B-2/Staff/2002

17-09-02

In pursuance of Director, Postal Services, Manipur Division Imphal memo No. B-2/Staff/Misc/Corr dated 09-09-02, the following transfer and posting orders are issued to have with immediate effect.

1. Shri Th. Manibar Singh, O/S ASP 1ST Sub Division Imphal, is hereby transferred and posted as Postman Imphal HO.
2. Md Fazlur Rahman, O/S ASP 1ST Sub Division Imphal, is hereby transferred and posted as Postman Imphal HO.

SJ/-
(U.Basummary)
Asstt. Supdt. of Post Offices
1ST sub Division Imphal

Copy to :-

1. The Postmaster Imphal HO for information and necessary action.
2. The Director, Postal Services, Manipur Division Imphal for information.
3. Shri Th. Manibar Singh O/S ASP 1ST Sub Division Imphal
4. Md. Fazlur Rahman O/S ASP 1ST Sub Division Imphal
5. P/F officials

(U.Basummary)
ASP 1ST Sub Division

certified to be true copy
written before
Advocate

1
15/6/05

(62)

ANNEXURE - 4/s.

26

23

Shri P.K. Chatterjee,
Chief Post Master General
North Eastern Circle,
Shillong,

Through Proper Channel.

Subject :- Humble appeal against the most irregular, unjustful and malicious order to reduction to lower grade, Post Scale to the cadre of Ordinary Postmen from permanent Post of Overseer mails without any prior information, action and initiating departmental action as enjoined in rules of CCS(CC & A) Rules 1965 by D.P.S. Manipur, Imphal.

AND

Humble Prayer for causing an immediate enquiry and action as deemed proper against the above arbitrary and malafidly action of ~~Deputy~~ D.P.S. Imphal to meet the end of Justice and Law of Land.

卷之二

D.E.S. Imphal Memo No. B-2/Staff/Gen/Corr. dated 9-09-02.

AND

ALFO's Imphal 1st Sub-Division Letter
No. B-2/Staff/2002 dated 17-9-02 and
21-9-02.

卷之三

Most humbly and respectfully I beg to submit the following few lines for favour of your kind information and necessary action as deemed proper.

1. That Sir, I entered in this department in the cadre of Posts on 25-02-1962.

2. That Sir, In accordance with the rules of the Department, the proper authority finding me suitable from all angles promoted me to the order of overseas Mails w.e.f. 16-01-1981 and since then I have continuing as O/S Mails Up till now. -

certified to be true copy
certified certified

Conditions of the world

S. Advocate

15th Oct

(27)

- 2 -

3. That Sir, for Manipur Postal Division, as many as 24 posts of overseers are sanctioned and in the gradation list circulated by the then D.P.S. Imphal my position was shown at B1,7. A copy of Gradation List circulated vide Memo No. E-6/CL/C/S/C22r dated 9-9-1995 is enclosed marked (A).
4. That Sir, in course of my service at present I have been working as O/S Halla with H/Q at Jiribam under A.S.P.O's 1st Sub-Division (Sri N. Basumatry) for last 2 years.
5. That Sir, while working under A.S.P.O's 1st Sub-Div. I am quite displeased to see the behaviour and conduct of the A.S.P.O's who always had taken advantage of misusing my services for the work which is not as per rules. Mostly at the time of inspection of the post offices instead of visiting office to office physically he generally adopted and habit of calling most of the ED/BPM of Jiribam, Gulsthol, Rungbe, Tengnalong and Tamai either in a/c offices or in his own house.
- In this connection, he always tried to use my service which was not covered under rules. Similar instances I had to face even at the time when he used to make irregular appointment of ED/Staffs. My displeasure caused annoyance to him and he started nursing grudge against me.
6. That Sir, now I am approaching to my superannuation (retirement) and at this stage the un-called for order of D.P.S. Imphal in Memo No. 8-2/Staff/Misc/C22r dated 2-9-02 reducing me to lower grade/Post like ordinary Postman without initiating departmental action or without any dereliction of duty, prior information etc has caused gross violation of rules and law of the land.

Services to be used :-
Services available

6

Advocate

Costs. 3/-

15/6/05

(28)

-3-

7. That Sir, reduction to lower stage/post can not be ordered until and unless a regular enquiry under Rule 14 of CCS(CGBA) Rules 1965 is initiated and as such the order of the D.P.S. Imphal in connivance with ASPOs 1st Sub-Division is complete violation of rules and has trespassed all rules of the Govt. in most naked manner.

Now, with the above facts and materials I impress upon your honour to kindly bestow your good wishes and cause an immediate action, which your honour deems proper so that your innocent and poor subordinate may not have to face such undue harassment due to mis-use or excess of official power by higher authorities like, D.P.S. Imphal and ASPOs 1st Sub-Division.

For the act of your kindness I shall ever remain grateful to you. Copies of orders issued by ASPOs 1st Sub-Division dated 17-09-2002 and 21-09-2002 are also enclosed.

Yours faithfully,

[Signature]

(Th. Ranbir Singh)
O/o Mails
Jiribam Manipur

Dated: 23-09-02.

Copy to :-

1. Advance copy to : T. P. SILVAN,
Post Master General, North Western Circle,
Shillong, copy at Imphal for his kind information
and immediate action to save this undue application
from undue harassment.
2. Sri Kavita Chakraborty, Circle Secretary, M.P.I.,
Postman and Group "D" N.W. Circle Shillong for
information with request to kindly take up the
matter with higher authorities to avoid recurrence
in future and justice is explored immediately.
3. G.C. Silleti, Secretary Postal Dept, 18/3-D
Type-II, P & T Colony, Kalibari Ward,
New Delhi-110001 for his kind information and
similar immediate action.

[Signature]

(Th. Ranbir Singh)
O/o Mails
Jiribam, Manipur

15605

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES, MANIPUR, IMPHAL-795001.

Ref. No. 1/80/1447 (Copy/Ans) Dated at Imphal the 24. IV. 65.

MEMORANDUM

The undersigned proposes to hold a Inquiry against Shri. K. Manikam, IAS, (Off. No. 3) under Rule -14 of the Central Civil Services (Classification, Control, and Appeal) Rules 1965. The substance of the imputation of misconduct and/or misbehaviour in respect of which the Inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of the imputation of misconduct or misbehaviours in support of each article of charge is enclosed (Annexure-II). A list of documents by which and if witnessnes by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. Shri. K. Manikam, IAS, (Off. No. 3) is required to submit within 10 days of the receipt of this memorandum his 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 articles of charge.

4. Shri. K. Manikam, IAS, (Off. No. 3) 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 Inquiry authority or otherwise fails or refuses to comply with the provision of Rule -14 of the CCS(CCA) Rules, 1965 or the orders/direction issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him EX-PARTE.

5. Attention of Shri. K. Manikam, IAS, (Off. No. 3) is invited to Rule 20 of the CCS(Conduct) Rules, 1964, under which no Govt. 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. K. Manikam, IAS, (Off. No. 3) is aware of such 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.

Name and designation of
Competent Authority.

Guaranteed to be true & correct

R.

Advocate.

15/6/65

Se

ANNEXURE - ISTATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SHRI. TH. MANI HAR SINGH, OVERSEER(MAILS), ASPOS, 1ST SUB-DN., IMPHAL.ARTICLE - I

Shri Th. Manihar Singh, while functioning as Overseer (Mails), 1st Sub-Dn., Imphal during the period from 16.01.1981 to 20.09.2002, failed to submit Overseer's diaries for the period from December/1998 to Aug/2002, and thereby violated Rule-355 of P&T Manual Vol.VIII and Rule-3(1) (ii) of CCS (Conduct) Rules, 1964.

ARTICLE - II

Shri Th. Manihar Singh, while functioning as Overseer (Mails), 1st Sub-Dn., Imphal during the period from 16.01.1981 to 31.08.2002, failed to visit branch offices placed under his beat to ensure the efficient working of mail lines and also failed to examine the V.P. and limited articles and money orders in deposit in branch offices during the period from December/1998 to August/2002 and thereby violated Rule-343 and Rule-343.A of P&T Manual Volume-VIII and Rule-3(1)(i) & Rule-3(1)(ii) of CCS (Conduct) Rules 1964.

ANNEXURE - IISTATEMENT OF IMPUTATION OF MISCONDUCT AND/OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGES FRAMED AGAINST SHRI. TH. MANI HAR SINGH, OVERSEER(MAILS), 1ST SUB-DN., IMPHAL.ARTICLE-I

That the said Shri Th. Manihar Singh, while functioning as Overseer(Mails) in the office of the ASPOS/1st Sub-Dn., Imphal, during the period from 16.01.1981 to 31.08.2002, did not submit the Overseer's diaries for the period from December 1998 to August 2002 in violation of Rule-355 of P&T Manual Volume-VIII. Shri U. Basumitory, ASPOS, 1st Sub-Dn., Imphal has reported the above fact to the Director Postal Services, Manipur, Imphal vide a report No.B-2/ Staff/Corr dated 04.10.02. Thus, the said Shri Th. Manihar Singh violated Rule-355 of P&T Manual Volume-VIII and also failed to maintain devotion to duty in violation of Rule-3(1)(ii) of CCS(Conduct) Rules 1964.

Certified to be true
Shri [Signature]

DR
Advocate.

15/6/05.

ARTICLE - II

That the said Shri Th. Manihar Singh, while functioning as Overseer(Mails) in the office of the ASPOs/1st Sub-Div., Imphal during the period from 16.01.1981 to 31.08.2002, did not visit any branch post office during the period from December/1998 to August/2002 and failed to ensure the efficient working of the mail lines under his charge. The said Shri Th. Manihar Singh also did not examine the V.P. and insured articles and money orders in deposit in branch offices during the period from December/1998 to August/2002. By his above acts, the said Shri Th. Manihar Singh violated Rule-343 and Rule-343.A of P&T Manual Volume-VIII, and failed to maintain absolute integrity and devotion to duty in violation of Rule-3(1)(i) and Rule-3(1)(iii) of CCS(Conduct) Rules 1964.

ANNEXURE-III

LIST OF DOCUMENTS ON THE BASIS OF WHICH THE ARTICLE OF CHARGES AGAINST SHRI TH. MANIHAR SINGH, (OVERSEER(MAILS), 1ST SUB-DIV., IMPHAL, ARE PROPOSED TO BE SUSTAINED:

1. Report of ASPOs/1st Sub-Division, Imphal No.B-2/Staff/Corr dated 04.10.02 addressed to the Director Postal Services, Manipur, Imphal.

ANNEXURE-IV

LIST OF WITNESSES ON THE BASIS OF WHICH THE ARTICLE OF CHARGES AGAINST SHRI TH. MANIHAR SINGH, (OVERSEER(MAILS), 1ST SUB-DIV., IMPHAL ARE PROPOSED TO BE SUSTAINED:

1. Shri J.U.Basumatary, ASPOs, 1st Sub-Div., Imphal.

महान् दारसेना मण्डि. द्रष्टव्य
Director Postal Services
Manipur, Imphal-795001.

15/10/05

ANNEEXURE - A/7

32

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES
MANIPUR:IMPHAL-795001

ORDER RELATING TO APPOINTMENT OF PRESENTING OFFICER (RULE-14
(S) (C) OF CCS (CC&A) RULES, 1965.

B-3/ Th. Manihar-O/S (Mail)

04.06.2003.

Whereas an Inquiry under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 is being held against Shri Th. Manihar Singh, the then O/S (Mail)ASP 1st Sub Division and now O/S sorting, Imphal H.O.

And whereas the undersigned considered that a presenting officer should be appointed to present, on behalf of the undersigned, in support of the articles of charge.

Now, therefore, the undersigned, in exercise of the powers conferred by Sub-Rule (S) (c) of the said rule, hereby appoints Shri L. Tiken Singh, SDI- Ukhrul Sub Dn. as the presenting officer.

Sd/-

(R.K. B. Singh)
Director Postal Services
Manipur:Imphal-795001

Copy to:

1. Shri Th. Manihar Singh, O/S sorting, Imphal H.O.
2. Shri L. Tiken Singh, SDI- Ukhrul (Presenting Officer)
3. Shri W. Suden Singh, SDI- Kangpokpi (Inquiring officer)
4. Office copy.

(R.K. B. Singh)
Director Postal Services
Manipur:Imphal-795001

certified to be true copy
सत्याग्रह संसाधन

(B)
Advocate

15/6/05

ANNEXURE - A/8

13
28

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES
MANIPUR:IMPHAL-795001

ORDER RELATING TO APPOINTMENT OF INQUIRING AUTHORITY (RULE-14 (2) OF CCS (CC&A) RULES,1965.

B-3/ Th. Manihar-O/S (Mail)

04.06.2003.

Whereas an Inquiry under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 is being held against Shri Th. Manihar Singh, the then O/S (Mail) ASP 1st Sub Division and now O/S sorting, Imphal H.O.

And whereas the undersigned considered that an Inquiry Authority should be appointed to inquire into the charges framed against the said Shri Th. Manihar Singh.

Now, therefore, the undersigned, in exercise of the powers conferred by Sub-Rule (2) of the said rule, hereby appoints Shri W. Suden Singh, SDI- Kangpokpi Sub Dn. as the Inquiring Authority to inquire into the charges framed against the said Shri Th. Manihar Singh, the then O/S (Mail) and now O/S sorting, Imphal H.O.

Sd/-

(R.K. B. Singh)
Director Postal Services
Manipur:Imphal-795001

Copy to:

1. Shri Th. Manihar Singh, O/S sorting, Imphal H.O.
2. Shri W. Suden Singh, SDI- Kangpokpi (Inquiring officer)
3. Shri L. Tiken Singh, SDI- Ukhru (Presenting Officer)
4. Office copy.

(R.K. B. Singh)
Director Postal Services
Manipur:Imphal-795001

certified to be true copy
Date: 15/6/03
Advocate

15/6/03

ANEXURE - A 9.

(34)

DEPARTMENT OF POST : INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES: MANIPUR: IMPHAL -795001

No: B-3/1B, Manihar-0/S(Mail) Dated at Imphal the 11/5/04

This is in continuation of this office letter of even no. dtd 4/6/03, and in pursuance of C.O Shillong letter No. 118-14/2004(11) dtd 6/5/04, Shri R Kumar, SDIPOS Kakching Sub-DP, Kakching has been appointed as Inquiry Officer (I.O), replacing Shri Suden Singh, SDIPOS Kangpokpi Sub-DP Kangpokpi who was previously appointed as I.O vide DPS, Imphal memo of even No. dtd 4/6/03.

Shri R. Kumar SDIPOS Kakching Sub-DP, Kakching will inquire into the charges framed against Shri Th. Manihar Singh, the then 0/S(Mail), now 0/S Sorting, Imphal HQ. He is also requested to complete the inquiry within 3 (three) months on receipt of this letter.

Sd/-

(M.G. Das)

Supdt of Post Offices
Manipur, Imphal-795001

COPY TO:-

1. The CHIEF ENG(STAFF) for favour of information. This refers to C.O Shillong Letter No: 118-14/2004(11) dtd 4/6/04.

2. Shri Suden Singh, SDIPOS Kangpokpi Sub-DP, Kangpokpi for information. He will please hand over all such the related document in connection of this case to Shri R. Kumar SDIPOS Kakching Sub-DP, Kakching.

3. Shri R. Kumar, SDIPOS Kakching Sub-DP, Kakching for information & n/a.

4. Shri L. Tiken Singh, SDIPOS Ukhru, for information
Govt Branch, DR Office, Imphal.

(M.G. Das)
Supdt of Post Offices
Manipur, Imphal-795001

Serial to be issued
Serial number
B
Airtelate

10/6/05

45
ANNEXURE - 4/16

(35)

Imphal,
2nd June 2005.

To

The Inquiry Officer,
&
Sub Divisional Inspector of Post Offices,
Kakching Sub Division, Kakching.

Sub: Rule-14 Departmental Inquiry against Shri Th. Manihar Singh,
Overseer (Mails), 1st Sub Division, Imphal [& Overseer (Stg),
Imphal HPO]

Sir,

Although I have been allowed to retire with effect from 28.02.2005, the Rule-14 case initiated against me is not yet finalized. Because of the said reason, I have not been allowed pensionary benefits even after the lapse of 3(Three) months from the date of retirement.

2. I do not have any idea as to whether the Inquiry Officer's Report in respect of the Rule-14 Departmental Inquiry conducted by you has already been submitted to the appropriate authority.

3. I therefore request you kindly to intimate me the date of submission of the I.O's report in case already submitted. Otherwise, reason for its non-submission may kindly be intimated so that I may be able to pursue the matter for early settlement of my pension case.

With regards,

Yours truly,

Sh. Manihar Singh
(Th Manihar Singh)
Retd. Overseer,
Imphal HPO.

Service to be
verified by
S. D.
Dhruvade

1
1st 6/05

36 46

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE INSPECTOR OF POST OFFICES : KAKCHING SUB DIVISION
KAKCHING : 795 103

No.A-1/DE/Rule-14/2004

Dated : 07.06.2005

Shri Th Manihar Singh,
Retd Overseer, Imphal HPO.
Now at: Keishampat Moirang Ningthou Leirak,
PO : Imphal - 795 001.

Sub: Rule-14 Departmental Inquiry against Shri Th Manihar Singh, Overseer(Maila),
1st Sub Division, Imphal [& Overseer(Stg), Imphal HPO].

Ref: Your representation/letter dated 2nd June 2005

With reference to your letter cited above, it is hereby intimated that the Inquiry Officer's Report in respect of the Rule-14 Departmental Inquiry held against you was submitted to the Supdt of Post Offices, O/o the Director Postal Services, Manipur, Imphal on 24.12.2004 vide this office letter of even number dated 23.12.2004 along-with all relevant records.


(R. Kumar)
Inspector of Post Offices,
Kakching Sub Division,
Kakching - 795 103
&
QUIRY OFFICER IN THE
AFOREMENTIONED
RULE-14 CASE.

15605

U/X

ANNEXURE-A/12

To

(37)

1. Shri Man Mohan Singh,
Hon'ble Prime Minister of India,
Prime Minister's Office,
New Delhi - 110 001.
2. Shri Dayanidhi Maran,
Hon'ble Minister for Communications & I.T.,
Dak Bhawan, New Delhi - 110 001.

Sub: Harbouring of corrupted officers and harassment of innocent staff
in Manipur Postal Division

AND

Total inaction in the part of higher authorities in Circle Office,
Shillong in respect of 'cases of serious administrative and financial
irregularities' and 'Corruption' in Manipur Postal Division.

Respected Sir,

The undersigned is a poor Overseer cadre officials working in Manipur Postal Division. The undersigned is due to retire on superannuation pension with effect from 28.02.2005(A/N). But, under personal grudge, Shri U Basumatary, Asstt Supdt of Post Offices, Imphal gave a false report to the then Director of Postal Services that the undersigned did not submit overseer's diaries during the period from December 1998 to August 2002. The sole reason for submitting such false report by the said Shri U Basumatary, ASPOs was that the undersigned refused to bring branch office records to the residence of the said Shri U Basumatary, ASPOs at Imphal for showing the inspection branch post offices. The undersigned reported the facts to the higher authorities such as Chief Post Master General, Shillong and Director Postal Services, Manipur etc through a detailed report dated 2nd January 2003. But, the said report dated 2nd January 2003 is lying in the cold storage of the O/o the Chief Post Master General, Shillong and the O/o the Director Postal Services, Imphal for nearly 2(Two) years without any action.

In the said report dated 2nd January 2003, the undersigned reported the facts and figures regarding following serious irregularities

Service to be used
entire statement

(R)
Advocate.

15/6/05

committed by Shri U Basumatary, the then ASPOs, 1st Sub Division, Imphal.

- A ✓(i) That the said Shri U Basumatary, the then ASPOs, 1st Sub-Div irregularly appointed one ED-Stamp Vendor at Temenglong S.O without following any recruitment procedure. He submitted the relevant personal file of ED-Stamp vendor, Tawanglong S.O with bogus documents and correspondences to eyewash the inspecting officers and appointed a candidate of his own choice under the cover of corruption and bribery.
- (ii) That the said Shri U Basumatary, the then ASPOs, 1st Sub Division did not visit any of the branch post offices in hilly areas and distant places, but prepared and submitted bogus fortnightly diaries for the whole period of his tenure as ASPOs, 1st Sub Division;
- (iii) That the said Shri U Basumatary, the then ASPOs, 1st Sub Division also prepared bogus T.A-bills with false particulars as if he had visited many branch post offices while in fact he did not visit any of the branch post offices as stated in the above paragraph;
- (iv) That the said Shri U Basumatary, the then ASPOs, 1st Sub Division forged the signature of one ED-Staff of Kaimai EDBO under Gularthal S.O and took out the arrear bill of the ED-Staff, who was actually not performing his duties;

But, neither the Director Postal Services, Manipur nor the Chief Post Master General, Shillong has initiated any action against the above serious irregularities committed by the said Shri U Basumatary, ASPOs, Imphal. Rather, the higher authorities are actively helping and harbouring the said Shri U Basumatary, the then ASPOs, 1st Sub Division, Imphal, and it seems that even no action is taken by the authorities concerned to seize and preserve the documentary evidences in the above cases.

The undersigned, therefore, submit the following detailed report to your good office for taking immediate necessary action to book the corrupted officers under law. The details of serious irregularities committed by Shri U Basumatary, the then Asstt. Supdt of Post. Offices, 1st Sub Division, Imphal are as under:

- (1) Shri U Basumatary, while working as Asstt. Supdt. of Post. Offices, 1st Sub Division, Imphal during the period from September 1999 to March 2004, irregularly issued the transfer order for one ED-Agent

39

who was already dead. After issuing the transfer order of the dead person from Tamenglong area to Jiribam area, he appointed a new incumbent against the post which was occupied by the dead person. Shri U Basumatary was charge sheeted under Rule 14 of CCS(CCA)Rules 1965 for the said serious irregularity by Shri G Ninan, the then Director Postal Services, Manipur. But, after Shri G Ninan was transferred out from Manipur, the Rule-14 case against Shri U Basumatary, Asstt Supdt of Post Offices was hushed up by Shri M C Das, Supdt of Post Offices who was the Inquiry Officer in the case. Without making proper inquiry and without analyzing the genuine evidences, Shri M C Das, Supdt of Post Offices concluded the enquiry as 'Charges not proved'. Shri R K Biswanath Singh, the then Director Postal Services, Manipur also without applying his mind acquitted Shri U Basumatary of the charges, perhaps, for some other considerations. The Post Master General, N.E.Circle, Shillong who ought to have reviewed the case, did not take any interest in this case, and consequently, Shri U Basumatary, Asstt Supdt of Post Offices, Imphal is a free man after doing a serious irregularity.

- (2) Shri U Basumatary also made irregular appointment to the post of EDDA/ EDMC [Extra Departmental Delivery Agent/ Extra Departmental Mail Carrier] at Satang EDBO [Extra Departmental Branch Post Office], and the charge sheet issued by Shri G Ninan, the then Director Postal Services, Manipur also included this serious irregularity. But, this charge was also hushed up by the Inquiry Officer Shri M C Das, Supdt of Post Offices and in close collaboration with Shri R K Biswanath Singh, the then Director Postal Services, Manipur, Shri U Basumatary was fully acquitted from this charge also. The Post Master General, Shillong who was duty bound to review such wrong decisions did not look into the matter at all for the reasons best known to him.
- (3) Shri U Basumatary, while working as Asstt Supdt of Post Offices, 1st Sub Division, Imphal was also identified as Subsidiary Offender in a fraud case related to Langjing Sub Post Office. But, no charge sheet was issued against Shri U Basumatary, Asstt Supdt of Post Offices till December 2004. However, just for eye-wash, Shri M C Das, the then Supdt of Post Offices issued a defective and vague charge-sheet with a pre-motive to give escape route to Shri U Basumatary, ASPOs, Imphal. It is also heard that the documents related to the case have already been destroyed by Shri U Basumatary since he is working as Asstt Supdt of Post Offices (HQ) in the O/o the Director Postal Services, Imphal where the documents were seized and kept. It is pertinent to mention here that he was posted as Asstt Supdt of Post Offices (HQ) in the O/o

1st 6/05

80

40

the Director Postal Services, Imphal with the fully knowledge of the Chief Post Master General, Shillong that Shri U Basumatary is involved in the Langling fraud case as subsidiary offender. Thus, the O/o the Chief Post Master General, Shillong helps the offenders and corrupted officials in all possible ways.

- (4) Shri U Basumatary, while working as Asstt Supdt of Post Offices, 1st Sub Division, Imphal during the period from September 1999 to March 2004, had not visited any of the Branch Post Offices for the purpose of annual inspection, but was collecting the Branch Office documents through the overseers attached to his sub division. But, despite the fact that the overseers themselves had complained about this fact to the then Director Postal Services, Manipur as well as the Chief Post Master General and Post Master General, N.E.Cirle, Shillong, no action has been taken against Shri U Basumatary for submitting false inspection reports without visiting the branch offices and for drawing false Travelling Allowance Bills and for submitting fictitious tour diaries during the period from September 1999 to March 2004.
- (5) Shri U Basumatary forged the signature of one Extra Departmental Mail Carrier [EDMC] of Kaimai Branch Post Office under Gularthi Sub Post Office and took away a bill amounting to Rs.6000/- after the EDMC, Kaimai BPO left the job after being arrested by police in connection with unsocial activities. Although this fact was reported by the undersigned to the Director Postal Services, Manipur in January 2003, no action both to trace out and seize the relevant payment vouchers from the audit office and to verify the genuineness of the matter has been initiated yet.
- (6) Shri U Basumatary also created a post of Extra Departmental Stamp Vendor at Tainenglong Sub Post Office by showing bogus statistics and appointed a candidate of his own choice on personal interest. Although there were orders issued for abolition of various stamp vendor posts in many offices where there is actual work for ED-Stamp Vendors, the post of ED-Stamp Vendor at Tainenglong Sub Post Office was left untouched by the Director Postal Services, Manipur as well as Chief Post Master General, Shillong for the reasons best known to them. No proper enquiry has been made as to how the post of stamp vendor was created without approval from the Chief Post Master General, Shillong and how the post is retained without proper retention sanction from the competent authority.
- (7) Shri U Basumatary also submitted false statistics for opening of an Extra Departmental Branch Post Office within Central

41

S

Agricultural University Complex at Iroisemba village near Lamseng, where there is already one ED-Branch Post Office just at Iroisemba village at the entrance of Central Agricultural University Complex. It is pertinent to mention here that Iroisemba BPO has no work at all for its own retention, but by submitting false statistics, this Branch Post Office is also retained. In addition, opening of one more Branch Post Office within the compound of Central Agricultural University complex just within 1(One) kilometer radius is not only unjustified, but totally against the norms prescribed by the Postal Department for opening of EDBOs which clearly says distance between two post offices in plain area should be more than 3 (Three) kilometers. Thus, Shri U Basumatary was instrumental in the opening of Central Agricultural University BPO by submitting false statistics. But, no action is taken against Shri U Basumatary despite a team of officers deputed by Shri T P Selvam, the then PMG, N.E.Circle, Shillong made spot verification of the location of BPOs sometimes in the month of September 2003.

- (8) After getting the order for opening of the EDBO[Extra Departmental Branch Post Office] at Central Agricultural University complex in the month of January 2003, the Branch Post Office was falsely shown as opened with effect from January 2003, but in fact the office was opened after more than 4(Four) months. Further, although the office was opened with 2(Two) staff establishment namely one Branch Post Master [GDSBPM] and one Delivery Agent-Mail Carrier [GDSDA-MC] by redeployment of posts from some other branch post offices, the post of Delivery Agent-Mail Carrier [GDSDA-MC] was abolished and returned to its parent office i.e. New Pailong EDBO under Tamei S.O at the instance of Shri U Basumatary on personal interests. For this irregular abolition, no sanction from the Chief Post Master General, Shillong has been obtained. Since all officers in the office of the Director Postal Services, Imphal as well as in the Office of the Chief Post Master General, Shillong are hands in clovo with Shri U Basumatary, no action is initiated against Shri U Basumatary, Asstt Supdt of Post Office, Imphal for the very serious irregularities committed by him.
- (9) Shri U Basumatary, while working as Asstt Supdt of Post Office, 1st Sub Division, Imphal was fully helping for a huge fraud case to take place at CRPF Camp Langjing Sub Post Office and was helping one of the prime offender of the case namely Shri Th Binod Kumar Singh, Postal Assistant, Langjing S.O. Shri Th Binod Kumar Singh was later transferred to Imphal Head Post Office after the detection of the fraud and was given full co-operation to

15/6/05

(6)

42

settle all the Post Office Savings Bank fraud cases in which he was the prime offender with the active help of Shri U Basumatary, Asstt Supdt of Post Offices, Imphal. Thus, although under 1st charge sheet was issued against Shri Th Binod Kumar Singh, Postal Assistant, Imphal HPO, the official was simply evading the departmental enquiry by managing a medical certificate that he is mentally ill. It is pertinent to mention here that the very idea to give a medical certificate that the charged official is mentally ill was the brain work of Shri U Basumatary, Asstt Supdt of Post Offices, Imphal. Since there was close relation between Shri R K Biswanath Singh, the then Director Postal Services, Manipur and Shri U Basumatary, Asstt Supdt of Post Offices, 1st Sub Division, Imphal, no action was taken by any authority for getting a second medical opinion on the 'false mental illness' of Shri Th Binod Kumar Singh from the state Medical Board. Shri Th Binod Kumar Singh could have been deputed to appear before a high level Medical Board including the independent agency like 'All India Institute of Medical Sciences, New Delhi' to avoid claiming of false illness by departmental offenders like Shri Th Binod Kumar Singh. But, no such action has been initiated by any authority including the Chief Post Master General, N.E. Circle, Shillong and Shri U Basumatary, Asstt Supdt of Post Offices, Imphal is given free hand to deal all these cases for personal gains.

But, unfortunately, no action has been taken against Shri U Basumatary for all the above irregularities, and the higher authorities at Shillong are also not at all bothered to take action against corrupted practices and corrupted officers. Shri Madhab Chandra Das, the then Supdt of Post Offices, Imphal also himself involved in many corrupted practices, and the higher authorities at Shillong, although fully knowing the corrupted practices of Shri Madhab Chandra Das, did not take any action to book him under departmental rules. The details of irregularities committed by Shri Madhab Chandra Das, the then Supdt of Post Offices, Imphal are as under:

- (1) Shri Madhab Chandra Das, Supdt. of Post Offices, Imphal himself has not visited any Branch Office during the last 2(Two) years and showing the inspection of branch post offices by collecting the branch office documents through the overseers of the sub divisions. All his tour diaries are totally bogus and he is not submitting his tour diaries to the office of the Chief Post Master General, N.E. Circle, Shillong for the last one year.
- (2) Shri Madhab Chandra Das, Supdt. of Post Offices, Imphal even does not visit the Sub Post Offices for inspection purpose and many Sub Post Masters are asked to carry their records to Imphal

15/6/65

53

(2) 43

for completing the inspection of their offices. Even the Sub Post Master of Mao Sub Post Office which is located on the main national highway was asked to bring the sub office records to Imphal. The annual inspection of Moreh Sub Post Office is not yet taken up when the Sub Post Master, Moreh Sub Post Office is unwilling to carry his records to Imphal.

- (3) Shri Madhab Chandra Das, Supdt. of Post Offices, Imphal is staying in the VIP-Suite of Departmental Inspection Quarter for the last 2(Two) years without paying any rent, electric charge etc. He occupies one of the ordinary suites as and when the VIP suite is required for higher officers visiting Imphal. Otherwise, Shri Madhab Chandra Das is enjoying in the VIP-Suite of the Departmental Inspection Quarter along with his wife with all facilities without paying any charges for the last 2(Two) years. Even the price of the 'LPG-gas cylinder' required for cooking his meals is charged under 'Contingency expenses' under office expenses. Although the departmental norms does not allow a separate care-taker for Departmental Inspection Quarters having area less than 2000 sq. ft one part-time care taker is employed through-out the month on 'contingency expenses' to cook the food of Shri Madhab Chandra Das. It is pertinent to mention here that this irregular part-time care taker is allowed to continue on office expenses by successive officers in Manipur Postal Division by violating the prescribed departmental norms.
- (4) Although Shri Madhab Chandra Das, Supdt of Post Offices, Imphal does not utilize the Departmental Inspection Van for inspection purposes, he is happily utilizing the vehicle for his family journey. The inspection van is taken to his home-town Silchar (in Assam State) for his personal purposes and to visit his relatives in and around Silchar, as and when Shri Madhab Chandra Das visits Shillong for attending the Circle Level meetings almost once in every three months. A detailed enquiry with Shri Tek Bahadur, Driver of the Inspection Van will reveal the details of exclusive misuse of inspection van for personal purposes by Shri Madhab Chandra Das, Supdt of Post Offices, Imphal.
- (5) The Branch Post Master of Cherapur Branch Post Office under Wangjing sub post office already attained 65(Sixty Five) years, but Shri Madhab Chandra Das, after making a personal deal with the official, has not issued the discharge order to the official for a long period. The Personal File of the official is kept in the personal custody of Shri Madhab Chandra Das. Shri Madhab Chandra Das has been in the habit of handing over the files to the concerned sections with back dated note/instructions. By this practice, Shri

Madhuk Chandra Das saves himself from the responsibility and makes the poor subordinate dealing assistant for the delay/inaction for which Shri Madhuk Chandra Das is actually responsible.

- (6) Shri Madhab Chandra Das has constructed a personal file for the Branch Post Master of Kumbi Pukliri Branch Post Office under 'Churachandpur Post Office' with all false documents such as back-dated Employment Exchange list, back-dated Police Verification etc. Shri Madhab Chandra Das has done this serious irregularity for personal gains, and the falsification of office records was done just to regularize the services of the irregularly appointed candidate as Branch Post Master of Kumbi Pukliri Branch Post Office.

(7) Shri Madhab Chandra Das regularized the services of one Md. Jallaluddin Khan as Branch Post Master at Turel Ahanbi Branch Post Office under Lilong S.O under a most irregular manner. Although the appointment was found irregular by the then Director Postal Services, Manipur for the reason that all the 3(Three) candidates sponsored by the Employment Exchange, Thoubal belonged to the same family of Md. Jallaluddin Khan who is the own son of the ex-Branch Post Master of the office, Shri Madhab Chandra Das regularized the appointment for personal gains by just concealing the decision of the then Director Postal Services, which is available in some other file. A detailed enquiry will reveal the process done by the earlier Director Postal Services on this type of irregular provisional appointment cases.

(8) Shri Madhab Chandra Das, Supdt. of Post Offices, Imphal himself procured a fresh Employment Exchange Card in respect of a provisionally appointed Branch Post Master of Rongpong Branch Post Office for regularizing the services of the candidate since the scrutiny in the file by the dealing assistant showed that the provisionally appointed candidate was ineligible for appointment for the reason that he was not having Valid Employment Registration as on the last date of receipt of application.

(9) Shri Madhab Chandra Das, Supdt. of Post Offices, Imphal did not take any action against the irregularly appointed QDSBPM of Yairipok Tulihel S.O although the SDIPOs concerned reported that the EDBOs is functioning in the residence of EDMC and the BPM is the resident of some other village. At the same time, Shri Madhab Chandra Das, irregularly issued regular appointment orders to many BPMs, although the candidates have not taken up residence in the post village as a pre-condition for appointment.

MS

Thus, the irregularities committed by the Officers like Shri U Basumatary, the then Asstt. Supdt of Post Offices, 1st Sub Division, Imphal and Shri Madhab Chandra Das, the then Supdt of Post Offices, Imphal have been condoned by the higher authorities at Circle Office, Shillong. At the same time, a poor official like me, who was discharging his duties with utmost sincerity and devotion has been harassed with false charges on the basis of false report; and the disciplinary case is not yet finalized although the I.O's report in the Rule-14 case was submitted in the last week of December 2004. The undersigned has been allowed to retire without finalizing the disciplinary case. No pensionary benefit has been allowed to the undersigned on the ground that the disciplinary case is not finalized just to make undue harassment.

The undersigned therefore request your good office for kind intervention and immediate necessary action for taking suitable action against the serious irregularities committed by Shri U Basumatary, the then Asstt. Supdt of Post Offices, 1st Sub Division, Imphal and Shri Madhab Chandra Das, the then Supdt of Post Offices, Imphal; and also to stop the undue harassment caused to the undersigned by finalizing the false disciplinary case pending.

Thanking You,

Dated : 01st March 2005

Place : Imphal

Yours faithfully,

Sh. Manihar Singh
113/05.

(Sh. Manihar Singh)
Overseer (Mails)
(Retired w.e.f 28.02.05)
Imphal H.P.O

Copy to:-

1. The Director General (Posts), Dak Bhawan, New Delhi - 110 001 for information and necessary action.
2. The Chief Post Master General, N.E. Circle, Shillong - 793 001 for information and necessary action.

(Sh. Manihar Singh)
Overseer (Mails)
(Retired w.e.f 28.02.05)
Imphal H.P.O

15/6/05

5
ANNEXURE - A/13

17
No

To

Shri Ganeshan
Director General,
Department of Posts,
Dak-Bhawan, Sansad Marg,
New Delhi-1.

Subject :- Intentional making abnormal delay in
in payment of superannuation, pension
and other pensionaries benefits amount
by the postal authorities of Manipur
Postal Division and higher authorities
of Circle Office, Shillong causing
extreme hardship and un-precedented
situation in the family.

AND

ii) In the other hand providing un-due
protection and favour to Shri U. Basumatary,
the then ASPO's 1st Sub-Division and now
as ASPO's H/Q at Imphal by concealing
huge cases of criminal nature in official
transactions and non holding of impartial
vigilence enquiry and taking appropriate
action by the higher authorities of
Circle Office, etc.

Respected Sir,

With due regards, most humbly and respectfully I
beg to bring the following heart bursting facts for your
kind personal perusal and immediate action as your honour
deems proper so that the poor applicant is not put to
further undue hardship, in humiliation and made the prey
of barbaric treatment in the hands of superior officers. It
is further prayed that an immediate high power vigilance
enquiry may kindly be ordered to un-earth the entire
episode vividly and to award exemplary punishment to the
guilty officers who are behind the screen to formulate and
hatching of the conspiracy to get themselves escaped from
perview of Disciplinary action initiated under Rule-14 of CCS
Rules and other action for direct involvement in various
criminal cases including violation of Departmental Rules
etc.

1. That Sir, the poor applicant joined in the Manipur
Postal Division as Postman in the year 1968 and retired on
superannuation w.e.f. 28-02-2005 in the O/S Cadre. Due to
transparent conduct and seniority in service I was promoted
to O/S cadre in the year 1981 and since then I have been
continuing in the same cadre unblemished.

*Certified to be true Copy
certified before me
S. Advocate*

Contd.... 2/2

15/6/05

(A7)

2. That Sir, it is the matter of great shock and unpleasant to mention that one Shri Upen Basumatary joined as my immediate controlling officer in the capacity of ASPO's 1st Sub-Division in the year 1999. Immediately after his joining he was found indulging himself in, various types of irregularities including falsification of official papers/records. Since I was pretty senior official in the cadre of O/S mails, my consciousness did not permit to support him in such filthy and un-warranted affairs and very frequent I expressed my un-happiness over his irregular method of working. The details and nature of irregularities and offences committed by the said officer had already been communicated to Circle Office, Shillong repeatedly and again are furnished in a separate sheets as enclosed No. "A", for the personal notice of your honour.

3. That Sir, it is very heart melting of mention that despite my timely reports no proper check and action has at all been initiated either by Director Postal Services, Imphal or by the Circle Office, Shillong and thus encouraging Mr. U. Basumatary to continue in the same unfair and irregular manner like suppressing the will and rightful justice of the undersigned, and committing other irregularities which have been highlighted in annexure "A".

4. That Sir, it is again more shocking to mention that in the mean while, the then DPO Shri G. Ninan who issued charge-sheet against Sri U. Basumatary was transferred and Shri R.K. Biswanath Singh took the charge of D.P.S. It is not only surprising but also painful to mention that while I was working satisfactorily in the O/S cadre suddenly I was relegated to Postman cadre by the then Director of Postal Services, Imphal, by mis-using his official power without any prior information, or calling of explanation or instituting Departmental action under CBS Rules etc.

A copy of illegal and irregular order of reversion order is enclosed as "B".

5. That Sir, when I found that the action of the D.P.S., Imphal about my reversion to a lower cadre like postman from the permanent post of O/S Mails without following

Contd... 3/-

156/OS

28

any norms and procedure was absolutely against the rules and natural justice, I submitted an appeal to the then P.M.G. Sri T.P. Selvam against the above vicious, arbitrary and irregular order of DPS and by timely interference of the P.M.G., the above impugned order was quashed and I was allowed to resume my duty in C/S cadre.

6. That Sir, it is more painful and shocking to mention that when Sri U. Basumatary the ASPO's was found red handed by the then DPS, Sri G. Ninan for committing various unlawful offences and while judging the irregularities of serious nature a regular charge-sheet was framed against him under Rule 14 of CCS Rules. As soon as Sri U. Basumatary found that the then IPS concerned may seize his entire bogus diaries showing physical visits to Branch Post Offices during further investigation he in order to avoid serious consequences for submitting bogus diaries without physical visit, one day, he visited my house and on false plea took away my entire office copies of diaries since 1993 saying that he would compare his diaries with my diaries to rectify any discrepancy etc. since the ASPO's Sri U. Basumatary was my superior officer I in very simple manner and on good faith parted with the personal office copies of my diaries which have not been returned to me as yet as promised by him and subsequently. After taking the personal copies of diaries from me Sri U. Basumatary ASPO's changed his colour and in most supposing and offensive manner submitted a fake and bogus report to the then DPS, Imphal on alleging non-submission of diaries by me since the year 1993, when he himself joined as ASPO's in the year 1999. The precise reason of playing such doubles will was only to destroy the evidences by which he was suspecting to get harm in connection with charge sheet under Rule 14 of CCS which he was facing.

7. That Sir, Perhaps any human society would condemn to the fact that in order to justify the irregular and unjustful order of reversion the then IPS, Sri R.K. Bhagwati Singh made self cooked conspiracy with Sri U. Basumatary ASPO's and by obtaining a concocted report about non submission of diaries since 1993 and non-visits of DPO's etc. framed a charge sheet against me with back dated Memorandum of 23-10-02 which was received only on 14-12-02 under Regd. letter No. 2050 dated 13-12-2002. This aspect was also reported to the Circle Office Shillong in time on 25-03-04 vide my representation

Contd.... 4/-

15605

49

61

dated 25-03-04 but of no avail. The copy of ASPO's false and self made report vide his letter No. B-2/Staff/Corr dated 04-10-02 is enclosed marked "C".

8. That Sir, the mis-use of official power and vindictive attitude of above officer become more vivid, when it was found that the ASPO's mentioned the allegation of non-submission of diaries covering the period from the year 1998 when he himself joined in the 1st Sub-Division in the year 1999. He intentionally and purposefully suppressed the fact that he himself had obtained the entire copies of diaries by personally visiting my house.

9) It itself also reflected about incorrectness of ASPO's report dated 4-10-2002 and hatching of conspiracy etc when the diaries of O/S mails is weekly and its non-submission for a particular week becomes the personal responsibility of the controlling officer to call for wanting documents immediately and to ensure proper functioning of the O/S lines etc. But in the instant case, the report of ASPO's about non-submission of diaries covers for long 4 (four) years since 1998 which can neither be believed nor could be imagined. Here again it becomes controversial and questionable as what the ASPO's concerned was doing for long 4 (four) years when the undersigned failed to submit periodical diaries which is weekly. It further throws dust on suspicion on the own face of ASPO's.

9. That Sir, your honour will surprise to know that the ASPO's who was charge-sheeted under Rule-14 of CCS Rules by Sri G. Ninan, DPS for serious irregularities and offences was set free with punishment of censure and thus the case was hushed up very openly and nakedly. It is not known, whether the Circle Office, Shillong is contemplating to review the case in rightful manner.

10. That Sir, as already lamented at Sl.7 above about framing of concocted charge-sheet against me in the year 2002, by the then DPS in collaboration of Sri U. Basumatary ASPO's, it is very much heart bursting to bring to the notice of your honour that the proceeding of the disciplinary case has intentionally and purposefully delayed for more

Contd. S/-

15/6/05.

(SC)

than 2 years and the charge sheet has not been disposed off. Now as already pre-planned to put me in hardship the payment of my pension after my superannuation on 28-02-05 has not been effected and for that I am facing tremendous difficulties. Since, Sri U. Basumatary is now holding the post of ASPO's H/Q in the Office of D.P.S., Imphal he has full command on all official records and functioning of the office and I apprehend that unless a high power vigilance enquiry is not initiated not only myself but other poor official will face the same fate and the payment of my legitimate amount of monthly pension and other pensionary benefits will be delayed for indefinite period.

Hence, it is requested with fold hands to kindly pay your personal interference to end such type of undemocratic and suppressive action and also take an early action release payment of my due amount of pension and other admissible amount so that I may manage my family affairs peacefully after retirement.

With best regards.

Enclosed : A.B.C.

Yours faithfully,

34

(Th. Manihar Singh)

Retire O/S Cash,

Imphal H.O.

Now at Keishamthong Moirang Ningthou
Leirak, Imphal-795001
Manipur

Dated at Imphal,

the 23rd March, 2005.

Sri A. Ghosh Dastidar, C.P.M.G., Shillong
for his kind notice and immediate action
to release my hold up pension case under the
influence of the ASPOS about which I have
already reported the facts and figures to his
office on many occasions.

Sh. Manihar Singh

(Th. Manihar Singh)

Retire O/S Cash, Imphal H.O.

Now at Keishamthong Moirang Ningthou
Leirak, Imphal-795001
Manipur

1
15/6/05

ANNEXURE - A/14



To

Shri Dayanidhi Moran
Hon'ble Minister of Communications
Government of India, New Delhi - 1

Subject :-

Intentional making abnormal delay in payment of superannuation pension & other pensionary benefits, causing starvation and famine like situation in the poor family by higher postal authorities of Imphal and Shillong.

Most Respected Sir,

With heart melting words and with folded hands, I most humbly and respectfully, would like to bring a case of great injustice and inaction on the part of Divisional Heads of Manipur Postal Division and the higher authorities of circle office, Shillong. When the inhuman treatment and intentional maintaining of complete silence on the part of higher authorities have violated the entire norms and procedure of the Department and have adversely reflected on their suppressive behaviour, I, finding no alternative have come forward before your Honour with the following facts for your kind immediate intervention and action, as Your Honour deems proper.

- (i) That, Sir, before narrating the case of injustice, mis-use of official power on the part of Higher Authorities, I beg to enclose herewith a copy of my last humble representation dated the 23rd March, 2005, addressed to The D.G. (Posts), New Delhi and the Chief P.M.G., Shillong, which contains an inkling picture of the entire episode.
- (ii) That, Sir, my heart bursts to mention that after completion of 37 years of continuous and meritorious service when I have retired on superannuation on 28-2-2005, thereafter the payment of the amount of pension and other pensionary benefits have been denied on vague plea that a departmental disciplinary case was pending against me.
- (iii) That, sir, I have already ventilated on a number of occasions before the higher authorities, including the Chief P.M.G., Shillong about hatching of conspiracy and fabrication of allegations by interested officers at Divisional Level. I had also pin-pointedly focussed on many occasion since 2002 to the higher authorities about intentional framing of charge-sheet with self concocted facts and causing abnormal delay in finalisation of disciplinary proceedings in order to create hardship. I had also requested to the higher authorities to arrange confrontation with the officers responsible for hatching of conspiracy to save themselves from the purview of serious charges, instituted against them for the involvement in cases of serious irregularities.
- (iv) That, Sir the undersigned was forcibly reverted with hands of might as right to the cadre of ordinary postman from the permanent post of O.G. (mails) vide D.P.S - Imphal Memo No. B 2/310/2002 dated 20/10/02 without any prior information, explanation of charge sheet etc. when the above senior blunder and committing such atrocity was brought to the notice of the then P.M.G., Shillong, the above impugned and vicious order of reversion was then and there quashed but subsequently a case was hatched by the then D.P.S as well as the Assistant Supdt. of Post Offices and fake and vague charge sheet was issued as back as on 23/10/02 to justify their misdeed and irregular action of reversion without initiating department action.

Contd 24

certified to be true to
myself before
S. B. Advocate

15/6/05

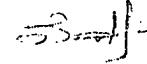
62

(v) That, Sir, as soon as the Memo of charge-sheet was received by me, I wanted an immediate completion of proceeding to bring a transparent picture before the authorities so that the naked face of the conspiracy would have exposed and the guilty person would have been given exemplary punishment. But it is a matter of great shock and unpleasant to bring to your kind notice that the proceeding of the departmental action initiated the year 2002 has not been completed even after three (3) year only with hidden intention to put me in unspeakable hardship by not making payment of pension and other related benefits on the plea of disciplinary case.

That, Sir, now I have become tired of addressing and reminding the higher authorities without any action what so ever and under the very compelling circumstances, I request your honour to kindly pay your generous intervention to get the entire hidden episode be enquired by a competent and impartial officer with vigilance angle to highlight the entire injustice and irregularities committed in the instant case. An early order for payment of pension and other benefits may kindly cause to be issued to save my poor family from the mouth of starvation and utter/ruin.

Imphal/dated,
the 16th April, 2005

Yours faithfully,



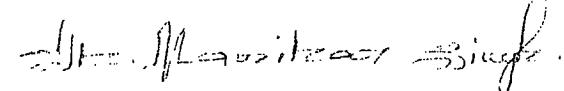
(TH. MANIHAR SINGH)

Retire O/S cash, Imphal H.O.

now at Keishamthong Moirangningthou Leirak,
Imphal - 795001, Manipur

Copy to :-

1. Shri R. Ganeshan,
Director General, Department of Posts, New Delhi - 1 for his kind perusal and necessary action, a copy of representation dt 23/3/2005 is enclosed for his kind disposal.
2. Shri A. Ghosh Dastidar,
Chief Postmaster - General , NE Circle, Shillong for his kind information and taking appropriate action.
3. Shri Ksh. Tomba Singh, Dy. Supdt. of Post Offices, Imphal for kind immediate action to release payment of pension and other related payment to meet the end of justice. If proper justice is not extended immediately, I shall no alternative but to take the shelter of competent court of law-including human right commission.



(TH. MANIHAR SINGH)

Retire O/S cash, Imphal H.O.

now at Keishamthong Moirangningthou Leirak,
Imphal - 795001, Manipur

15/6/05.

To

Shri Dayanidhi Moran

Hon'ble Minister of Communications

Government of India, New Delhi- 1

Subject :- Misuse of official power to damage the life the undersigned and his family members by Local Postal Officers at Imphal and Circle Level Officers at Shillong by intentional making abnormal delay in payment of superannuation pension and other pensionary benefits etc.

Most Respected Sir,

In the instant case, I have been highlighting and apprising the entire hidden plans and atrocity in the part of the authorities at the Divisional level particularly Shri U. Basumary, ASPOS, Imphal who manipulated and cooked conspiracy to get my revision to postman cadre from the cadre of O.S (Overseer) Mails without initiating any kind of disciplinary case or without giving any prior information or without calling for explanation etc. Perhaps, this was first case of its nature in democratic country like India.

In the present case, it has also been focussed to the higher authorities on a number of occasions, that only in order to justify the irregular and unjustified action of my reversion to lower cadre after second thought the authorities particularly Shri U. Basumary ASPOS, Imphal in connivance with the then Director of Postal Services Imphal framed a fake charge sheet with self made and concocted allegations for not submitting weekly diaries for about a 4 (four) years.

In the present case it has also been pin pointedly narrated to the higher authorities on a number of times that the entire fabrication of facts to implicate me in disciplinary case by the ASPOS was only to get himself escaped from disciplinary case with serious charges including falsification of official documents, corruption etc. framed against him.

In the present case, it has also been focussed that the proceeding of concocted charge sheet, issued against me on 23-10-02 has not been finalised even after the lapse of about 3 years as the interested officer particularly Shri U. Basumary is finding difficult to substantiate the charges in absence of facts, materials and evidences. And the disciplinary case which is required to be finalised in a shortest time span has been kept pending in the cold storage by the authorities for about in 3 (three) years. This abnormally delay to keep the disciplinary case pending for such a long period without any reason and justification has directly exposed mis-use of official power with vested interest on the part of higher authorities. This sort of abnormal delay in finalisation of a disciplinary case has also nakedly assassinated the constitutional principles of natural justice and the law of the land.

15/6/05

Supreme Court
Adarsh 2001

Certified to be true copy
by [Signature]

R. Devaraj

Contd. 2 -

In the present case the entire episode which has been discussed in the foregoing powers for non payment of due amount of pension, gratuity and other benefits have been reported to higher authorities repeatedly, but unfortunately higher authorities are maintaining complete silence and exposed in action for the reason known to them.

That Sir, it is a matter of great pain and unpleasant to bring to your kind notice that even when the Director of Accounts, the office of the Chief PMG, Shillong has issued necessary sanctions both for pension and due amount of gratuity vide their orders No. NE/LC-72/04-05 dt. 11.4.05 and NE/PEN/DCRG-09/05-06/LC-72/04-05 dt. 11.04.05 respectively, copies enclosed marked "A" and "B". The local authority at division level has paid no heed and refused to make the payment of the same plea pendency of disciplinary case. A copy of the latest is enclosed marked "C".

In the instant case, your honour on perusal of documents will find that the entire case right from the time of reversion to lower cadre, and again issue of charges sheet after subsequent thought and again, whimsically delaying finalisation of departmental enquiry and non-payment of pension and other related amount even after the issue of sanction (orders) by the Competent Authority is clear case of mis-use of official power, arbitration and action of might is right with malafid intention to damage of life to put my family members to unspeakable hardship.

Hence it is requested that your honour will kindly intervene in the matter as soon as possible to get the entire episode enquired thoroughly and arrange release of my held up pension without further delay. It is further requested to kindly cause to initiate exemplary action against the guilty and responsible officers behind the screen so that the innocent and poor official like me is not handled in such undemocratic manner.

Imphal /Dated
the 9th May, 2005

Yours Faithfully,

Sh. Manihar Singh
(Sh. Manihar Singh)
Rehd. O/S cash Imphal H.O.
now at Keishamthong Moirangningthou
Leirak, Imphal-795001

Copy to :-

1. Shri R. Ganeshan, Director General, Department of Posts, New Delhi -1 along with enclosed and copies of my latest application dated 23/03/05 and 16/04/05. He is requested to kindly cause to take immediate action to un-veil the mask behind the screen and also to take further necessary action so that the poor applicant is not allowed to suffer further for his no fault.

2. Shri A. Ghosh Dastidar, C.P.M.G. shillong for his kind information and similar action.

Sh. Manihar Singh
(Sh. Manihar Singh)
Rehd. O/S cash Imphal H.O.
now at Keishamthong Moirangningthou
Leirak, Imphal-795001

15/6/05

ANNEXURE-A/16

Extract of G.L. Dent of Per & Trg. O.M. No.29034/6/2002-Estt(A) dated 11.01.2002

No.29034/6/2002-Estt(A)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel and Training
(ESTT.(A) DESK-1)

Dated the 11th January 2002.

OFFICE MEMORANDUM

Subject: Recommendations of the committee on Service Litigations regarding representations made by the Government employees, requiring examining in the Ministries/Departments.

The undersigned is directed to refer to the subject mentioned above and to communicate the following decision of this Department as per recommendations made by the committee on Service Litigations: -

- (a) A representation made by the Government employee requiring examination only in the Ministry/Department should be disposed of within a period of six weeks and if requiring inter-departmental consultations such representation should be replied to normally within a maximum period of three months.
 - (b) Final reply sent to a Government servant on his representation should be self-contained, cover all the points raised by him in a case where the representation of the Government servant is rejected, the grounds therefore should be clearly indicated.
2. All the Ministries/Departments, therefore, are requested to dispose all the representations made by the Government employees accordingly.

Sd/-

(Sahadeo Ram)

Deputy Secretary to the Govt of India

To

All Ministries/Departments of the Govt of India

Certified to be true
affidavit affidavit

Advocate.

15/6/05

एस० फ०

S.Y. 154

निं० स० कीधायी आदेशों की पतिका (त) I का पेरा 306 देखे

[See Para 306 of the C. & Ar. G's M S O (T) Vol. I]

56

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL)
NORTH EASTERN POSTAL CIRCLE, SHILLONG - 793001

भारतीय डाक विभाग

कार्यालय निदेशक लेखा (डांक)

उत्तर पूर्वी डाक परिमण्डल, शिलांग - 793 002

संख्या/No. NE/12/04-05

दिनांक/Dated 1 APR 2005

सेवा में/To

खजाना अधिकारी/The Treasury Office,

The Post master, Imphal H.O.
Imphal.

महोदय/Sir,

मैं

नाम में

भूतध्यु

के

रु० प्रति गास का पेरान अद्यायी आदेश रख्या रेज रहा हू और :

I am to forward herewith P.P.O. No. NE-204 in favour of Shri Th. Manikosh Singh
Late Ex-Officer (Conting) Imphal for Rs. 3810/- T.D.R. U.E.F. 01/03/2005 per mensem and to

(क) यह अनुरोध करता हू कि आदेश की पेशार का भाग उसी विनास्त के नारे में अपनो संतुष्टि करके सवित्रक के मांग पर उसके हस्ताक्षर लेने के बाद उसे दो दिवा आज और जैसे आदायगी की जाए ये दोनो भागी पर नोट कर दी जाये। पेशनर के बाए हाथ के अंगूठे, अंगूतियों के निशानवाली पर्चा भी संलग्न है।

(a) Request that the pensioner's portion of the Order may be made over to him after obtaining his signature on the disburser's portion after you have satisfied yourself of his Identity and payments noted on both the portions as they are made. The slip bearing the left hand thumb and finger impressions of the pensioner is also enclosed.

यदि पेशनर अपनो पेशन किसी प्राधिकृत एजेन्ट के माध्यम से लेना चाहे, तो पेशनर द्वारा आवेदक करने पर पेशन अद्यायी आदेश का पेशनर का भाग रनिसरि डाक द्वारा उसके प्राधिकृत एजेंट को भेज दिया जाए वैश्वत कि एजेंट ने अधिक अद्यायी की वापसी के लिए अधिवृति वघन्दव निष्पादित किया है। किन्तु पेशन अद्यायी आदेश के पेशनर के भाग को प्राप्ति की लिखित घावनी पेशन रु० से एजेंट के माध्यम से रिकाउट के लिए लें लेनी चाहिए।

If the pensioner wishes to draw his pension through an authorised agent, the pensioner's portion of the Pension Payment Order may, on the application by the Pensioner, be sent to his authorised agent through registered post, provided the latter has executed a bond of Indemnity to refund overpayments. A written acknowledgement of the receipt of the pensioner's portion of the Pension Payment Order should, however, be obtained from the pensioner through the agent for record.

(ख) यह बहना है कि धीशनर अपनी पेशन नीचे निर्दिष्ट रारगारी शेष के रूप यही संयद खाता की अप्रेषित फर दिया जाए।

(ब) State that the pensioner desires to draw his/her pension from a Public Sector Bank specified below*. Both halves of the P.P.O may please be forwarded to the link branch of the Public Sector Bank.

(ग) पेशन का भुगतान, अन्तिम पेशन, यदि दी गई हो, के समायोजन के बाद ही की जाए।

(क) Pension may be paid only after adjusting the Provisional Pension sanctioned and paid if any.

मुल पेशन अद्यायी आदेश के दोनो अधपत्रे, नमूना हस्ताक्षर/अंगूठे की छाप, तरशीर, घहनान चिन्हों की सूची और पेशन रूपान्तरण आदेश। Both halves of PPO, SSTI card, Photographs, Descriptive Roll and Commutation Authority.

कृपया वामती भरिए

Please acknowledge receipt.

*सरकारी क्षेत्र का थेंक

*Public Sector Bank

शास्त्रा.....

Branch

भवदीय,
Yours faithfully,लेखा अधिकारी/सहायक महालेखाकार
Fr. Accounts Officer/Asstt. Accountant-General

15/6/05

शास्त्रा अधिकारी/सहायक महालेखाकार

Advocate.

संख्या/No. NEK-72/09-c/73 दिनांक/Dated 1/10/2015

प्रतिलिपि..... सरकारी पीशनर की अप्रेपित

Copy forwarded to Ch. 7A. (M.C. 1967) Govt, pensioner.
केरल राज्य प्रशासन
1/10/2015

- (क) भूगतान प्राप्त करने के लिए उसे खजाना अधिकारी..... के समक्ष उपस्थित होना चाहिए। किन्तु यदि वह पेशन अदायगी आदेश के अपने भाग को प्राप्त करने के लिए व्यक्तिगत रूप से उपस्थित होने से छुट चाहता है और अपनी पेशन किसी प्रधिकृत एजेंट के माध्यम से सेवा चाहता है तो उसे एजेंट के माध्यम से जीसने अधीक अदायगी सौटाने के लिए धनीपूरी यस्त्र नाव्यादीत कीया हो, खजाना अधीकारी के पास इसे आशोय का आवेदन करना चाहिए। ग्रन्तवत्ता ग्रामलैंस में उसे पेशन अदायगी आदेश एजेंट के माध्यम से भेजा जाएगा।
- (a) He should appear before the Treasury Officer..... to receive payment. If, however, he wishes to be exempted from appearing in person to receive his portion of P.P.O. and to draw his pension through an authorised agent, he should apply to that effect to the Treasury Officer through the Agent, who should have executed a bond of indemnity to refund overpayments. In the latter case the Pension Payment Order will be sent to him through the agent.
- (iv) पेशन का भूगतान प्राप्त करने के लिए उसे ऊपरीनीदास सरकारी क्षेत्र के बैंक से संपर्क करना चाहिए।
- (b) He should contact the Public Sector Bank specified above for receiving pension payments.

संख्या/No. NEK-72/09-c/73 दिनांक/Dated

प्रतिलिपि..... को उसके पत्र राख्या..... दिनांक.....

के संदर्भ सूचनाये प्रेपित। उसके पत्र के अनुलालक जिनकी अब आवश्यकता नहीं है, सौदाएं जाते हैं।

Copy forwarded to SPOS, Impial for information which reference to his letter No. dated 1/10/2015. The enclosures to his letter which are no longer required, are returned herewith.

लेखा अधिकारी/सहायक महाप्रबोधक

Accounts Officer/Assist. Accountant General

DEPARTMENT OF POSTS: INDIA
Office of the Director of Accounts (Postal)
N.E. CIRCLE: Shillong - 793001.
DCRG INTIMATION

ST

No.-NE/Pen/DCRG -09/05-06/LC-72/04-05/

Dated at Shillong 1/1/1916

To,

The Superintendent of Post Offices,
Manipur Division, Imphal -795001.

DOI: 28/02/2005

Sub: Intimation of D.C.R. Gratuity in favour of Shri Th. Manihar Singh, Ex. O/S (Sorting), Imphal, Holder of PPO NO. - 204 will draw Pension from Imphal H.O.

Ref.: Your No. C-3/Pen/Th. Manihar/2004-05 Dtd.16/11/04 & 08/03/05.

A sum of Rs.1,47,692/- (Rupees One Lakh Forty Seven Thousand Six Hundred and Ninety Two) only being the amount of revised D.C.R.G. on favour of Shri Th. Manihar Singh may please be drawn and disbursed in accordance with Rule-65(2) of the C.C.S.(Pension) Rules-1972 amended read with Rule- 68 ibid after adjusting the Govt. dues (including immediate relief) and provisional Gratuity sanctioned and paid if any, referred to in Rule -71 and Rule 68 ibid.

The outstanding dues if any recovered may please be credited through U.C.R. with appropriate details to facilitate proper classification of accounts.

3. The amount of D.C.R.G. is debitible to 3201-07-104-gratuity.
 4. The observations in the C&R made in this case may kindly be kept in view before acting upon this intimation.
 5. The receipt of this letter may kindly be acknowledged.

Accounts Officer (Pension)
Office of the Director of Accounts (Postal)
Silvlong -793001

No.-NE/Pen/DCRG -09/05-06/LC-72/04-05/ 71

Dated: 11/17/1987

Copy forwarded to:-

Shri Th. Manihar Singh, Keishamthong Moirangning, Irou Leirak, Imphal - 795001.

He is requested to contact The Superintendent of Post Offices, Manipur Division, Imphal -795001, in this regard.

For Director of Accounts (Postal),
SRI MONG - 793001.

Certified to be true
सत्याग्रह विधायक

S.P. Advocate

15|6|05~

68

(A)

ANNEXURE-A/18

DEPARTMENT OF POSTS: INDIA
Office of the Director of Accounts (Postal)
N.E.CIRCLE: Shillong - 793001.
DCRG INTIMATION

SF

No.-NE/Pen/DCRG -09/05-06/LC-72/04-05/

Dated at Shillong 28/02/2005

To,

The Superintendent of Post Offices,
Manipur Division, Imphal -795001.

DOR: 28/02/2005

Sub: Intimation of D.C.R. Gratuity in favour of Shri Th. Manihar Singh, Ex. O/S (Sorting),
Imphal, Holder of PPO NO. - 204 will draw Pension from Imphal H.O.

Ref.: Your No. C-3/Pen/Th. Manihar/2004-05 Dtd.16/11/04 & 08/03/05.

A sum of Rs.1,47,692/- (Rupees One Lakh Forty Seven Thousand Six Hundred and Ninety Two) only being the amount of revised D.C.R.G. on favour of Shri Th. Manihar Singh may please be drawn and disbursed in accordance with Rule-65(2) of the C.C.S.(Pension) Rules-1972 amended read with Rule- 68 ibid after adjusting the Govt. dues (including immediate relief) and provisional Gratuity sanctioned and paid if any, referred to in Rule -71 and Rule 68 ibid.

The outstanding dues if any recovered may please be credited through U.C.R. with appropriate details to facilitate proper classification of accounts.

3. The amount of D.C.R.G. is debitable to 3201-07-104-gratuity.
4. The observations in the C&R made in this case may kindly be kept in view before acting upon this intimation.
5. The receipt of this letter may kindly be acknowledged.

S.A.
Accounts Officer (Pension)
Office of the Director of Accounts (Postal)
Shillong -793001

No.-NE/Pen/DCRG -09/05-06/LC-72/04-05/ 71

Dated 28/02/2005

Copy forwarded to:-

Shri Th. Manihar Singh, Keishamthong Moirangning, Irou Leirak, Imphal - 795001.

He is requested to contact The Superintendent of Post Offices, Manipur Division, Imphal -795001, in this regard.

For Director of Accounts (Postal),
Shillong -793001.

Certified to be true
S. P. Advocate

S. P.
Advocate

15/6/05

69

ANNEXURE-A/19

58

DEPARTMENT OF POSTS: INDIA
Office of the Director of Accounts (Postal)
N.E.CIRCLE: Shillong - 793001.
COMMUTATION AUTHORITY

No.-NE/COM-02/05-06/

To,
The Postmaster,
Imphal H.P.O.

Dated,

11 APR 2005

Below Rs.1,79,407/-

The Superintendent of Post Offices, Imphal in his IR No.C-3/Pen/Th.Manihar/2004-05 dated 16/11/2004 and 08/03/2005 sanctioned the payment of Rs.1,79,406/- (Rs. One Lakh Seventy Nine Thousand Four Hundred and Six only) being the commuted value of Rs.1524/- out of the pension of Rs. 3810/- per month granted to Shri Th. Manihar Singh holder of PPO No. NE-204 would request you to please arrange payment of the amount as soon as possible on a simple receipt.

2. Reduced pension of Rs.2286/- (Rupees Two Thousand Two Hundred and Eighty Six only) per month consequent on commutation may please be paid to Shri Th. Manihar Singh from the date of receipt of the commuted value of 3 months after the issue of this authority whichever is earlier. A note to this effect may please be made on the reverse of both Halves of the PPO No - NE-204 under your attestation quoting this letter as authority.

3. A separate Bill should be prepared for the payment of commuted money quoting the number and date of this letter as authority and the paid bill along with the original authority should be forwarded to PAO, Kolkata in a separate schedule.

4. Payment has to be made through The Postmaster Imphal H.P.O.

5. The amount is debitible to M.H.3201-07-102- Commuted value pensioners or officer retired on or after 15.8.47.

6. Receipt of this authority may please be acknowledged and it may be certified that the changes have been carried out in both halves of the PPO.

7. The overpayment of pension of the rate of Rs.1524/- p.m. if any, from the date of receipt of the commuted value or 3 months after the issue of this authority whichever is earlier may please be recovered from the pensioner and credited to Govt. Account in the schedule or UCR under intimation to this office.

e.A. /...
Accounts Officer (Pension)
O/O the Director of Account (Postal)
Shillong - 793001

No.-NE/COM-02/05-06/69

Dated, 11 APR 2005

Copy forwarded for information to:-

1. The Superintendent of Post Offices, Manipur Division, Imphal - 795001.
2. Shri Th. Manihar Singh, Keishamthong Moirangning, Irou Leirak, Imphal - 795001.

For Director of Accounts (Postal)
Shillong-793001

Certified to be true
वासिल शरिफ

B. Advocate.